



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

One Gateway Plaza  
Los Angeles, CA 90012-2952

213.922.2000 Tel  
metro.net

**June 30, 2014**

**TO: BOARD OF DIRECTORS**

**THROUGH:**  **ARTHUR T. LEAHY**  
**CHIEF EXECUTIVE OFFICER**

**FROM:**  **BRYAN PENNINGTON**  
**EXECUTIVE DIRECTOR, ENGINEERING &**  
**CONSTRUCTION**

**SUBJECT: CALTRANS OWNED PARK AND RIDE TRANSFER MOTION**  
**18.2**

### ISSUE

At the February 2014 Planning and Programming Committee, Motion 18.2 was brought forward by Directors O'Connor, Najarian and DuBois regarding concerns over the transfer of Caltrans park and ride lots. The motion requested Caltrans representative to provide a status of the progress of the transfer (Attachment A).

### BACKGROUND

At the March 2014 Planning and Programming Committee, Caltrans District 7 Director Carrie Bowen provided the committee members with a response to Motion 18.2. At the committee meeting a hard copy of the response was given to the Directors, but not an electronic version. Due to lack of the electronic version, the Motion remained open.

On June 20, 2014, Caltrans provided Metro with the electronic version of the response (Attachment B). The transmittal, along with this board box, closes Motion 18.2.

### NEXT STEPS

Staff will continue to keep the Board apprised of any new developments concerning the transfer of the Caltrans owned park and ride lots.

### ATTACHMENTS

- A - Motion 18.2
- B - Caltrans Response to Motion 18.2

February 19, 2014

## **Motion by Directors O'Connor, Najarian and DuBois**

### **Concerns over Transfer of Caltrans Park `n Ride Lots to Metro**

Item No. 18 and Director Najarian's accompanying Motion underscore the importance of Metro's increasingly complex relationship with Caltrans.

LA Metro is and will be investing billions of dollars in highway infrastructure improvements that benefit the state highway system for all Californians. Metro has critical role as a funder of Caltrans projects.

There is a disturbing, on-going trend of events pertaining to the working relationship with Caltrans and Metro as it relates not to only to the implementation of Caltrans highway projects, but the efforts of Metro to transfer Caltrans park `n ride lots to Metro ownership after years of Metro backfilling the ongoing maintenance vacuum and investment in these lots.

For example, the Harbor Gateway Transit Center (HGTC) maintenance issues alone, have cost Metro about \$4 million in maintenance in the last 3 years.

Meanwhile, Metro has invested about \$8 million on signage, landscaping, lighting, CCTV, variable message signs, one soundwall, public art, and a Sheriff's substation in anticipation of the transfer of the HGTC park n' ride lot. There is an additional remaining \$10 million scheduled for soundwalls along Harbor Transit Way (HTW), more CCTV, more variable message signs, and more public art. This does not take into account the similar problems being encountered with the other park `n ride lots Metro has been laboring to transfer.

Additionally, Metro has about \$18 million budgeted in three separate capital projects for HTW improvements (CRD Improvements, Silver Line Improvements, Soundwalls along HTW).

Notwithstanding these major investments, Metro is continually presented with new negotiation obstacles from Caltrans further pushing out the scheduled timelines that were established for these transfers.

The common thread in these issues, as they relate to Item No. 18 and the Najarian Motion, is the need to further examine the straining of the fiduciary and working relationship between Metro and Caltrans regarding future Caltrans projects funded by Metro. If Caltrans is to build a sustainable funding relationship with Metro, it must be able to explain the justifications for the work it is doing and the negotiating positions it has been taking.

**WE, THEREFORE, MOVE** that Caltrans representatives should return to this Committee and the full Board in March, 2014 with further information that will justify the commitments Metro has made and is willing to make on behalf of the public.

1. Provide an explanation as to the justification Caltrans uses to insist that Metro assume historical liabilities for hazardous waste issues as a condition for transfer of any park `n ride lots to Metro.
2. Provide an explanation of why, after two-plus years of negotiations for these transfers the Federal Highways Administration was brought in by Caltrans to oversee the negotiations.
3. Provide an explanation of why Caltrans has changed its position regarding the transfer of the park `n ride lots from actual transfer to a form of "joint use" after Metro has made such a large monetary investment based on the anticipation of property transfer.
4. Provide an explanation of the disparity between the conditions of park `n ride lots in Orange County compared to those in Los Angeles County.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 07

100 S. MAIN ST, SUITE 100 MS-12A

LOS ANGELES CA, 90012

PHONE (213) 897-4644

FAX (213) 897-0145

TTY (213) 897-4937

www.dot.ca.gov



*Serious drought.  
Help save water!*

June 20, 2014

Mr. Frank Quon  
Executive Officer, Highway Program  
One Gateway Plaza, Mail Stop 99-22-7  
Los Angeles, CA 90012-2052

Dear Mr. Quon:

Attached per your request is a copy of the handout that was provided by Caltrans District 07 Director, Ms. Carrie Bowen, when she provided her oral response to the Metro Board on March 27, 2014 in regards to Metro Board item 18.2 dated February 19, 2014.

If you require further information, please contact me at 213-897-4644.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerrel Kam".

JERREL KAM, Chief  
Office of Design A

Enclosures

- (1) Metro Board item 18.2 dated Feb 19, 2014sed document as enumerated here.
- (2) Hand out provided to Metro Board on March 27, 2014

c:

Shirley Choate, Chief Deputy Caltrans District 07  
Karl Dreher, Acting Deputy District Director, Design – Caltrans District 07  
Lucy Olmos, Highway Program, Metro

JK/jk

[Type text]

## Caltrans Response to Metro Board Item 18.2

### Metro Board Item 18.2

(4-0) approval of Motion by Directors O'Connor, Najarian and DuBois [http://media.metro.net/board/Items/2014/02\\_february/20140227rbmitem18.2.pdf](http://media.metro.net/board/Items/2014/02_february/20140227rbmitem18.2.pdf) that Caltrans representatives should return to this Committee and the full Board in March 2014 with further information that will justify the commitments Metro has made and is willing to make on behalf of the public:

**Question A.** provide an explanation as to the justification Caltrans uses to insist that Metro assumes historical liabilities for hazardous waste issues as a condition for transfer of any Park & Ride lots to Metro;

#### **Response to Question A**

Caltrans has requested Metro to accept responsibility should Metro do anything that awakens any past contamination. Metro has since come to an agreement with Caltrans on this issue.

**Question B.** provide an explanation of why, after two-plus years of negotiations for these transfers the Federal Highway Administration (FHWA) was brought in by Caltrans to oversee the negotiations;

#### **Response to Question B**

The answer to this is twofold:

- From October 2011 to October 2013, Caltrans and Metro mutually agreed that Metro would petition the court in the Volpe case for an order confirming that the transfer of Park & Ride lots to Metro would not violate the consent decree that had been issued in that case. It was understood that given the complexities and politically sensitive nature of this undertaking, the process would take considerable time and effort. Metro's legal counsel independently reviewed and assessed the matter and was advising against seeking federal court approval for the Park & Ride transfers; the parties decided to not pursue a court order. Later in 2013, Caltrans new legal counsel reviewed and accepted Metro's legal opinion. Additionally, prior to this acceptance of the legal opinion, Caltrans did not involve FHWA in the specifics of the prospective transfer because of the prior mutual understanding that California law needed to be amended to permit the transfers under state law (as described in response C below). Thus, FHWA engagement would have been warranted only after the courts rendered the transfers viable.
- FHWA was conceptually aware of discussions to transfer Park & Rides along the I-105 and I-110 (that support Metro transit facilities). However, the extent and proposed form of transfer changed from the original discussion and was expanded to include all Park & Ride facilities in Los Angeles County, as well as Metro requesting to take ownership of the land on which the Park & Rides reside. Caltrans turned its efforts toward evaluation of this option. Thus, FHWA was

[Type text]

## Caltrans Response to Metro Board Item 18.2

consulted on the change and found it necessary to re-evaluate its assessment of the transfer.

**Question C.** provide an explanation of why Caltrans has changed its position regarding the transfer of the Park & Ride lots from actual transfer to a form of “joint use” after Metro has made such a large monetary investment based on the anticipation of property transfer

### **Response to question C.**

As mentioned in the response to question B, the concept evolved over time. Caltrans never expressed to Metro a final determination that it could and would relinquish the Park & Ride lots. At all times, Caltrans has made clear that any accommodation of Metro’s plans for the Park & Ride facilities (which were acquired with federal funds) must comply with federal law.

Previously, state statutes said the state can only relinquish facilities to counties and cities. Metro is not a county or city agency. Therefore, there were two possible paths forward: amend the law, or relinquish Park & Rides to local agencies. The latter solution was not desirable as the Park & Rides in which Metro had an interest have hazardous waste issues, and local agencies did not want title ownership. Thus, legislation was pursued, and this took about a year to complete.

- From the beginning it was known that most of the Park & Ride facilities are situated in part within operating freeway right-of-way, and Caltrans communicated that ownership of the parts within the operating freeway could not be transferred. The assumption was that the Park & Ride facilities could be relinquished in part as collateral facilities with Metro responsible for maintenance and operation through a joint use agreement. (Note that the I-105 lots predominantly serve Metro light rail stations, so this existing JUA on I-105 could possibly simply be amended depending on FHWA input.)
- Since late September 2013 FHWA has been involved in the discussion as federal funds were used to originally purchase the right of way for the Park & Ride facilities. In October 2013, Caltrans briefed FHWA on the developments with the Park & Ride transfer and Metro’s goal to obtain full ownership of all of the Park & Ride facilities. At that time, questions were raised by FHWA concerning Metro’s intended use of the Park & Ride facilities; specifically potential plans to develop or otherwise alter the use of the facilities (transit oriented development, commercial ventures). Caltrans Legal has sent a formal request to FHWA to ascertain what is permissible and whether or not Caltrans can lease the lots to Metro at minimal or no cost. This request is currently under evaluation.

**Question D.** provide an explanation of the disparity between the conditions of Park & Ride lots in Orange County compared to those in Los Angeles County.

### **Response to question D.**

District 7 has 49 Park & Ride lots. The majority of them are operated by the state with five facilities maintained by Palmdale, Lancaster, Pasadena, San Dimas and La Canada. The State of California has struggled with its budget and there has been an impact to highway maintenance

[Type text]

## Caltrans Response to Metro Board Item 18.2

and operations allocations. Once staffed at 1,200 maintenance field employees, District 7 now employs 750 maintenance field employees. The Maintenance Division is allocated 14 hours per year to maintain and operate each Park & Ride lot.

In addition, Los Angeles County has more incidents of wire theft, complicating landscape irrigation, and as the economy has changed, Adopt-A-Highway involvement has decreased. Presently we have no Park & Ride locations where an adopt-a-highway volunteer is maintaining the lot. At the same time, the inventory of highway facilities has increased.

Conversely, there are 19 Park & Rides in District 12. Of these, four are operated by Caltrans and the rest are operated by private entities or the Orange County Transportation Authority. District 12 and its transportation partners have leveraged their resources to augment the base allocation for Park & Ride lots by using private lots (churches, other property owners) and are providing in-kind maintenance services.

While the geography, demographics, industry, and population of District 7 and District 12 differ, the district and state as a whole still has a focus on the following for its highway facilities, in order of priority: safety, preservation and maintenance. As such, graffiti and litter removal continue to be important to Caltrans and we will continue to work to maintain the aesthetics of our system within its allocations.