

## William E. Reany

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re: Rejoinder: Response to Entertainment and Sports Complex [ESC] DEIR Comment #I14

Mr. Johnson :

Enclosed are my rejoinders to the responses made to my comment [submitted in person to the City on January 23 of last year]. I would like to be able to refer by name to the individual whoever in fact made them. Yet neither the identity of the Responder nor his/her qualification to be discussing the issues raised in the responses have been anywhere shown. This is strange, indeed, to see in a document which is a piece of a formal legal process. The Responder here has asserted things that he/she takes to be factual, and has in places quoted portions of my original comment out of context and -- on two occasions -- has directly falsified their intended meaning. Anonymity of comment responses is a bad practice. It provides a license to lie. You shouldn't be doing it.

### **Rejoinders to Letter response -- Letter I14:**

Back in January, I filed a comment on the DEIR in the ESC matter, expressing concern about the technical work in the traffic study, and a comment on the discussion with respect to the I-5 congestion caused during the pre-event traffic levels experienced at the "J" Street off-ramp. Out of those two items came three fundamental recommendations, briefly designated below:

Mechanics of Traffic Study: [My letter of January 23, p. 3-634]

- Purging of the 3% arbitrary assignment of ESC ticket holders to the downtown zone and recasting of traffic study with the same distribution origin data set used for the ESC which was used for the *Sleep Train Arena* case; and
- The hiring of a recognized authority to review and evaluate the traffic analysis and report in writing to the Planning and Design Commission as to the completeness, appropriateness to purpose and without warping embellishments.

Documentation of the issues raised by congestion forecast for I-5 in the area of the intersection with "J" Street downtown:

- General improvement of and depth of the discussion of both impacts and supposed "infeasibility" of mitigation of the congestion arising at the site.

In your response to my comment, you have made the traffic model runs I requested. The results appear to be reasonable assuming that that in fact they shared the exact same geographical origin distribution in the ESC. I thank you for that; and hope that is in fact what was done. Nonetheless, I find myself needing to make a brief rejoinder to Responder's attack upon these issues to complete the record.

The problem now is that you have not posted these revisions to DEIR §4.10 to make the changes in the model runs official and in the same detail which was originally presented there. To make sure that this was done if warranted, I recommended the engagement of an outside expert to review the work and to respond directly to the Planning and Design Commission. My purpose in making this recommendation was to ensure a reasonable dispensation of the issue on the merits, and I would have been quite satisfied had you engaged an expert even if he disagreed with my "take" on your analysis. Your Responder has not even had the courtesy of acknowledging the recommendation for a consulting expert and blowing it off as too inconvenient. This kind of issue avoidance by not even recognizing it is altogether consistent with the City government's behavior on all aspects of this project, so I'm not particularly surprised to see it again here. But as things stand now, the 'Official' stance is exactly the same as it was when I commented on the analysis in January. And that isn't appropriate, for the reasons I made then and reiterate now.

**I14 (1)-(3): Assertion: Justification for a 3% locational adjustment of ticket holders downtown.**

We apparently need to revisit this issue again, because whoever-makes-these-decisions retains the original forecasts shown in the DEIR as the official version, and because it is still the position of the City document that the 3% downtown shift is appropriate for use.

Responder nicely repeats the justification given in the DEIR: A 3% increase in season ticket sales for the 2013-14 season purchased downtown. This misses the actual situation which was the cause of the increase in season ticket sales -- a concerted campaign during the 2012-2013 season by the previous owners of the Sacramento Kings to boost ticket sales at the same time that they were trying to find a place for the team to move from Sacramento or a buyer for the team, whichever came first. This increase in sales had nothing to do with downtown location -- it was more like "Buy tickets or we're going to move". What's more relevant is that the games that those new 3% of season ticket holders were to see were played at the present facility in Natomas -- the *Sleep Train Arena*. What does that particular episode say to recommend an arbitrary move of a significant number of patrons downtown?

Another question is raised here: If it is the City's insistence to stick with this fiction, why wasn't the 3% adjustment also placed in the baseline distribution used for the *Sleep Train* case? Even Responder acknowledges that the increase in season tickets was recorded after the cell phone data was collected and before a possible relocation downtown was even in the works [p. 3-639]. Why wasn't the *Sleep Train* baseline distribution also changed to reflect the 3% addition downtown?

My reasons given for the lack of justification for the 3% adjustment remain valid: [See corresponding Responder "bullets" toward the bottom of p. 3-632]. There are no studies cited which document a significant locational change in patron origin due to new arena location downtown. In fact, the Responder admits this at the top of p.3-639. Then Responder offers that data from Portland, Salt Lake City, and Denver show significant levels of transit use. OK. We don't have the transit networks of Portland, Salt Lake City or Denver. Ours is rudimentary compared to any of the three if examined within context of the respective populations and breadth of the systems. But even if we did, transit achievements alone don't prove the point. And just because people will take a good transit system when it's available doesn't mean that they would therefore decide to buy expensive tickets to an NBA game simply because they had nice street cars to use to get to one.

At the end of the day, the reason why the 3% shift should not have been used is that there is no substantial evidence that it's going to happen. SACOG can expound on its speculations as to why they'd expect a locational redistribution of patrons all they like; but no-one has actually recorded seeing one. Changes like this must not be introduced on a whim simply because the results would be useful to what the regional land use planning agencies would like very much to be able to show.

In Responder's response to my observation used in I14 (3) [ "It is not the declared intent of Senate Bill 743 to offer this kind of help to the ESC"], he/she finally falls into the essential truth of this matter: He/she describes the goals of the bill's authors to implement innovative strategies to reduce vehicular traffic and air quality impacts of this particular facility. Then Responder then goes on to say:

"Thus, it is reasonable to conclude that the authors of Senate Bill 743 would expect the employment of properly justified analysis methods, supported by substantial evidence, that evaluate the travel effects of placing the proposed ESC in downtown Sacramento." [Response, p.3-638]

Just so: "...properly justified analysis methods, supported by substantial evidence...". There's the rub. You don't pull things like this from thin air for the purpose of tipping the scales in favor of a downtown arena just because you believe that deep in their hearts this is what the drafters of SB 743 -- or, for that matter, local government officials -- want you to do. You incorporate phenomena confirmed by substantial evidence, and substantial evidence only.

**I14 (4): "The location adjustments have not been documented in this study":**

My personal concerns that the VMT test may have been rigged in favor of the ESC arose from two points: First, the 3% redistribution noted above; and second: the fact that the resulting distribution of trip origins utilized in the ESC case was not shown in Appendix L as were those used in the *Sleep Train* case [DEIR, Appendix L, Tables 3-2 and 3-3].

The latter was an extraordinary omission. Incredibly, the one distribution the writers chose not to show was the one for the alternative which the EIR was commissioned to study and approve. This looked like more than an oversight; and it opened for me the possibility that the results shown for the ESC case in §4.10 of the DEIR had been manipulated by selectively culling only longer trips from the distribution in the process of scaling back the number of trips throughout the rest of the distribution to balance the account for those being shifted downtown.

So I called for documentation of the ESC distribution at the same detail of sub-regional aggregation used in the DEIR in the two tables shown in Appendix "L". And for his/her part, Responder alleges that I'm attempting for force inclusion of up to eight 30 X 1500 cell tables equalling 240 pages of documentation, when I seek nothing more than the same sub-regional aggregations already used for the tables in Appendix "L". [See p. 3-641]

The exercise in basic algebra I subsequently undertook was not intended to prove anything. It was merely to see if the results of the VMT comparison estimates were sensitive enough to be manipulated to the point that an ESC VMT comparison to that of *Sleep Train Arena* could possibly have flipped from a "fail" to a "pass" merely by the means of this scaling of the 3% from the rest of the distribution. It turned out that it could be done rather easily, by culling trips only in excess of 6 miles each way. But as I observed then [See p. 3-633 - 634]:

"Now, I can't prove that the staff actually did use the origin/destination changes to manufacture a "Pass" for the ESC on SB 743's Vehicle Miles Test. And I hope -- as a matter of their professional

integrity -- that they didn't. But they easily could have, and the lack of documentation of the locational adjustments and their effects would serve nicely to hide the tracks."

That observation stands. Responder asserts here that no hanky-panky from the scaling back process was done. I can only hope that is true. But had we engaged an expert to review the methodology and its conclusions, we would have known. For sure.

**Final Thoughts:**

It is difficult to do this kind of work. I know that, because I've done and interpreted some. These regional models are crude and have limited capability as to what kinds of things that they can fairly and reliably do. There are several other but equally relevant kinds of traffic phenomena that are very hard to evaluate without massive amounts of information and a narrower geographic focus that I think will prove to be problems down the road, when we finally see experientially other circulation matters after we build the ESC downtown:

In addition to the congestion which we're capable of predicting by sheer numbers of vehicles attempting to traverse major intersections, we'll find problems which we haven't even examined relating to parking needs of arriving arena patrons. Among these are:

- Queues outside of parking garages, while drivers wait for their turns to enter parking garages or to claim metered spaces on the city streets. These types of influences aren't shown by the regional models, and threaten to snarl traffic not only at major intersections, but on the city streets between them as well; and
- Imposition on residential neighborhoods close to the proposed ESC by individuals attempting to find free or cheaper parking, and the impacts on residents in those neighborhoods overrun by ESC patrons attempting to avoid the wallet extractions of the smart meters we're getting ready to install.

These types of impacts are beyond the capacities of the tools we've used here. And I'm sure that we'll hear a lot about these kinds of parking-related impacts once the ESC is built and it's too late to do anything substantive about them.

I'm sure that this task has been a wearying one for you. I hope that you personally have been able to stand up to the load of what has been a tough job, indeed.

Yours truly,

// Signature //

Bill Reany

