



## Board Report

**File #:** 2021-0530, **File Type:** Motion / Motion Response

**Agenda Number:** 11.

### PLANNING AND PROGRAMMING COMMITTEE SEPTEMBER 15, 2021

**SUBJECT: I-710 SOUTH CORRIDOR IMPROVEMENTS ENVIRONMENTAL PROCESS STATUS  
UPDATE AND RESPONSE TO MOTION 47**

**ACTION: RECEIVE AND FILE**

#### **RECOMMENDATION**

RECEIVE AND FILE I-710 South Corridor Project Motion 47 Response.

#### **ISSUE**

At the May 27, 2021, regular Board meeting, Motion 47 (Solis, Sandoval, Butts, and Garcetti) on the I-710 (South) corridor improvements environmental process was approved (Attachment A). The Motion requested a report back at the September Board meeting.

#### **BACKGROUND**

##### *Draft EIR/EIS Development*

The environmental studies for the I-710 corridor improvements started in 2008 to address significant traffic congestion, safety, and air quality issues resulting from increasing traffic volumes and infrastructure deficiencies. Metro, in partnership with Caltrans, Gateway Cities Council of Governments (GCCOG), Port of Los Angeles, Port of Long Beach, Southern California Association of Governments, and the I-5 Joint Powers Authority (collectively, the Funding Partners), completed scoping, alternatives analysis and other technical work in early 2011, leading to the preparation of the draft environmental document (DED) and preliminary engineering. The development of the potential improvement alternatives was guided by the stated purpose statement approved by all study Partners and regulatory and resources agencies:

- Improve air quality and public health
- Improve traffic safety
- Address design deficiencies
- Address projected traffic volume
- Address projected growth in population, employment, and economic activity related to goods movement

The development of the DED was guided by a public outreach framework.

The DED circulated on June 28, 2012, evaluated four build alternatives, three of which, in addition to

improvements to the mainline freeway, included a grade-separated freight corridor. Close to 3,000 comments were received during the initial circulation. In early 2013, the Study Team, consisting of Metro, Caltrans, and the GCCOG, decided that reevaluation of the alternatives and re-circulation of the DED were necessary to address:

- 1) changes in the Ports' growth forecast scenarios and initial assumptions made about the future distribution of truck trips in Southern California;
- 2) significant right of way requirements for the original design that could make the project infeasible; and
- 3) a proposal by the Coalition for Environmental Health and Justice (CEHAJ) comprising community-based organizations and public health advocates to consider a new alternative to be added to those considered in the DED. This alternative was known as Community Alternative 7 and proposed the construction of a zero-emission freight corridor and significant investment in active transportation improvements and community benefits.

In response to community input regarding the need to address corridor issues beyond the freeway itself, both Build Alternatives included the following programmatic elements: the phased-in Zero Emission Truck Technology Deployment Program (a.k.a. I-710 Clean Truck Program), Community Benefits Grant Program, Congestion Relief Program and the Transit Enhancements Program. The 710 Clean Truck Program (CTP) would deploy 4,000 near zero-emission (NZE) or zero-emission (ZE) heavy duty (Class 8) trucks for use within the I-710 Corridor by 2035, assuming that such trucks would be commercially available and funds would be available to purchase those.

The Metro Board of Directors adopted Alternative 5C as the Locally Preferred Alternative (LPA) on March 1, 2018 (Legistar File #2017-0849). In addition to approving the LPA for the I-710, the Board also approved two motions - Motion 5.1 by Directors Hahn, Solis, Garcia, and Dupont-Walker (Legistar File # 2018-0053) and Motion 5.2 by Directors Solis, Garcia, Ridley-Thomas, Butts, Najarian, and Hahn (Legistar File # 2018-0068) that provided additional direction to Metro staff to follow in implementing a I-710 Early Action Program.

#### *Final EIR/EIS Development*

Completion/closure of the environmental process requires the Federal Highway Administration (FHWA) to issue a Record of Decision (ROD), which confirms the formal federal approval of the FEIR/FEIS and allows Metro and Caltrans to proceed with the final design, right-of-way acquisition, and construction of the project elements. As part of the National Environmental Protection Act (NEPA) review process, FHWA is legally required to consult with the United States Environmental Protection Agency (EPA) and other state and local agencies on the Project's ability to meet project-level air quality conformity requirements. This multi-agency consultation process begins before the DED is prepared. A final air quality conformity determination is needed before the environmental document can be finalized.

Transportation conformity is required under Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) to ensure that federally supported highway and transit project activities are consistent with/conform to the purpose of a state air quality implementation plan (SIP). Under these regulations, the I-710 Project would normally be considered a "Project of Air Quality Concern" (POAQC) because of the number of diesel trucks that currently travel on the freeway, the existing traffic congestion levels, and potential for the Project to significantly increase the number of diesel trucks traveling on the freeway. The underlying assumption is that new capacity on I-710 re-distributes traffic that had previously spilled over from the increasingly congested I-710 into communities on

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local arterial streets and onto other regional freeways back onto the I-710. Although the determination of a POAQC is ultimately an FHWA decision, EPA's understanding of the benefits embedded in this Project and concurrence with Metro and Caltrans' recommendations are fundamental in supporting FHWA in their decision-making.

Because the I-710 CTP was already included as part of the I-710 investments when the DED was publicly circulated in 2017, Metro/Caltrans ascertained that there were grounds to challenge the Project's classification as a POAQC (since the Project's implementation would result in an overall reduction in diesel truck trips) thus obviating the need for a quantitative Particulate Matter (PM) "Hot Spot" analysis. This approach had never been tried before. The quantitative PM "Hot Spot" analysis methodology was a concern as preliminary tests indicated that the zero-emissions freight corridor alternative (Alternative 7) failed due to increases in particulate matter attributable to increases of roadway dust and brake/tire wear, that are created regardless of, and ultimately overwhelm, the tailpipe emission reductions expected with the deployment of cleaner truck technology. This outcome would have also been the case for the board-approved Alternative 5C or even a scenario introducing 100% zero emission trucks for the CTP. EPA has not yet established guidelines to identify and quantify potential mitigations for these entrained emission increases.

Metro and Caltrans have been coordinating with EPA throughout the environmental process. The idea of classifying the Project as "not a project of air quality concern" was initially discussed with EPA in August 2018. EPA was open to this idea but required:

- 1) a strong enough written commitment by Metro to the CTP;
- 2) more detail on the CTP program description, including funding and how the CTP would be administered, implemented, and enforced. EPA saw this approach as "legally vulnerable" because "it deviated from the standard regulatory procedures" and "could set precedent" but was open to discussions. In October 2018, EPA issued a white paper delineating all the requirements that would constitute the written commitment, including programming of funds towards program implementation.

In response to EPA's requirement for a written commitment, in July 2019, Metro, Caltrans, SCAG, and the GCCOG signed a Memorandum of Understanding (MOU) memorializing their commitment to the I-710 Clean Truck Program (Attachment B~~D~~). To address EPA's principal concern about funding for the CTP, at the January 2020 Board meeting, Directors Hahn, Solis, Butts, Garcia, and Najarian introduced Motion 8.1 (Legistar File #2020-0067) that directed staff to include the I-710 Clean Truck Program as an Early Action investment under both the Goods Movement Strategic Plan and the I-710 South Corridor Project. Following staff's response to this motion, the Metro Board also voted in March 2020 (Legistar File#2020-0129) to program \$50 million in funding from Metro-controlled sources, including but not limited to Measure R, as "seed funding" for the CTP, to be made available contingent upon a ROD issued by FHWA for the Project. The Board's action was to accomplish three important goals:

- 1) Sending a strong message of good faith and meaningful commitment by Metro to the EPA that Metro intends to fund and implement the Clean Truck Program following FHWA issuing a ROD for the I-710 Project;

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- 2) Programming the initial funding to allow Metro to develop the I-710 Clean Truck Program in partnership with regional stakeholders and regulatory agencies; and,
  - 3) Identifying local seed funding that would allow Metro to leverage matching funds from state and federal discretionary grant programs to fulfill the Board's \$200 million funding target to support the implementation of the I-710 Clean Truck Program.

Following Metro Board's approval of programming of \$50 million in I-710 Early Action funds as seed funding for the I-710 CTP, Metro led a multi-agency coordination meeting on June 9, 2020, with the goal of reaching an agreement on the project-level air quality conformity determination for the Project. This meeting included executive-level representatives from Metro, SCAQMD, FHWA, EPA, and Caltrans. The meeting was positive - all parties committed to working towards an agreement; however, EPA was not ready to agree on the conformity determination before having additional time to discuss the details of the CTP and the size of the commitment Metro/Caltrans were willing to offer (beyond the \$50 million).

Over the following three months, Metro and Caltrans staff held additional meetings with EPA, AQMD, and FHWA. The staff discussed the remaining concerns and further detail needed on both the technical and regulatory sides. Based on the information shared and the in-depth discussions held during the recent meetings, Metro/Caltrans provided the following additional information to help EPA make the final determination as recommended by Metro and Caltrans:

- Specifics of the Program Description (e.g. identification of target vehicles, tracking, reporting, auditing, incentive structures, etc.)
  - A Roles & Responsibilities document for the CTP's Steering Committee that memorialized all the important details and decisions that cannot be finalized at this time.
  - A phasing plan, including deployment years and number of trucks for the initial phase of the CTP, assuming \$50 million of initial investment. Future estimates for the remainder of the CTP deployment were also included, but only for illustrative purposes as the funding, infrastructure and technological variables are impossible to predict today.
- Justification of "back-stop" measures to guarantee the program's viability

Despite all these efforts, additional program development, and seed funding commitments, EPA continued to dispute the viability of the CTP, which presents an insurmountable barrier to applying the I-710 CTP, either as a project feature or as mitigation, as the means to reduce diesel truck trips in the I-710 Corridor and to achieve project level conformity. The EPA's final position was memorialized in their March 25, 2021 letter (Attachment B).

## **DISCUSSION**

Per Board direction, all work related to the development of a FEIR/FEIS for the I-710 Corridor Project was suspended by the end of May 2021. With the suspension of the FEIR/FEIS, Metro and Caltrans have initiated the I-710 Task Force to review the Purpose and Need for this project and to develop a multimodal set of strategies, projects, and programs that will meet the goals set forth by a community-inclusive group of stakeholders, including GCCOG, that will serve on the task force.

The goal is to identify and work with stakeholders to develop a multimodal investment strategy to improve

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regional mobility, safety, and air quality in concert with fostering economic vitality (including opportunities for local hire), social equity, environmental sustainability, and access to opportunity for LA County residents—particularly for the most impacted residents that live adjacent to I-710. The focal point of Metro’s engagement strategy will be a new stakeholder committee called the I-710 South Corridor Task Force (I-710 Task Force), entrusted with the important responsibility of working collaboratively and constructively to accomplish the following outcomes: (1) review the purpose and need, (2) develop multimodal and multipurpose strategies to meet these goals in alignment with state and local policies, (3) identify projects and programs to realize these strategies, and (4) create an investment plan to implement priority projects that leverage local (Measure R/M) funding and provide benefit to local communities and the region at-large.

In partnership with Caltrans (District 7), Metro will conduct a series of workshops with the I-710 Task Force over the next six to eight months to accomplish these overarching goals. The first meeting of the I-710 Task Force is scheduled for Monday, September 13, 2021, from 6:00 pm - 8:30 pm (via Zoom). This process will be modeled upon Metro’s 2021 Goods Movement Strategic Plan (GMSP) that brought together a robust and diverse set of key stakeholders, including GCCOG, through a third-party facilitated workshop setting to develop a shared vision and set of objectives, strategies, and outcomes to advance Metro’s priorities of social equity, environmental sustainability, and economic vitality for LA County.

On July 7, 2021, the GCCOG convened a special meeting of their Board of Directors and Executive Committee to discuss current policy considerations, regulatory issues and funding opportunities for the I-710 South Corridor and other highways in the sub-region. Metro, Caltrans, SCAG, Port of Los Angeles, and Port of Long Beach participated. As a result of this discussion, the GCCOG Board and Executive Committee resolved to create an I-710 Ad Hoc Committee to return to the GCCOG with recommendations regarding the future of the project.

Metro will work with the GCCOG to share information and will host “joint sessions” at key intervals over the next six months to help receive feedback from the GCCOG I-710 Ad Hoc Committee, share discussion, and incorporate their findings into the I-710 Task Force’s recommendations. At the end of the process, the Task Force will report back to the Metro Board on its findings and make recommendations on the scope of its investment plan to realize the refreshed Purpose and Need of the I-710 South Corridor. A detailed work plan for the new I-710 Task Force is included in Attachment C.

### **DETERMINATION OF SAFETY IMPACT**

The proposed actions have no adverse impact on the safety of Metro’s patrons, employees, or users of these facilities.

### **FINANCIAL IMPACT**

This is a Receive and File report for information only with no financial impacts. Any Board direction provided on the information presented in this report could result in financial and/or schedule impacts.

### **Equity Platform**

Equitable opportunities will be incorporated into all future decision-making, budget allocation, and community engagement for the Project(s) along the I-710. Staff will continue to work with stakeholders, including residents most impacted by projects, along the corridor to gather input and develop the framework for a I-710 South Corridor investment strategic plan to implement priority multimodal projects and programs based on their suggestions and feedback. Additional Program elements proposed by stakeholders will be considered and may be advanced in support of equitable outcomes. Transparent communication with the stakeholders will

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help build consensus and trust moving forward and hopefully strengthen the communities' support for the needed improvements. Without timely investment to address the current corridor conditions, the I-710 users and corridor communities will continue to experience congestion, unsafe traffic conditions, spillage of freeway traffic onto local neighborhoods, pollution, and other negative impacts of the anticipated escalating traffic demand in the corridor.

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

Metro staff collaboration with local, regional, State, and Federal agencies, as well as the local communities towards the development of an Early Action Program for the I-710 Corridor and a long-term vision to improve I-710 is consistent with the following goals of the Metro Vision 2028 Strategic Plan:

Goal 1: Provide high-quality mobility options that enable people to spend less time traveling.

Goal 4: Transform LA County through regional collaboration by partnering with the GCCOG, Caltrans, impacted communities, and regional stakeholders to identify the needed improvements and take the lead in developing and implementing the Projects.

### **NEXT STEPS**

Activities in pursuit of major highway investments on I-710 are ceased until the Board provides further guidance, and we reach agreement with necessary regional, state, and federal agencies.

Metro and Caltrans will continue to lead the 710 Task Force to revisit the I-710 South Corridor project Purpose and Need, develop multimodal strategies to address these goals, identify projects that advance the multimodal strategies, and create an investment and policy strategic plan to implement the prioritized projects.

The I-710 Task Force outcomes will be presented to the Metro Board in early 2022, with updates provided periodically during this process. Staff will seek Board adoption of the I-710 Task Force investment and strategic plan at that time.

### **ATTACHMENT**

Attachment A - Motion 47 (May 21, 2021 Board Meeting)

Attachment B - March 25, 2021 Letter from EPA

Attachment C - Draft New Metro/Caltrans 710 South Corridor Task Force Engagement Strategy

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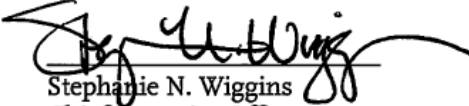
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