



## Board Report

File #: 2023-0492, File Type: Agreement

Agenda Number: 19.

### CONSTRUCTION COMMITTEE OCTOBER 19, 2023

**SUBJECT: LA RIVER PATH - AGREEMENTS**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

CONSIDER authorizing the Chief Executive Officer (CEO) or her designee to:

- A. EXECUTE a Master Cooperative Agreement (MCA) with the City of Vernon for the LA River Path Project; and
- B. NEGOTIATE and execute as-needed agreements with other responsible stakeholder agencies, including the railroads.

#### **ISSUE**

The execution of the MCA and other agreements are key steps in the delivery of the LA River Path project on schedule and consistent with Metro Board direction in 2021 which authorized the CEO to negotiate and conditionally enter into a Cooperative Agreement with the Los Angeles County Department of Public Works (LACDPW), the City of Los Angeles, and the City of Vernon.

#### **BACKGROUND**

The LA River Path is an active transportation project to close an eight-mile continuous gap in the bicycle/pedestrian network between Elysian Valley and the City of Vernon, through downtown Los Angeles. This project is identified in the Measure M Expenditure Plan as the LA River Waterway & System Bike Path and has \$365 million of Measure M funds (2015\$) allocated to it.

At its June 2021 meeting, the Board approved Motion #49 by Directors Garcetti, Solis, Kuehl, Krekorian, and Najarian about the LA River Path Project delivery.(Attachment A) For the downtown segment, the specific ask was that Metro act as the funding agency administering Measure M, coordinating and pursuing additional funds, and the agency of record for environmental clearance.

The execution of the MCA and other agreements by the Board will facilitate the development and implementation of the LA River Path Project in the respective City/County portions and have

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concerted coordination with other stakeholder agencies, including the railroads. Completion of the Project will require extensive design reviews, coordination, approval, and permitting for construction through the jurisdictions, as well as negotiation of the final owner, operator, and maintenance entity for the Project, including an operation and maintenance (O&M) plan.

The local coordination process begins with the Cities/County and their consultants providing input on design documents/O&M plan and attending meetings with Metro staff as part of the ongoing developmental phase of the Project. Once the Project's single alternative is selected for final design and construction, the Cities/County will continue to support the Project by providing valuable review and input to its design, and later, inspectors in the field to monitor and provide final acceptance of the contractor's work in their respective jurisdictions.

The MCA and other agreements constitute commitments for Metro, the City of Vernon, and other stakeholder agencies to continue to work together to progress and complete the LA River Path Project.

## **DISCUSSION**

Planning and construction projects often need to coordinate with multiple jurisdictions and agencies to secure permits and approvals. The LA River Path is no exception. However, its uniqueness and challenges stem from the fact that Metro owns only <1% of the right-of-way (ROW) along the project corridor. In addition, per the 2021 Board direction, Metro will not be responsible for the operation and maintenance of the completed project.

In addition to the necessary approvals and permits, the MCA enables Metro leadership to engage in discussions to determine the ultimate owner/operator/maintenance entity for the Project as well as develop an O&M plan for approval. The determination of the ultimate owner is essential to advancing design to 60% and beyond since design standards and guidelines will need to adhere to the standards of the ultimate owner, who will also become the operating and maintenance entity.

The majority of the Project ROW lies within the City and unincorporated Los Angeles County. In addition, the LA County Flood Control District (LACFD) and the US Army Corps of Engineers (USACE) hold flood control easements over the river, within the project corridor. The City of Vernon acknowledges the LA River Path Project as a high-priority public works project, and as such, its City Council approved the MCA (Attachment B) in May 2023. The general intent of the MCA is for the City of Vernon to provide Metro with expedited review and approval procedures in connection with the design, design reviews, permitting property acquisition and other authority to be exercised by the City relating to the LA River Path Project. The MCA and other types of agreements for other responsible stakeholder agencies will be developed along the lines of the MCA developed for the City of Vernon.

The City of Vernon - Metro MCA describes the roles, responsibilities, and obligations of the parties and provides specificity under the following subheads:

- Scope and Duration
- Governance
- Design

- Construction
- Betterments
- Operation and Maintenance
- Reimbursement and Credits
- Indemnity, Warranties, and Insurance
- Resolution of Disputes
- Other Miscellaneous Items

With the approval of this MCA, all costs incurred by City staff and their consultants for design review and permit coordination, among others, would be reimbursed by Metro through an annual work plan authorization process specified in the MCA. In doing so, the City of Vernon agrees to waive permit fees specified in the MCA.

### Considerations

Along with the authority to execute the MCA, staff recommends the Board also authorize the CEO or her designee to approve:

- a) any additional agreements that may be needed for other responsible stakeholder agencies;
- b) any necessary future revisions and/or updates to the MCA and other agreements; and
- c) approve an initial budget for reimbursement to the City and other stakeholder agencies until the annual work plan for fiscal year 2024 is established.

### FINANCIAL IMPACT

This Project is funded on a fiscal year basis under Project number 474303 (LARVR Waterway Sys Bike Path), within cost center 4310, and is included within the FY24 Adopted Budget. Since this is a multi-year effort, the Cost Center Manager and Chief Planning Officer (CPO) will be responsible for budgeting funds in future years. The recommended action, however, will have no impact on the overall project cost.

### Impact to Budget

The source of funds for the recommended actions is part of the project budget i.e., Measure M and there is no impact on the FY24 budget. The fund source is not eligible for bus and rail operations.

### EQUITY PLATFORM

The Project, consistent with the Metro Board-adopted Equity Platform policy framework, is intended to bring improved transportation infrastructure to many of the Equity Focused Communities (EFCs) along the LA River. The Project will provide benefits of enhanced mobility and regional access to jobs, education, and other recreational opportunities for underserved populations within the project area. These goals are also part of the Measure M Expenditure Plan, which advances equity by creating jobs, reducing pollution, and generating local economic benefits.

For context, approximately 29% of the population in this area lives in poverty, 79% are Latino, and

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more than 22% of the working-age population does not use automobiles as a primary mode of transportation. This path will not only be used for recreational purposes for the betterment of public health but also serve as a low-cost transportation option for those who have limited car ownership.

The execution of the MCA and other as-needed agreements with other responsible stakeholder agencies is essential to the successful and timely completion of this project, and subsequent benefits for project area communities.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project contributes to implementing multiple goals of Metro's Vision 2028 Strategic Plan. In particular:

- 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 approve the recommendations, however, doing so may hinder Metro's delivery of this Measure M project according to the timeline outlined in the Expenditure Plan. In addition, it will also be an impedance in fulfilling the City and County of Los Angeles' common goal of providing low-cost and low-impact alternative transportation options to marginalized communities.

### **NEXT STEPS**

Upon Metro Board approval, the CEO or her designee will execute the MCA between Metro and the City of Vernon. Staff will continue to work with other responsible stakeholder agencies, including the railroads, to develop agreements, annual work plans and create a work order for payment.

This report also authorizes the CEO or her designee to approve an initial budget for reimbursement to the City and other stakeholders (if needed) until the annual work plan for fiscal year 2024 is established.

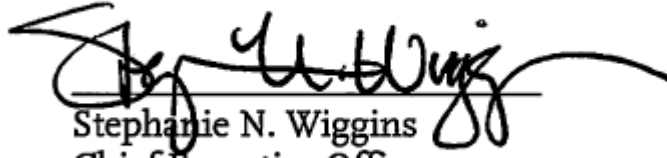
### **ATTACHMENTS**

Attachment A - Board Motion (2021-0436)

Attachment B - City of Vernon Council meeting minutes on MCA

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