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April 8, 2021

Los Angeles Department of Public Works  
Board of Public Works  
200 N. Spring Street,  
Room 361  
Los Angeles, CA 90012-4801

Dear Board Members:

On behalf of my client, a City of Los Angeles resident and cyclist who utilizes the City of Los Angeles's ("City") bicycle lanes for transportation, we are writing to demand that the City, City Department of Public Works ("DPW"), and the City Bureau of Engineering ("BOE") comply with the California Environmental Quality Act ("CEQA") and complete the North Spring Street Viaduct Improvement Project ("Project") as it was approved by the City Council. The City has appeared to omit installation of required bicycle lanes during its construction of the Project. We urge that any action the BPW takes in this matter to comport with these requirements and construct the bike lanes as approved.

**The Omission of Bike Lanes Would Constitute a Substantial Change Requiring  
Environmental Review**

The Project was approved in 2011 and adopted Build Alternative 2 with Design Option A as described in the Project's Revised FEIR. This included widening, seismic retrofits, and other improvements around the North Spring Street viaduct, including extending Wilhardt Street to Baker Street allowing for access from North Spring Street to the Los Angeles Historic State Park. The Project required bicycle lanes to be installed in the following locations: (1) on both sides of the North Spring Street viaduct, (2) on both sides of North Spring Street; (3) on both sides of the extended Wilhardt Street; and (4) on

the north and south sides of North Spring Street from the widened viaduct to the new signalized 4-way intersection at Wilhardt Street.

One of the stated purposes of the Project was “to improve bicycle and pedestrian circulation and safety across the river and railroad tracks.” In recognition of concerns that bicyclists at the time had to share the narrow viaduct lanes with vehicular traffic, one of the Project objectives was to “[i]mprove pedestrian and bicycle travel through the proposed project area and connections with regional bicycle routes and mass-transit facilities.” The FEIR noted that the bridge was “in need of repair in order to improve the movement of motorists, pedestrians, and bicyclists through the project area.” It also stated that these “new bike lanes would become part of a continuous bikeway system upon future implementation of nearby gap closures in accordance with the City’s 2010 Bicycle Plan.”

According to the Project’s Revised Final EIR (“FEIR”), the Project was to be completed in two phases, Phase 1 and Phase 2. During Phase 1, bike lanes were planned to be installed on both sides of North Spring Street and the viaduct. Phase 2 included installing bike lanes on both sides of Wilhardt Street, as well as on the north and south sides of North Spring Street from the widened viaduct to the new signalized 4-way intersection at Wilhardt Street. However, when Phase 1 completed in 2018, no bike lanes were installed. Under CEQA, lead agencies must complete projects as approved during the CEQA process. The failure to include the required bike lanes as approved constitutes a substantial change with respect to the circumstances under which the Project is being undertaken, which will require major revisions in the EIR. (Pub. Resources Code § 21166, ,subd. (b); see *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 937; *American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1073.)

When questioned on the lack of bike lanes, BOE Deputy City Engineer Deborah Weintraub responded that: “Due to the Phase II work on the project to construct a new intersection just west of where the bridge lands heading in to downtown, which will temporarily remove the west bound bike lane and one west bound lane of traffic for approximately 6 months, the City felt it was best not to install the bike lanes at this time.”

The City has since proceeded to Phase 2 of construction, estimated to be completed June 30, 2021. However, none of the bike lanes required to be installed under the Project under either Phase 1 or Phase 2 have been constructed. Photos taken of the Project site on March 17, 2021 show a lack of bike lanes at Spring Street and the new Wilhardt Street extension, facing north, on Spring Street leading up to the viaduct facing north, the new intersection of Wilhardt Street and Spring Street, facing north, or on the bridge itself. The City must install the bike lanes as described by the FEIR.

#### The City Must Construct the Required Bike Lanes as Approved in the FEIR

The BOE has discussed implementation of the bike lanes as recently as October 2020; however, these bike lanes have not been constructed. In the most recent sketch that we have been able to ascertain from our Public Records Act request, the bike lanes that the City has proposed to install do not comport with what was approved during the Project EIR.

In that plan, there are no bike lanes on Wilhardt Street extending south from Spring Street to Main Street. The FEIR clearly states that bike lanes will be constructed “on both sides” of the extended Wilhardt Street. The City must include the bike lanes as it specified in the FEIR.

Further, the bike lane extending north from Spring Street to Baker Street appears to have been downgraded from a Class II or Class IV (with protection) bike lane to an unprotected Class III sharrows. These sharrows, which are better classified as a bike route or bicycle-friendly street rather than a true bike lane, do not provide the same level of protection as what was approved in the EIR. The City must follow through on its commitment to “improve . . . bicycle travel through the proposed project area,” and construct the bike lanes as approved in the EIR.

For the foregoing reasons, the City must construct the bike lanes as approved in the Project FEIR to comply with CEQA, and we urge any action that BPW takes in this

matter to comport with these requirements. If you wish to discuss further with us, please feel free to reach out to me at [sss@cbcearthlaw.com](mailto:sss@cbcearthlaw.com). We also request that you include us in any further notices regarding this project pursuant to Public Resources Code section 21092.2. Thank you for your time and prompt attention to this matter.

Sincerely,  
Sunjana Supekar