CHATTEN-BROWN & CARSTENS LLP Superior Court of California Douglas P. Carstens, SBN 193439 2 County of Los Angeles Amy Minteer, SBN 223832 NOV 02 2015 ٠3 Josh Chatten-Brown, SBN 243605 Sherri R. Carter, Executive Officer/Clerk Michelle Black, SBN 261962 4 2200 Pacific Coast Hwy, Suite 318 5 Hermosa Beach, CA 90254 310.798.2400; Fax 310.798.2402 6 Attorneys for Petitioner 7 Alliance for a Regional Solution to Airport Congestion 8 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA 10 FOR THE COUNTY OF LOS ANGELES 11 12 ALLIANCE FOR A REGIONAL SOLUTION) CASE NO.: 13 BS15863 TO AIRPORT CONGESTION 14 Petitioner, PETITION FOR WRIT OF MANDATE 15 CITY OF LOS ANGELES, a subdivision of 16 the State of California; LOS ANGELES (California Environmental Quality Act) 17 WORLD AIRPORTS, a subdivision of the City of Los Angeles 18 19 Respondents. 20 21 22 23 24 25 BC599861 26 27 ② 28 Printed on Recycled Paper PETITION FOR WRIT OF MANDATE

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INTRODUCTION

- 1. This action challenges the approval by the City of Los Angeles (the "City") of a Non-Exclusive Licensing Agreement (NELA) for Transportation Network Companies (TNCs). The NELA would allow Los Angeles World Airports (LAWA), which manages Los Angeles International Airport (LAX), to grant TNCs permits to conduct operations at LAX.
- 2. The City relied upon categorical exemptions from the California Environmental Quality Act ("CEQA)," Public Resources Code sections 21000 et seq., for existing facilities or projects that could have no possibility of impacts on the environment, even though use of such exemptions is not proper. The exemptions do not apply because the proposed project would result in traffic impacts and air pollution caused by the use of vehicles that are not subject to clean fleet vehicle rules rather than vehicles that are. Greater TNC use would reduce the use of shared ride vans and taxis, both of which are subject to clean fleet vehicle requirements.
- 3. In approving the project based on categorical exemptions, the City violated CEQA by not preparing or reviewing any environmental review documents for the project.
- 4. Petitioner Alliance for a Regional Solution to Airport Congestion (ARSAC) and others presented evidence to the City that there would be significant environmental impacts.
- 5. Poor air quality conditions in the Los Angeles region, especially around LAX, would be aggravated by permitting TNC operations because TNCs do not adhere to the same clean fuel and clean vehicle requirements as other commercial transportation companies.
- 6. As the unregulated TNC vehicles replace shared ride vans and taxicabs that are subject to clean vehicle requirements, the emission of air pollutants such as carbon monoxide (CO), reactive organic compounds, and nitrous oxides gas would increase substantially. An independently- prepared air quality study submitted as part of public comments shows that the use of TNCs that are not subject to the same air quality rules as other commercial transportation vehicles would result in CO emissions that exceed South Coast Air Quality Management District thresholds for significance of adverse air quality impacts.

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- 7. Traffic would be increased by the operation of TNC commercial transportation providers in the upper level of LAX that had not been permitted to operate there previously. Most other commercial transportation providers are limited to the lower level of LAX for picking up passengers. The TNC commercial transportation providers would also increase traffic in the surrounding area as they cruise or wait for fares on nearby streets.
- Each of these potential impacts should have been fully analyzed and mitigated in an environmental impact report prepared pursuant to CEQA.
- 9. The City's violation of CEQA's requirement for environmental review of projects that may have an adverse impact on the environment has necessitated the filing of this action to obtain a writ of mandate and other appropriate relief setting aside approval of the NELA.
- 10. Accordingly, Petitioner requests that this Court issue a peremptory writ of mandate to prevent the City from taking actions based on the faulty approval.

JURISDICTION

This Court has jurisdiction over the writ action under section 1085 and 1094.5 of 11. the Code of Civil Procedure ("CCP"), and sections 21168 and 21168.5 of the Public Resources Code.

PARTIES

- 12. Petitioner Alliance for a Regional Solution to Airport Congestion (ARSAC) is a grass roots organization established in 1995 to promote broadened use of regional commercial air transport resources to meet the current and future aviation demands of the entire Southern California region. ARSAC is concerned with traffic, air quality, noise, biological, and other impacts of airport operations at LAX, all of which could be lessened by regionalization of air transport services.
- 13. Respondent City of Los Angeles ("City") is a duly incorporated charter City and a political subdivision of the State of California.
- 14. Respondent Los Angeles World Airports (LAWA) is the department of the City that operates and manages Los Angeles International Airport.

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STATEMENT OF FACTS

- 15. The operation of transportation network companies (TNCs) such as Uber, SideCar, and Lyft has been a controversial subject for regulators and the public in California and elsewhere.
- 16. The California Public Utilities Commission (PUC) approved TNC operations in its rulemaking proceeding numbered 12-12-011 with a decision on September 23, 2013 ("the 2013 PUC Order"). This approval was subject to various conditions, including that TNCs obtain approvals from local airport authorities before operating at California airports.
- 17. Despite this requirement to obtain approval before operating at California airports, various TNCs, including Uber and Lyft, began operating at LAX extensively without having obtained prior permission from LAWA or the City of Los Angeles.
- 18. Traffic volume at LAX is high. According to a recent LAWA study, the airline passenger traffic at LAX in the first six months of 2015 was 35,733,184, or 197,241 passengers per day. According to a different LAWA study, 38% of these passengers were connecting through LAX to other airports. Thus, it can be concluded that about 122,000 passengers per day rely on ground transportation to or from LAX. Assuming about two airline passengers per vehicle yields at least 61,000 vehicles at LAX every day transporting passengers. If 6% of these vehicles were TNCs as estimated for March 2015 by a LAWA survey, then there were about 3,700 TNCs visiting LAX in March 2015, even without the prior approval required by the PUC.
- 19. A Non-Exclusive Licensing Agreement (NELA) for Transportation Network Companies (TNCs) was first proposed by LAWA staff in early in 2014.

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- 20. In May 2014, LAWA posted a draft NELA for public comment, which would permit TNCs to pick up passengers at LAX and subject the operators of the vehicles to certain operating requirements.
 - 21. Numerous members of the public commented on the proposed NELA.
- 22. After considering the public comments, LAWA released a recommendation for approval of the NELA in December 2014.
- 23. On December 9, 2014, the Los Angeles and San Francisco District Attorneys filed a lawsuit in San Francisco Superior Court against the largest TNC, Uber Technologies, Inc. (The People of the State of California v. Uber Technologies, Inc. et al., San Francisco Superior Court Case no. CGC-14-543120.) The District Attorneys' lawsuit stated the following: "Through this civil enforcement action, Plaintiff seeks to address Uber's flagrant and unlawful business practices, including its practice of: . . . (3) conducting operations at California airports without obtaining authorization from the airport authorities."
- 24. In 2014, when TNCs had no authority to operate at LAX and the PUC 2013 order prohibited them from doing so without specific authorization, LAX police issued citations to unauthorized TNC drivers. As many as 260 citations were issued to TNC drivers in the first 7 months of 2014. However this effort at enforcement was not successful. TNCs continued to operate at LAX in 2014 and 2015 despite lacking permission from LAWA.
- 25. Despite TNC's lacking any legal authority to provide commercial transportation services at LAX (since the PUC required prior permission from airports before such commercial transportation operations could commence), a LAWA survey revealed that for March 2015, TNC use had grown from no service at LAX in a 2011 survey to a point where they were providing approximately 6% of the ground transportation services at LAX. Over that same period, LAWA's survey data showed that shared ride van use declined from 7% in 2011 to 6% in 2015.
- 26. In April 2015, LAWA posted a revised Draft NELA for public comment. LAWA did not conduct an initial study, an environmental impact report, or any other form of review

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pursuant to the California Environmental Quality Act. Instead, LAWA asserted that the NELA was not a project within the meaning of CEQA or that it was exempt from CEQA.

- 27. On July 16, 2015, the TNC NELA was heard by the Board of Airport Commissioners (BOAC) of LAWA. After receiving extensive public testimony, BOAC approved the TNC NELA.
- 28. Shortly after the BOAC approval of the TNC NELA, pursuant to Los Angeles Charter section 245, the City Council exerted jurisdiction over BOAC's approval of the NELA.
 - 29. Los Angeles Charter section 245 provides the following:

Sec. 245. City Council Veto of Board Actions.

Actions of boards of commissioners shall become final at the expiration of the next five meeting days of the Council during which the Council has convened in regular session, unless the Council acts within that time by two-thirds vote to bring the action before it or to waive review of the action [T]he time period within which the Council may act before the action of the Board shall become final shall be ten meeting days during which the Council has convened in regular session.

- (a) **Action by Council.** If the Council timely asserts jurisdiction over the action, the Council may, by two-thirds vote, veto the action of the board within 21 calendar days of voting to bring the matter before it, or the action of the board shall become final.
- 30. The City Council's assertion of jurisdiction over the approval suspended the approval by BOAC. Nevertheless, before the approval became final, LAWA staff filed a Notice of Exemption on July 22, 2015 with the County Clerk purporting to report that the TNC NELA approval had been approved and was exempt from CEQA. However, since this approval was not final, the Notice of Exemption was prematurely filed and had no legal consequence. This Notice of Exemption named the "Project Applicant" as Los Angeles World Airports.
- 31. On August 7, 2015, ARSAC appealed the decision of BOAC to approve the TNCs on the basis of exemptions from CEQA.
 - 32. On August 18, 2015, the Los Angeles and San Francisco District attorneys filed

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an amended complaint in *The People of the State of California v. Uber Technologies, Inc. et al.*, San Francisco Superior Court Case no. CGC-14-543120. The District Attorneys' first amended complaint alleged that TNC Uber conducted "Unlawful Operation[s] At California Airports." The complaint explained:

- 140. On September 23, 2013, when the CPUC issued Rulemaking 12-12-011 Decision 13-09-045 ("Decision 13-09-045"), the Commission mandated that, "TNCs shall not conduct any operations on the property of or into any airport unless such operations are authorized by the airport authority involved."
- 141. On April, 7, 2014 the California Public Utilities Commission issued a permit to Uber ("Uber CPUC Permit") to operate as a Transportation Network Company ("TNC") in California. The Uber CPUC Permit explicitly states . . . "This permit does not authorize the Carrier to conduct operations on the property of or into any airport unless such operation is authorized by the airport authority involved."
- 142. Uber has operated and continues to operate at airports throughout California in violation of Decision 13-09-045, the Uber CPUC Permit, and state law every day. In the first seven months of 2014, Los Angeles International Airport issued more than 260 citations to Uber drivers and impounded vehicles. . . . These represent a tiny fraction of the unauthorized trips by Uber drivers to these California airports during any given six month period. Each unauthorized trip to a California airport by an Uber driver constitutes a violation of the terms of Decision 13-09-045, a violation of the terms of the Uber CPUC permit, a violation of state law pursuant to California Public Utilities Code section 5411, and a trespass aided and abetted by Uber.
- 33. On August 24, 2015, ARSAC supplemented its August 7, 2015 appeal with further information demonstrating the impacts associated with the TNC NELA, and therefore the inappropriateness of approval without CEQA review. ARSAC provided a copy of a memorandum of air quality engineer David Gemmill explaining that air pollution impacts could be significant because operation of TNCs would likely result in a net increase in emissions of gasses such as carbon monoxide (CO) because of the replacement of clean fleet vehicles such as taxis and shared ride vans with TNC vehicles which do not adhere to clean fleet requirements.

- 34. Carbon monoxide is a colorless, odorless gas emitted from combustion processes. Nationally and, particularly in urban areas, the majority of CO emissions to ambient air come from mobile sources. CO can cause harmful health effects by reducing oxygen delivery to the body's organs (like the heart and brain) and tissues. At extremely high levels, CO can cause death. Exposure to CO can reduce the oxygen-carrying capacity of the blood. People with several types of heart disease already have a reduced capacity for pumping oxygenated blood to the heart, which can cause them to experience myocardial ischemia (reduced oxygen to the heart), often accompanied by chest pain (angina), when exercising or under increased stress. For these people, short-term CO exposure further affects their body's already compromised ability to respond to the increased oxygen demands of exercise or exertion.
- 35. While CO is only a weak direct greenhouse gas, it has important indirect effects on global warming. Carbon monoxide is an ozone precursor, and also reacts with the hydroxyl (OH) radicals in the atmosphere, reducing their abundance. Since OH radicals reduce the lifetimes of many strong greenhouse gases (such as methane), CO indirectly increases the global warming potential of these gases. (See http://tes.jpl.nasa.gov/mission/climateroles/.)
- 36. In order to protect public health, the South Coast Air Quality Management District (SCAQMD) has set the threshold for significance of a project at a daily increase of 550 pounds of CO gas.
- 37. The emissions estimate undertaken by air quality engineer David Gemmill prepared for Petitioner ARSAC concluded that the analysis method used by LAWA understated the impact of approving TNCs that would displace ULEV vehicles by at least 1,800 pounds per day of Carbon Monoxide (CO) gas. Gemmill's analysis also concluded there would be a 53% increase in reactive organic gasses, a 56% increase in CO, and a 5% increase in nitrous oxides.
- 38. ARSAC also provided a copy of the Los Angeles and San Francisco District Attorneys' complaint against the TNCs.
- 39. The City Council held a hearing to review BOAC's approval of the NELA on August 25, 2015. City staff recommended that the Council should concur with BOAC's July

16, 2015 action approving a NELA covering TNCs servicing LAX. The City Council voted to uphold the BOAC decision with minor modifications, but did not address the CEQA issues raised by ARSAC's appeal.

- 40. ARSAC supplemented its appeal in a letter of October 5, 2015 summarizing areas of concern. Nearby traffic would be adversely affected as TNC drivers linger in residential neighborhoods as they wait for a call. ARSAC advocated the use of transponders for TNC vehicles as required for other ground transportation providers such as taxis and shuttle vans. Instead of transponders for TNCs, LAWA relied upon the use of what is termed a "geo-fence." A geo-fence is a way in which TNCs record pickup requests from passengers. It is a boundary of addresses that the TNC vehicle must be inside of in order to receive a passenger assignment. It is an arbitrary boundary established and monitored by the TNC through its proprietary software. The TNC vehicle must be inside the geo-fence in order to receive its passenger pickup instructions. However, the transponder is more effective because it can be monitored by LAWA but the geo-fence cannot. Instead, the geo-fence would be self-policing by the TNCs. Such self-policing is likely to be ineffective for mitigating traffic or preventing TNC vehicles from entering and loitering on LAX property.
- 41. For air pollution impacts, ARSAC advocated an EIR that would address mitigating the impacts of TNC vehicles failing to utilize clean-fuel or alternative fuel vehicles.
- 42. The Trade Commerce and Technology Committee of the City Council considered the ARSAC appeal on October 6, 2015. The Committee recommended denial of ARSAC's appeal.
- 43. The City Council heard the ARSAC appeal on October 27, 2015. The City Council did not open the hearing for public comment, or any testimony from appellant ARSAC. The City Council voted to deny ARSAC's appeal and uphold the LAWA decision to approve the TNC NELA without any environmental review. As the Trade Commerce and Technology Committee did, the City Council based its decision on multiple overlapping theories that the approval of the TNC NELA was not a project approval subject to CEQA, and even if it were a

project approval it would be exempt from CEQA because it was subject to the common sense or existing facilities exemptions.

- 44. Petitioner is unaware of any notice of exemption that was filed with the County Clerk subsequent to the City Council's decision. Despite having requested notices pursuant to Public Resources Code section 21092.2, Petitioner has not received a copy of any notice of exemption after the City Council's October 27, 2015 decision, if such a notice had been filed.
- 45. This action was timely filed. Without the filing of a valid NOD, the time for challenge would be 180 days after the City Council's October 27, 2015 decision to deny ARSAC's appeal.

EXHAUSTION OF ADMINISTRATIVE REMEDIES AND INADEQUATE REMEDIES AT LAW

- 46. Although exhaustion of administrative remedies is not required when a categorical exemption from CEQA is used, Petitioner objected to the project in the administrative process, and fully exhausted its administrative remedies. Petitioner appeared at public hearings raising the issues set forth in this Petition.
- 47. Petitioner has no plain, speedy or adequate remedy in the course of ordinary law unless this Court grants the requested writs of mandate. In the absence of such a remedy, Respondent's approval of the NELA for TNC will remain in place to allow TNC operation at LAX in violation of state law.
- 48. Petitioner has complied with Public Resources Code section 21167.7 by sending a copy of this petition to the California Attorney General. (Exhibit A).
- 49. Petitioner has complied with Public Resources Code section 21167.5 by providing the City with notice of intention to commence the action. (Exhibit B).
 - 50. Petitioner elects to prepare the administrative record. (Exhibit C).

FIRST CAUSE OF ACTION (VIOLATION OF CEQA)

51. Petitioner incorporates all previous paragraphs as if fully set forth.

VI.

- 52. CEQA requires that in assessing a proposed project's impacts to the environment, the City compare the project's potential impacts to the existing environment. If existing environmental conditions are misleading or uninformative, the City may assess impacts against a different environmental baseline. In this case, to the limited extent the City analyzed environmental impacts at all, the City measured those impacts against the situation where TNCs were already operating at LAX illegally without permission, essentially trespassing on LAX property as the District Attorneys identified in their lawsuit, *The People of the State of California v. Uber Technologies, Inc. et al.*, San Francisco Superior Court Case no. CGC-14-543120. Thus, the City relied upon existing illegal conditions in evaluating potential impacts. This comparison was misleading and uninformative because LAWA should have enforced existing laws to prevent TNC operation at LAX until they obtained legal permission from LAWA.
- 53. CEQA requires the City to conduct an adequate environmental review prior to making any formal decision regarding projects subject to CEQA. (CEQA Guidelines, 14 Cal. Code Regs. § 15004).
- 54. The potential approval of a license agreement for TNCs to operate is a "project" within the meaning of CEQA. The LAWA staff report claimed granting a NELA would be exempt from CEQA pursuant to exemptions under Title 14 of California Code of Regulations ("CEQA Guidelines") section 15301- the "existing facilities" exemption- and section 15061 (b)(3)- the "common sense" exemption. Neither of these exemptions from CEQA is applicable.
- 55. Because a categorical exemption is not applicable to the project, CEQA requires that an environmental review document be prepared and reviewed by the City prior to issuing a decision on the project.
- 56. A TNC NELA is not exempt under section 15301 because it is not an existing "facility." The word facility refers to a physical structure. The exemption expressly states:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment,

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or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

- 57. TNCs are not "structures, facilities, mechanical equipment, or topographical features." Therefore, the exemption provided by CEQA Guidelines section 15301 is plainly inapplicable.
- 58. The common sense exemption of CEQA Guidelines section 15061 is equally inapplicable. It states "(3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."
- 59. Contrary to this lack of possibility of impacts, to permit TNC's to operate at LAX under less restrictive requirements than other commercial transportation providers such as shared ride vans and taxicabs will significantly increase air pollution and adversely impact traffic.
- 60. The California Public Utilities Commission (PUC), which issued an Order Instituting Rulemaking on Regulations Relating to TNCs, recognized that 40% of the greenhouse gas emissions in the state of California" are contributed by the transportation sector. ("Decision Adopting Rules And Regulations To Protect Public Safety While Allowing New Entrants To The Transportation Industry," CPUC Decision 13-09-045 issued September 19, 2013 in Rulemaking 12-12-011, p. 23; available at http://sfcda.org/CPUC/CPUC_Decision_13-09-045.pdf.)
- 61. Cities and counties, such as Los Angeles, San Francisco, Orange, and Fresno, impose clean fuel or clean vehicle requirements on their licensed taxicab services. (LA Taxicab Rules and Regulations section 401 (b) and (e) among others [requiring Ultra-Low Emission Vehicle (ULEV) or better standards].)
- 62. Allowing TNCs to evade the clean fuel or clean vehicle would increase air pollution impacts considerably. With at least 61,000 vehicles of various types visiting LAX to

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pick up and drop off passengers daily, with approval of the NELA, the number of TNCs would increase dramatically.

- 63. All new vehicles sold in California must be certified with one of six emission ratings established by the California Air Resources Board (ARB). The particular rating is defined by the emissions in grams per mile for non-methane hydrocarbons (NMHC), carbon monoxide (CO), and oxides of nitrogen (NOx). These emissions are measured, verified, and published using standardized test methods established by the federal Environmental Protection Agency and ARB for each vehicle make and model. The current ARB ratings include LEV (Low Emission Vehicle) which are the least stringent emission standard for all new cars sold in California, and ULEV(Ultra Low Emission Vehicle), which are 50% cleaner than the average new model year vehicle.
- 64. The ground transportation vehicles used at LAX are regulated by the South Coast Air Quality Management District (SCAQMD) and the City of Los Angeles, with the exception of private passenger cars and TNCs. Rule 1194 of the SCAQMD requires emissions certifications for all new purchases or leases of vehicles used for passenger transportation services to all commercial airports in its jurisdiction. Rule 1194 applies to: 1) airport fleet operators providing limousine or transit shuttle services; 2) shuttle van services; 3) taxicabs; and 4) transit shuttle services. All vehicles used by these modes of service must have a certification of Ultra Low Emission Vehicle (ULEV) or lower. Heavy-duty transit vehicles must be alternative-fueled vehicles. In addition, the City of Los Angeles requires vehicles utilized for taxicab services to have an ULEV emissions rating or lower.
- 65. The approval of the NELA would lead to emissions that would exceed the threshold of significance for CO set by SCAQMD.
- 66. The NELA approved by the City would allow violation of South Coast Air Quality Management Rule 1194, which requires "For all public and private fleets that provide passenger transportation services out of commercial airports operating in the South Coast Air Quality Management (District), . . fleet operators [must] acquire cleaner burning or alternative-

fueled vehicles to reduce air toxic and criteria pollutant emissions when procuring or leasing these vehicles in the District unless otherwise exempt." TNCs are fleet operators since their drivers are not independent operators. Federal courts and the California Labor Commission have concluded that TNC drivers are employees. However, TNCs deny that they are fleet operators and do not adhere to SCAQMD Rule 1194.

- 67. Traffic in the Central Terminal Area (CTA) of LAX approaches gridlock conditions on a daily basis. LAWA has embarked upon a Landside Access Modernization Plan (LAMP) to reduce the number of commercial vehicles in the CTA. Allowing TNC's to pick-up as well as drop-off passengers in the CTA will only increase the gridlock, especially on the upper-level Departures area where LAWA has directed TNCs to perform pick-ups. LAX traffic significantly adds to the congestion throughout the Westchester/Playa del Rey residential areas, but could be mitigated if measures by LAWA direct LAX traffic away from residential areas. The NELA does not resolve the issue of TNC drivers lingering in residential neighborhoods waiting for fares. LAWA should have required all TNC vehicles to have the same type of transponders that LAWA requires of other ground transportation providers such as taxis and shuttle vans.
- 68. While LAWA has proposed to limit only 40 TNC vehicles for each TNC company under the NELA, the LAWA Executive Director may raise that limit without any environmental studies, public hearings or any other standards. LAWA did not address this contingency in any of their documents and it should be analyzed under CEQA. Furthermore, the limit of 40 TNC vehicles applies only to "Unassigned TNC Vehicles" (page 12-13 of NELA). In other words, this is not the total number of TNCs per company allowed passenger pick up or drop off privileges. With a permit issued under the NELA, a TNC such as Uber could send all of its 16,000 cars in Los Angeles County to LAX to pickup or drop off as long as not more than 40 are idle on the TNC computer application for pickup assignments ("app"), and thus subject to the so-called geo-fence. Additionally, once the drivers of these vehicles turn off their apps, their activities around or inside of the geo-fence are not reported to their TNC

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company. In contrast, the transponders in taxis and shared ride vans cannot be turned off by the drivers.

69. For all of the above stated reasons, the City must prepare an adequate EIR to study the impact of TNC operations before they are permitted at LAX.

WHEREFORE, Petitioner Prays:

- 1. For a stay of the City's permits until this action can be decided on the merits.
- 2. For a stay prohibiting the City from proceeding with any actions pursuant to the project, pending resolution of this litigation and full compliance with CEQA;
- 3. For an alternative and peremptory writ of mandate ordering the City and its agencies and commissions to set aside and void their approval of the NELA for TNCs and any approvals granted pursuant to the NELA;
- 4. For Petitioner's costs and attorney fees pursuant to Code of Civil Procedure section 1021.5; and
 - 5. For other and further relief as the Court finds proper.

DATED: November 2, 2015

Respectfully Submitted, CHATTEN-BROWN & CARSTENS

By:

Douglas P. Carstens, Attorneys for Petitioner

VERIFICATION

I, the undersigned, declare that I am an officer of the Alliance for a Regional Solution to Airport Congestion, Petitioner in this action. I have read the foregoing PETITION FOR WRIT OF MANDATE and know the contents thereof, and the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 2d day of November 2015, in Los Angeles County, California.

Denny Schneider

11/02/20

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PETITION FOR WRIT OF MANDATE

EXHIBIT A

17/02/2015

Chatten-Brown & Carstens LLP

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Hermosa Beach Office

Phone: (310) 798-2400

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November 2, 2015

By U.S. Mail

California Attorney General 300 South Spring Street, Ste. 1700 Los Angeles, CA 90013

> Re: Challenge to City of Los Angeles approval of Non-Exclusive Licensing Agreement for Transportation Network Companies to operate at Los Angeles International Airport

Honorable Attorney General:

Please find enclosed a copy of the Petition for Writ of Mandate filed to challenge the City of Los Angeles' approval of a Non-Exclusive Licensing Agreement for Transportation Network Companies to operate at Los Angeles International Airport.

The City's approval of the project without preparation of an environmental impact report that discloses, analyzes, and mitigates its environmental impacts is a violation of the California Environmental Quality Act.

This Petition is being provided pursuant to the notice provisions of the Public Resources Code. Please contact me if you have any questions.

Sincerely,

Shryff I. Tit Douglas P. Carstens

Encl: Petition for Writ of Mandate

EXHIBIT B

Hermosa Beach Office Phone: (310) 798-2400

San Diego Office Phone: (858) 999-0070 Phone: (619) 940-4522

Chatten-Brown & Carstens LLP

2200 Pacific Coast Highway, Suite 318 Hermosa Beach, CA 90254 www.cbcearthlaw.com Douglas Carstens
Email Address:
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Direct Dial:
310-798-2400 Ext. 1

November 2, 2015

By U.S. Mail

Holly L. Wolcott, City Clerk City of Los Angeles 200 N. Spring Street, Room 360 Los Angeles, CA 90012

Re: Challenge to City of Los Angeles approval of Non-Exclusive Licensing Agreement for Transportation Network Companies to operate at Los Angeles International Airport

Dear Ms. Wolcott,

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Please take notice that the Alliance for a Regional Solution to Airport Congestion intends to challenge the City of Los Angeles' approval of a Non-Exclusive Licensing Agreement for Transportation Network Companies to operate at Los Angeles International Airport by filing a petition for a writ of mandate with the Los Angeles County Superior Court.

The City's approval of the project without preparation of an environmental impact report that discloses, analyzes, and mitigates its environmental impacts is a violation of the California Environmental Quality Act.

Sincerely,

Douglas P. Carstens

11/02/2015

EXHIBIT C

•	,							
1	CHATTEN-BROWN & CARSTENS LLP							
2	Douglas P. Carstens, SBN 193439 Amy Minteer, SBN 223832							
3	Josh Chatten-Brown, SBN 243605							
4	Michelle Black, SBN 261962 2200 Pacific Coast Hwy, Suite 318							
5	Hermosa Beach, CA 90254							
6	310.798.2400; Fax 310.798.2402							
7	Attorneys for Petitioner	anation.						
8	Alliance for a Regional Solution to Airport Con	gestion						
9	SUPERIOR COURT OF TH	E STATE OF CALIFORNIA						
10	,							
11	FOR THE COUNTY	Y OF LOS ANGELES						
12								
13	ALLIANCE FOR A REGIONAL SOLUTION) TO AIRPORT CONGESTION	CASE NO.:						
14 15	Petitioner,	NOTICE OF ELECTION TO PREPARE						
16	CITY OF LOS ANGELES, a subdivision of	ADMINISTRATIVE RECORD						
17	the State of California; LOS ANGELES							
18	WORLD AIRPORTS, a subdivision of the City of Los Angeles	(California Environmental Quality Act)						
19	Respondents.							
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1	Petitioner hereby elects to prepare the administrative record in this matter.						
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3	DATED: November 2, 2015	Resp	Respectfully Submitted,				
4		CHATTEN-BROWN & CARSTENS					
5		By:	Dongen P. Et				
6			Douglas P. Carstens, Attorneys for Petitioner				
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PETITION FOR WRIT OF MANDATE

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	ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Barr Douglas P. Carstens, SNB 193439	number, and address):	FOR COURT USE ONLY
	Chatten-Brown & Carstens LLP	FILED	
_	2200 Pacific Coast Highway, Ste. 318	Superior Court of Court	
9	Hermosa Beach, CA 90254	County of Los Angeles	
	TELEPHONE NO.: 310-798-2400	Los Angeles	
	ATTORNEY FOR (Name): Alliance for a Region	FAX NO.: 310-798-2402	MOV OUR POLE
			NOV 02 2015
	SUPERIOR COURT OF CALIFORNIA, COUNTY OF L_0	s Angeles	l i
	STREET ADDRESS: 111 North Hill Street	•	Sherri R. Carrer, Executive Officer/Clerk
	MAILING ADDRESS: 111 North Hill Street		
	city and zip code: Los Angeles, CA 900	012	Judi Lara Deputy
	BRANCH NAME: Central District		Judi Lara , Deputy
	CASE NAME:		
		or City of Tarakanala and al	
	Alliance for a Regional Solution, etc	v. City of Los Angeles et al	
	CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER \$ 1 5 8 6 3 3 _
	Unlimited Limited		DOI 10000 2 -
	(Amount (Amount	Counter Joinder	
	demanded demanded is	Filed with first appearance by defend	JUDGE:
	exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	DEPT:
			, · · · · · · · · · · · · · · · · · · ·
		w must be completed (see instructions of	on page 2).
	 Check one box below for the case type that 		•
	Auto Tort	Contract	Provisionally Complex Civil Litigation
	Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3.400-3.403)
	Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)
	` '	` '	
	Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other collections (09)	Construction defect (10)
	l — ·	Insurance coverage (18)	Mass tort (40)
	Asbestos (04)	Other contract (37)	Securities litigation (28)
	Product liability (24)	Real Property	Environmental/Toxic tort (30)
	Medical malpractice (45)	Eminent domain/Inverse	` '
	Other PI/PD/WD (23)	condemnation (14)	Insurance coverage claims arising from the above listed provisionally complex case
	, <i>,</i>	Wrongful eviction (33)	types (41)
	Non-PI/PD/WD (Other) Tort		
	Business tort/unfair business practice (07)	Other real property (26)	Enforcement of Judgment
	Civil rights (08)	<u>Unla</u> wful Detainer	Enforcement of judgment (20)
	Defamation (13)	Commercial (31)	Miscellaneous Civil Complaint
	Fraud (16)	Residential (32)	RICO (27)
		Drugs (38)	
	Intellectual property (19)	• , ,	Other complaint (not specified above) (42)
	Professional negligence (25)	Judicial Review	Miscellaneous Civil Petition
	Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	Partnership and corporate governance (21)
	Employment	Petition re: arbitration award (11)	Other petition (not specified above) (43)
	Wrongful termination (36)	Writ of mandate (02)	Outer pennon (not specified above) (43)
	Other employment (15)	Other judicial review (39)	
			log of Court 16th
	factors requiring exceptional judicial manage	iex urider rule 3.400 of the California Ru ement:	les of Court. If the case is complex, mark the
	a. Large number of separately repres	ented parties d. 💹 Large number	of witnesses
	b. Extensive motion practice raising of	lifficult or novel e. Coordination v	with related actions pending in one or more courts
	issues that will be time-consuming		ies, states, or countries, or in a federal court
	c. Substantial amount of documentar		•
	c Substantial amount of documentar	y evidence i Substantial po	estjudgment judicial supervision
	3. Remedies sought (check all that apply): a.[monetary b. nonmonetary; d	eclaratory or injunctive relief c. punitive
	- · · · · ·		eciaratory or injurictive relief cpurilitye
	4. Number of causes of action (specify): one		
		s action suit.	
	If there are any known related cases, file ar	nd serve a notice of related case. (You n	nay use form CM-015.)
۽ سبنه		· • • • • • • • • • • • • • • • • • • •	•
r-	Date: November 2, 2015		1 11
*	Douglas P. Carsto		year of the
(I)	(TYPE OR PRINT NAME)		GNATURE OF PARTY OR ATTORNEY FOR PARTY)
		NOTICE	
M	Plaintiff must file this cover sheet with the file	rst paper filed in the action or proceeding	g (except small claims cases or cases filed
7.,	under the Probate Code, Family Code, or V	velfare and Institutions Code). (Cal. Rule	es of Court, rule 3.220.) Failure to file may result
	in sanctions.		
M)	File this cover sheet in addition to any cove	r sneet required by local court rule.	
ا ہے	If this case is complex under rule 3.400 et s	eq. of the California Rules of Court, you	must serve a copy of this cover sheet on all
9	other parties to the action or proceeding.		
j	 Unless this is a collections case under rule 	3.740 or a complex case, this cover she	et will be used for statistical numoses only

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Auto Tort

Alliance for A	Regional	Solution to Ai	rport Cond	estion v.	City of LA

CASE NUMBER

BS**158633**

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

A Civil Case Cover Sheet Category No.	Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	□ A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (46)	☐ A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Asbestos (04)	□ A6070 Asbestos Property Damage □ A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
Product Liability (24)	☐ A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	□ A7210 Medical Malpractice - Physicians & Surgeons □ A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	 □ A7250 Premises Liability (e.g., slip and fall) □ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) □ A7270 Intentional Infliction of Emotional Distress □ A7220 Other Personal Injury/Property Damage/Wrongful Death 	1., 4. 1., 4. 1., 3. 1., 4.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
> +	Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
ropert th Tor	Civil Rights (08)	□ A6005 Civil Rights/Discrimination	1., 2., 3.
ıry/ Pı ıl Dea	Defamation (13)	□ A6010 Defamation (slander/libel)	1., 2., 3.
tal Inji rongfi	Fraud (16)	□ A6013 Fraud (no contract)	1., 2., 3.
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Professional Negligence (25)	□ A6017 Legal Malpractice □ A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
20	Other (35)	□ A6025 Other Non-Personal Injury/Property Damage tort	2.,3.
ment	Wrongful Termination (36)	□ A6037 Wrongful Termination	1., 2., 3.
Employment	Other Employment (15)	□ A6024 Other Employment Complaint Case □ A6109 Labor Commissioner Appeals	
Contract	Breach of Contract/ Warranty (06) ´ (not insurance)	 A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) A6019 Negligent Breach of Contract/Warranty (no fraud) A6028 Other Breach of Contract/Warranty (not fraud or negligence) 	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	□ A6002 Collections Case-Seller Plaintiff □ A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	□ A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	 □ A6009 Contractual Fraud □ A6031 Tortious Interference □ A6027 Other Contract Dispute(not breach/insurance/fraud/negligence) 	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	□ A7300 Eminent Domain/Condemnation Number of parcels	2.
operty	Wrongful Eviction (33)	□ A6023 Wrongful Eviction Case	2., 6.
Real Prop	Other Real Property (26)	 □ A6018 Mortgage Foreclosure □ A6032 Quiet Title □ A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure) 	2., 6. 2., 6. 2., 6.
a.	Unlawful Detainer-Commercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Detaine	Unlawful Detainer-Residential (32)	□ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer	Unlawful Detainer- Post-Foreclosure (34)	□ A6020FUnlawful Detainer-Post-Foreclosure	2., 6.
ס	Unlawful Detainer-Drugs (38)	□ A6022 Unlawful Detainer-Drugs	2., 6.

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Judicial Review

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

M

W

SHORT TITLE: Alliance for A Regional Solution to Airport Congestion v. City of LA

CASE NUMBER

Civil Case Cove			B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeitur	e (05)	☐ A6108 Asset Forfeiture Case		2., 6.
Petition re Arbitration (11) Writ of Mandate (02)		A6115	Petition to Compel/Confirm/Vacate Arbitration	2., 5.
		A6152	Writ - Administrative Mandamus Writ - Mandamus on Limited Court Case Matter Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Re	view (39)	A6150	Other Writ /Judicial Review	2., 8.
Antitrust/Trade Reg	ulation (03)	A6003	Antitrust/Trade Regulation	1., 2., 8.
Construction Det	rect (10)	A6007	Construction Defect	1., 2., 3.
Claims Involving M (40)	flass Tort	A6006	Claims Involving Mass Tort	1., 2., 8.
Securities Litigat	ion (28)	A6035	Securities Litigation Case	1., 2., 8.
Toxic Tor Environmenta		A6036	Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage from Complex Ca		A6014	Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforceme of Judgment	nt (20)	A6160 A6107 A6140 A6114	Sister State Judgment Abstract of Judgment Confession of Judgment (non-domestic relations) Administrative Agency Award (not unpaid taxes) Petition/Certificate for Entry of Judgment on Unpaid Tax Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27) 0	A6033	Racketeering (RICO) Case	1., 2., 8.
Other Compla (Not Specified Abo	aints pve) (42)	A6040 A6011	Declaratory Relief Only Injunctive Relief Only (not domestic/harassment) Other Commercial Complaint Case (non-tort/non-complex) Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corp Governance		A6113	Partnership and Corporate Governance Case	2., 8.
Other Petitic (Not Specified A (43)	ons (bove)	A6123 A6124 A6190 A6110 A6170	Civil Harassment Workplace Harassment Elder/Dependent Adult Abuse Case Election Contest Petition for Change of Name Petition for Relief from Late Claim Law Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TIT	Alliance for A Regional S	olution to	Airport Conge	estion v. City of LA	CASE NUMBER	
					ence or place of business, performance, or othe for filing in the court location you selected.	
	ON: Check the appropriate boxes Column C for the type of action t ise.			ADDRESS: 1 World Way		
]1. ☑2. □3. □4. □5. □6. □]7. ☑8. [□9. □10.			
CITY:		STATE:	ZIP CODE:			
Los An	geles	CA	90045			
and co Centra	rrect and that the above-entitle	ed matter	is properly file	d for assignment to	of the State of California that the foregoing is true the Stanley Mosk courthouse in the ngeles [Code Civ. Proc., § 392 et seq., and Local	
Dated:	November 2, 2015			- 	Benglin f. tit	
				(SIG	SNATURE OF ATTORNEY/FILING PARTY)	
	SE HAVE THE FOLLOWING IENCE YOUR NEW COURT Original Complaint or Petiti If filing a Complaint, a com	CASE:			BE FILED IN ORDER TO PROPERLY	
_				•	Clerk.	
4.	 Civil Case Cover Sheet, Judicial Council form CM-010. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11). 					
5.	Payment in full of the filing	fee, unle	ss fees have b	een waived.		
6.	A signed order appointing the minor under 18 years of ag	he Guard e will be	ian ad Litem, J required by Co	ludicial Council form ourt in order to issu	m CIV-010, if the plaintiff or petitioner is a le a summons.	
7 .	Additional copies of docum must be served along with	ents to b the sumn	e conformed b nons and com	by the Clerk. Copie plaint, or other initi	es of the cover sheet and this addendum ating pleading in the case.	
 						
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