



Executive Director's
Report to the

Board of Harbor Commissioners

DATE: DECEMBER 20, 2023

FROM: CARGO & INDUSTRIAL REAL ESTATE

SUBJECT: RESOLUTION NO. _____ - APPROVE MEMORANDUM OF UNDERSTANDING AMONGST THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, UNION PACIFIC RAILROAD COMPANY, CITY OF LOS ANGELES HARBOR DEPARTMENT, LONG BEACH HARBOR DEPARTMENT, AND THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY FOR THE PROPOSED WEST SANTA ANA BRANCH PROJECT

SUMMARY:

Staff requests approval of a non-binding Memorandum of Understanding (MOU) amongst the City of Los Angeles Harbor Department (POLA or Harbor Department), Los Angeles County Metropolitan Transportation Authority (Metro), Union Pacific Railroad Company (UPRR), Port of Long Beach (POLB), and the Alameda Corridor Transportation Authority (ACTA), regarding Metro's proposed West Santa Ana Branch Transit Corridor (WSAB) project.

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

The purpose of the MOU is to coordinate the advancement of 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:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2 (f) of the Los Angeles City CEQA Guidelines;
2. Approve the Memorandum of Understanding amongst City of Los Angeles Harbor Department, the Los Angeles County Metropolitan Transportation Authority, Union Pacific Railroad Company, the Port of Long Beach and the Alameda Corridor Transportation Authority;

SUBJECT: MEMORANDUM OF UNDERSTANDING WSAB PROJECT

3. Authorize the Executive Director to execute and the Board Secretary to attest to the Memorandum of Understanding on behalf of the Board; and
4. Adopt Resolution No. _____.

DISCUSSION:

Background – 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 (Project) is comprised of 14.5 miles of the total planned 19-mile corridor (Transmittal1). 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 track(s) 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 impacting the parties’ various right of way. Metro requested the parties enter into the MOU to coordinate the advancement of design and planning for construction, property interests, operation, and maintenance of the Project.

POLA’s participation in the MOU is to its advantage to be a member on the Project Development Committee, noted in the table below, so it can provide input on the Project throughout the design process.

Environmental Analysis and Stakeholder Engagement

The MOU provides that the parties acknowledge that this MOU is being entered into while the environmental review process is ongoing and the Final EIS/EIR is being prepared, and that entering into this MOU does not prejudice a party’s right to participate in the environmental review process (including the right to raise concerns or objections to impacts from the Project) nor does it predetermine the outcome of that process. As part of the ongoing environmental review process, LACMTA continues to work with stakeholders and communities to consider impacts (such as safety and noise) and mitigation measures. The Project will be designed and constructed in accordance with the final EIS/EIR, including implementing measures to mitigate noise impacts and safety/security impacts with respect to adjacent residences as identified in the Final EIS/EIR.

SUBJECT: MEMORANDUM OF UNDERSTANDING WSAB PROJECT

Provided below are the material terms of the MOU

<u>Terms</u>	<u>Description</u>
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.
Technical Specifications	Preliminary technical specifications including distancing and clearance requirements, specification for relocation of the freight track(s), and planned service hours.
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. - The purpose of the committee will be to provide a regular forum for staff representatives of each party to meet and discuss Project issues and elements. The main goal of the committee will be to make recommendations to the parties on various aspects of the Project that may require future agreement of the parties. - Metro will be the lead agency for Project design and engineering, and will apply applicable design standards and recommendations agreed upon by the parties.
Deliverables	The Parties agree to work together to produce certain deliverables, including, but not limited to, the following:

SUBJECT: MEMORANDUM OF UNDERSTANDING WSAB PROJECT

	<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- Agreements between the Parties- 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
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

If and when any of the above deliverables are produced, they will be subject to the appropriate approval processes set forth in the Los Angeles City Charter and Los Angeles City Administrative Code, including but not limited to approval by the Board of Harbor Commissioners, and potentially, the Los Angeles City Council.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of a Memorandum of Understanding amongst POLA, Metro, UPRR, POLB and ACTA to coordinate the advancement of design and planning for construction, property interests, operation, and maintenance of the WSAB project, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II, Section 2 (f) of the Los Angeles City CEQA Guidelines.

MOU approval is only limited to the parties' cooperation on Project design and planning, through participation on a Project Development Committee, which is why it falls under a CEQA administrative exemption. It is not substantive Project approval or environmental approval, which is being handled separately by LACMTA as lead agency carrying out the Project.

DATE: DECEMBER 20, 2023

PAGE 5 OF 5

SUBJECT: MEMORANDUM OF UNDERSTANDING WSAB PROJECT

FINANCIAL IMPACT:

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

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved the proposed MOU as to form and legality.

TRANSMITTAL:

1. Project Map
2. Memorandum of Understanding

FIS Approval: MB
CA Approval: SO

Marisa L. Katnich
MARISA L. KATNICH
Director of Cargo & Industrial Real Estate

Michael DiBernardo
MICHAEL DiBERNARDO
Deputy Executive Director

APPROVED:

Marla Bleavins For
EUGENE D. SEROKA
Executive Director

ES:MD:MK:AP:db
Author: Armando Parra
G:\Board Letters\BL1015db MOU WSAB Project\BL1015db.docx