

**Board Report**

File #: 2021-0102, **File Type:** Agreement**Agenda Number:** 12.

REVISED
PLANNING AND PROGRAMMING COMMITTEE
APRIL 14, 2021

SUBJECT: U.S. ARMY CORPS OF ENGINEERS MEMORANDUM OF AGREEMENT FOR SECTION 404 PERMITS FOR METRO PROJECTS**ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute the Memorandum of Agreement between Los Angeles County Transportation Authority (LACMTA) and the US Army Corps of Engineering, Los Angeles District, for Section 404 Permitting Process (Attachment C).

ISSUE

Metro planning and construction projects often need to coordinate with the United States Army Corps of Engineers (Corps), Los Angeles District (LAD), to secure permits and approvals. The Los Angeles River Path Project needs to secure a Section 404 (Clean Water Act of 1972) permit and it is anticipated that future additional Section 404 permits will be required for other Metro projects.

In order to streamline the permitting process with LAD, it would be more efficient to enter into a Memorandum of Agreement (MOA) between LACMTA and the LAD to facilitate memorializing roles and responsibilities and to expedite project delivery schedules. This MOA has been prepared in a manner that would accommodate this and any other future Metro project that may require Section 404 services from the LAD.

DISCUSSION

In September 2019, the Board approved LACMTA to enter into a first MOA with the Corps to facilitate coordination on Section 408 (permission from the Corps to alter the Corps constructed Civil Works) permitting process for a number of projects, including Pillar Projects, Measure M/R and Twenty-Eight by '28 Projects (Attachment A). Subsequently, LACMTA and the Corps entered into the MOA in December 2019 (Attachment B).

All the projects included within the Section 408 MOA with the Corps will also be required to obtain Section 404 permits due to their interaction with the Waters of United States. Hence, this would be a second executed MOA that would allow both parties to collectively work together to support pre-

application tasks (environmental and design) for the permitting process. The general intent of the MOA would be to cover the current ongoing Projects as well as future Metro projects requiring Section 404 permits for project delivery.

The MOA describes roles, responsibilities and obligations of both parties and specifies the procedures which LACMTA and the LAD will follow for elements associated with the support services and permitting (general coordination, review of environmental/design, pre-application direction and review, streamline process, attendance in meetings, reimbursements, invoices, etc.). LACMTA and the LAD agree to cooperate with each other in all activities covered by the MOA. Work performed by the LAD under this MOA shall be per the agreed upon terms in this MOA.

Equity Platform Consistency

This MOA will facilitate streamlined delivery of Metro projects which in turn will provide benefits of enhanced mobility and regional access to underserved populations within the respective project areas. Project-specific consistency with Metro's Equity Platform will be addressed as projects are brought before the Board for approval.

FINANCIAL IMPACT

This MOA has a not-to-exceed value of \$750,000 for seven years (ending December 31, 2027) with reimbursements being issued to the LAD on an annual basis per the specified terms in the MOA. Funding will be on an annual basis through project budget, based on project-specific coordination with the LAD. Reimbursements for LAD's commitments created within the MOA parameters shall only be issued by funded projects and must be within each project's respective Fiscal Year or Life of Project (LOP) budgets. Generally, these projects will largely be Measure R/M projects but can be utilized across all Metro capital projects.

Impact to Budget

Sources of funds for the recommended actions are part of each project's budget. No other funds were considered.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

In general, the initial list of nine projects included in the MOA contribute to the implementation of multiple goals of Metro's Vision 2028 Strategic Plan, particularly:

- Goal 1: Provide high-quality mobility options that enable people to spend less time traveling;
- Goal 3: Transform LA County through regional collaboration and national leadership; and
- Goal 4: Provide responsive, accountable, and trustworthy governance within the Metro organization

ALTERNATIVES CONSIDERED

The Board may choose not to execute this MOA, however this would not solidify each of the parties' roles and responsibilities and would require Metro to follow standard "over the counter" processes for

permitting processing and therefore not benefit from streamlined processes and other administration benefits identified within the MOA, all of which are essential elements for timely project delivery.

NEXT STEPS

Upon Metro Board approval, the MOA will be executed, and staff will develop as-needed project-specific scope of projects that become ready for coordination with LAD.

ATTACHMENTS

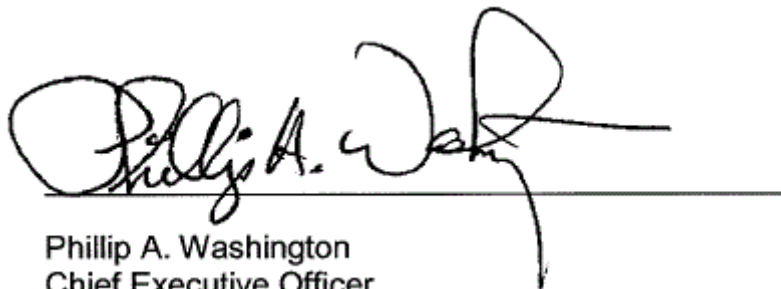
Attachment A - Legistar File #: 2019-0556

Attachment B - LACMTA/Corps MOA for Section 408 permits, executed in Dec 2019

Attachment C - LACMTA/LAD MOA for Section 404 permit

Prepared by: Mitali Gupta, Manager, Countywide Planning and Development; 213-922-5283
Dolores Roybal-Saltarelli, Deputy Executive Officer, Countywide Planning and Development; 213-922-3024
David Mieger, Senior Executive Officer, Countywide Planning and Development; 213-922-3040

Reviewed by: James de la Loza, Chief Planning Officer; 213-922-2920



Phillip A. Washington
Chief Executive Officer