

Congress of the United States
House of Representatives
Washington, DC 20515-0530

HENRY A. WAXMAN
30TH DISTRICT, CALIFORNIA

April 13, 2006

Mr. Morris Angell
Regional Environmental Quality Advisor (REQA) & Senior Asset Manager
Portfolio Management Division Capital Investment Branch (9PTC)
US General Services Administration (GSA)
450 Golden Gate Avenue
San Francisco, California 94102-3661

Dear Mr. Angell:

I am writing to submit my comments on the General Services Administration's (GSA) Draft Environmental Impact Statement (DEIS) for the Los Angeles FBI Federal Building, which was issued on February 24, 2006. The DEIS contains significant flaws and omissions in its analysis which cannot be overcome or mitigated. In order to be in compliance with the National Environmental Policy Act (NEPA), I believe GSA should develop and issue an amended DEIS. In conjunction with the issuance of an amended DEIS, GSA should also provide ample opportunity for public comment.

Since June 2004, I have shared my serious concerns with GSA a number of times. Moreover, I asked that a number of specific steps be taken by GSA during the scoping process and subsequent development of the DEIS. For example, I urged GSA to identify alternatives in sufficient specificity to be adequately evaluated in the DEIS and to conduct a full search to determine if there were locations or regions which would be interested in hosting this facility. I also raised serious issues about security and safety that consolidation of FBI facilities would pose. The DEIS has not adequately addressed these matters.

In addition, in a number of sections the DEIS uses faulty analysis, incomplete data, or leaves issues unaddressed. In some instances, it raises new questions that require thoughtful exploration before moving forward with the environmental process. I have outlined the notable deficiencies below.

Alternative site analysis

A central component of the environmental review process has been whether reasonable alternative sites have been evaluated for this proposal. The DEIS does not refute the community's longstanding fear that GSA predetermined the existing location at 11000 Wilshire as the preferred and best site for this proposal.

In the DEIS, GSA analyzes 35 alternative sites, yet determines that not a single one warrants further consideration. GSA's inability to identify at least one alternative site calls into question the overall sufficiency of the DEIS. Sites were rejected on bases that are not sound. For example, some sites are disregarded because they "cannot be described as constituting a prime commercial office district nor as providing attractive and prestigious professional surroundings." What is the relevance of those considerations to the mission of the FBI?

Still other potential sites are disregarded because they do not fall within a "delineated area." According to GSA, FBI has indicated that the project must be located within a certain geographic area. The boundaries are the I-405 on the west, the I-110 on the south, the I-5 on the east and Magnolia Boulevard on the north. 19 of the 35 sites evaluated were rejected based on failure to fall within the delineated area. The FBI has not been able to articulate why the search must be limited to this specific and narrowly delineated area when the Los Angeles Field Office of the FBI has investigative jurisdiction over seven Southern California counties, nor has GSA adequately justified why the project must be located within the delineated area.

In my letter of June 23, 2004, I asked GSA to begin discussions with local governments to identify areas that might be interested in hosting this facility. It appears that GSA only contacted the City of Los Angeles and the City of Beverly Hills in its search for potential sites. As you know, the County of Los Angeles alone contains 88 incorporated cities. It does not appear that GSA contacted any of those cities in its search. This is a significant failure to meet GSA's obligations under NEPA.

NEPA requires that an EIS discuss an adequate range of proposed alternatives. This DEIS does not meet that test. I believe GSA should search in earnest to determine if there are any sites or properties that might serve as a suitable location for this significant project. The magnitude and potential impact of this proposal require a comprehensive search, not one that is cursory or dismissive. Given FBI's broad geographical area of jurisdiction, it is disingenuous to conclude there are no viable options other than 11000 Wilshire for this project.

Traffic analysis

As you know, the impacted infrastructure at and around 11000 Wilshire is a primary concern of the community. In fact, 45 of the 70 intersections studied for the DEIS are currently operating at poor levels of service, receiving either an E or F rating. This means that the Los Angeles Department of Transportation has rated these intersections as having congested conditions with excessive vehicle delay in the case of an F rating or as at operating capacity in the case of an E rating. Once the project has been completed in 2017, a stunning 62 of the 70 study intersections are projected to operate at poor levels of service with either an E or F rating.

Of the 70 intersections studied, the on-ramp and off-ramp of the I-405 at Wilshire appear not to have been studied. As these are located immediately adjacent to the site, it is essential that these intersections undergo a traffic study.

Further, Alternative 2 was not evaluated in the traffic study because GSA asserts that Alternative 2 reduces the workforce in relation to the No Action alternative. I do not believe GSA has documented the workforce with sufficient accuracy under any of the alternatives. GSA cannot assume that Alternative 2 is going to have a less significant impact than the No Action alternative unless it can establish accurate and detailed information about current and future federal employees at this site. After establishing workforce numbers, a traffic analysis for all three alternatives should be conducted.

Security issues

I raised serious safety concerns about this project to outgoing GSA Commissioner F. Joseph Moravec before the House Government Reform Committee on July 27, 2005. GSA has failed to address these concerns in the DEIS. GSA should establish how the FBI will deploy from this site in the event of a national or local emergency given the abysmal traffic ratings for this area.

In addition, the community pointed out during the public hearing on March 14, 2006 that GSA did not take into account the numerous bomb scares that potentially threaten the security of the building and public protests that impede the FBI's ability to deploy from the site each year. GSA should address these issues.

The issue of acceptable service from the Los Angeles Fire Department is also cause for concern. According to the DEIS, the Los Angeles Fire Department (LAFD) determines adequacy of fire protection services based in part on density, including population, roads and accessibility. The Los Angeles Fire Department has an average response time of approximately seven minutes and the standard for an urban level of service requires that an engine company arrive on the scene within five minutes 90% of the time with four fire fighters per Engine Company. In the DEIS, GSA indicates that implementation of the project may have a significant adverse impact on fire protection service. This is another reason why alternative sites should be adequately explored. We cannot place the safety and welfare of nearby residents and federal employees at risk during a fire or a medical emergency.

Finally, the surrounding community believes that while the federal government will make an effort to harden a potential target against attack, there is not sufficient concern that the FBI's consolidated presence at this location would leave the residents more vulnerable to attack. GSA should consider how an evacuation of residents in the surrounding community could be conducted in case of an emergency. Further, GSA should evaluate whether Los Angeles

residents would be able to reach the trauma center at nearby UCLA or the VA Medical Center to receive care in an emergency.

“No Action” alternative

As part of a baseline analysis, GSA has included a No Action alternative in the DEIS. This alternative is fundamentally flawed. Table ES-1 indicates in the No Action alternative that a total number of 2,067 employees work at this facility. Yet the text of the DEIS at Section 1.1.1 indicates normally there are approximately 1,252 employees on site consisting of FBI, other federal agency employees, U.S. Postal Service employees and cafeteria workers. If the 2,067 figure assumes consolidating the FBI's employees from its 11 leased facilities in the region or general growth in FBI employees at this site, this alternative is not a No Action alternative. No Action alternatives should reflect accurately what the impact will be if existing conditions remain the same.

Any analysis of traffic or other environmental impacts based on the 2,067 figure is erroneous and should be disregarded. GSA should accurately document the current number of employees at the site for its No Action alternative and base its analysis on these numbers.

Visitor and employee trip generation

According to the DEIS, traditional trip generation estimate models were not used in determining trip generation. Rather, on May 11, 2005, a survey was conducted at the site with questionable results. For example, the survey results indicate that between the hours of 7:00 a.m. and 6:00 p.m. on May 11 a total of 989 visitors were counted entering the building with 1,211 visitors observed exiting the building. This leaves 222 visitors unaccounted for. If there is an explanation for this discrepancy, it should be outlined in the DEIS. Moreover, the survey should have been conducted on more than one day to obtain a broader and more accurate understanding of trips generated to and from the site.


I commend GSA for conducting the employee commute study I requested in my June 2004 letter to GSA. The results confirm that this site is not geographically convenient to most of FBI's employees. In fact, the graph depicting the number of employees by zip code indicates that 40% of FBI employees reside in South Bay communities, 27% reside in the Simi Valley and San Fernando Valley, 21% reside east of Los Angeles and 12% reside in the Conejo Valley area. Further, the employee survey data reveals a carpool of 12 FBI employees who commute approximately 68 miles from Rialto, a carpool of 6 FBI employees who commute approximately 27 miles from Long Beach and a carpool of 12 FBI employees who commute approximately 26 miles from Downey. This is further evidence that GSA should be considering alternate sites that take into account the commuting patterns of its employees.

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Conclusion

In my series of contacts with GSA, I have conveyed concrete and significant concerns about this proposal's impact on the safety and quality of life of the surrounding community. I have also asked for a detailed alternative site analysis, thorough scoping, and a comprehensive DEIS. GSA's DEIS does not meet the minimal requirements of NEPA nor does it satisfy the reasonable requests made by the community and me. It is incumbent on GSA to create a revised DEIS that is comprehensive, sound, and accurate which adequately addresses all of the concerns expressed throughout this process.

Sincerely,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, slightly slanted style.

HENRY A. WAXMAN
Member of Congress

HAW:lp