



## Board Report

File #: 2023-0772, File Type: Policy

Agenda Number:

### REGULAR BOARD MEETING MARCH 28, 2024

**SUBJECT: I-605/VALLEY BOULEVARD INTERCHANGE IMPROVEMENT PROJECT  
RESOLUTION OF NECESSITY**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATIONS**

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and
- B. ADOPTING the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire the full fee simple interest ("Property") as identified in Attachment A.

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

#### **ISSUE**

Acquisition of the Property is required for the construction and operation of the I-605/Valley Boulevard Interchange Improvement Project ("Project"). The Property is a vacant piece of land, and its acquisition will not result in residential or business displacements. After testimony and evidence has been received from all interested parties at the hearing, Los Angeles County Metropolitan Transportation Authority ("LACMTA"), by a vote of two-thirds of the Board, must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment B) to acquire the Property by eminent domain. Attached is evidence submitted by staff that supports the adoption of the resolution and which sets forth the required findings (Attachment A).

#### **BACKGROUND**

The I-605 is a major north-south Interstate freeway that accommodates interregional travel and goods movement. The I-605/Valley Boulevard interchange provides access to the City of Industry, a major business, industrial uses, and a distribution hub. This location currently experiences significant congestion and operational deficiencies caused by heavy truck traffic, and higher than statewide average collision rates for comparable facilities as per the latest Caltrans TASAS Selective Accident Retrieval Report. Between January 1, 2016 and December 31, 2018, 1,052 collisions on the I-605 mainline segments and 74 collisions on the freeway ramps were reported. The four high collision rate ramp locations and analysis for the Project are as follows:

- I-605 Southbound On-Ramp from Eastbound Valley Boulevard - 7 collisions occurred resulting in an actual rate reported to be 545% higher than the statewide average.
- I-605 Southbound On-Ramp from Westbound Valley Boulevard -15 collisions occurred resulting in an actual rate reported to be 197% higher than the statewide average.
- I-605 Northbound Loop On-Ramp from Eastbound Valley Boulevard --- 2 accidents occurred resulting in an actual rate reported to be 69% higher than the statewide average.
- I-605 Southbound On-Ramp Segment from Westbound Valley Boulevard -20 collisions occurred resulting in an actual rate reported to be 310% higher than the statewide average.

Over the past 10 years, three incidents resulting in two fatalities and three injuries were reported at the Temple Avenue at-grade railroad crossing in close proximity to the subject interchange. Operational deficiencies are forecasted to increase and exacerbate existing safety and traffic concerns if nothing is done.

The Project is expected to improve the freeway and local interchange/arterial operations and safety, and reduce congestion by providing additional ramp lanes, widening ramp lanes to accommodate large truck wheel paths, providing standard ramp shoulder widths, and improving horizontal stopping sight distances. Also, due to the close proximity to the interchange, 300 feet to the north, on Temple Avenue, the at-grade railroad crossing presents the potential for vehicular, train (freight and passenger), and pedestrian traffic conflicts. The at-grade crossing is a three-track shared use with Union Pacific Railroad and Southern California Regional Rail Authority (Metrolink) trains. The existing condition requires the implementation of various ADA-compliant new pedestrian safety features and facilities (barricades, gates, handrails and fencing) to restrict, channelize, and direct the safe movement of pedestrians and motorists at the crossing and interchange. The Project will require extensive design and signal coordination involving both railroads, Caltrans, Los Angeles County, the California Public Utilities Commission, and the City of Industry.

The Project is designed to enhance safety for all users by reducing the number of times pedestrians cross higher speed on- and off-ramp lanes, reduce congestion by adding an HOV lane, and improve freeway and local interchange operations by consolidating on- and off-ramps. The Project scope includes the following: reconfiguring the freeway on- and off-ramps; reconstructing, repaving, and widening local streets (Valley Boulevard and Temple Avenue); upgrading signals/devices (traffic, railroad, and pedestrian crossing indicator); constructing retaining walls and sound walls; installing new streetlights to improve visibility for safety and security; new signage to direct pedestrians and motorists; and implementing Americans with Disabilities Act (ADA) infrastructure upgrades (curb ramps, sidewalks, and pedestrian pathways); and railroad safety upgrades to improve traffic flow and operations, and reduce the potential for vehicular, train (freight cargo and passenger) and pedestrian conflicts. The Project will not result in any displacement of residents or businesses.

Even though this project was scoped and initiated before the adoption of Metro's Objectives for Multimodal Highway Investment (June 2022), it is consistent with those objectives given that: 1) implementation of the project will not require any displacements; 2) the project supports traffic mobility, enhanced safety, economic vitality and access to opportunity, and; 3) the pedestrian

enhancements will address local needs and create a safer transportation system.

The Project garners strong support from the following:

- San Gabriel Government Council of Governments (SGVCOG),
- Gateway Cities Council of Governments (GCCOG),
- Los Angeles County,
- City of Industry,
- California Department of Transportation (Caltrans),
- California Public Utilities Commission (CPUC),
- Union Pacific Railroad (UPRR), and
- Southern California Regional Rail Authority (Metrolink).

In 2017, LACMTA in collaboration with Caltrans District 7, the Gateway Cities Council of Governments (GCCOG), and SGVCOG agreed to advance the development and implementation of the Project to alleviate the operational deficiencies and improve mobility and safety, consistent with the goals and recommendations for the SR-91/I-605/I-405 Hots Spots Program.

The Board designated \$590 million in Measure R funds for the “Hot Spots” congestion relief improvements along the I-605, SR-91 and I-405 corridors in the Gateway Cities subregion. In March 2013, Metro completed a feasibility study of the corridors to identify congestion “Hot Spots” and to develop preliminary improvement concepts. The Project is one of the “Hot Spot” or “Early Action” Projects that was pursued and advanced to improve mobility along the I-605 corridor.

In 2018, the Board approved the contract to complete the environmental and design phases for the Project. In 2021, the Board authorized staff to execute the necessary Third-Party funding agreements to complete the Project.

Acquisition of the Property is required for the construction and operation of the Project. The Property consists of two adjacent and contiguous vacant land parcels, APN 8564-012-003 and 8564-012-004, comprising a total of 0.717 acres, or 31,225 Square Feet.

## **DISCUSSION**

A written offer of Just Compensation to purchase the Property was presented to the Owner of Record (“Owner”) on June 1, 2023 for APN 8564-012-003 and APN 8564-012-004 as required by California Government Code Section 7267.2. The Owner has not accepted the offer of Just Compensation made by the LACMTA, and the parties have not at this time reached a negotiated settlement for the acquisition. Because the Property is necessary for the construction and operation of the Project, staff recommends the acquisition of the Property through eminent domain to obtain possession in order to maintain the Project’s schedule.

In accordance with the provision of the California Eminent Domain law and Section 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorizes the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this

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hearing to the Owners informing them of their right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury; (3) whether the Property is necessary for the Project; (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence; (5) that any environmental review of the Project, as may be necessary, pursuant to the California Environmental Quality Act (CEQA) has occurred and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence has been received from all interested parties at the hearing, LACMTA must make a determination as to whether to adopt the proposed Resolution of Necessity to acquire the Property by eminent domain. To adopt the resolution, LACMTA must, based on the evidence before it, and by vote of two-thirds of its Board, find and determine that the conditions stated in items 1 - 6 above exist.

Attached is the Staff Report prepared by staff and legal counsel setting forth the required findings for acquiring the Property through the use of eminent domain (Attachment A).

There are no displacements of residents or local businesses as a result of the acquisition of the Property.

### **DETERMINATION OF SAFETY IMPACT**

The Board action will not have an impact on LACMTA's safety standards.

### **FINANCIAL IMPACT**

The funding for the acquisition of the Property is included in the Fiscal Year 2024 budget under the I-605 Valley Blvd Interchange Project Number 460348, Cost Center 6510, Acquisition of Land Account 53103. NOTE: The overall project also received State TCEP funding in June 2023 \$33.57M.

#### **Impact to Budget**

The source of funds will be Measure R Highway Capital (20%). These funds are not eligible for bus and rail operations or capital expenditures.

### **EQUITY PLATFORM**

Throughout the project development process, agency project partners were committed to implementing an engagement process that addressed community needs and achieved equitable outcomes for all roadway users. All agency project partners will continue to support outreach efforts that may include, but are not limited to, community meetings/activities; stakeholder briefings/presentations; round table discussions; multi-lingual mailers/postcards, notices; virtual meetings; website posts and email distribution; and social media, as needed, during the next project phase (construction).

The environmental studies for the Project began in 2019, and the Final Environmental Document was approved by Caltrans under CEQA and NEPA in April 2021. The public engagement process that was part of the environmental review phase of the Project occurred in the summer of 2020.

Notices of the Project and availability of the environmental document were published in English, Spanish and Chinese in La Opinion (6-16-2020); San Gabriel Valley Tribune (6-17-2020) and the Chinese Daily News (6-18-2020).

As part of the project development process, the project team worked with various stakeholders to address their transportation priorities and mobility needs. The project team conducted Native American Consultation, Historic Preservation Consultation and Hazardous Waste Consultation. A public information/public awareness campaign will likely occur during the construction phase of the Project which will be led by the SGVCOG.

According to LA County, ped counts for the area were not available [and none of the other agency stakeholders had this data]. As noted in the background section, the I-605/Valley Blvd interchange currently experiences significant congestion, heavy truck traffic, operational deficiencies, and higher than State average accident rates for comparable facilities. Also, over the past 10 years, three incidents resulting in two fatalities and three injuries were reported at Temple Avenue at grade railroad crossing in close proximity to the I-605/Valley Blvd interchange. The proposed safety and operational improvements as well as the railroad safety upgrades are expected to reduce the number of incidents as well as the potential for vehicular, train (freight and cargo) and pedestrian traffic conflicts.

Based on the traffic and safety data reported for the interchange, all users including the most vulnerable will benefit from the betterments that are being proposed for the Project. Safety features for signalized intersections [including painted/delineated crosswalks, pedestrian crossing indicators (push buttons)]; new lighting for safety and security; ADA compliant pathways and other related infrastructure (curb ramps, sidewalks, driveways, and auto pedestrian signals for the sight and hearing impaired); roadway improvements (newly paved local roads) for rollers and cyclists; and new signage (to direct pedestrians and motorists) is being proposed to support the motorists, pedestrians, cyclists, rollers and non-motorized users traversing through the project area

No other alternative locations for the Project provide greater operational safety, decrease travel time, improve air quality, and provide access to the corridor. This public good will also support the fulfillment of Metro's LA County traffic Improvement Plan under Measure R. An offer for the Property was made in June 2023, based on an appraisal of fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." Metro staff has been negotiating with the Owners since June 2023, but agreements have not yet been reached. Approving this action will allow staff to continue negotiations while maintaining the project schedule.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project is consistent with the following Metro Vision 2028 Strategic Plan Goals:

Goal 1: Provide high-quality mobility options that enable people to spend less time traveling by alleviating the current operational deficiencies and improving mobility along the freeway mainline, local interchange and local arterials.

Goal 4: Transform LA County through regional collaboration by partnering with Caltrans, San Gabriel Council of Governments, LA County, City of Industry, Union Pacific Railroads, Metrolink and the California Public Utility Commission to identify needed improvements; and taking the lead in developing and implementing the interchange project.

### **ALTERNATIVES CONSIDERED**

The Board could choose not to approve the recommendations. This is not recommended as it resulting in significant delays and cost increases for the Project. Also, as noted in the Background section, this interchange has high average collision rates and therefore remains a safety concern until the Project can be completed.

### **NEXT STEPS**

If this action is approved by the Board, LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property by eminent domain and to conclude those proceedings either by settlement or jury trial. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law. Staff will continue to negotiate with the property owner with the goal of reaching a voluntary settlement while concurrently continuing the eminent domain process to preserve the project schedule.

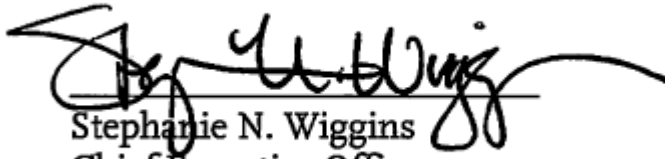
### **ATTACHMENTS**

Attachment A - Staff Report

Attachment B - Resolution of Necessity

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