REPORT

DATE: May 8, 2008

TO: Transportation and Communications Committee

FROM: Naresh Amatya, Acting Manager, Transportation Planning; amatya@scag.ca.gov, (213) 236-1885
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SUBJECT: Recommendation for Adoption of the 2008 RTP

EXECUTIVE DIRECTOR'S APPROVAL: Hasan Ikhrata

RECOMMENDED ACTION:

Recommend that the Regional Council adopt Resolution No. 08-497-2 approving the 2008 Regional Transportation Plan (RTP) with the proposed revisions per Action Item 4.1 and associated consistency amendment to the 2006 Regional Transportation Improvement Program (RTIP) to align it with the adopted RTP.

BACKGROUND:

The Draft 2008 RTP was released by TCC for public review and comments on December 6, 2007. The public comment period officially closed on February 19, 2008. SCAG received approximately 150 individual letters and comments, which can be further broken down to over four hundred distinct comments on all aspects of the RTP. The majority of the comments focused on Growth Forecast/Land Use, Goods Movement, Highways and Arterials, High-Speed Regional Transport, Transit, Aviation, and Transportation Finance. Over eighty percent of the project-specific comments focused on six major projects, namely, the Orangeline High Speed Maglev, High-Speed Regional Transport system, Freight Rail Strategy, Dedicated Lanes for Clean Technology Trucks, I-710 Corridor, and CETAP Corridors. Most of these comments either supported or opposed a specific project.

Revisions to projects

In addition to the proposed revisions to the Draft 2008 RTP pursuant to actions taken under Item 4.1, other revisions to projects have been made based on actions taken by the TCC at its April 11, 2008, Special Meeting. They are:

1. Platinum Triangle – Anaheim Connector

   In a letter to SCAG dated April 3, 2008, the City of Anaheim requested that the Platinum Triangle – Anaheim Resort Connector be included in the Strategic Plan of the 2008 RTP. This project calls for an elevated fixed guideway system that will serve a high traffic corridor, linking the Anaheim Regional Intermodal Transportation Center (ARTIC), Honda Center and Angel Stadium, The Platinum Triangle high rise office and residential neighborhoods, and The Anaheim and Disneyland Resorts. At its April 11, 2008, Special Meeting, the TCC voted to include this project in the Strategic Plan of the 2008 RTP.

Therefore, **the 2008 RTP that would be recommended for adoption by the Regional Council includes the Platinum Triangle – Anaheim Connector in the Strategic Plan.**

2. CETAP Corridor B

Since the release of the Draft RTP, the Riverside County Transportation Commission (RCTC), the Orange County Transportation Authority (OCTA), and SCAG have met on several occasions and arrived at a consensus that engineering and environmental work related to CETAP Corridor B must continue, but funding commitment for construction of the project is premature at this point. Therefore, the three agency consensus is to include CETAP Corridor B as a preliminary engineering/EIR only project in the Constrained Plan of the 2008 RTP and move the construction/right-of-way (ROW) to the Strategic Plan. At its April 11, 2008, Special Meeting, the TCC voted to include this project as a preliminary engineering/EIR only project in the Constrained Plan and move the construction/ROW to the Strategic Plan.

Therefore, **the 2008 RTP that would be recommended for adoption by the Regional Council includes the CETAP Corridor B preliminary engineering/EIR portion in the Constrained Plan of the 2008 RTP and the construction/ROW portion in the Strategic Plan.**

3. Orangeline High Speed Maglev

The Orangeline High Speed Maglev project was included in the Constrained Plan of the Draft 2008 RTP that was released for public review and comments by the TCC on December 6, 2007. Since then, Orangeline has been discussed by the TCC over several meetings, including the meeting on April 11, 2008. Over the course of these several meetings, the TCC has carefully considered and debated all of the facts presented through a series of public testimonies and staff reports, including the facts that 1) OCTA Board action taken on January 28, 2008, denies any consideration of potential use of the Pacific Electric (PE) ROW for Orangeline; 2) the financial viability of the project is questionable as originally proposed, given the unavailability of PE ROW, raising sufficient doubt as to whether the project meets the fiscal constraint requirement for inclusion in the constrained RTP; 3) stakeholder consensus on the project has yet to be realized; and 4) moving Orangeline to the Strategic Plan does not jeopardize the Orangeline Development Authority's ability to advance planning efforts for the project. After careful deliberation, on April 11, 2008, the TCC voted by majority to move this project to the Strategic Plan of the 2008 RTP.

At the conclusion of the meeting, TCC members requested for their information that staff provide a side-by-side comparison of the Orangeline and IOS projects. Attached is the requested comparison.

Therefore, **the 2008 RTP that would be recommended for adoption by the Regional Council includes the Orangeline High Speed Maglev in the Strategic Plan of the 2008 RTP.**

Transportation Finance Implications

The Draft 2008 RTP included a 30-year budget of $568.9 billion (nominal), in expenditures and revenues. As a result of revisions made to the 2008 RTP, the 2008 RTP now includes $531.5 billion (nominal) in expenditures and revenues. Much of the difference can be attributed to the Orangeline and the construction portion of CETAP Corridor B being moved from the Constrained Plan to the Strategic Plan.

Revisions to Growth Forecast/Land use Assumptions

In addition, underlying growth assumptions for the plan have been revised. As mentioned earlier, significant comments were received on the proposed growth forecast/land use element presented in the Draft 2008 RTP. Several subregional partners and cities commented in support of incorporation of the Draft Baseline Growth Forecast in the Final 2008 RTP, citing a higher level of consistency between the Baseline Growth Forecast and local general plans. As a result, at its March 6, 2008, meeting, the Community, Economic & Human Development Committee (CEHD) voted to approve the Baseline Growth Forecast for the 2008 RTP with a statement of advisory land use policies and strategies. The 2008 RTP that will be recommended for adoption by the Regional Council on May 8, 2008, will incorporate the Baseline Growth Forecast.

Therefore, **technical analyses used in finalizing the 2008 RTP are based on the Baseline Growth Forecast**.

Re-circulation of Transportation Conformity Report

Transportation conformity is required under the federal Clean Air Act to ensure that federally supported highway and transit project activities conform to the purpose of the State Implementation Plan (SIP). The 2008 RTP must pass tests to meet the requirements for a positive conformity finding: 1) regional emissions analysis, 2) timely implementation of Transportation Control Measures, financial constraint, and interagency consultation and public involvement.

After the release of the Draft Conformity Report, SCAG was informed that the U.S. Environmental Protection Agency's (EPA) review of the South Coast ozone and PM2.5 emission budgets submitted by the California Air Resources Board (ARB) raised concerns such that the ARB was required to revise and resubmit the emission budgets to EPA. This requirement dictated that SCAG make appropriate revisions to the conformity analysis to reflect the new emission budgets and release the Draft Conformity Report for an additional 30-day public review period ending April 28, 2008.

SCAG staff has worked closely with responsible agencies regarding issues between the State, the South Coast AQMD, and the U.S. EPA regarding emission budget adequacy, and with FHWA and U.S. EPA regarding the resultant constraints to the conformity approval review process timeline. From these efforts, staff worked to demonstrate a positive conformity determination and secured commitment from all agencies that they will expedite their respective reviews to allow for approval of SCAG's conformity finding before the current (2004) RTP conformity finding expires on June 7, 2008.

Consistency Amendment to the 2006 RTIP

The Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule §450.324(g) stipulates that "each project or project phase included in the TIP shall be consistent with the approved metropolitan transportation plan". Upon SCAG's Regional Council adoption of the 2008 RTP, the 2006 Regional Transportation Improvement Program must comply with these regulations. The changes between the 2006 RTIP and the 2008 RTP were released for public review along with the Draft 2008 RTP and the updated 2008 RTP conformity report. The majority of the changes are modeling network changes (due to changes in project completion dates) and there are a few changes that are due to project description changes. The FHWA will take simultaneous action on the conformity determination of the 2006 RTIP along with the 2008 RTP.

The Final 2008 RTP and all Supplemental Reports, including response to comments, are available at SCAG's Los Angeles and Riverside Offices, and may be downloaded at http://scag.ca.gov/rtp2008 .

The proposed Recommended Action, as described above, is based upon the information presented in this staff report and the actions taken under Item 4.1.

FISCAL IMPACT:
None.

ATTACHMENTS:
- Draft Resolution No. 08-497-2
- Comparison of the Orangeline and IOS projects
- Proposed Final 2008 RTP (under separate cover)

Reviewed by:

Division Manager

Reviewed by:

Department Director

Reviewed by:

Chief Financial Officer

RESOLUTION No. 08-497-2

RESOLUTION OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS APPROVING THE 2008 REGIONAL TRANSPORTATION PLAN (2008 RTP) AND RELATED CONFORMITY DETERMINATION

WHEREAS, the Southern California Association of Governments (SCAG) is a Joint Powers Agency established pursuant to Section 6500 et seq. of the California Government Code;

WHEREAS, SCAG is the designated Metropolitan Planning Organization (MPO) pursuant to 23 U.S.C. §134(d) for the counties of Los Angeles, Riverside, San Bernardino, Ventura, Orange, and Imperial, and as such is responsible for preparing the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) pursuant to 23 U.S.C. §134 et seq., 49 U.S.C. §5303 et seq., and 23 C.F.R. §450.312;

WHEREAS, SCAG is the designated Regional Transportation Planning Agency (RTPA) under state law, and as such is responsible for preparing, adopting and updating the RTP pursuant to Government Code Sections 65080 et seq.;

WHEREAS, the projects included in the RTP must be based on the continuing, cooperative, and comprehensive transportation planning process mandated by 23 U.S.C. §134(c)(3) and 23 C.F.R. §450.312;

WHEREAS, on August 10, 2005, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law, Pub. L. No. 109-59, Title VI, Section 6001(a), 119 Stat. 1839. SAFETEA-LU includes new and revised metropolitan transportation planning provisions and requires that all state and MPO actions on RTPs and RTIPs (including amendments, revisions or updates) comply with the SAFETEA-LU planning provision beginning July 1, 2007;

WHEREAS, SCAG staff conducted an analysis of the 2004 Regional Transportation Plan ("2004 RTP") which was in place at the time of the enactment of SAFETEA-LU, and thereafter identified the key issues or "gaps" in the 2004 RTP which needed to be addressed in order to comply with SAFETEA-LU. The effort led to the Regional Council's adoption in March 1, 2007 of an Administrative Amendment to the 2004 RTP (hereinafter referred to as the "Administrative Amendment") addressing these gaps. The Administrative Amendment to the 2004 RTP also allowed SCAG to take advantage of the four-year update cycle under SAFETEA-LU such that SCAG can adopt the next RTP update by the spring of 2008;

WHEREAS, in accordance with SAFETEA-LU, SCAG also approved and adopted a Public Participation Plan on March 1, 2007, to serve as a guide for SCAG's public involvement process. This Public Participation Plan was further amended on October 4, 2007, to provide more

explicit details as to SCAG's strategies, procedures and techniques for public participation on the RTP, RTIP and the Overall Work Program (OWP);

WHEREAS, the Metropolitan Transportation Planning Final Planning Rule ("Final Rule") was promulgated by the U.S. Department of Transportation Federal Highway Administration and Federal Transit Administration on February 14, 2007, and became effective on March 16, 2007. The Final Rule included, among other things, more specific requirements relating to the content of metropolitan transportation plans (also known as RTPs).

WHEREAS, updates to the RTP must be consistent with all other applicable provisions of federal and state law including:

(1) SAFETEA-LU (23 U.S.C. §134 et seq.);

(2) The metropolitan planning regulations at 23 C.F.R. Part 450, Subpart C (i.e. the provisions of 23 C.F.R. §450.300 et seq. as set forth in the Final Rule);

(3) California Government Code §65080 et seq.; Public Utilities Code §130058 and 130059; and Public Utilities Code §44243.5;

(4) §§174 and 176(c) and (d) of the Federal Clean Air Act [42 U.S.C. §§7504 and 7506(c) and (d)];

(5) Title VI of the 1964 Civil Rights Act and the Title VI assurance executed by the State pursuant to 23 U.S.C. §324;

(6) The Department of Transportation's Final Environmental Justice Strategy (60 Fed. Reg. 33896 (June 29, 1995)) enacted pursuant to Executive Order 12898, which seeks to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment; and

(7) Title II of the 1990 Americans with Disabilities Act (42 U.S.C. §§12101 et seq.) and accompanying regulations at 49 C.F.R. §27, 37, and 38;

WHEREAS, SCAG staff has been engaged in the preparation of the 2008 RTP update since the spring of 2007, with a focus on maintaining and improving the transportation system through a balanced approach that considers system preservation, system operation and management, improved coordination between land-use decisions and transportation investments, and strategic system expansion to accommodate future growth through the year 2035;

WHEREAS, the 2008 Draft RTP was released by SCAG's Transportation and Communications Committee (TCC) on December 6, 2007 for public review and comment, and a Notice of Availability was issued. The 2008 Draft RTP included a financially constrained plan and a strategic plan. The constrained plan includes transportation projects that have committed,

available or reasonably available revenue sources, and thus are probable for implementation. The strategic plan is an illustrative list of additional transportation investments that the region would pursue if additional funding and regional commitment were secured; and such investments are potential candidates for inclusion in the constrained RTP through future amendments or updates. For purposes of the 2008 RTP update, the strategic plan is provided for information purposes only and is not part of the financially constrained and conforming RTP;

WHEREAS, the 2008 Draft RTP also included a financial plan identifying the revenues available to support the SCAG region's surface transportation investments. The financial plan was developed following basic principles including incorporation of county and local financial planning documents in the region where available, and utilization of published data sources to evaluate historical trends and augment local forecasts as needed;

WHEREAS, pursuant to 23 C.F.R. §450.316(b)(1)(iv), SCAG must provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including approval of plans and transportation improvement programs. SCAG followed the provisions of its adopted Public Participation Plan and subsequent Amendment No. 1 regarding public involvement activities for the 2008 RTP. For example, three duly-noticed public hearings were conducted within the SCAG region to allow stakeholders, elected officials and the public to comment on the 2008 Draft RTP;

WHEREAS, the 2008 Draft RTP serves as the basis of the 2008 Final RTP, and addresses public comments and issues relating to projects and other relevant data which arose subsequent to the release of the 2008 Draft RTP. The public comment period for the 2008 Draft RTP closed on February 19, 2008. SCAG received approximately 150 written comments. Staff has fully considered these comments in preparing the 2008 Final RTP;

WHEREAS, there were several comments relating to the Growth Forecast/Land Use discussion in the 2008 Draft RTP. In part because of the public comments, the Regional Council on March 6, 2008, approved the Baseline Growth Forecast with a statement of advisory land use policies/ strategies for the 2008 Final RTP;

WHEREAS, there were also project-specific comments made as part of the public comment period. Additional information was also provided regarding certain transportation projects that were included in the 2008 Draft RTP, contingent upon adequate documentation that these projects meet the fiscal constraint requirements. Based upon staff's analysis as well as input from the TCC and Regional Council, the projects in the 2008 Final RTP represent projects which meet the fiscal constraint requirements of SAFETEA-LU and the Final Rule;

WHEREAS, in non-attainment and maintenance areas for transportation-related criteria pollutants, the MPO, as well as the FHWA and FTA, must make a conformity determination on any updated or amended RTP in accordance with the Federal Clean Air Act to ensure that federally supported highway and transit project activities conform to the purpose of the State Implementation Plan (SIP);

WHEREAS, transportation conformity is based upon a positive conformity finding with respect to the following tests: (1) regional emissions analysis, (2) timely implementation of Transportation Control Measures, (3) financial constraint, and (4) interagency consultation and public involvement;

WHEREAS, the 2008 Draft RTP included the Draft Conformity Report which concluded with a positive transportation conformity determination. After the release of the Draft Conformity Report, SCAG was informed that the U.S. Environmental Protection Agency (EPA)'s review of the South Coast ozone and PM2.5 emission budgets submitted by the California Air Resources Board (ARB) raised concerns such that the ARB was required to revise and resubmit the emission budgets to EPA. This requirement led to SCAG making appropriate revisions to the draft conformity analysis to reflect the new emissions budgets and release a subsequent Draft Conformity Report for an additional 30-day public review period ending April 28, 2008. The subsequent Draft Conformity Report makes a positive transportation conformity determination;

WHEREAS, in accordance with the interagency consultation requirements, 40 C.F.R. 93.105, SCAG consulted with the respective transportation and air quality planning agencies, including but not limited to, extensive discussion of the Draft Conformity Report before the Transportation Conformity Working Group (a forum for implementing the interagency consultation requirements) throughout the update process;

WHEREAS, SCAG is required to comply with the California Environmental Quality Act ("CEQA") [Cal. Pub. Res. Code § 21000 et seq.] in updating the Regional Transportation Plan;

WHEREAS, SCAG released for public review and comment a Draft 2008 Regional Transportation Plan Program Environmental Impact Report ("Draft PEIR") on January 3, 2008;

WHEREAS, the public comment period for the Draft PEIR closed on February 19, 2008. SCAG has fully considered these comments, and written responses to comments received are included in the Final PEIR Addendum;

WHEREAS, prior to the adoption of this resolution, the Regional Council certified the Final PEIR prepared for the 2008 Final RTP to be in compliance with CEQA;

WHEREAS, the Final Rule stipulates that each project or project phase included in the RTIP shall be consistent with the approved RTP (23 C.F.R. Section 450.324(g));

WHEREAS, this RTIP consistency requirement would be applicable with the Regional Council's adoption of the 2008 Final RTP. SCAG staff, therefore, amended the 2006 RTIP so as to be consistent with the 2008 Draft RTP. Such amendment to the 2006 RTIP was referred to as "Amendment #06-13" to the 2006 RTIP, and was released for public review by a Notice of Availability along with the 2008 Draft RTP and the Draft Conformity Report. The majority of changes to the 2006 RTIP included as part of RTIP Amendment #06-13 are modeling network

changes (due to changes in project completion dates) and there are a few changes due to project description changes;

WHEREAS, the Regional Council has had the opportunity to review the 2008 Final RTP and its related appendices, and consideration of the 2008 Final RTP was made by the Regional Council as part of a public meeting held on May 8, 2008.

NOW, THEREFORE BE IT RESOLVED, by the Regional Council of the Southern California Association of Governments as follows:

1. The Regional Council approves and adopts the 2008 Final RTP for the purpose of complying with the requirements of SAFETEA-LU and all other applicable laws and regulations as referenced in the above recitals. In adopting this 2008 Final RTP, the Regional Council finds as follows:

   a. The 2008 Final RTP complies with all applicable federal and state requirements, including the SAFETEA-LU planning provisions. Specifically, the 2008 Final RTP fully addresses the requirements relating to the development and content of metropolitan transportation plans as set forth in 23 C.F.R.§450.322 et seq., including issues relating to: transportation demand, operational and management strategies, safety and security, environmental mitigation, the need for a financially constrained plan, consultation and public participation, and air quality conformity.

   b. The 2008 Final RTP represents the SCAG region's collective vision for addressing our transportation needs through 2035 within the constraints of committed, available, and reasonably available revenue resources.

2. The Regional Council hereby makes a positive air quality conformity determination of the 2008 Final RTP. In making this determination, the Regional Council finds as follows:

   a. The 2008 Final RTP passes the four tests and analyses required for conformity, namely: regional emissions analysis; timely implementation of Transportation Control Measures; financial constraint analysis; and interagency consultation and public involvement.

3. In approving the 2008 Final RTP, the Regional Council also approves and adopts Amendment #06-13 to the 2006 RTIP, in order to address the consistency requirement of the federal law.

4. In approving the 2008 Final RTP, the Regional Council approves the staff findings as set forth in its reports and incorporates all of the foregoing recitals in this resolution.

5. SCAG's Executive Director or his designee is authorized to transmit the 2008 Final RTP and its conformity findings to the Federal Transit Administration and the Federal Highway Administration to make the final conformity determination in accordance with the Federal Clean

Air Act and EPA Transportation Conformity Rule at 40 C.F.R. Parts 51 and 93.

APPROVED AND ADOPTED by the Regional Council of the Southern California Association of Governments at a regular meeting this 8th day of May 2008.

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Gary Ovitt
President
Fourth District Supervisor, San Bernardino County

Attested by:

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Hasan Ikhrata
Executive Director

Approved as to Form:

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Joe Burton
Chief Counsel

Orangeline - IOS Comparison Matrix

	IOS	Orangeline-LA & Orange Co.
Plan of Action	**YES:** 1) Completed by IBI Group, 4/07. All major costs are identified. No significant inconsistencies. 2) Provided by American Maglev Technologies, 12/07. AMT proposal includes funding statement from Calyon Securities. Calyon states it is well placed to provide a plan of finance and participate in the financing of the project.	**NO:** Initial submittal assumed free use of Pacific Electric Right-of-Way (PE ROW). Stated $200 million in public grants without a specific plan of action or strategy to secure funding. No funds allocated for purchase of PE ROW. Arcadis, a financial advisor, states: "No ROW, likely no project." Financial letter from Wedbush non-committal. Metro has placed the Orangeline project in its Draft 2008 Long Range Transportation Plan in the "Strategic Unfunded" element, and confirms that Metro has made no financial commitment or funding accommodations for the project.
Use of ROW	**YES:** A 2001 letter from Caltrans confirms potential use of ROW. Some land slivers need to be acquired. Alternative Technology Study to be completed June 2008 for route.	**NO:** OCTA confirmed in writing that the PE ROW in OC cannot be used. Metro has not committed on the use of LA PE ROW.
Opposition to Constrained Plan	**NO:** Recently formed JPA between Cities of Los Angeles, West Covina, and Ontario. No letters of opposition received in response to the Draft RTP.	**YES:** Declining support in Orange County. Los Alamitos recently withdrew from the Orangeline JPA. Four cities in Orange County (Tustin, Irvine, Aliso Viejo and La Palma) sent letters to SCAG in response to the draft RTP in support of OCTA's written request to move the Orangeline from the Constrained Plan and into the Strategic Plan.

Based upon the consideration of the above summarized items, including loss of the Orangeline ROW after issuance of the Draft RTP and the comments received in opposition to the Orangeline's inclusion in the Constrained Plan, staff recommends that the Regional Council move the Transportation and Communications Committee's recommendation that the Orangeline should be placed in the Strategic Plan.