MEMO

DATE: August 18, 2006

TO: Energy and Environment Committee, Transportation and Communications Committee

FROM: Alan Thompson, Senior Regional Planner, 213.236.1940 thompson@scag.ca.gov

SUBJECT: I-710 (south) EIR/EIS MOU

SUMMARY:
SCAG is preparing to enter into an MOU between SCAG, the California Department of Transportation (Caltrans), the Gateway Cities Council of Governments (GCCOG) and the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the purposes of a Statement of Intent, defining the roles and responsibilities of the parties with regard to the project. The request for authorization to enter into the MOU is going before the Administration Committee and the Regional Council at the September 14 meeting, and is being provided to the Energy and Environment Committee and Transportation and Communications Committee for informational purposes.

This is not the Cooperative Agreement which the parties will enter into later in order to address funding mechanisms, terms, reporting and audit requirements, and any and all other terms and conditions.

The MOU specifies the parties:

1) Establish a joint project team to undertake the following tasks:
   i) Secure completion of Project Identification Number.
   ii) Develop a funding and financing plan for the EIR/EIS to include $30 million in funding commitments from multiple partners, including SCAG, for the project report and environmental document for the project. It is the intent of the parties to assist in providing and/or securing additional funding as required and subject to availability and appropriation of funds. SCAG's portion of the funding commitments is $3 million, of which $1 million is in cash and $2 million is in in-kind contribution.
   iii) Identify near-term improvement strategies for the corridor's air quality.
   iv) Prepare a Preliminary Report (PR) and combined EIR/EIS for the locally preferred strategy.
   v) Prepare a PR including all necessary environmental documentation and related technical studies.
2) The LACMTA will act as Project Manager.
3) Governance structure will consist of an executive committee, a Goods Movement Strategy Advisory Group, an EIR/EIS Project Committee, a Technical Advisory Committee and Community Advisory Committee(s).
4-7) Defines the roles of each committee described above.
8) Defines the membership of each committee described above.
9) Acknowledges the liability limitations of each party as public entities under Government Code Section 895.4.

BACKGROUND:
The I-710 Major Corridor Study was initiated in January 2001, under SCAG Regionally Significant Transportation Investment Studies (RSTIS) guidelines, to analyze the traffic congestion, safety, and

mobility problems along the I-710 travel corridor and to develop transportation solutions to address these problems as well as some of the quality of life concerns experienced in the I-710 Corridor.

In April of 2003, five alternatives had been evaluated in detail and information on their benefits, costs, and impacts were made available to the public.

In response to community concerns regarding the alternatives, a "Draft Hybrid Design Concept" was developed. The purpose of the draft hybrid design concept was to improve the I-710 focusing on safety improvements; addressing heavy duty truck demand as well as general purpose traffic; improving reliability of travel times; and separating autos and trucks to the greatest extent possible while limiting right-of-way impacts.

In general terms, the draft hybrid design concept is comprised of 10 general-purpose traffic lanes, 4 exclusive truck lanes, and interchange improvements from Ocean Boulevard in Long Beach to the intermodal railroad yards in Commerce/Vernon.

Three overarching principles defined the priorities of the Community Advisory Committees and reflected the consensus that emerged during their deliberations:

1) This is a corridor – considerations go beyond the freeway and infrastructure.
2) Health is the overriding consideration.
3) Every action should be viewed as an opportunity for repair and improvement of the current situation.

The Oversight Policy Committee adopted the draft hybrid concept as the locally preferred strategy for the I-710 Major Corridor Study in 2004. It is described as follows:

- Hybrid Design Concept, which consists of ten (10) mixed flow lanes, specified interchange improvements, and four (4) truck lanes between the intermodal rail-yards in Vernon/Commerce and Ocean Boulevard in Long Beach (see Figure S-1).
- Alternative B – Transportation System Management/Transportation Demand Management Improvements.
- Improvement to arterial highways within the I-710 Corridor.
- Construction of truck inspection facilities to be integrated with the selected overall design concept.

MEMORANDUM OF UNDERSTANDING AMONG

DISTRICT 7 OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION,

THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS,

THE GATEWAY CITIES COUNCIL OF GOVERNMENTS,

AND

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

REGARDING AN ENVIRONMENTAL IMPACT REPORT (EIR)/ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE INTERSTATE 710 (I-710) CORRIDOR

RECITALS:

This agreement is made by and between District 7 of the California Department of Transportation ("STATE"), the Southern California Association of Governments ("SCAG") the Gateway Cities Council of Governments (GCCOG), and the Los Angeles County Metropolitan Transportation Authority ("METRO") collectively referred to as the "Parties".

A. WHEREAS, STATE is responsible for approving, funding, and helping to implement those transportation programs in that portion of Southern California which includes all of Los Angeles County to further statewide transportation policy; and

B. WHEREAS, SCAG is a joint powers agency established pursuant to California Government Code section 6502 *et seq.*; and

C. WHEREAS, SCAG, as the designated Metropolitan Planning Organization ("MPO") and the designated Transportation Planning Agency ("TPA") for the counties of Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial, is responsible under both federal and state law for engaging in a continuing, cooperative, and comprehensive transportation planning process resulting in a Regional Transportation Plan ("RTP") and a Regional Transportation Improvement Program ("RTIP"); and

D. WHEREAS, the GCCOG is a joint powers agency established pursuant to California Government Code section 6502 *et seq.* and is a sub-regional

organization affiliated with and funded in part by SCAG which assists SCAG in its transportation planning processes; and

E. WHEREAS, METRO is the transportation planning and programming agency for Los Angeles County and is responsible for Los Angeles County's Long Range Transportation Plan ("LRTP") and the Los Angeles County Transportation Improvement Program ("TIP"); and

F. WHEREAS, the Parties previously entered into a Memorandum of Understanding ("Corridor Study MOU") dated May 26, 2000, as amended by the Amendment to the Memorandum of Understanding dated December 14, 2000, and by the Second Amendment to the Memorandum of Understanding dated March 5, 2003, defining the roles and responsibilities of the parties to the MOU relative to the development and completion of the I-710 Major Corridor Study; and

G. WHEREAS the Parties are members of the I-710 Major Corridor Study Oversight Policy Committee ("OPC") pursuant to the Corridor Study MOU, which received and adopted the I-710 Major Corridor Study on November 18, 2004; and

H. WHEREAS, on November 18, 2004, the I-710 OPC took the following actions:

1) Voted unanimously to adopt the Locally Preferred Strategy described and illustrated in the report attached hereto as "Attachment 1," and incorporated herein by this reference, for purposes of environmental analysis, to incorporate the results of the sub-area "Mini-Study" upon its completion, and to seek funding to initiate an Environmental Impact Report /Environmental Impact Statement ("EIR/EIS");

2) Voted unanimously to request the GCCOG to return with suggested steps for initiating the development and implementation of a corridor level Air Quality Action Plan to include not only technical, but also funding, institutional structure and legislative strategies, as well as an approach to holding public agencies with jurisdiction in the I-710 ("Corridor") accountable for progress in meeting air quality and public health objectives in the Corridor and Region;

3) Voted unanimously to forward the Tier 2 report in its entirety to be accepted as pre-scoping guidance to the preparation of the EIR/EIS;

4) Voted unanimously to request the GCCOG to identify and pursue appropriate avenues to implement those Tier 2 recommendations that prove to exceed the scope of any I-710 transportation improvement project and report back to the community; and

5) Voted unanimously to request METRO and GCCOG staff to suggest a process and structure for continuing community participation throughout the environmental analysis; and

I. WHEREAS, on January 27, 2005, the METRO Board of Directors took the following actions:

1) Adopted the Draft Final Report on the I-710 Major Corridor Study between the Ports of Los Angeles/Long Beach and State Route ("SR")-60 Pomona Freeway;

2) Authorized the METRO Chief Executive Officer (CEO) to proceed with the preparation of a Scope of Work and funding plan that will include funding commitments from multi-partners for the Environmental Phase of the I-710 Major Corridor Study's Locally Preferred Strategy and use input from the I-710 Community Advisory Committee in the Environmental scoping process. The Scope of Work should also include impacts to the I-710/SR-60 Interchange and evaluation of alternative project delivery methods;

3) Received the Tier 2 Community Advisory Committee report to be accepted and utilized as pre-scoping guidance for the EIR/EIS; and

4) Directed the METRO CEO, with the assistance of state and federal advocates, to work with the appropriate governmental and non-governmental agencies to form a multi-jurisdictional entity ("Project Entity") to coordinate the appropriate aspects of the PROJECT, including identification of a funding plan with funding sources from multiple partners; and upon formation, the Multi-Jurisdictional partnership be tasked with identifying strategies for achieving near-term improvements to the Corridor's air quality and that the strategies be identified prior to initiation of the EIR/EIS request for proposals.

J. WHEREAS, the Parties desire to prepare a Project Report and Environmental Document for the Corridor (the "PROJECT) and intend to work cooperatively to conduct and complete an appropriate Project Initiation Document ("PID") and initiate a Project Report ("PR") and a combined EIR/EIS; and

K. WHEREAS, the Parties intend to work together and with other appropriate governmental and non-governmental agencies to create a cooperative framework to coordinate the appropriate aspects of the PROJECT; and

L. WHEREAS, the purpose of this MOU is to serve as a Statement of Intent defining the roles and responsibilities of the Parties with regard to the Project, and not as a Cooperative Agreement which the Parties to this MOU will be entering to address

all funding mechanisms, terms, reporting and audit requirements, and any and all other general terms and conditions,

AGREEMENT:

NOW, THEREFORE, the parties hereby agree as follows:

1. The Parties will establish a joint project development team ("Team") that will consist of appropriate staff and consultants to undertake the following tasks contingent on the availability of sufficient funds:

   a) Secure completion of the appropriate PID for the purposes of ensuring project standing for programming purposes. The PID will be the Project Study Report ("PSR"), which identifies the Locally Preferred Strategy adopted by the OPC as the preferred alternative;

   b) Develop a funding and financing plan for the I-710 EIR/EIS. The funding plan will include $30 million in funding commitments from multiple partners: the Ports of Long Beach and Los Angeles, the I-5 Joint Powers Authority, STATE, GCCOG, SCAG and METRO, for the Project Report and Environmental Document for the PROJECT pursuant to the Major Corridor Study's Locally Preferred Strategy. It is the intent of the Parties to assist in providing and/or securing additional funding as required and subject to availability and appropriation of funds;

   c) In conjunction with the I-710 Project Governance Structure as set forth in Attachment 2, attached hereto and incorporated herein by this reference, identify strategies for achieving near-term improvements to the Corridor's air quality;

   d) Prepare a PR and combined EIR/EIS document for the Locally Preferred Strategy, including the results of the I-5/I-710 Mini-Study. GCCOG, SCAG, and METRO acknowledge that the Federal Highway Administration ("FHWA") is charged with being the lead agency with respect to the federal National Environmental Protection Act ("NEPA"), unless that responsibility is transferred by FHWA to STATE, pursuant to applicable law, and that STATE is the lead agency for California Environmental Quality Act ("CEQA") purposes. METRO will be a Responsible Agency and will assist in the preparation of the Environmental Document ("ED") and will consider the ED prior to and in accordance with the requirements of CEQA and NEPA. The draft and final ED will require STATE's review and approval prior to public circulation; and

e) Using Team resources and private consultants, prepare a PR, including all necessary environmental documentation and related technical studies and preliminary plans, and submit each to STATE for STATE review at appropriate stages of development. The PR and preliminary plans shall be signed by a Civil Engineer registered in the State of California.

2. Provided funding is made available under a Cooperative Agreement, METRO will act as Project Manager for the PROJECT. As Project Manager, METRO will manage and administer the PR/EIR/EIS and community outreach/public participation contracts. This will include Project Administration, Procurement of Consulting Services, Progress Reporting, Project Meetings, and Coordination and Communication with all involved agencies and affected parties. METRO will also develop an internal review process that will include all members of the Team as well as maintain a Project File. The Project file shall be maintained so as to be available as the Administrative Record of the approval of the EIR or EIS in the event that the EIR or EIS is challenged in federal or state court.

3. The Parties agree that the I-710 Project Governance Structure shall consist of the I-710 Executive Committee, the Goods Movement Strategy Advisory Group, the I-710 EIR/EIS Project Committee, the Technical Advisory Committee (TAC), and Community Advisory Committee(s), as set forth in Attachment 2.

4. The Parties agree that the I-710 Executive Committee will coordinate the appropriate aspects of the PROJECT, including policy assistance, guidance, and identification of a funding plan with funding sources from multiple partners; and upon formation will be tasked with identifying strategies for achieving near-term improvements to the Corridor's air quality. The Executive Committee will be administered jointly by the GCCOG and METRO. This will include preparation of agendas, scheduling meetings, and other support activities.

5. To assist the I-710 Executive Committee and the I-710 EIR/EIS Project Committee with complex multi-jurisdictional issues, a Goods Movement Strategy Advisory Group will be formed. This ad hoc resource group will be available for guidance and support on legislative, regulatory, funding and other specialized issues. Membership may include, but is not limited to, state and federal legislators, air quality experts, rail, trucking, and shipping business interests, Chairpersons or representatives from the SCAG Goods Movement Task Force, etc. The I-710 Executive Committee will determine the group's composition depending upon the issue(s) currently being addressed.

6. The Parties agree that the I-710 EIR/EIS Project Committee as described and illustrated in Attachment 2, will work in coordination with the TAC to provide policy assistance, guidance and direction to the Team for the I-710 EIR/EIS. The I-710 EIR/EIS Project Committee shall establish one or more Community Advisory Committee(s) to provide input to the environmental phase of the I-710

EIR/EIS. The GCCOG will be responsible for providing administrative support to the I-710 EIR/EIS Project Committee and to the TAC. Meeting schedules and agendas will be developed collaboratively by the Team.

7. In addition to the above, the TAC shall consider the technical aspects of the PROJECT, advise the Team on technical concerns, and provide recommendations to the I-710 EIR/EIS Project Committee as directed by the Team or the I-710 Executive Committee at key milestones of the PROJECT.

8. The following is a list of Committee Membership:

   a) The I-710 Executive Committee shall be comprised of locally elected or appointed officials as follows: one member of METRO's Board of Directors; one member of GCCOG; one representative of STATE, one representative of SCAG, one member of the County of Los Angeles Board of Supervisors, the I-710 EIR/EIS Project Advisory Committee Co-Chairs; one member of the Board of Harbor Commissioners of the Port of Long Beach; and one member of the Board of Harbor Commissioners of the Port of Los Angeles.

   b) The I-710 EIR/EIS Project Committee shall be comprised as follows, provided that non-parties to this MOU have executed an implementation agreement with the GCCOG: one member of the city council of each of the cities of Bell, Bell Gardens, Carson, Commerce, Compton, Cudahy, Downey, Huntington Park, Long Beach, Lynwood, Maywood, Paramount, South Gate and Vernon; one member of the Board of Harbor Commissioners of the Port of Long Beach; one member of the Board of Harbor Commissioners of the Port of Los Angeles; one member of Los Angeles County Board of Supervisors; one member of METRO; one representative of STATE; one representative of SCAG; one representative from the I-5 Consortium Cities Joint Powers Authority; and the President of the San Gabriel Valley Council of Governments. The Project Committee shall elect two co-chairs to serve on the Executive Committee, one from the Northern area and one from the Southern area of the region represented by the members of the Project Committee.

      1) The I-710 EIR/EIS Project Committee shall have the authority to name, as ex-officio members, additional governmental agencies, upon a finding by a two-thirds vote of the members of the Committee that the resources and/or expertise of such an agency constitutes an important resource for resolving matters currently under consideration by the Committee.

   c) The TAC shall be comprised of the following: One staff member each from the Federal Transit Administration ("FTA"), FHWA, California

Highway Patrol ("CHP"), and South Coast Air Quality Management District ("SCAQMD"), and one staff member from each agency represented in the Project Committee, as set forth in paragraph b above. The members of the TAC shall be selected by the following: The City Manager of each city represented in the Project Committee; the Director, CEO or Executive Director, as applicable, of the following agencies: the Los Angeles County Department of Public Works, STATE, METRO, Port of Los Angeles, Port of Long Beach, SCAG, and SCAQMD; and the respective Regional Administrators of FTA and FHWA. Each person selected to be a member of the TAC shall have the relevant expertise in the technical aspects of the Project. The TAC may, by two-thirds vote, add as additional members representatives from other federal, state, or regional governmental agencies if it determines that the resources or expertise of that agency would be beneficial to the PROJECT.

9. Each of the parties to this Agreement is a public entity. Pursuant to Government Code Section 895.4, each party shall indemnify, defend and hold each of the other parties, and their respective officers, agents and employees harmless from and against any liability and expenses, including defense costs, any costs or liability on account of bodily injury, death or personal injury of any person or for damage to or loss of risk of property, any legal fees and any claims for damages of any nature whatsoever arising out of or in connection with any work performed by and or service provided by the indemnifying party or its officers, agents employees, contractors and subcontractors under this Agreement.

IN WITNESS WHEREOF, the parties have caused this MOU to be duly executed and delivered as of the last date set forth below by the undersigned parties

GATEWAY CITIES COUNCIL OF GOVERNMENTS

7/17/06

Richard Powers, Executive Director — Date

Approved as to form:

7/17/06

Richard Jones, General Counsel for Gateway Cities COG — Date

DISTRICT 7 OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

8/1/06

Douglas Failing, District Director — Date

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Mark A. Pisano, Executive Director — Date

Approved as to form:

for 8/3/06

Karen Tachiki, Chief Legal Counsel at SCAG — Date

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

Roger Snoble, Chief Executive Officer — Date

Approved as to form:
Raymond G. Fortner, Jr.
County Counsel

By: Ronald W. Stamm 7/13/06

Deputy County Counsel — Date

ATTACHMENT 1

LOCALLY PREFERRED STRATEGY

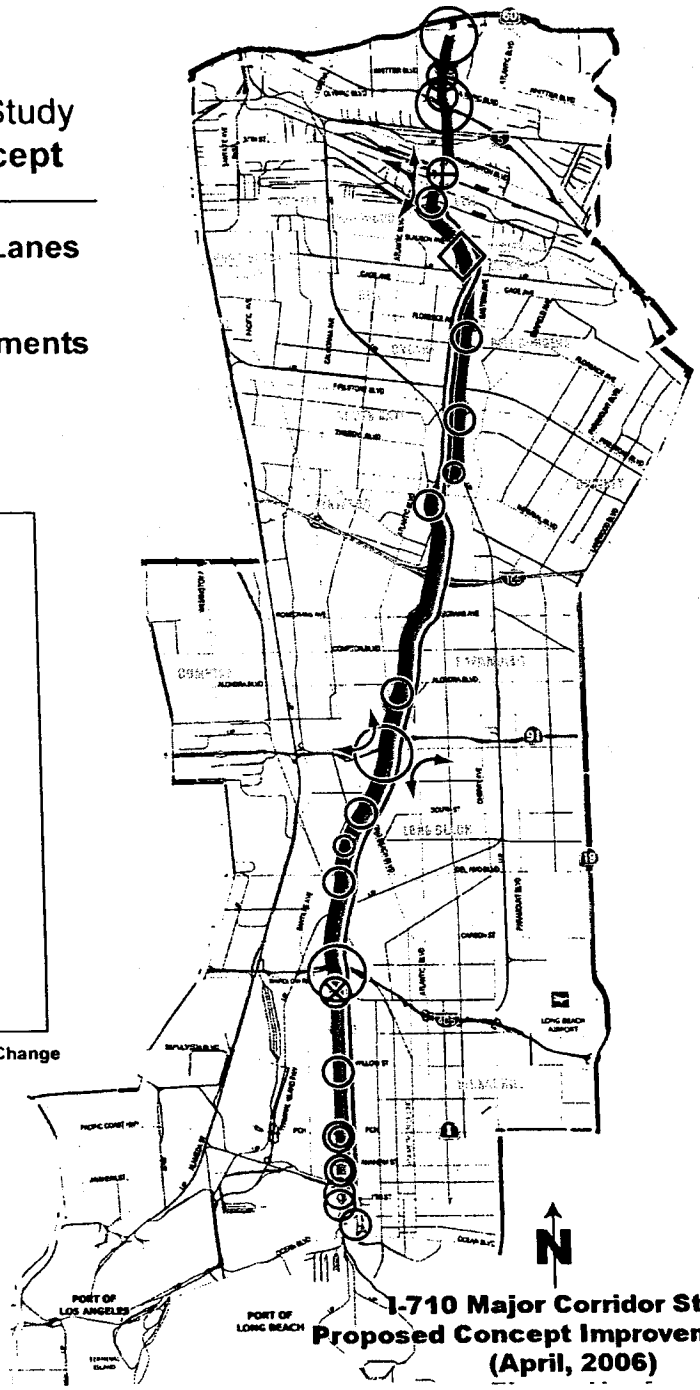
I-710 Major Corridor Study
Hybrid Design Concept

- **10 General Purpose Lanes**
- **4-Lane Truckway**
- **Interchange Improvements**
- **Direct Truck Ramps**

LEGEND

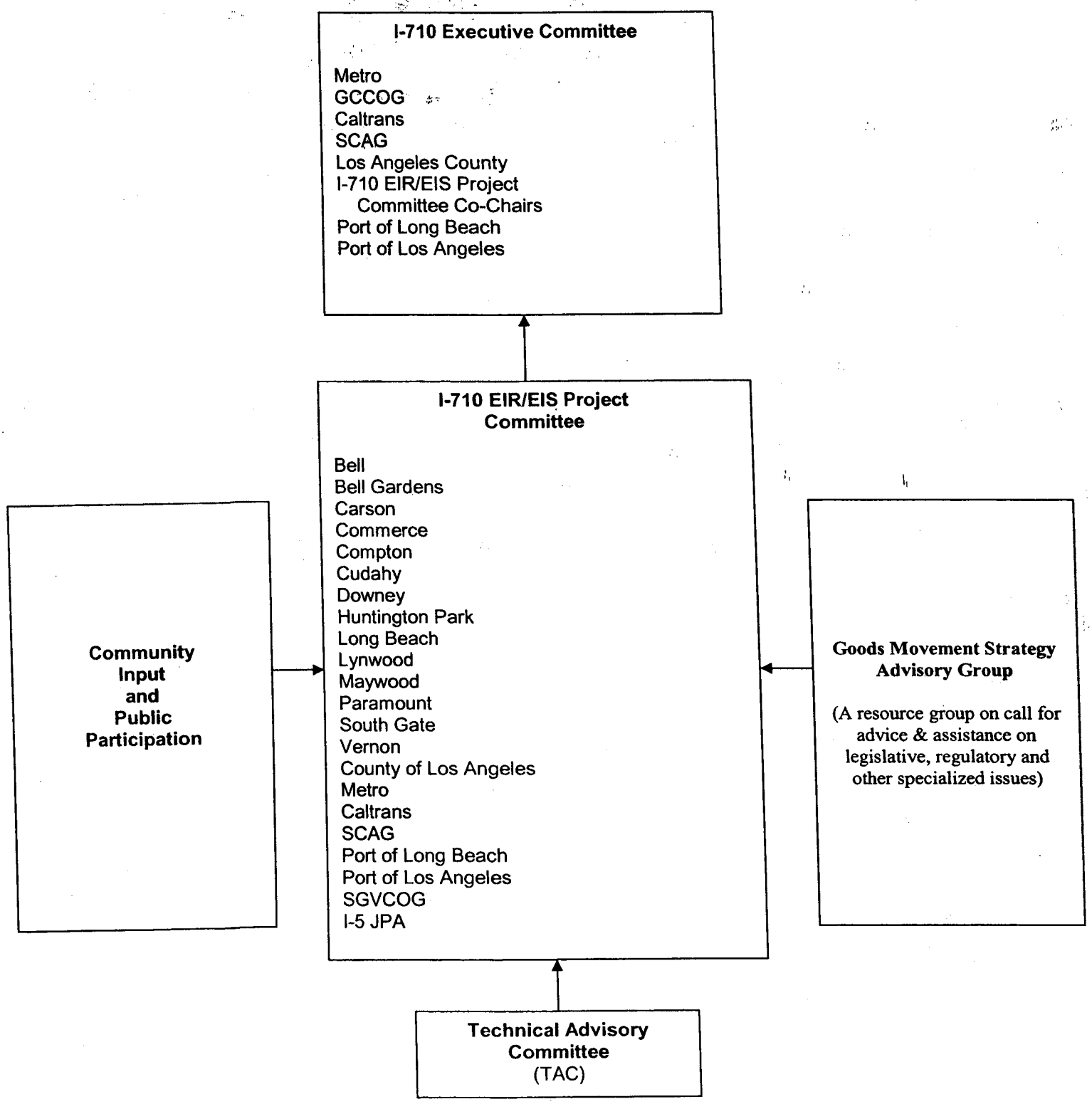
- Add One Mixed Flow Lane (Each Direction)
- Add Two Mixed Flow Lanes (Each Direction)
- Exclusive Truck Facility
- Interchange Improvement
- New Interchange
- Eliminate Interchange
- Interchange to be studied to remain open
- Truck Ramps
- Truck Ingress/Egress

Preliminary Concepts, Subject to Change



Source. Jerry Wood. Consultant, in association with MMA, Inc. and Nolan Consulting. Inc., April 2004, Updated April, 2006

I-710 Major Corridor Study
Proposed Concept Improvement Plan
(April, 2006)

ATTACHMENT 2

I-710 PROJECT GOVERNANCE STRUCTURE