


M E M O

Alameda Corridor Transportation Authority

To: Governing Board

Meeting Date: December 14, 2023

From: Michael C. Leue, Chief Executive Officer 

Subject: APPROVE a Memorandum of Understanding for the proposed West Santa Ana Branch Transit Corridor Project amongst the City of Los Angeles Harbor Department, the Los Angeles County Metropolitan Transportation Authority, Union Pacific Railroad Company, the City of Long Beach Harbor Department, and the Alameda Corridor Transportation Authority.

Summary:


Staff requests approval of a Memorandum of Understanding (MOU) amongst the City of Los Angeles Harbor Department (POLA), the Los Angeles County Metropolitan Transportation Authority (Metro), Union Pacific Railroad Company (UPRR), the City of Long Beach Harbor Department (POLB), and the Alameda Corridor Transportation Authority (ACTA), regarding Metro's proposed West Santa Ana Branch Transit Corridor (WSAB) Project. Staff also recommends delegation of authority to the Chief Executive Officer to approve final modifications to the MOU which may be proposed by the parties to address Metro's obligations for environmental review of the Project.

The WSAB Project will expand light rail passenger service along the West Santa Ana Branch Transit Corridor to connect southeast Los Angeles County to downtown Los Angeles and is proposed to be constructed within a portion of POLA-POLB jointly owned property (former the UPRR San Pedro Branch Line), on which UPRR has operating rights and which serves as an emergency bypass rail line for the Alameda Corridor. The proposed WSAB Light Rail Transit (LRT) line will not impact the freight operation of this rail line and ACTA has no objections to the currently proposed LRT line alignment contained in Metro's draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS).

The purpose of the MOU is to coordinate the design and planning for construction, property interests, operation, and maintenance of the WSAB Project. The term of the MOU is three years, and there is no financial impact related to this MOU.

Recommendation:

Approve the MOU and delegate authority to the Chief Executive Officer to approve the parties' proposed modifications to the MOU regarding environmental review obligations and execute the MOU.



Discussion:

Metro's proposed WSAB Project is a new light rail passenger transit line that will connect southeast Los Angeles County to downtown Los Angeles. In January 2022, Metro's Board of Directors selected an initial segment (Slauson/A Line to Pioneer) as the Locally Preferred Alternative and focus of the Final EIS/EIR. Metro's Board also approved Los Angeles Union Station as the ultimate northern terminus for the Project. The Project is currently in the environmental review phase. A Final EIS/EIR is expected for Metro Board certification in 2024.

The initial segment is comprised of 14.5 miles of the total planned 19-mile corridor (Exhibit A of Transmittal 1). The Project is anticipated to cross over rail lines and other properties used, owned or under the control of UPRR, POLA and POLB; and part of the alignment is anticipated to be located parallel to active freight tracks in the portions of:

- Wilmington Branch: 1.8 miles (UPRR-owned)
- La Habra Branch: 2.2 miles (UPRR-owned)
- San Pedro Subdivision: 6.1 miles (POLA/POLB-owned)

Current discussions among the parties' staff indicate that it may be possible to build the proposed Project at-grade and close to the rail operations along portions of the Project without impacting the parties' various right of way. Metro requested the MOU so that the parties may continue to discuss and coordinate on the advancement of design and planning for construction, property interests, operation, and maintenance of the Project. The MOU recognizes certain existing obligations and rights of POLA, POLB, ACTA and UPRR with respect to the proposed Project location and reserves the rights of these parties to prioritize their pre-existing obligations over any future agreements for the proposed Project. One of these pre-existing obligations includes the obligation of ACTA, POLA and POLB to maintain the San Pedro branch line as an alternate emergency route for Alameda Corridor operations.

Provided below are the material terms of the MOU:

Terms	Description
Parties	Metro, POLA, POLB, ACTA, UPRR
Instrument	Non-binding MOU
Term	Three years, subject to termination with written notice.
Project Scope	Metro is evaluating the Project as a new Light Rail Transit (LRT) line to connect southeast LA County to downtown Los Angeles.
Roles and Responsibilities	<ul style="list-style-type: none"> • A Project Development Committee will be created, made up of staff representatives from each Party, to further the goals of the MOU. • Metro will be the lead agency for Project design and engineering, and will apply applicable design standards and recommendations agreed upon by the parties.

<p>Deliverables</p>	<p>The Parties agree to work together to produce certain deliverables, including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Draft Statement of Work for the freight line relocations required for the Project. • Term Sheet memorializing the major terms and conditions of any Project. • Consideration of the type of property ownership interests being conveyed. • Terms and conditions for Project construction of the freight line relocation and adjacent construction. • Terms and conditions for Project operations and maintenance of the relocated freight line and adjacent LRT. • Terms and Conditions for Access. • Consideration, Compensation, and Financial Responsibilities for each Party. • Allocation of Liability, Insurance, and Indemnification. • Trackage rights agreements. • Capital improvements and Project scope.
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The deliverables set forth above are subject to the appropriate approval procedures of each party, including approvals by the ACTA Governing Board.

Delegated authority to the Chief Executive Officer is requested due to the POLA Board of Harbor Commissioners requesting additional information and assurances from Metro to address Metro’s obligations under CEQA. It is unknown whether the information and assurances will be addressed through MOU modifications or POLA staff reporting to their Board of Harbor Commissioners. However, all parties shall comply with CEQA, and Metro, as the lead agency for the Project, will address project impacts as set forth in the draft and final Environmental Impact Reports as required by CEQA.

Budget Impact:

Approval of the proposed MOU is not anticipated to have a financial impact on ACTA other than the staff time required to produce deliverables under the MOU. Any potential future spending related to the WSAB project will be subject to Governing Board review and approval as part of the annual budget adoption process.

Co-General Counsel Review:

ACTA’s Co-General Counsel has reviewed and approved the proposed MOU as to form.

Transmittals:

Transmittal 1 - Memorandum of Understanding Regarding the Proposed Los Angeles County Metro Extension Along the West Santa Ana Branch Line