SUBJECT: HIGH SPEED RAIL THROUGH SOUTHERN CALIFORNIA

ACTION: APPROVE MEMORANDUM OF UNDERSTANDING

RECOMMENDATION

A. Authorize the CEO to execute a memorandum of understanding among eight agencies for the preparation of study, design and construction of high-speed rail through the Southern California region, including identified high-speed rail corridors south of Bakersfield.

B. Support the authorization of $950M in connector projects authorized by Proposition 1A.

ISSUE

A Memorandum of Understanding has been developed between the California High Speed Rail Authority (CHSRA), Southern California Associated Governments (SCAG), LACMTA, Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC), San Diego Association of Governments (SANDAG), San Bernardino Association of Governments (SANBAG), and the Southern California Regional Rail Authority (SCRRA), to address advance investment of up to $1B in southern California as part of CHSRA’s commitment to the “Blended Approach” to the construction of the high speed train (HST) system in California.

BACKGROUND

LACMTA is the largest member agency for the Southern California Regional Rail Authority (SCRRA), the operator of the Metrolink commuter rail network. In addition, LACMTA is a member agency of the LOSSAN Joint Powers Authority, and a member agency of SCAG.

LACMTA has a Memorandum of Understanding (MOU) with the CHSRA to work collaboratively to develop the high speed rail program in Los Angeles County. In addition, LACMTA is working with CHSRA to develop a MOU to replace that in place to address reimbursement for the efforts of LACMTA to review and approve high speed rail designs in L.A. County and along and within right-of-way owned by LACMTA.

The voters of California passed Proposition 1A in 2008 authorizing the sale of $9.95B in state bonds to partially fund the construction of the high speed train system in
California. That legislation includes $950M in funds for local connectivity projects to the high speed rail system, including approximately $141M for the Regional Connector. The funding for the connectivity projects has not yet been authorized by the CTC.

The CHSRA has programmed approximately $2.4B of the Proposition 1A bond money for a segment in the Central Valley in California referred to as the Initial Construction Segment (ICS). These funds are a local match for $3.6B of Federal ARRA grant money. One of the requirements of this funding is a construction deadline of 2017. The CHSRA believes that this is the segment that is furthest along in development and environmental work and the segment of the system that can meet the federal requirements.

On November 1, 2012 the CHSRA issued its 2012 Draft Business Plan. Within that plan they discuss incremental application of the HST program. In particular, they are referring to the "Blended Approach". This Blended Approach addresses investment in other locations to link up to the high speed system and provide independent utility through advance construction.

Since mid-2011, LACMTA staff has been working with CHSRA and other agencies as part of the Southern California Passenger Rail Planning Coalition (SCPRPC) to prioritize and coordinate ultimate construction in HSR corridors in southern California. This work has involved Metrolink, Amtrak, the Burlington Northern Santa Fe Railway, Union Pacific Railroad, and the LOSSAN Technical Advisory Committee. As a part of this effort, comprehensive modeling of the southern California regional rail network was completed that outlined projects that would benefit passenger rail travel in the region. These projects were identified as providing independent utility for HSR and other passenger rail modes, such as grade separations, or as projects that would benefit the passenger rail systems through capacity enhancements in the short term.

LACMTA staff has been working closely with the CHSRA to further develop the Blended Approach to the construction of the HST system as well as the interconnectivity with other systems. In particular, LACMTA was involved with the development of Chapter 2 of the Draft Business Plan that outlines the incremental approach to the project that has become the policy of the CHSRA. In addition, staff has been meeting with CHSRA to further develop the connection of the ICS to southern California that would provide a continuous passenger rail connection between northern and southern California.

At the December meeting the Metro Board passed a motion to develop a list of candidate projects for early investment in Los Angeles County by the California High Speed Rail Authority.

**DISCUSSION**

SCAG has been developing their Regional Transportation Plan (RTP) outlining the development of transportation in this region. As part of this work, SCAG had created a High Speed Rail Subcommittee to incorporate the developments of that project into the RTP. These efforts were moving forward concurrently with the work of the SCPRPC.
As the Draft RTP emerged it was determined that the work identified as advance work by the SCRPRPC and the other agencies should be incorporated into the Constrained portion of the Draft RTP as opposed to the Strategic portion. However, there was significant discussion that the work of the CHSRA was not currently funded for southern California so it was more prudent to put this work into the Strategic Plan.

From those concerns a motion was approved to require that an MOU be signed between the CHSRA and the seven agencies of southern California providing the following:

- Up to $1B be invested in connectivity and advance investment projects in southern California.
- The funding would benefit passenger travel in Metrolink and LOSSAN corridors.
- The MOU be agreed to by February 1.

Since the passing of this motion, the agencies involved have been working closely to complete the draft MOU. This MOU has not been reviewed by the legal counsel for these agencies.

In addition to the work on the MOU, a parallel effort developed a preliminary list of candidate projects (Attachment B) that would be put forward. It was noted that there may be additional candidate projects that are not yet on the list and is the subject of a meeting in the near future. At the same time, prioritization criteria (Attachment C) was developed that would define the process for funding of these projects.

The MOU will require that the CHSRA will provide $1B in funding from un-allocated Proposition 1A funds and other sources by 2020. This will not require that projects be completed by that time but that the funding is allocated.

Proposition 1A has specific guidelines regarding the funding of the HSR system. Some of the projects that are on the list may not be eligible for Proposition 1A specific funding. However, the MOU requires an effort by the CHSRA to seek funding for those projects in order to meet the needs of the Blended Approach.

In addition, the MOU specifies that the CHSRA work with the California Transportation Commission to authorize the $950M for funding of local connectivity projects in accordance with Proposition 1A.

**FINANCIAL IMPACTS**

There are no known financial impacts at this time. There may be a requirement for local match for some projects depending on the funding source. An analysis of the requirements of the funding will be analyzed based on the source and the nature of the project as the funding becomes available.

**NEXT STEPS**
Staff will work with the other agencies to refine the MOU. Staff will work with the parties
to refine and/or add to the project list.

ATTACHMENTS

Attachment A – DRAFT MEMORANDUM OF UNDERSTANDING FOR THE
PREPARATION OF STUDY, DESIGN, AND CONSTRUCTION OF
HIGH-SPEED RAIL THROUGH THE SOUTHERN CALIFORNIA
REGION, INCLUDING IDENTIFIED HIGH-SPEED RAIL CORRIDORS
SOUTH OF BAKERSFIELD.

Attachment B - POTENTIAL EARLY INVESTMENT PROJECTS THAT SUPPORT
DEVELOPMENT OF THE CALIFORNIA HIGH SPEED TRAIN

Attachment C – DRAFT PERFORMANCE CRITERIA FOR DRAFT CANDIDATE
PROJECT LIST UNDER REVIEW BY MOU PARTIES

Prepared by: Don Sepulveda, Executive Officer – Regional Rail
Don A. Sepulveda, P.E.
Executive Officer, Regional Rail

Paul C. Taylor
Deputy Chief Executive Officer

Arthur T. Leahy
Chief Executive Officer
DRAFT MOU

MEMORANDUM OF UNDERSTANDING CONTRACT # XXXXXX

BY AND BETWEEN

CALIFORNIA HIGH-SPEED RAIL AUTHORITY (CHSRA);

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG);

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (Metro);

ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA);

RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC);

SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG);

SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG); and

SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (METROLINK),

COLLECTIVELY REFERRED TO HEREIN AS THE "PARTIES", FOR THE PREPARATION OF STUDY, DESIGN
AND CONSTRUCTION OF HIGH-SPEED RAIL THROUGH THE SOUTHERN CALIFORNIA REGION,
INCLUDING IDENTIFIED HIGH-SPEED RAIL CORRIDORS SOUTH OF BAKERSFIELD.

RECITALS:

Whereas, the California High-Speed Rail Authority (CHSRA) is responsible for planning, building and
maintaining an 800-mile statewide high-speed rail system, providing more than 600,000 jobs and
improved mobility through the development of safe, clean, reliable rail technology; and

Whereas, CHSRA, in partnership with the Federal Railroad Administration has completed and certified a
Program EIR/EIS for a proposed California High-Speed Train (HST) network linking the major
metropolitan areas of the State of California, and the HST system approved by the CHSRA includes
corridors into and through Southern California; and

Whereas, the CHSRA’s responsibility for planning, construction and operation of high-speed passenger
train service in California is exclusively granted to CHSRA by PUC Section 185032.a.2; and

Whereas, the CHSRA is charged with accepting grants, fees and allocations from the state, from political
subdivisions of the state and from the federal government, foreign governments, and private sources
(PUC section 185034(4)); and
Whereas, the CHSRA DRAFT 2012 Business Plan proposes to incrementally develop the HST utilizing a blended system and blended operations involving coordinated passenger rail system development and operations with existing passenger rail systems, and this emphasis reflects the recognition that a key to success in developing the statewide rail network, including the high-speed system, is in coordinated infrastructure development that improves, enhances and expands the integration of high-speed and regional/local passenger rail systems; and

Whereas, this blended approach requires a series of incremental investments in local rail corridors to prepare for integrated service and operations and the CHSRA recognizes the need for a collaborative effort with regional and local agencies to identify early investment projects along existing rail corridors, that increase speed, improve safety and efficiency, and create linkages between HST and local passenger rail service; and

Whereas, local transportation improvement projects are required to be included in a Regional Transportation Plan (RTP) and both the Southern California Association of Governments (SCAG) and the San Diego Association of Governments (SANDAG) are each charged with developing a RTP every four years for their respective regions to provide guidance for transportation investments within each region, and development of regional transportation strategies to address the regions' mobility needs; and

Whereas, SCAG adopted the 2008 RTP to identify the facilities, services and programs necessary to meet the SCAG region's travel needs through the year 2035, and that document recognizes the need for HSR ground transportation to serve these needs; and

Whereas, the Sustainable Communities and Climate Protection Act of 2008 (SB 375, Steinberg, Statutes of 2008) requires subsequent RTPs to include a Sustainable Communities Strategy (SCS), showing evidence of integrated planning, goals that establish and strengthen the crucial linkages between the economy, land use development and regional transportation system to improve access to jobs, education, healthcare, and regional amenities in ways that improve the overall quality of life in the region; and

Whereas, the DRAFT 2012 SCAG RTP identifies Phase 1 of the California High-Speed Rail program in the constrained plan to facilitate the development of HSR early investment projects in passenger rail corridors in the SCAG region and that the HST development objectives are consistent with achieving SB 375 goals to reduce greenhouse gas emissions by 8 percent per capita by 2020 and 16% by 2035; and

Whereas, SANDAG adopted the 2050 RTP on October 28, 2011, including a SCS, with similar transportation goals and including the Authority's Phase 2 Los Angeles to San Diego via Inland Empire HST corridor in its constrained plan and extensive capital and operations improvements along the San Diego segment of the Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail corridor, the nation's second busiest passenger rail corridor, and

Whereas, the CHSRA already had an MOU in place with SCAG, Metro, OCTA, RCTC, SANDAG, SANBAG, California Department of Transportation, Division of Rail, and the San Diego County Regional Airport
Authority that guide discussion and participation in the collaborative development of technical studies, sharing of technical information, and regional outreach coordination; and

Whereas, Metro, OCTA, SANDAG, SANBAG, RCTC and Metrolink are involved in the planning, funding, construction and/or operation of heavy and light rail transit, buses, and/or commuter train services in Los Angeles/Orange/Riverside/SANBAG/San Diego counties and are considering intermodal service integration, including linkages to the proposed HST service; and

Whereas, it is the intent and purpose of this MOU to strengthen the working relationship between CHSRA and the Parties to facilitate the development and implementation of passenger rail improvements that will improve local passenger rail service and operations while preparing designated HST corridors for eventual HST operation to achieve region-wide systems integration of rail service in Southern California; and

Whereas, the PARTIES also intend to communicate and coordinate with rail operators such as Metrolink, Amtrak, Burlington Northern & Santa Fe, Union Pacific Railroad and Caltrans’ Division of Rail in the development and implementation of rail improvements and enhancements; and to include them in the California State Rail Plan.

Now, THEREFORE, it is mutually understood and agreed to by the PARTIES as follows:

1. To collaboratively agree to the statement of purpose of the MOU in order to identify and move forward with a program of early investments in the regional and local rail systems to facilitate the blended approach as described in Chapter 2 of the CHSRA Draft 2012 Business plan regarding coordination of increasing interregional connectivity of the existing systems (rail, bus, airports, and highways).

2. Parties to this MOU agree to support improved rail operations in Southern California in a manner that is in keeping with the statutory requirements of Proposition 1A, and that prioritized projects supported by this MOU will emphasize the need to improve speed and operations into Southern California.

   Parties to the MOU agree to collaboratively partner in delivering the California High-Speed Rail project to Southern California as a whole by supporting efforts to obtain funding, enhance stakeholder support, secure environmental clearance and all other aspects that will move the implementation of Proposition 1A and all it endeavors to achieve.

3. Parties to this MOU agree to collaboratively improve and increase community outreach in Southern California to improve community understanding and support of the HSRA Business Plan and proposed projects in Southern California.

4. This MOU establishes a framework for the recommendation of candidate improvement projects for consideration for funding and implementation. The framework includes the application of performance-based criteria to prioritize candidate projects, select projects for funding consideration, and a process for the Parties to achieve regional consensus on the projects to be recommended to CHSRA for funding. A subsequent project level MOU (or other agreement(s)
may be developed to specify the details of approved projects that implement the goals of this MOU.

6. The PARTIES agree to work together through the Southern California Passenger Rail Planning Coalition to develop, refine and update the project development and selection process for projects that may be funded in whole or in part by the CHSRA that will be reviewed and approved by the Regional Chief Executive Officer’s Group, which is comprised of parties to this MOU.

7. The PARTIES have developed a list of candidate rail improvement and enhancement projects attached hereto as Attachment A. This list of projects will be further refined to prioritize these projects both according to their utility and extent that they achieve the goals identified in the CSHRA’s 2012 Business Plan in implementing projects related to the “Blended Systems and Blended Operations” concept. The projects are consistent with the CHSRA’s phased implementation strategy for developing the statewide High-Speed System. The candidate project list will be used to develop a “Prioritized Rail Improvement List” (PRIL) for a region-wide series of rail improvements and enhancements, including work on Phase 1 High-Speed Rail corridors and on feeder rail corridors that support the Blended Systems/Blended Operations model.

8. Attachment B details the performance criteria that will be used to review the candidate rail project list and refine the list through collaboration with the PARTIES to develop the PRIL. The PRIL will be completed, including approval of said list by all respective participating governing Boards of the PARTIES, by June, 2012.

9. The PRIL is intended to be incorporated into the California State Rail Plan as applicable.

10. PARTIES will utilize the PRIL to develop a specific funding plan, including investment by the California High-Speed Rail Authority, State and federal matching funds based upon an agreed strategy.
   a. CHSRA will work with the other parties to the MOU to seek early approval and release of the $950 million already committed to interregional service statewide.
   b. CHSRA will commit an additional $1 billion in unallocated Prop 1A funds to implement the PRIL projects that meet the performance criteria identified in Attachment B by 2020.
   c. CHSRA will work with necessary funding partners (state, private, and federal) to assist in seeking and releasing the funds necessary to implement the PRIL projects. Local agencies may provide local funds, real property or in-kind resources as matching funds where matching funds are required to qualify for grant funding. PARTIES agree to work together to identify appropriate amounts and types of local resources that may be used to support a specific PRIL project.
   d. CHSRA and appropriate local agencies will coordinate to obtain federal and private funding using a mutually agreed upon strategic approach. In the event that funding for the HST program is constrained by statute, rescission of existing law, change in funding requirements or eligibility, reduction in funding level or availability, the CSHRA shall
notify the Parties in a timely manner of same and provide a statement of impact of such change on the prioritized candidate list.

11. In the event that the funding provided for under this MOU is not approved by the CHSRA by 2020, the MOU is deemed to be terminated effective thirty (30) days upon notice by CHSRA.

12. Any non-CHSRA Party may withdraw from this MOU at any time prior to notice of a grant award for a PRIL project by giving notice to the other parties of the MOU of such termination (including the effective termination date) at least thirty (30) calendar days before the effective date of such termination.

13. If through any cause, the CSHRA shall fail to fulfill in a timely and proper manner its obligations under this MOU regarding approval of the prioritized candidate list or the PRIL, the other parties to the MOU shall thereupon have the right to withdraw from the MOU by giving not less than thirty (30) days written notice of the intent to terminate and specifying the effective date thereof.
## Southern California
### Potential Early Investment Projects that Support Development of the California High Speed Train

<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Descriptions</th>
<th>Rough Order of Magnitude Cost</th>
<th>Status</th>
<th>Details</th>
<th>Critical Framework for Project Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Interest</td>
<td>101</td>
<td>Western Section - Inland Empire</td>
<td>$84,000,000</td>
<td>Ready for final phase</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>102</td>
<td>San Joaquin Valley - Inland Empire</td>
<td>$91,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>103</td>
<td>High-speed Rail - Los Angeles County</td>
<td>$60,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>104</td>
<td>High-speed Rail - San Diego County</td>
<td>$60,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>105</td>
<td>High-speed Rail - Sacramento County</td>
<td>$20,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>106</td>
<td>High-speed Rail - San Francisco Bay Area</td>
<td>$99,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>107</td>
<td>High-speed Rail - Fresno</td>
<td>$57,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>108</td>
<td>High-speed Rail - Oxnard</td>
<td>$19,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>109</td>
<td>High-speed Rail - San Clemente</td>
<td>$20,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>110</td>
<td>High-speed Rail - Monterey</td>
<td>$20,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>111</td>
<td>High-speed Rail - Santa Maria</td>
<td>$20,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>112</td>
<td>High-speed Rail - Salinas</td>
<td>$20,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Interest</td>
<td>113</td>
<td>High-speed Rail - Santa Barbara</td>
<td>$20,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Capacity and Operational Improvements

<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Descriptions</th>
<th>Rough Order of Magnitude Cost</th>
<th>Status</th>
<th>Details</th>
<th>Critical Framework for Project Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity and Operational Improvements</td>
<td>101</td>
<td>Interstate 5 Bridge Replacement</td>
<td>$25,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capacity and Operational Improvements</td>
<td>102</td>
<td>Interstate 10 Bridge Replacement</td>
<td>$25,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capacity and Operational Improvements</td>
<td>103</td>
<td>Interstate 80 Bridge Replacement</td>
<td>$25,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capacity and Operational Improvements</td>
<td>104</td>
<td>Interstate 91 Bridge Replacement</td>
<td>$25,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capacity and Operational Improvements</td>
<td>105</td>
<td>Interstate 101 Bridge Replacement</td>
<td>$25,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Valley Expressway

<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Descriptions</th>
<th>Rough Order of Magnitude Cost</th>
<th>Status</th>
<th>Details</th>
<th>Critical Framework for Project Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valley Expressway</td>
<td>101</td>
<td>Valley Expressway - San Jose</td>
<td>$200,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Valley Expressway</td>
<td>102</td>
<td>Valley Expressway - San Francisco</td>
<td>$200,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Valley Expressway</td>
<td>103</td>
<td>Valley Expressway - Los Angeles</td>
<td>$200,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Summary

<table>
<thead>
<tr>
<th>Category</th>
<th>Code</th>
<th>Descriptions</th>
<th>Rough Order of Magnitude Cost</th>
<th>Status</th>
<th>Details</th>
<th>Critical Framework for Project Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td>101</td>
<td>Total</td>
<td>$862,000,000</td>
<td>Ready for construction</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

*Note: The table represents a draft and may not reflect the final project selection criteria.*
Attachment B

DRAFT

Performance Criteria for Draft Candidate Project List

Under Review by MOU Parties

- Improved Speed/Performance
- Improved Operations
- Utility for Future HST System
- Independent Utility
- Connectivity to the HST System/Linkages
- Capacity Increase by Double Tracking
- PUC Ranking (Grade Crossing)
- Safety Improvements to Increase Speed
- Funding Matches (Contingent by Legislature Budget Allocation)
- Fits within Statutory Requirements for Funding
- Local Minimum/Regional Benefit
- Project Readiness by 2020

Note: Reflects CEO/Agency comments as of January 3, 2012