

November 22, 2022

Via E-Mail and U.S. Mail

Sepulveda Transit Corridor Project
Los Angeles County Metropolitan
Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012
sepulvedatransit@metro.net

Records Management Center
Los Angeles County Metropolitan
Transportation Authority
One Gateway Plaza, Plaza Level
Mail Stop 99-PL-5
Los Angeles, CA 90012
rmc@metro.net

Re: California Public Records Request and Litigation Hold re Sepulveda Transit
Corridor Project

To Whom It May Concern:

I am litigation counsel for Keep Bel-Air Beautiful, a California non-profit association comprised of Bel-Air residents who are dedicated to ensuring Bel-Air's long-term value and status as a world-renowned community. To that end, the purpose of this letter is to request access to records in the possession of the Los Angeles County Metropolitan Transportation Authority ("LACMTA") relating to the Sepulveda Transit Corridor Project ("STCP") for the purpose of inspection and copying pursuant to the California Public Records Act (Government Code Section 6250 et seq.) and Article I, Section 3 of the California Constitution. You are also advised to preserve all records, documents, data, evidence, and electronically stored information (ESI) relating in any way to the STCP, including but not limited to the records requested below, in advance of potential litigation.¹

This request is necessitated by the fact that LACMTA has completely mismanaged the STCP and has failed in its duties to keep the public informed and to properly manage public funds. In particular, there are four areas about which we are utterly baffled: (1) LACMTA's total lack of transparency and intentional decision to exclude the public from its decision-making process; (2) the fact that the proposed routes for the STCP include tunneling under Bel-Air and Sherman Oaks through a five mile stretch of the Sepulveda pass and elevated heavy rail subway

¹ I understand that Fred Rosen recently also requested, via correspondence with Stephanie Wiggins, that LACTMA staff should maintain and not delete any email correspondence in light of pending litigation. Please confirm that this directive was followed.

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trains above Sepulveda Boulevard in only the San Fernando Valley, which would be nothing short of insanity particularly in light of the existence of other, more feasible options; (3) related to the lack of feasibility of the current proposed routes is the fact that LACMTA also ignores the very real safety concerns inherent in such a long underground tunnel, among other issues; and (4) LACTMA's enormous cost, budget and scheduling overruns.

Accordingly, I request production of the records set forth below, in the format in which they are recorded, including but not limited to writings, letters, reports, studies, proposals, all forms of electronic data (including emails), maps, photographs, audio or video tapes. Unless noted otherwise, the time frame for each of the below requests is from January 1, 2012 to the date of this request.

1. Records relating to LACTMA's lack of transparency:
 - a. Produce all records showing the current STCP master plan.
 - b. Produce all records containing any discussion of written questions from the public regarding the STCP, including but not limited to written questions submitted by Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - c. Produce all records containing any discussion regarding whether or not to respond to written questions from the public regarding the STCP, including but not limited to written questions submitted by Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - d. Produce all records containing any discussion of, or reference to, Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - e. Produce all records containing any discussion of, or reference to, emails sent to LACTMA, or to any individual associated with or employed by LACTMA, by Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - f. Produce all records in which any individual associated with or employed by LACTMA internally forwards or replies to email correspondence from

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Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.

- g. Produce all records containing any draft responses to written questions from the public regarding the STCP, including but not limited to written questions submitted by Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - h. Produce all records containing any responses to written questions from the public regarding the STCP, including but not limited to written questions submitted by Brad Sherman, Fred Rosen, Bob Anderson, Keep Bel-Air Beautiful, and/or the Sherman Oaks Homeowners Association.
 - i. Produce all records containing any discussion regarding questions posed by the public during public meetings regarding the STCP.
 - j. Produce all records containing any discussion regarding what information, if any, to include or not include in response to questions posed by the public during public meetings regarding the STCP.
 - k. Produce all records relating to public presentations regarding the STCP.
 - l. Produce all records containing notes from public meetings regarding the STCP.
 - m. Produce all records regarding the decision(s) regarding what documents and/or information to provide to the public regarding the STCP.
 - n. Produce all records regarding what documents and/or information to withhold from the public regarding the STCP.
2. Records relating to the proposed routes:
- a. Produce all records relating to the decision(s) to consider tunneling under the Sepulveda pass.
 - b. Produce all records relating to the decision(s) to consider tunneling under the Sepulveda pass despite the existence of other, more feasible, routes, including but not limited to above-ground options.

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- c. Produce all feasibility studies relating to the STCP.
 - d. Produce all records relating to discussions of all feasibility studies relating to the STCP.
 - e. Produce all contracts related to the STCP.
 - f. Produce all records relating to contracts related to the STCP.
 - g. Produce all records relating to LACTMA's decision(s) to utilize Public Private Partnerships with respect to the STCP and/or STCP alternatives.
 - h. Produce all records relating to Pre-Development Agreements and/or contracts for Public Private Partnerships with respect to the STCP and/or STCP alternatives.
3. Records relating to safety concerns:
- a. Produce all records showing any analysis of safety issues relating to the STCP.
 - b. Produce all records relating to the safety issues that caused the shut-down of the Purple (D) Line Extension project.
 - c. Produce all records relating to LACTMA's correspondence with the contractor working on the Purple (D) Line Extension relating to the safety issues that caused the shut-down of that project.
 - d. Produce all records relating to why the Purple (D) Line Extension project was not shut down earlier in light of the safety issues.
 - e. Produce all records showing any analysis of the earthquake risk impacting train tunnels under the Sepulveda Pass.
 - f. Produce all records showing any analysis of the potential for criminal activity on all existing or planned LACTMA trains, including STCP.
 - g. Produce all records showing any analysis of the actual rates of criminal activity on all existing LACTMA trains.

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4. Records relating to cost, budget and scheduling overruns:
 - a. Produce all records containing any budget forecasts or actual budgets for the STCP.
 - b. Produce the current budget for the STCP.
 - c. Produce all records showing that the STCP is, or has been, over budget.
 - d. Produce all records showing that any other transit project funded pursuant to Measure M are, or have been, over budget.
 - e. Produce all records showing the number of other transit projects funded pursuant to Measure M that are, or have been, over budget in the last 20 years.
 - f. Produce all records containing any explanation of and/or justification for the STCP's "Most Recent Cost Estimates" as reflected in Measure M.
 - g. Produce all records showing the actual cost of the STCP to date.
 - h. Produce all records containing any proposed or actual schedules for the STCP.
 - i. Produce the current schedule for the STCP.
 - j. Produce all records showing that the STCP is, or has been, behind schedule.
 - k. Produce all records showing that any other transit project funded pursuant to Measure M are, or have been, behind schedule.
 - l. Produce all records showing the number of other transit projects funded pursuant to Measure M that are, or have been, behind schedule in the last 20 years.
 - m. Produce all records showing the number of LACTMA projects that have exceeded their budgets and are therefore currently stalled, or otherwise not moving forward and/or only partially moving forward, and awaiting additional funding.

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- n. Produce all records showing what, if any, STCP related contracts include penalties for cost and/or schedule overruns.

These requests reasonably describe identifiable records or information to be produced from those records. If you are unable comply with these requests because you believe they are not focused or effective, California Government Code Section 6253.1(a) requires you to: (1) assist in identifying the records and information that are responsive to the requests or to the purpose of the requests; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Pursuant to Government Code Section 6253(b), I ask that you make the records “promptly available,” for inspection and copying, based on payment of “fees covering direct costs of duplication, or statutory fee, if applicable.” I believe that no express provisions of law exist that exempt the records from disclosure. As you determine whether these requests seek copies of disclosable public records, be mindful that Article I, Section 3 (b)(2) of the California Constitution requires you to broadly construe a statute, court rule, or other authority if it furthers the right of access to the information requested and to narrowly construe a statute, court rule, or other authority if it limits the right of access to these records.

If a portion of the information requested is exempt from disclosure by express provisions of law, Government Code Section 6253(a) additionally requires segregation and deletion of that material in order that the remainder of the information may be released. If you determine that an express provision of law exists to exempt from disclosure all or a portion of the material requested, Government Code Section 6253(c) requires that you provide notification of the reasons for the determination not later than 10 days from your receipt of this letter.

Government Code Section 6253(d) prohibits the use of the 10-day period, or any provisions of the Public Records Act “to delay access for purposes of inspecting public records.”

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To date, LACTMA has operated as if it is above the law and can ignore the citizens of Los Angeles County with impunity. In light of LACTMA's refusal to respond to previous inquiries from members of the public, please promptly confirm receipt of this letter and that LACTMA intends to comply with this public records request and adhere to our request to retain documents in advance of potential litigation as set forth above.

Sincerely,



Eric M. George

cc: Congressmember and Los Angeles Mayor-Elect Karen Bass (via email only at info@karenbass.com, karen@karenbass.com)
Congressmember Brad Sherman (via email only at Brad.Sherman@mail.house.gov)
LACTMA CEO Stephanie Wiggins (via email only at wiginss@metro.net)
LA County Supervisor Kathryn Barger (via email only at Kathryn@bos.lacounty.gov)
LA Councilmember-Elect Katy Yaroslavsky (via email only at kyaroslavsky@bos.lacounty.gov)
West Hollywood City Councilmember and Supervisor-Elect Lindsey Horvath (via email only at lhorvath@weho.org)
Glendale Mayor Ara Najarian (via email only at anajarian@glendaleca.gov)