

Communication from Public

Name: Citizens for a Better Los Angeles

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Council File No: 20-1536

Comments for Public Posting: I'm submitting the attached comments on the Sidewalk Transit Amenities Program on behalf of Citizens for a Better Los Angeles. I'd like to note that these comments are directed both to the City Council and the Board of Public Works. I attempted to submit these comments to the BPW directly, but the on-line form now offered for submissions on BPW agenda items restricts the length of comments. I was able to submit a link to a version of CBLA's comments posted on-line, but the BPW's new web form seems designed to restrict public comment. This is unacceptable given the scope and complexity of the STAP. The City should revise the on-line form. Casey Maddren

May 8, 2022

Board of Public Works
Edward R. Roybal BPW Session Room
Los Angeles City Hall, Room 350
200 N. Spring St.
Los Angeles, CA 90012

Re: Sidewalk and Transit Amenities Program (STAP)
BPW Agenda, Wednesday, May 11, 2022, Item (3)
BPW-2022-0308, Related Council File: 20-1536
Approval of Tranzito-Vector Contract; Final Sidewalk & Transit Amenities
Program, Consideration of IS/MND
OPPOSED

Members of the Board of Public Works,

Citizens for a Better Los Angeles (CBLA) is a nonprofit public benefit corporation organized to serve all the people in all cities and unincorporated areas of Los Angeles County. CBLA's mission is to: defend the rights of all people; work to ensure that all people's basic needs are met; work to protect the environment, and raise awareness of the many threats to the environment; ensure that public officials and others in positions of power are held accountable for their actions.

CBLA is writing to voice its strong opposition to the approval of all matters related to the Sidewalk and Transit Amenities Program (STAP) under Item 3 on the BPW Agenda for Wednesday, May 11, 2022. We strongly oppose:

- *The adoption of all findings, including under CEQA;*
- *The adoption of the IS/MND and the associated Mitigation Monitoring Program;*
- *The approval of the STAP as described in the IS/MND;*
- *The adoption of the ordinance amending Sections 67.01(a) and 67.02(b) of the LAMC;*
- *The approval of the proposed contract for the STAP to Tranzito-Vector;*
- *The authorization of the additional positions to various LA City departments.*

Please find our detailed comments relating to these and other issues below. But in addition to the above, CBLA must object to the secretive and dishonest process that the City of LA has used to shepherd this program toward approval. The City has failed to disclose important facts about the program; The MND fails to disclose or analyze all the aspects of the program; The City appears to be deliberately avoiding meaningful public engagement; The City has made no meaningful effort to investigate the range of legal issues that adoption of the STAP raises; The City has failed to make even a good faith effort to address the serious privacy concerns that will result from the adoption of the STAP.

We urge the Board of Public Works not to approve/adopt the recommendations. Our detailed comments are below.

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SIDEWALK TRANSIT & AMENITIES PROGRAM

Comments from Citizens for a Better Los Angeles

Findings

To adopt the Sidewalk Transit Amenities Program Findings in their current form would constitute an abuse of discretion. The City has not proceeded in the manner required by law, the decision is not supported by the findings, and the findings are not supported by the evidence.

The findings make numerous claims about the STAP that are not supported by evidence. The City has failed to adequately explain how the STAP would improve access and mobility, and how it would create a dynamic program that incorporates flexibility and collaboration with other City goals and programs.

I. REQUIRED CEQA FINDINGS

The decisionmaking body of the lead agency has made no meaningful effort to consider public comment on the MND. The project description is incomplete because it only focusses on the kiosks themselves, and fails to discuss the network infrastructure and data storage that will be necessary to operate the system. The responses to comments in the MND fail to adequately address the following issues:

- **Energy consumption.** Because the MND fails to include a description of required network infrastructure or data storage, it does not adequately describe energy consumption.
- **Greenhouse Gas Emissions.** In general, the MND provides an inconsistent and less than credible analysis of GHG emissions from the project, in part because the project description fails to include network infrastructure or data storage.
- **Safety.** The MND fails to adequately address safety concerns and research related to distracted driving. It should be noted that traffic-related deaths, especially pedestrian deaths, have risen substantially in LA in recent years.
- **Toxic Materials/Hazardous Materials.** Toxic materials will be used in the wireless hardware used for data collection. The MND fails to mention this

component of the program, and does not address the lifespan of this hardware or methods of disposal/replacement at the end of its lifespan.

- **General Plan/Mobility Plan Compliance.** The MND offers vague promises about the how the program will fulfill the goals of the Mobility Plan, without offering significant evidence
- **Mitigation Monitoring Program.** Because the MND fails to offer a complete description of the project, it does not fully assess the projects impacts and does not address mitigation or monitoring for these undisclosed impacts.

II. CONSIDERATION OF IS/MND BY ADVISORY BODIES AND DECISIONMAKING BODY

It appears that this section is intended to avoid required public engagement and to streamline the approval/adoption process. By inserting the following paragraph...

Any City advisory body making a recommendation to the decisionmaking body (the City Council) hereby considers the IS/MND, together with any comments received during the public review process, before making its recommendations. The City Council, as the decisionmaking body for the City for the STAP, hereby considers the IS/MND, together with any comments received during the public review process.

...the City suggests that the document has been adequately reviewed by all necessary advisory bodies. The language above also seems intended to avoid consideration of the STAP and all related documents by the City Council, which should be the decisionmaking body for the project. The City is not proceeding in the manner required by law. Under the City Charter, the City Council is the proper decisionmaking body in this instance. By eliminating the process of public engagement that would be required should the project be submitted to the City Council, the City is also violating due process.

III. NO SUBSTANTIAL EVIDENCE THAT THE STAP WOULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, WITH INCORPORATION OF MITIGATION MEASURES

Because the project description is incomplete and the analyses of safety, energy and GHG emissions are not credible, the MND fails to consider the full range of impacts the program would have on the environment. For these reasons the mitigation measures must also be considered inadequate.

IV. LAND USE FINDINGS

The City cannot find that the STAP is in substantial conformance with the purposes, intent and provisions of the General Plan and its Elements.

Framework Element

There is no credible explanation of how the STAP is consistent with the Framework Element's goals, objectives, and policies for promoting transit use. The City offers no evidence to show that more bus shelters and more attractive bus shelters offering information about bus arrivals will promote transit use.

Conservation Element

The Conservation Element was adopted in 2001 and has not been updated since. It does not adequately reflect the City as it is today, and therefore consistency with this Element does not mean that the program will adequately address conservation concerns.

Air Quality Element

The Air Quality Element was adopted in 1992, and has not been updated since. Related Elements, such as the Plan for a Healthy LA, Sustainability pLAN, and Environmental Justice Element do not adequately address the current air quality context. The City has offered no credible evidence to show that STAP would reduce vehicle trips and associated emissions.

Safety Element

The City has failed to adequately assess safety impacts from the STAP, and therefore cannot claim consistency with the Safety Element.

Infrastructure Systems Element and Public Facilities and Services Element

Almost all of these Elements were last adopted/updated between 1968 and 1972. They do not adequately describe the current status of the City's infrastructure, systems, facilities and services, and do not reflect the current context. The City has no integrated infrastructure plan. The STAP is one more program being tacked on without adequate consideration of how it would actually interact with or cause impacts to the City's infrastructure, systems, facilities and services. The City does not currently comply with the General Plan requirement for monitoring of its infrastructure and systems, and there is no reason to believe it would adequately monitor the STAP.

VI. OTHER CONSIDERATIONS

The City cannot find that the conclusions of the IS/MND are supported by substantial evidence. The IS/MND makes a number of conclusions that are not supported by substantial evidence. The level of detail is not sufficient to provide an informed understanding of the issues presented.

The City cannot find that substantial evidence for each and every finding made is contained in the IS/MND or in the record of proceedings in the matter.

MND Deficiencies

Project Description: Failure to Accurately Describe Materials Used for Structures

The project description fails to accurately describe the materials to be used for the structures that are part of the STAP program. On page 11 under Section 2.4.1, Program Principles, we find the following:

- *Sustainability: In support of the City's Sustainability pLAn (2015) and its subsequent update, LA's Green New Deal (2020), the City promotes sustainable practices in its operations and seeks to accelerate its transition to clean energy to meet climate goals. STAP program elements are expected to be sufficiently durable to withstand frequent public use and a range of weather conditions. They would be made from low-impact, natural, renewable, recyclable, and nontoxic materials. Other program materials developed for STAP, including most static advertising (except for plasticized films), would be able to be converted to biodegradable and/or common recyclable materials. In addition, the design of new program elements is intended to reduce the current level of maintenance efforts and costs, thereby having a smaller carbon footprint than the earlier program. [Emphasis added.]*

The authors of the MND claim that the structures would be made from, "low-impact, natural, renewable, recyclable, and nontoxic materials." But the MND describes smart technologies, including wireless devices, charging structures and sensors:

- *Smart Technologies: STAP would include the design and installation of street infrastructure that would introduce smart technologies, such as shelter structures with charging stations for wireless devices, sensors indicating when maintenance or service is required and that count pedestrians and vehicles or other operational conditions, digital displays that can provide public service information, and free WiFi connectivity to the Internet, among other potential innovations. In addition, with the rollout and continuing evolution of the program, it is anticipated that STAP program elements would be capable of incorporating small-cell towers and network devices to support 5G telecommunications service. [Emphasis added.]*

So while the authors claim that the structures will be made from "low-impact, natural, renewable, recyclable, and nontoxic materials," it's clear that that they will contain numerous electronic devices. It's unfortunate that the authors do not mention that electronic devices have a significant impact on the environment, are difficult to recycle and often contain highly toxic materials.

Project Description: Fails to Describe the Actual Scope of the Project

The MND fails to describe network and data storage infrastructure that will necessarily be included in the program.

3.6 ENERGY

The MND concludes that impacts with regard to energy would be less than significant, but, as stated above, the project description does not include the additional infrastructure that will be necessary to operate the STAP. The program will require significant additional infrastructure to receive information from and send information to bus shelters, kiosks, etc., and to monitor their performance. On page 18 of the MND we find the following:

Through a network of digital-ready elements and digital panels, the STAP aims to accelerate the provision of the following public benefits and services:

- *Transit real time information and wayfinding*
- *Public service and emergency messaging*
- *Integration of localized advertising (i.e., ability to connect transit users and pedestrians with local products and merchants), online support, and other targeted advertising*
- *Using technological innovations for increased safety and security*
- *Appropriate messaging in the context of the surrounding environment and community standards*
- *Expanded universal access through messaging in multiple languages and delivery methods, such as audio and tactile messaging systems for visually impaired persons*

This makes it clear that significant additional network infrastructure will be needed to coordinate all these activities. And since the structures will also be gathering data from members of the public 24/7, there will be a need for a massive amount of data storage over the 30-year life of the program.

The MND only analyzes energy consumed by construction and maintenance of bus shelters and other infrastructure placed on the street. It makes no mention of the additional network infrastructure that will be required to allow the operator, the City and transit agencies to manage the program. Therefore, the MND fails to assess the actual energy consumption of the program. The MND should be withdrawn and revised to assess the project's actual energy consumption.

3.8 GREENHOUSE GAS EMISSIONS

The Initial Study asks, would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

The MND concludes that there would be a less than significant impact, but there are a number of problems with this conclusion. In the first place, as stated above, the MND only analyzes impacts from shelters, kiosks, etc. to be placed on the street. It does not analyze the additional network infrastructure that will be used by the operator, the City and transit agencies to manage the program. This additional infrastructure will consume a significant amount of energy over the 30-year life of

the program. The MND makes no effort to analyze the additional energy consumed and so contains no analysis of GHG emissions that will be produced.

Table 3-15, Estimated Annual Operations GHG Emissions, gives the following totals for annual GHG emissions:

	<i>Net Annual GHG Emissions (MTCO₂e)</i>
<i>Total STAP GHG Emissions</i>	<i>2,781.5</i>
<i>Combined with Total Foreseeable City Projects</i>	<i>3,458.8</i>

In other words, the STAP will produce between 2,781.5 and 3,458.8 ADDITIONAL metric tons of carbon dioxide equivalent being released into the atmosphere every year. While the MND calls this a less than significant impact, at a time when California's ecosystems are being ravaged by extreme heat and dry weather as a result of climate change, it is difficult to understand how GHG emissions on this scale do not constitute a significant impact.

Page 125 of the MND contains the following paragraph:

The Sustainability pLAN includes a citywide GHG emissions inventory, with GHG emissions in the City estimated at approximately 32 MMTCO₂e in 2017. The primary sources of emissions are related to solid and wastewater services (41 percent), industrial activities (31 percent), and transportation (21 percent). In 2017, the City had reduced its GHG emissions 25 percent below 1990 levels, and the per capita GHG emissions are one-third of the national average.

There are multiple problems with the claims presented in this paragraph. First, there appear to be three published versions of the Sustainability pLAN, from 2015, 2017 and 2019. There does not appear to be an actual GHG emissions inventory in any of these versions. Page 14 of the 2019 version contains the following statement:

L.A. has reduced its greenhouse gas emissions 25% below 1990 levels, and our per capita greenhouse gas emissions are one-third the national average.

This is followed by a graph which appears to show that LA's GHG emissions in 2017 were about 27 MTCO₂e.

On page 15, there is a graph entitled "L.A. Community-wide Greenhouse Gas Emissions Trends and Targets" which appears to show that LA's GHG emissions in 1990 were about 36 MTCO_{2e}, with a decline by 2017 to about 26 MTCO_{2e}. A footnote at the bottom of the page offers the following:

L.A. estimates GHG emissions following the Global Protocol for Community-Scale GHG Emission Inventories (GPC) for a "Basic" reporting level, which includes calculation of Scope 1 emissions from fuel use in buildings, transport, and industry; Scope 2 emissions from grid-supplied energy consumption (e.g., electricity); and Scope 1 and 3 emissions from waste generated within the City's boundary.

Unfortunately, these figures seem to be contradicted by a statement on page 141 under the heading Path to Zero Carbon:

The City has reduced municipal greenhouse gas emissions by 40% since 2008, surpassing the 2015 pLAN target for 2025 eight years ahead of schedule.

This seems to conflict with the assertion on page 125 of the MND, stating that "In 2017, the City had reduced its GHG emissions 25 percent below 1990 levels [...]" While the MND claims a 25% reduction in GHG emissions from 1990 to 2017, the graph on page 15 of the 2019 version of the Sustainability pLAN seems to show a reduction of approximately 28% during the same period, and the text on page 141 of the 2019 Sustainability pLAN claims a 40% reduction, but uses 2008 as the baseline instead of 1990. Based on this alone, we can see that the 2019 Sustainability pLAN contains conflicting information.

3.9 HAZARDS AND HAZARDOUS MATERIALS

The Initial Study asks if the project would:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The MND finds that there would be a less than significant impact. Page 142 of the MND tells us the following:

STAP program elements and future advertising displays would be made from natural, renewable, recyclable, and nontoxic materials to the greatest extent practicable. Other program materials developed for STAP and future advertising displays, especially static advertising, may involve small amounts of commonly used hazardous substances, such as architectural coatings and adhesive materials, but they would be able to be converted to biodegradable and/or common recyclable materials. Digital display panels, either free-standing or incorporated as part of a transit shelter or future advertising display, would be comprised of a series of modules that house LED lamps,

wiring, and electronics encased in aluminum or steel enclosures. Transit shelter and advertising display operation and maintenance activities would involve routine power washing and touch up painting, likely on a quarterly and semi-annual basis, as described in Section 2.6.3., Shelter Operations and Maintenance. Such maintenance may occasionally require the removal and replacement of defective LED enclosures, thereby generating waste from disposal of the LED unit. LED bulbs, however, are not considered toxic or hazardous and are typically disposed of in standard landfills. These materials would be transported and handled in accordance with all federal, State, and local laws regulating the management and use of hazardous materials. Moreover, compliance with LAFD's Haz Mat Program would further ensure that any potential impacts would be less than significant.

Aside from LED displays, the MND does not acknowledge the presence of electronic devices contained within the bus shelters, kiosks, etc. that will be installed as part of the STAP program. The MND does not mention wireless transmitters or power sources. While MND does mention the LED displays, it does not acknowledge that, in addition to the visible display, these devices also incorporate a sending and receiving card and an LED module. The module includes diodes, drive ICs, and a PCB board. These devices contain varying degrees of toxic heavy metals, and e-waste is becoming an increasingly serious problem. Please see the following article:

What Can We Do About the Growing E-waste Problem?

<https://news.climate.columbia.edu/2018/08/27/growing-e-waste-problem/>

Here are a few excerpts:

In 2016, the world's population discarded 49 million tons of e-waste (equivalent to about 4,500 Eiffel Towers). It's estimated that by 2021, that number will grow to more than 57 million tons.

[...]

But electronic devices also comprise toxic heavy metals like lead, mercury, cadmium and beryllium, polluting PVC plastic, and hazardous chemicals, such as brominated flame retardants, which can harm human health and the environment.

[...]

The U.S., the second largest producer of e-waste after China, produced 10 million tons of e-waste in 2012, over 64 pounds per person. In 2012 (EPA data for more recent years are not yet available), only 29 percent of this was recycled—the rest is usually landfilled, incinerated or stuck in a closet. A study done by the watchdog group Basel Action Network using trackers, however, found that 40 percent of the e-waste supposedly recycled in the U.S. was actually exported. Most of it ended up in developing countries—

usually in Asia—where informal recycling is typically unlicensed and unregulated.

While failing to mention most of the electronic devices contained in STAP components, the MND assures us that all components will be properly disposed of. Unfortunately, this assumption is not supported by the facts.

General Comments

The STAP Appears to Violate the U.S. Constitution, the California Constitution and the California Consumer Privacy Act

US Constitution

By allowing the collection of data from devices held by citizens in public spaces, the STAP appears to violate the Fourth Amendment of the US Constitution. Nowhere in the documents related to the STAP is there a prohibitions against sharing the data collected with law enforcement.

California Constitution

The STAP also appears to violate Article 1, Section 1 of the California Constitution, which states: "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy." [Emphasis added.] The continuous and unrestricted collection of data from people in public places certainly violates this right to privacy. Even if individual datum do not include specific identifiers, re-identification using aggregated data is a fairly common practice.

California Consumer Privacy Act

The STAP also appears to violate the California Consumer Privacy Act (CCPA). This landmark law secures new privacy rights for California consumers, including:

- The right to know about the personal information a business collects about them and how it is used and shared;
- The right to delete personal information collected from them (with some exceptions);
- The right to opt-out of the sale of their personal information

There is no provision in the STAP to allow members of the public to decline to have their data collected. There are no provisions allowing people to have their information deleted, or to opt out of the sale of their personal information. Again, even if individual datum do not include specific identifiers, re-identification using aggregated data is a fairly common practice.

It's questionable whether the STAP, as currently structured, actually complies with the CCPA. The fact that a private firm will be collecting the data means that the City has no real control or oversight over what's being collected. Also, the City has

not defined what it means by personal information. The City must clearly state that STAP will not be used to collect information that falls under the definition of “personal information” as defined by the California Consumer Privacy Act, including:

- *Identifiers such as a unique personal identifier, online identifier, IP address, email address, account name, or other similar identifiers.*
- *Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.*
- *Biometric information.*
- *Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer’s interaction with an internet website, application, or advertisement.*
- *Geolocation data.*
- *Professional or employment-related information.*

City of LA Privacy Policy

The City says STAP will be comply with the City of LA Privacy Policy, but this policy only addresses data submitted by individuals to City agencies. It does not begin to address data collection on the scale that the STAP will allow.

City of LA Digital Code of Ethics

The City says STAP will be comply with the City of LA Digital Code of Ethics, but this document has not been included in the documents related to STAP. At the time of this writing, it does not appear that the City of LA Digital Code of Ethics has been adopted. The City has not even made a draft of the Digital Code of Ethics available to the public as part of the STAP review process. The City cannot claim that privacy concerns will be address by a document that the public hasn’t even had a chance to review, and which may not even exist.

Lack of Clarity in Who Will Collect and Control Data

An integral part of STAP is the installation of wireless devices in street furniture to gather data from persons in public spaces. The potential for abuse is huge, and nothing in the documents related to STAP shows that the City is taking this issue seriously. The City claims that existing laws and existing policies will address all concerns, but a review of available documents calls this claim into question.

The City says that no personal data will be collected, but this is really impossible to verify, since the City won't actually be installing the devices that collect the data. Also, it's difficult to define what "personal" data is. Even data that doesn't directly identify a user by itself can be combined with additional data to point to an individual, a process known as re-identification. Please see this excerpt from an LA Times article published last year:

Column: Billboards that follow you? It’s not sci-fi. They’re already here
<https://www.latimes.com/business/story/2020-08-25/column-clear-channel-billboards-privacy>

Kyle M.L. Jones, an Indiana University assistant professor who focuses on data mining, said that for a company to target you with advertising, it has to know who you are and have an idea about your personal tastes.

Even if you're identified only by a number affiliated with your phone, rather than by your name, it's not difficult to extrapolate from there if a more robust marketing profile is desired.

"Enough of a mixture of geographic, behavioral and demographic data will almost inevitably open up opportunities for re-identification," Jones said. "It's hard to know what their privacy-protecting practices are, but their practices have risk."

Although Clear Channel's King played down the "Minority Report" implications of Radar, the company's chief executive, William Eccleshare, told the Financial Times that the September introduction of Radar in Europe will create a host of eye-opening opportunities for advertisers.

"We can follow your movement to a store," he said. "We can follow what you purchase. And yes, we can look at your viewing habits that evening if you pass an ad for a Netflix show."

It's difficult to trust the assurances about privacy protection given by the City when the RFP for the program appears to make conflicting statements about who will own the data and how it will be used. Page 15 of the RFP contains the following paragraph:

Data: The collection of data in public spaces is a complex issue, therefore any data collected from smart devices, networks, or sensors deployed in the STAP will be non-personally identifiable information only and the sole property of the City. Data collected under the program will adhere to the requirements of the California Consumer Privacy Act (AB 375), California Proposition 24 (approved in 2020) and the City's Digital Code of Ethics. None of the data collected under the program will be sold to, provided to, or used by any party other than the City of Los Angeles and, will be used for the sole purpose of improving the delivery of City services. [Emphasis added.]

But on page 26, under the heading Data Collection, Data Ownership & Use of Location-Based Technology, we find the following:

Data that is collected through STAP Elements and programs will be the sole property of the City of Los Angeles. All data collected will be non-personally identifiable information in accordance with the provisions of the California Consumer Privacy Act 2018. The Contractor will hold secure and confidential, during and after the expiration of the Contract Term, all data requested by the City as well as any other non-personally identifiable data that may have been collected over the Contract Term. None of the data collected through

the STAP will be made available to any person or entity without the prior written authorization by the City. [Emphasis added.]

The Contractor will be granted the non-exclusive right to use non-personally identifiable data only for purposes of increasing STAP advertising revenues associated with the specific Program Elements operated under the Agreement. [Emphasis added.]

The Contractor may propose opportunities to monetize the data collected from the elements, technologies and programs developed for STAP, with the City sharing in revenues from that monetization. All current and future uses of data must comply with the California Consumer Privacy Act (CCPA), the City's Digital Code of Ethics and the City of Los Angeles' Privacy Policy.

On page 15, the City states that none of the data collected will be used by any party other than the City. But on page 26, it becomes clear that the contractor will have access to the data. On top of that, the RFP states that the contractor is able to provide data to other parties with the City's written authorization. And again, the City does not explain how it intends to verify that only non-personal data will be collected, or that the data will be only be used in compliance with the CCPA. How can the City ensure compliance when the data is actually collected via hardware installed by the contractor?

Another issue that isn't addressed is whether the City will share data collected with law enforcement. Will the LAPD have access to this data? Will there be any restrictions on LAPD access? Since available documents state that the data will be owned by the City, it seems likely that any City department could have access.

For decades the LAPD has been involved in surveillance and gathering intelligence, and some of their practices have proven controversial. The increasing reliance on big data by law enforcement increases the risk of discrimination against communities of color. In a 2017 paper entitled Disparate Impact in Big Data Policing, Andrew Selbst writes the following:

'One potential downside is clear. As Solon Barocas and I observed in an earlier work, if its users are not careful, "data mining can reproduce existing patterns of discrimination, inherit the prejudice of prior decision makers, or simply reflect the widespread biases that persist in society." In August 2016, seventeen civil rights organizations released a joint statement on the civil rights concerns of predictive policing, emphasizing the possibility of racist outcomes, as well as the lack of transparency, public debate, and attention to community needs.'

So far the City has completely avoided any serious discussion of meaningful privacy protections. STAP must not move forward until this issue has been addressed, and the public must be invited to engage in this discussion before the Program is approved.

Lack of Integrated/Holistic Planning to Ensure Maximum Benefit from Infrastructure

As Investing in Place points out in its comments on STAP, the lack of integrated planning in the City of LA is a systemic problem. The City does not have a capital infrastructure plan which identifies overall goals and provides a clear road map toward achieving those goals. While City Hall hypes an endless parade of programs, initiatives and concepts (Complete Streets, Transit Neighborhood Plans, Green New Deal, Vision Zero, etc.), there does not seem to be any serious attempt to coordinate these different efforts or to provide meaningful monitoring of outcomes. When City departments do publish reports, they're usually closer to promotional brochures, with lots of colorful photos and upbeat marketing-speak, and little in the way of data-based analysis of outcomes. (The significant exception being the reports issued by Controller Ron Galperin's office.) These reports tell us that the City is making great progress, and its departments are working hard to make things even better. Unfortunately, the reality is that the City is mired in dysfunction and that City Hall seems unable to come to grips with a number of pressing problems: homelessness is increasing, infrastructure is crumbling, transit ridership is declining, and our urban forest is being steadily degraded by speculative development. While the City has presented a list of objectives for STAP, the list contains little in the way of quantifiable goals. In addition, STAP may actually undermine the Vision Zero program.

Insufficient Explanation of How Revenue Generated by the Program Will Be Spent

Investing in Place also points out that there is an ongoing lack of transparency when it comes to infrastructure spending in the City of LA. Their letter correctly states, "[W]e do not have a clear picture of where public works and transportation funds have gone over the years and are not able to see a publicly accessible future funding plan or implementation goals and timelines." Aside from providing improved furniture for transit stops, the publicly available documents regarding STAP do not adequately explain how funds will be used, nor do the documents provide clear goals or benchmarks to measure success.

Failure to Give Adequate Consideration to Safety Risks

Having reviewed a number of documents related to STAP, it's surprising that there are few references to potential safety impacts and no meaningful analysis of safety risks associated with the program. This is especially troubling given the high number of traffic fatalities in the City of LA, and the City's failure so far to reduce that number. In 2015 the City implemented Vision Zero with the goal of eliminating traffic deaths by 2025. Instead, the number of traffic fatalities has been increasing. Please see the excerpt from this January 2021 article from LAist:

Death In A Crosswalk: The Killing Of A 4-Year-Old Shows LA's Failure To Stop Traffic Violence

<https://laist.com/news/transportation/koreatown-alessa-fajardo-pedestrian-death-la>

Since the initiative was announced five years ago, traffic deaths in L.A. have risen rather than fallen. In 2015, 186 people were killed in collisions on city streets. In 2019, the combined death toll for pedestrians, cyclists and people killed in vehicles was 244 people, about a 31% jump. Pedestrian deaths rose more sharply, up about 65% over the same five-year span.

A recent follow-up article shows that traffic deaths continue to rise:

Halfway Through 2021, LA Traffic Deaths Are On Track To Exceed Last Year's Figures

<https://laist.com/news/transportation/2021-la-traffic-deaths-on-pace-to-exceed-2020>

And just over halfway through 2021, the number of people killed and injured by drivers in L.A. is on pace to exceed 2020, which was one of the deadliest years on U.S. roads in more than a decade. That's according to data compiled by the LAPD, which tracks traffic collisions in the city.

In spite of this, the City has so far made no meaningful effort to assess STAP's safety impacts. In terms of traffic safety, there is a fundamental problem with the inclusion of digital billboards in STAP: These billboards are designed to attract the attention of people in public spaces, including those driving cars. It is difficult to understand how the City fails to see increased risk from distracted driving. While there are many factors that can contribute to safety risks associated with traffic, there are a number of studies suggesting that billboards in general, and digital billboards in particular, can lead to higher risk of collision by taking drivers' eyes off the road. Please see the link to the research survey below, followed by an excerpt.

Compendium of Recent Research Studies on Distraction from Commercial Electronic Variable Message Signs (CEVMS)

<https://www.scenic.org/wp-content/uploads/2019/09/billboard-safety-study-compendium-updated-february-2018.pdf>

Finally, the most recent epidemiological studies (dating from 2014 and 2015) have begun to demonstrate what has long been suspected but not proven – that roadside billboards are associated with increases in crash rates where such billboards are located.

The research and guidelines reviewed in our 2009 report set the stage for the 21 research articles and guidelines that are reviewed and summarized in this compendium. While employing a broad array of approaches and methodologies, the common theme clearly indicates that the more that

commercial digital signs succeed in attracting the attention of motorists that render them a worthwhile investment for owners and advertisers, the more they represent a threat to safety along our busiest streets and highways, where these signs tend to be located.

An April 2021 memo from StreetsLA mentions, "Parameters for the location and operation of digital displays to ensure they are safe and compatible with their surrounding environments [...]", but these parameters do not appear to be included in the documents made available to the public so far. There is no discussion of distracted driving, Vision Zero, or LA's High Injury Network.

The MND for the Program Fails to Assess Many of the Project's Impacts

Under 2.3, Project Objectives, the MND lists the following as the Program's primary objective:

Promote and expand the use of transit, active transportation, and shared mobility by improving the quality and technological capability of associated physical program elements, such as transit shelters, kiosks, and other amenities

Unfortunately, the MND fails to explain how the Program will achieve this goal. The City has a history of making unsubstantiated claims regarding its efforts to increase transit ridership. For years the City has been claiming that increasing density around transit hubs will get people out of cars and onto busses and trains. The reality is that from 2014 through 2019 Metro ridership fell by about 20%, and DASH ridership fell by more than 20%, in spite of the construction of thousands of new residential units near transit hubs.

Not only does the City offer no evidence that the Program will expand the use of transit, but this claim appears to be undermined by a July 20, 2017 Metro Board Report with the heading "Metro Service Study and Regional Ridership Improvement Task Force". The task force conducted a survey of past riders to learn the reasons they had stopped taking transit. Please see the following excerpt:

Despite being the second most heavily used bus and seventh most heavily used rail systems in the Country, and voter endorsement for continued growth, Metro's sytemwide [sic] ridership has declined by 15% since April 2014, consistent with national trends. A recent survey of past riders found that 19% of respondents stopped using Metro services primarily because their travel patterns changed, and another 12% stated that it is too hard to get to and from transit. Eighteen percent and 11%, respectively, mentioned slow speeds and service reliability were their main reasons for leaving transit. Ridership declines can also be attributed to shifts in customer demographics and lifestyles, changing workforce travel patterns, safety and security concerns, new technology and opportunities for other travel options such as shared mobility on-demand.

Please note that the paragraph above makes no mention of inadequate street furniture as a reason given by former riders for not taking transit. This raises the question of whether the project's objective of expanding the use of transit has any basis in reality.

Furthermore, on page 128 of the MND, under Greenhouse Gas Emissions, we find the authors claim that GHG emissions produced by implementation of the project would be offset by increased transit ridership:

Although implementation of the project would generate GHG emissions that would be greater in magnitude than those under existing conditions, the project itself would provide potential benefits that would offset emissions in ways that are not currently quantifiable. Implementation of the project would enhance the safety, aesthetics, accessibility, and comfortability of public transit shelters throughout the City. The improved transit shelter facilities would encourage the use of public transit by providing more appealing, brightly lit waiting areas, and the increased transit ridership would offset single occupancy vehicle use. The displacement of vehicle trips in favor of transit is a crucial element of regional, State, and City planning efforts to reduce GHG emissions. L.A.'s Green New Deal includes a target of increasing the percentage of all trips made within the city by walking, biking, micro-mobility/matched rides, or transit to at least 35 percent by 2025 and 50 percent by 2035.

The authors claim that STAP "would encourage the use of public transit by providing more appealing, brightly lit waiting areas, and the increased transit ridership would offset single occupancy vehicle use", thereby reducing GHG emissions. However, they fail to offer any evidence to support this assertion. Again, please see the excerpt from the July 20, 2017 Metro Board Report above. Nowhere does it say that the lack of "appealing, brightly lit waiting areas" was offered by former transit riders as a reason for switching to other modes of transportation.