

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF
PROPERTY FOR THE ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT –
RM-27**

BACKGROUND

The Property is required by the Los Angeles County Transportation Authority for the construction and operation of the Rosecrans/Marquardt Grade Separation ("Project"). The address, record owners (as indicated by a title report) ("Owners"), physical description, and nature of the property interest sought to be acquired for the Project are summarized on the table below.

Assessor's Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest Sought	Metro Parcel Number
8069-005-001	13840 -13848 Rosecrans Avenue, Santa Fe Springs	Basilio A. Sierra and Lisa A. Sierra, husband and wife as joint tenants	Rosecrans/ Marquardt Grade Separation Project	Fee Simple and Improvements Pertaining to Reality	RM-27

A written offer to acquire the Property consisting of Parcel RM-27 was mailed to the Owner's Representative by letter dated October 21, 2018 for acquisition of the Real Property. To date, the Owners have not accepted the offer to purchase.

A. The public interest and necessity require the Project.

The purpose of the Project is to:

- 1) Improve safety;
- 2) Maintain access to the railroad for emergency responders;
- 3) Maintain existing railroad facilities and operations; and
- 4) Accommodate future High-Speed Rail in the corridor.

The Rosecrans/Marquardt Avenue and BNSF railroad tracks intersection experiences an average of 45,000 vehicles and 112 trains traveling through the intersection within each 24-hour period, as estimated using Los Angeles County Department of Public Works traffic data from 2011 (Los Angeles County Department of Public Works, 2015). The BNSF line serves approximately 55 long distance and local freight trains, as well as

up to 57 passenger trains for both Metrolink commuter and Amtrak within a 24-hour time period (Los Angeles County Metropolitan Transportation Authority, 2016). The existing BNSF railroad tracks and roadway are at the same grade. This causes a high volume of vehicle conflicts at the intersection. In addition, the railroad crossing traverses the intersection diagonally, which results in poor sight distance between roadway and railroad vehicles.

The combination of these factors has caused the intersection to experience a higher proportion of traffic incidents than average, including fatalities. The ongoing danger has prompted the CPUC under Section 190 to rate this intersection as the most hazardous at-grade railroad crossing in the state. The completion of this Project would alleviate the existing vehicle conflicts and safety hazards at the intersection.

Motorist, cyclist, bus, and emergency vehicle access will need to be maintained at all times during construction of the Project. In addition, train volume in the BNSF corridor is anticipated to increase in the future. Additionally, a third BNSF track is planned for this corridor. The Project would facilitate continued access to and around the project area, including access to the railroad.

The intersection of railroad and roadway infrastructure poses competing interests, which lead to collisions and accidents in the project area. To accommodate existing and planned railroad facilities and operations, the Project would elevate Rosecrans Avenue to an overpass, which would allow critical improvements along the roadway and BNSF right of way to occur.

The project area does not currently accommodate for future HSR planned in the BNSF railroad corridor. At the conclusion of the California High-Speed Train System Tier 1 EIR/EIS, FRA and CHSRA identified the BNSF corridor as the proposed corridor for the HSR Los Angeles to Anaheim project section. FRA and CHSRA are currently conducting further Tier 2 environmental analysis and this Project would be designed to accommodate and not preclude future HSR infrastructure, minimizing time and costs between both projects.

B The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

The Environmental Assessment evaluates the proposed action and the Project alternatives that were developed to meet the identified purpose and need of the Project. When developing alternatives, the following criteria were considered:

- Traffic impacts during construction;
- Required utility relocations;
- Access to businesses during construction;
- ROW impacts;

- Impacts to railroad operations; and
- Project costs.

Several build alternatives were considered, but only one build alternative was recognized as feasible, Alternative 2: Offset Overpass with Connector Road. The Build Alternative was identified as a suitable alternative using the criteria above. Therefore, the alternatives considered for the Project are the Alternative 1 (No Build Alternative) and one Build Alternative (Alternative 2). Resource areas evaluated for each alternative include land use, community impacts, utilities/emergency services, traffic and transportation/pedestrian and bicycle facilities, visual/aesthetics, cultural resources, water quality and storm water runoff, hazardous waste/materials, air quality, and noise. In addition, the potential cumulative impact of past, present, and reasonably foreseeable future projects in the project region are evaluated with respect to these resources.

Under Alternative 1 (No Build Alternative), the current configuration of the Rosecrans/Marquardt Avenue and BNSF railroad tracks intersection would be maintained, and the at-grade railroad crossing would remain. This alternative would not improve safety because each user (trains, vehicles, and pedestrians) would continue sharing the Rosecrans/Marquardt intersection crossing, which would not address the risk of collision. Additionally, the segment of BNSF corridor in the project area has been planned for a third set of BNSF tracks, which would require changes in roadway geometry in the project area. Existing conditions are not conducive to accommodate future HSR infrastructure. Under the No Build Alternative, construction activities would not be completed. However, this alternative would not help to achieve the desired safety or circulation improvements, and would therefore not meet the Project purpose and need.

Under Alternative 2 (Build Alternative), Rosecrans Avenue would be realigned to the south, and an overpass would be constructed to raise Rosecrans Avenue over Marquardt Avenue, the BNSF ROW, and Stage Road. The southern leg of Marquardt Avenue would be extended under the overpass and connected to Rosecrans Avenue. The northern leg of Marquardt Avenue would be connected to Stage Road. A frontage road would also be constructed to connect Anson Avenue to the northern leg of Marquardt Avenue and Stage Road.

Traffic signals would be installed along Rosecrans Avenue: one at the intersection with Marquardt Avenue to the west, and one to the east of the overpass at the intersection with Iseli Road. Other improvements include sidewalk construction, street lighting installation, landscape installation/replacement, parking lot reconfiguration, and utility relocations. Alternative 2 would require full acquisition of eight properties, including six industrial properties and two commercial properties (Sierra Plaza and VCA Animal Hospital), and various partial and temporary easements, including seven roadway easements, one footing easement, one utility easement, and 15 temporary construction easements (TCEs). Construction would be completed over an approximately 24-month period.

Improvements considered under Alternative 2 would meet the purpose and need of the Project. Connectivity between Rosecrans Avenue, Marquardt Avenue, Stage Road, and Anson Avenue would be maintained through the use of signalized intersections. Utilities in the existing roadway would remain in their existing alignment, minimizing the duration of construction. Proposed transportation structures would be located outside of the BNSF ROW, so that a third set of BNSF tracks and future HSR tracks would be accommodated. The majority of construction activities under this alternative would be completed outside of the existing Rosecrans Avenue footprint in order to meet the purpose and need element, “maintain access to the railroad for emergency responders”, which includes access during Project construction. Access disruptions to residents, businesses, and the community during construction would be minimized to the maximum extent feasible. Operation of Alternative 2 would enhance mobility and quality of life for the community. Therefore, the Project would help achieve the desired safety and circulation improvements, and would meet the Project purpose and need.

C. The Property is Necessary for the Project.

The Property is required for the construction of the overhead pass over Marquardt Avenue and realigning Rosecrans Avenue to the south. The selected alignment is critical in connecting Rosecrans Avenue, Marquardt Avenue, Stage Road, and Anson Avenue. This property is part of the full acquisition of eight properties needed to complete this project.

Staff recommends that the Board find that the acquisition of the Property is necessary for the Project.

D. Offers were made in compliance with Government Code Section 7267.2.

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the owner(s) of record, or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the owner or to the owner(s) of record and in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the property. In addition, the agency is required to provide the owner(s) with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Obtained an appraisal to determine the fair market value of the Property, which

included consideration of any immovable fixtures and equipment as appropriate;

2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;
3. Determined the owner(s) of the Property by examining the county assessor's record and the title report;
4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

It is recommended that based on the above evidence, the Board find and determine that the offer required by Section 7267.2 of the California Government Code has been made to the owner(s) of record.

E. Metro has fulfilled the necessary statutory prerequisites.

Metro is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

F. CEQA/NEPA Compliance

As per Section 21080.13 of CEQA, all railroad grade separation projects are exempt under CEQA; as such this project has been statutory exempted from CEQA. The Notice of Exemption was given February 29, 2016 from the Governor's Office of Planning & Research. The Draft Environmental Assessment report was issued by the Federal Railroad Administration (FRA) in April 2018, pursuant to 42 USC § 4332, 49 USC § 303 and 64 FR 28545.

Accordingly, Metro has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

CONCLUSION

Staff recommends that the Board adopt the Resolution of Necessity.