

**Metro**Los Angeles County
Metropolitan Transportation AuthorityOne Gateway Plaza
Los Angeles, CA 90012-2952213.922.2000 Tel
metro.net**FINANCE, BUDGET AND AUDIT COMMITTEE
MAY 16, 2012****SUBJECT: EMPIRE AVENUE PROJECT MEMORANDUM OF AGREEMENT****ACTION: AUTHORIZE EXECUTION OF AGREEMENTS WITH CALTRANS AND
THE CITY OF BURBANK FOR THE INTERSTATE 5 HIGH OCCUPANCY
VEHICLE CONSTRUCTION PROJECT****RECOMMENDATION**

- A. Authorize the Chief Executive Officer to execute a Memorandum of Agreement with the State of California, Department of Transportation ("Caltrans"), which requires LACMTA to (1) convey easements to Caltrans for the construction of High Occupancy Vehicle lanes on MTA Property located adjacent to Interstate 5 between Burbank Boulevard and Buena Vista for Fair Market Value based on an appraisal; (2) amend existing agreements with utility providers who are required to relocate their existing facilities from the railroad ROW to another portion of the ROW under threat of Caltrans' exercise of eminent domain and assist Caltrans in negotiating such relocations with the utility providers; and (3) for LACMTA to accept from Caltrans One Million Four Hundred Thousand Dollars (\$1,400,000) to compensate LACMTA for the estimated cost to relocate in the future all private and public facilities from a portion of Victory Place should LACMTA use such property for its right-of-way.
- B. Authorize the Chief Executive Officer to execute a Cooperative Agreement with the City of Burbank ("City") which provides for the conditional vacation of a portion of Victory Place and for LACMTA to reimburse the City for the cost to relocate the public and private facilities from a portion of Victory Place.

BACKGROUND

Caltrans, serving as the lead agency, proposes to construct two High Occupancy Vehicle (HOV) lanes on Interstate 5, one in each direction from Burbank Boulevard to Buena Vista Street in the City of Burbank. The Project will extend Empire Avenue and create a new under-crossing beneath Interstate 5, existing LACMTA railroad right-of-way on the Antelope Valley Line, and Victory Place to northern San Fernando

Boulevard, and permanently close the existing San Fernando Boulevard undercrossing, and also modify the Interstate 5/Empire Avenue Interchange ("Project").

The Project will require that LACMTA convey highway easements to Caltrans up to 27 feet in width for HOV lanes, retaining walls, highway footings, signs and lighting on LACMTA property having the effect of reducing the width of LACMTA existing railroad right-of-way from 100 feet to 73 feet. Caltrans has asked for assistance in negotiating relocation with the utility providers whose existing facilities are within the easement area being conveyed to Caltrans by LACMTA. LACMTA has granted easements to the utility providers that govern relocation and such easements will have to be amended to reflect the new locations. All costs of relocation will be payable by Caltrans.

In order to have sufficient ROW, approximately 17 feet Victory Place will need to be vacated by the City of Burbank and a railroad easement granted to LACMTA from the underlying fee owners. This action will provide the additional right-of-way necessary to maintain the railroad corridor to meet the needs of LACMTA to provide railroad transportation services through the Antelope Valley Line corridor. The City has agreed to vacate a portion of Victory Place as a public street, including surface, aerial, and subsurface uses when requested by LACMTA. LACMTA will negotiate with the underlying fee owners to acquire no-cost railroad easements over portions of Victory Place sufficient to restore the railroad right-of-way to 90 feet at no cost to MTA. In the event LACMTA is unsuccessful in obtaining the easements, Caltrans will exercise its power of eminent domain to acquire the easement on behalf of LACMTA, or reimburse LACMTA costs in exercising its power of eminent domain.

The City will be permitted to continue to use the portions of Victory Place required for the railroad easement as a public street until such time that LACMTA or any other transit provider requires the portion of Victory Place for railroad transportation purposes. The agreement will require LACMTA to reimburse the City for the costs to relocate all City and third party facilities, including, but not limited to, traffic signals, streetlights, and storm drains from this property. City consultants have determined that the estimated cost to relocate all private and public facilities is One Million Four Hundred Thousand (\$1,400,000) Dollars. Caltrans has agreed to pay LACMTA the estimated cost to replace the facilities within 180 days after final execution of the Memorandum of Agreement.

ALTERNATIVES CONSIDERED

Do not approve the Memorandum of Agreement. This alternative is not recommended. The construction of the High Occupancy Vehicle lanes on Interstate 5 is a high priority project for Caltrans. However it is equally important that LACMTA maintain the width of the existing railroad right-of-way at a minimum width of 90 feet in order to meet the future needs of LACMTA to safely provide railroad transportation services through the Antelope Valley Line corridor. The reduction of the corridor would result in a narrow corridor that would not support any expansion of rail services in the corridor. The

agreement reached between Caltrans, the City of Burbank and LACMTA allows each entity to preserve their transportation goals.

DETERMINATION OF SAFETY IMPACT

This Project will have a positive impact on safety with the construction of a grade separation (Underpass) at Empire Avenue and modifications to the I-5/Empire Avenue Interchange. The Project will also include construction of a grade separation (Underpass) at the existing Buena Vista Street grade crossing. This railroad corridor is heavily used for passenger services by Metrolink and Amtrak and for rail freight service by Union Pacific Railroad Company. It is a primary alternative for the California High Speed Rail.

FINANCIAL IMPACTS

The payment of \$1.4 million from Caltrans to LACMTA will be held in reserve until such time as LACMTA is required to remove the public facilities from a portion of Victory Boulevard. LACMTA will also receive compensation from Caltrans for the purchase of an easement to the existing Railroad ROW. Based on the agreements that are being negotiated, LACMTA will not have any financial obligations under the Memorandum of Understanding. It is not certain as to when the obligation to remove the utilities from Victory Place, therefore there is a risk that the \$1.4 million may not be sufficient to cover the costs. The additional project cost will need to be covered by the future transportation project that requires the use of the Victory Place ROW.

Impact to Budget

The source of funds for this project will be Prop C 25% Streets & Highways identified in the executed agreement. These funds are not eligible for bus and rail operating activities.

NEXT STEPS

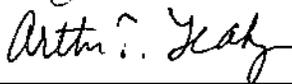
Staff will finalize all of the terms of the Memorandum of Agreement with Caltrans and the Cooperative Agreement with the City of Burbank subject to review and approval by County Counsel.

ATTACHMENTS

Prepared by: Velma Marshall,
Deputy Executive Officer, Real Estate



Roger Moliere,
Chief, Real Property Management and Development



Arthur T. Leahy
Chief Executive Officer