



ORANGELINE HIGH SPEED MAGLEV

ORANGELINE DEVELOPMENT AUTHORITY REGULAR MEETING

Wednesday, April 9, 2008

16401 Paramount Boulevard
Paramount, CA 90723

Buffet Dinner – 6:00 p.m.
Regular Meeting – 6:30 p.m.

The Orangeline Development Authority is a joint powers agency formed to pursue deployment of the Orangeline High Speed Maglev system in Southern California. The Authority is composed of the following public agencies:

City of Artesia
City of Bell
City of Bellflower
City of Cerritos
City of Cudahy
City of Downey
City of Huntington Park
City of Maywood
City of Palmdale
City of Paramount
City of Santa Ana*
City of Santa Clarita
City of South Gate
City of Vernon

Chair

Kirk Cartozian
Councilmember,
City of Downey

Vice Chair

Vacant

Secretary/Treasurer

W. Michael McCormick
Councilmember,
City of Vernon

Auditor

Scott A. Larsen
Councilmember,
City of Bellflower

City of South Gate

General Counsel

Michael Colantuono
Colantuono & Levin, PC

Executive Director

Albert Perdon, P.E.

Supporting Agencies

Gateway Cities Council
of Governments

Southern California
Association of Governments

City of Garden Grove

City of Long Beach

City of Stanton

*City Council has approved
City joining the Authority

A G E N D A

1. Call to Order
2. Pledge of Allegiance
3. Roll Call and Introduction of Attendees
4. Public Comments
5. Approval of Meeting Minutes of March 12, 2008
6. Recognition of Los Alamitos City Councilmembers Troy Edgar and Dean Gross and appointment of new Vice Chair
7. March 26, 2008 Investor and Developer Conference
8. Approval of Warrant Register
9. CLOSED SESSION
 - a. Conference with Legal Counsel: Initiation of Litigation (Government Code sec. 54956.9(c)): One (1) Case
10. Southern California Association of Governments Draft 2008 Regional Transportation Plan adoption and special SCAG T&CC meeting scheduled for April 11, 2008 at 12:00 noon; consider possible action
11. Communication Items to the Authority Board
12. Communication Items from the Authority Board
13. Adjournment – Next meeting May 14, 2008

UNOFFICIAL UNTIL APPROVED

**DRAFT
MINUTES OF A REGULAR MEETING OF
THE ORANGELINE DEVELOPMENT AUTHORITY
WEDNESDAY, MARCH 12, 2008**

CALL TO ORDER

City of Downey Councilman and Board Chair Kirk Cartozian called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Legal Counsel Yvette Abich led the assembly in the salute to the flag.

ROLL CALL AND INTRODUCTION OF ATTENDEES

Board Members:

- Kirk Cartozian – Authority Chair, Councilmember, City of Downey
- Frank Gurulé – Mayor, City of Cudahy
- W. Michael McCormick – Councilmember, City of Vernon
- Tony Lima – Councilmember, City of Artesia
- Scott Larsen – Councilmember, City of Bellflower
- Maria Davila – Councilmember, City of South Gate
- Laura Lee – Mayor, City of Cerritos
- Marsha McLean – Councilmember, City of Santa Clarita
- John Noguez – Councilmember, City of Huntington Park, Paramount

Others:

- Sharad Mulchand – Transportation Planning Manager, MTA
- Yvette Abich – Legal Counsel, Colantuono & Levin
- Ron Bates – City Manager, City of South Gate
- Maryann Maloney – Maryann Maloney & Associates
- Eduardo Vega – City of Cerritos
- Greg Nord – Orange County Transportation Authority
- Rory Burnett – City of Vernon, Orangeline Development Authority
- Roy Reynolds, PRT Strategies
- Albert Perdon – Executive Director, Orangeline Development Authority
- Maria Shafer – Minute Secretary

PUBLIC COMMENTS

City of Downey Councilmember and Board Chair Kirk Cartozian opened public comments for those in the audience who wished to address the Authority on other than agenda items. There was no response and the public comments section of the meeting was closed.

ITEM 5 - APPROVAL OF MEETING MINUTES OF FEBRUARY 13, 2008

MOTION: City of Santa Clarita Mayor McLean moved to approve the meeting minutes of February 13, 2008 as submitted. City of Bellflower Councilmember Scott Larsen seconded the motion, which carried, unanimously.

The Chair asked to place Item 6 (CLOSED SESSION) of the Agenda at the end of the Agenda. After which, the group will reconvene and then Item 8 (Status Report and Possible Action on the March 26, 2008 Investor and Developer Conference in Sacramento) will be addressed.

Members of the Board concurred.

ITEM 7 - STATUS OF SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) DRAFT 2008 REGIONAL TRANSPORTATION PLAN ADOPTION; CONSIDER POSSIBLE ACTION

Executive Director Al Perdon presented details of the item reporting that SCAG will be meeting on March 19, 2008 to discuss the Draft 2008 Regional Transportation Plan. He presented background information noting that the appearance of Orangeline Development Authority member cities representatives at a prior SCAG meeting and letters to SCAG resulted in the Orangeline High Speed Maglev being restored to the Draft 2008 Regional Transportation Plan. Specifically, the project was placed into the Constrained Plan.

Mr. Perdon referenced a letter from the Orange County Transportation Authority (OCTA) indicating it has taken the position to request that SCAG remove the Orangeline High Speed Maglev from the Constrained Plan and place it, instead, in the Strategic Plan, since OCTA has not approved use of rights of way in Orange County that is proposed for use by the Project.

Mr. Perdon reported that he had drafted a letter noting that the Project meets federal financial constraint requirements for inclusion in the Constrained Plan portion of the Regional Transportation Plan and that the Authority takes exception to the position of OCTA.

The Chair emphasized the importance of Member Cities attending the upcoming SCAG meeting.

Discussion followed regarding the viability of the Authority's plan without the participation of Orange County. City of Santa Clarita Mayor McLean opined it was important to include that information in the letter.

Mr. Perdon explained the Project will be initiated in segments. Initial segments will be viable without the Orange County segment. He added the letter will focus on financial issues because the right-of-way has not been approved. He stated he did not believe that the OCTA letter presents a legal basis for removing the Project from the Constrained Plan.

The Chair stated that the Project deserves further strategic analysis and that the possibility of Orange County cities joining the Authority and supporting project in the future should remain open.

Discussion followed regarding drafting the letter on Legal Counsel's letterhead, the importance of Member Cities attending the SCAG meeting and the importance of obtaining input from the staff of all Member Cities.

The Chair noted he will contact absent members regarding the matter.

South Gate City Manager Ron Bates suggested the letter not seem too aggressive. He further added that OLDA has the advantage because the Project is still included in the Plan, that OCTA will need to work to remove it and that the Authority should question the letter submitted by OCTA where it fails to note that the action of the OCTA Board was to not approve use of the right-of-way, "at this time".

Ensuing discussion pertained to the goal of the letter, the importance to show that the Authority has legal representation but to also continue working with staff. It was noted that it would be helpful to have individual Member Cities also issue letters.

Mr. Bates suggested that each member city of the Authority that is also a member of SCAG contact other Transportation and Communications Committee Members to secure their support of the Authority's position.

ITEM 9 - APPROVAL OF WARRANT REGISTER

MOTION: City of Huntington Park Councilmember John Noguez moved to approve the Warrant Register as prepared and recommended for approval by the Treasurer, for the period of February 14, 2008 through March 11, 2008. City of Vernon Councilmember Mike McCormick seconded the motion, which carried, unanimously.

ITEM 10 - COMMUNICATION ITEMS TO THE AUTHORITY BOARD

Mr. Perdon reported the City of Los Alamitos has taken action to withdraw from the Authority effective the end of March.

Mr. Perdon announced a change in the City of Paramount's representation to the Authority Board (Daryl Hofmeyer is the new delegate and Tom Hansen is the Alternate Delegate) and that the Orangeline High Speed Maglev segment from Downtown Los Angeles to central Orange County is still in the Los Angeles Metro Long Range Transportation Plan.

Mr. Perdon noted that this meeting will be the last for City of Cerritos Mayor Laura Lee and thanked her for her leadership and participation as a member of the Board.

ITEM 11 - COMMUNICATION ITEMS FROM THE AUTHORITY BOARD

City of Santa Clarita Mayor McLean requested the Board consider holding the next meeting of OLDA in a venue closer in distance. City of Vernon Councilmember McCormick will investigate the possibility of holding it in Vernon and will inform Board Members.

ITEM 6 - CLOSED SESSION

Conference with Legal Counsel: Initiation of Litigation (Government Code sec. 54956.9(c): One (1) Case

The general assembly recessed at 7:15 p.m. It reconvened at 7:45 p.m. and it was noted there were no reportable actions taken during the Closed Session of the Board.

ITEM 8 - STATUS REPORT AND POSSIBLE ACTION ON THE MARCH 26, 2008 INVESTOR AND DEVELOPER CONFERENCE IN SACRAMENTO

Mr. Perdon reported that, to date, there has been a limited number of participants that have confirmed attending the conference, including representatives of member cities and investors/developers. He encouraged participation by Members of the Authority.

The Chair addressed issues/concerns regarding the possibility of canceling or postponing the conference.

Discussion followed regarding the possibility of sending Member City staff members.

City of Santa Clarita Mayor McLean felt that if it is canceled, it will project a message of defeat.

City of Huntington Park Councilmember Noguez stated he will rally activists to attend the SCAG meeting.

Mr. Perdon introduced and thanked Maryann Maloney of Maryann Maloney and Associates for her work in planning the conference. He appealed to Member Cities to attend the conference.

Ms. Maloney addressed the Board reporting on her email campaign and continuing efforts to invite the real estate development community and investors to the conference. She addressed the structure of the conference, attending legislators and the possibility of registering for the conference through the Orangeline High Speed Maglev Project website.

Following further discussion, it was noted there will be no changes to the plan and that staff will continue to move forward to attract the development community as well as private investors to the conference, and continue to encourage representation by the Authority's member cities.

ITEM 12 -ADJOURNMENT

There being no further business to come before the Orangeline Development Authority, the meeting was adjourned at 8:20 p.m.

The next regularly scheduled meeting will be held on Wednesday, April 9, 2008.

Secretary

Attest:

Chair

Approved:



ORANGELINE HIGH SPEED MAGLEV

AGENDA REPORT

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City of Vernon

TO: Members of the Orangeline Development Authority
FROM: Kirk Cartozian, Chairman
DATE: April 9, 2008
SUBJECT: Recognition of Los Alamitos City Councilmembers Troy Edgar and Dean Gross and appointment of new Vice Chair

RECOMMENDATION

That the Authority Board gives recognition to Los Alamitos Councilmember and former Authority Vice Chair Troy Edgar and City Councilmember Dean Gross and considers appointment of a new Vice Chair.

DISCUSSION

The City of Los Alamitos has withdrawn membership in the Orangeline Development Authority. It is recommended that the Authority Board recognize Los Alamitos Councilmember and former Authority Vice Chair Troy Edgar and City Councilmember Dean Gross for their service to the Authority.

It is recommended that the Authority Board appoint a new Vice Chair to fill the vacancy created by the City of Los Alamitos withdrawal from the Authority.

Chair

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Councilmember,
City of Downey

Vice Chair

Vacant

Secretary/Treasurer

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City of Vernon

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- City of Vernon

TO: Members of the Orangeline Development Authority

FROM: Kirk Cartozian, Chairman

DATE: April 9, 2008

SUBJECT: March 26, 2008 Investor and Developer Conference

RECOMMENDATION

That the Authority Board considers and receives and files this report

DISCUSSION

Staff will provide a brief oral report on the Investor and Developer Conference held on March 26, 2008 in Sacramento.

Chair

Kirk Cartozian
Councilmember,
City of Downey

Vice Chair

Vacant

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Orangeline Development Authority
Warrant Register
General Fund
March 12, 2008 through April 9, 2008

The Warrant Register is in preparation and will be provided prior to or at the meeting.



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- City of Vernon

TO: Members of the Orangeline Development Authority
FROM: Kirk Cartozian, Chairman
DATE: April 9, 2008
SUBJECT: Approval of Warrant Register

RECOMMENDATION

That the Authority Board approves the Warrant Register, as prepared and recommended for approval by the Treasurer, for the period March 12, 2008 through April 9, 2008.

ATTACHMENT:

1. Warrant Register for March 12, 2008 through April 9, 2008.

Chair

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Vice Chair

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Warrant Register
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March 12, 2008 through April 9, 2008

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- City of Santa Clarita
- City of South Gate
- City of Vernon

TO: Members of the Orangeline Development Authority

FROM: Kirk Cartozian, Chairman

DATE: April 9, 2008

SUBJECT: Southern California Association of Governments Draft 2008 Regional Transportation Plan adoption and special SCAG T&CC meeting scheduled for April 11, 2008 at 12:00 noon; consider possible action

RECOMMENDATION

That the Authority Board considers possible action in regard to the adoption by the Southern California Association of Governments (SCAG) of the 2008 Regional Transportation Plan.

DISCUSSION

At its meeting of April 4, 2008, the SCAG Transportation & Communications Committee (T&CC) discussed the issue of whether or not to keep the Orangeline High Speed Maglev Project in the Draft 2008 Regional Transportation Plan. The Committee considered a recommendation by one Committee member to move the Project from the Constrained Plan to the Strategic Plan.

A number of Authority Board members and other representatives of Authority member cities attended this meeting, several of whom provided testimony in support of retaining the Project in the Constrained Plan.

The Committee decided to take no action and scheduled a special meeting for April 11, 2008 to reconsider the issue.

Attached for Authority Board consideration is a letter from Chairman Cartozian to SCAG urging that the Orangeline High Speed Maglev be retained in the Constrained Plan of the 2008 Regional Transportation Plan.

ATTACHMENT:

1. Letter to SCAG

Chair

Kirk Cartozian
Councilmember,
City of Downey

Vice Chair

Vacant

Secretary/Treasurer

W. Michael McCormick
Councilmember,
City of Vernon

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April 9, 2008

The Honorable Gary Ovitt
President, Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

Dear President Ovitt:

At its meeting of April 3, 2008, SCAG's Transportation and Communications Committee (TCC) discussed the Orangeline High Speed Maglev Corridor Development Project in the context of the Draft 2008 Regional Transportation Plan (RTP).

During this discussion, the question arose as to whether or not the Orangeline meets federal requirements for inclusion in the Constrained Plan. The Authority's letter to you, dated March 13, 2008, addressed these issues in response to a letter to you from OCTA Chairman Chris Norby dated February 4, 2008.

The Authority has carefully reviewed federal requirements and considered the input provided by OCTA and the testimony presented at the TCC meeting of April 3, 2008. As opined and stated by the Authority's General Counsel to the TCC at this meeting, the Authority asserts that the Orangeline High Speed Maglev Corridor Development Project meets federal requirements and standards for inclusion in the 2008 Regional Transportation Plan Constrained Plan, consistent with or exceeding the performance standards of other projects that have been approved for inclusion in the Constrained Plan.

Unwarranted action by SCAG to remove the Orangeline from the Constrained Plan would cause significant financial harm to the Authority, its member cities and its development partner, the ARCADIS Team. The Authority asks for your support to retain the Orangeline in the Constrained Plan of the 2008 RTP.

Sincerely,

Kirk Cartozian
Chair

AP: cp

c: Alan Wapner, Chairman, SCAG Transportation & Communications Committee
Hasan Ikhata, Executive Director, SCAG
Orangeline Development Authority Board of Directors
Albert H. Perdon, Executive Director, Orangeline Development Authority



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Chair

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Councilmember,
City of Downey

Vice Chair

Troy Edgar
Councilmember,
City of Los Alamitos

Secretary/Treasurer

W. Michael McCormick
Councilmember,
City of Vernon

Auditor

Scott A. Larsen
Mayor,
City of Bellflower

General Counsel

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City of Long Beach
City of Stanton

March 12, 2008

The Honorable Gary Ovitt
President, Southern California Association of Governments
818 West Seventh Street, 17th Floor
Los Angeles, CA 90017-3435

Dear President Ovitt:

The Orangeline Development Authority has reviewed the letter of February 4, 2008 to you from Chris Norby, Chairman, Orange County Transportation Authority (OCTA), with respect to the Orangeline High Speed Maglev Project. The letter requests that the Southern California Association of Governments (SCAG) remove the Orangeline High Speed Maglev from the financially constrained project listing of the 2008 Regional Transportation Plan (RTP) and place the Project, instead, in the Strategic Plan.

Chairman Norby's letter expresses the following of several concerns about the Orangeline High Speed Maglev. "In particular, the assumption that OCTA-owned rights-of-way will be made available, at little or no cost, calls the Orangeline Maglev's financial plan into question. As a result, OCTA firmly believes that, as currently proposed, the Orangeline Maglev does not meet the financial constraint requirements necessary for inclusion in the constrained 2008 RTP."

While OCTA has questioned the Orangeline Maglev financial plan, and expressed its beliefs pertaining thereto, it has not demonstrated that the financial constraint requirement is not met. A mere belief that it is not met, alone, is inadequate justification for removing the Project from the 2008 RTP.

The Authority does not agree with the OCTA assertion or conclusion regarding compliance with financial constraint requirements. The assumption that existing public rights-of-way will be made available for the Project at little or no cost has been known to OCTA since Authority Board adoption of the Milestone 10 – Financial Plan in November 2006 and has not been questioned until now. Even so, the assumption is reasonable, as the Orangeline Maglev will serve a public purpose consistent with the purposes for which the right-of way was purchased. The Orangeline High Speed Maglev financial plan takes into account potential right-of-way costs and includes a reasonable contingency to accommodate possible costs, if any, associated with air-rights above existing public rights-of-way.

Notwithstanding the right-of-way issue and other concerns raised in the letter from Chairman Norby, the Project meets the requirements for inclusion in the 2008 RTP. Of significance, the Authority meets the "financial constraint" requirement by having demonstrated that funding for the Project is "reasonably available". The required conditions for inclusion of the Project in the 2008 RTP have not changed since the

The Honorable Gary Ovitt
March 10, 2008
Page 2

SCAG Regional Council approved inclusion of the Project in the Draft 2008 RTP currently in circulation.

The Authority anticipates that SCAG will retain the Orangeline Maglev Project in the adopted 2008 RTP. If SCAG staff intends to recommend otherwise, we request that you so inform the Authority before the March 19, 2008 meeting of the Transportation & Communications Committee, and allow the Authority adequate opportunity to discuss and resolve the issue prior to the March 19 meeting.

Additional comments are provided in the attached that respond to the issues raised in Chairman Norby's letter. We request that this letter and included attachment be made part of the public record for comments on the 2008 Draft RTP.

Thank you for considering this matter.

Sincerely,

Kirk Cartozian
Chair

AP:ya

Attachment

c: Alan Wapner, Chairman, SCAG Transportation & Communications Committee
Hasan Ikhata, Executive Director, SCAG
Arthur T. Leahy, Chief Executive Officer, OCTA
Orangeline Development Authority Board of Directors
Albert H. Perdon, Executive Director, Orangeline Development Authority

Orangeline Development Authority Comments
in response to
February 4, 2008 letter to Gary Ovitt from Chris Norby

I. CLARIFICATION OF OCTA BOARD ACTIONS:

The February 4, 2008 letter from Mr. Norby does not fully and accurately represent the January 28, 2008 actions of the OCTA Board. The letter from Chairman Norby asserts that at the January 28, 2008 Board of Directors meeting of OCTA, the Board approved a series of recommendations, one of which was that the PE Railroad and Metrolink rights-of-way "will not be made available for use by the Orangeline Maglev." Yet, the record of the January 28th meeting states that the "rights-of-way will not be made available for use by the Orangeline High Speed Maglev Project **at this time**." This is a significant distinction, particularly as it indicates that OCTA has not ruled out the possibility of the rights-of-way being made available for the Orangeline High Speed Maglev at a future time when such rights-of-way would actually be required. In fact, Chairman Norby concedes that the OCTA has not yet taken a "formal policy decision pertaining to the project".

Chairman Norby's letter also states that the OCTA Board approved the following recommendation: "Consider use of the PE right-of-way as part of the Go Local project being considered by the cities of Santa Ana and Garden Grove, uses which are in compatible (sic) with the Orangeline Maglev." However, the record shows that the recommendation states, "Consider use of the Pacific Electric Railroad right-of-way as part of the Go Local project being considered by the cities of Santa Ana and Garden Grove." The ending phrase, "**... uses that are in compatible with the Orangeline Maglev**" are not part of the OCTA Board approved motion. The lack of compatibility of the Orangeline High Speed Maglev and other potential uses has not been demonstrated or determined by OCTA.

II. RESPONSE TO ISSUES RAISED BY OCTA:

In the February 4, 2008 letter, Chairman Norby referenced an attached staff report that raises a number of concerns regarding the Orangeline High Speed Maglev Project, which we briefly summarize and respond to below:

A. Rights-of-Way.

Concerns: To date, there have been no formal discussions with OCTA regarding use of the PE Railroad or Metrolink rights-of-way for the Orangeline Maglev. Officials from OLDA assume that OCTA-owned rights-of-way will be made available at little or no cost.

Response: Use of the existing public rights-of-way at little or no cost to future users of the Orangeline is a reasonable assumption as it is consistent with current OCTA policy for Metrolink and for other OCTA transit services. OCTA representatives have participated in OLDA discussions regarding use of the subject rights-of-way. The Authority welcomes the opportunity to continue those discussions.

B. Financial Plan.

Concerns: The Orangeline Maglev's financial plan appears extremely optimistic. Funding commitments for the environmental and construction phases of the Orangeline Maglev have not been secured.

Response: The financial plan is predicated on reasonable assumptions that are consistent with assumptions used for other maglev projects included in the Draft 2008 RTP. Securing funding commitments for construction is a part of the work plan for the next Project development phase and is not a requirement for a project to be included in the RTP; other projects included in the RTP do not have construction funding commitments.

C. Ridership Forecast.

Concerns: Orangeline Maglev ridership estimates should be based on existing local general plans consistent with all other transportation planning studies.

Response: The Orangeline Maglev Ridership estimate of 14,000 daily riders per station is consistent with SCAG maglev project ridership estimates; the projections range between 11,000 and 26,000 per station for various maglev projects and project segments. The Orangeline estimate is correctly predicated on land use assumptions that take into account existing local general plans, consistent with other planning studies.

D. Schedule.

Concerns: The Orangeline Maglev's financial plan is based on an extremely ambitious project schedule.

Response: As with other projects contained in the Draft 2008 RTP, the Project schedule will be updated on a continuing basis during the Project development phase.

E. Redundant Corridors.

Concerns: The Orangeline Maglev could duplicate existing, committed, and planned transit services between Orange County and Los Angeles. The Orangeline also would mirror the California High-Speed Rail Authority's (CHSRA) proposed alignment between Anaheim, Los Angeles and Palmdale.

Response: Ridership estimates are based on adopted SCAG modeling assumptions and were developed using SCAG ridership models; the same models and assumptions that were used for other projects contained in the Draft 2008 RTP. From Santa Ana to downtown Los Angeles, the Orangeline Maglev would serve a corridor that is not served by any other services. The Orangeline Maglev would complement current and planned services on the LOSSAN Corridor. These existing and proposed services would accommodate only a portion of current and future travel demand along the corridor. The need for all of these services is evident from OCTA's Long Range Transportation Plan, which shows a continuing decline in travel speeds and increases in delays and congestion.

F. Local Support.

Concerns: Political and community support for the Orangeline Maglev in Orange County is uncertain at best.

Response: Early discussions with Orange County cities along the Orangeline Maglev corridor revealed a sincere interest in the Project. A number of city councils passed resolutions expressing general support for the Project and for the studies to be undertaken. The Authority only recently initiated a round of follow-up meetings, beginning with the

City of Santa Ana, to invite cities to join the Authority. The City of Santa Ana accepted the invitation to join the Authority and the City Council passed a resolution to that affect. The Authority is encouraged by OCTA's action to study possible uses of the PE corridor and looks forward to participating in that study. In Los Angeles County, more than half the corridor cities have been active members of the Authority. The Authority is meeting with other cities to determine their interest in supporting the Project. The Authority is proud of its accomplishment in securing local support for the Project. Other projects included in the Draft 2008 RTP, such as the toll road extension in Orange County or transportation projects in Los Angeles County, do not always enjoy unanimous support. The Orangeline Maglev should not be held to a higher standard.

G. Technology Selection.

Concerns: The Orangeline is proceeding on the assumption that Maglev is the best technology for transit service along the PE Railroad right-of-way. OCTA believes the PE Railroad right-of-way could be used for future intra-county transportation projects such as those being proposed by the cities of Garden Grove and Santa Ana as part of the Go Local program.

Response: OCTA completed prior studies for use of the PE Railroad right-of-way. The most recent study recommended a combination Centerline light rail extension and bus option. The Centerline failed to move forward and there currently is no plan for use of the corridor in the OCTA Long Range Transportation Plan. The Orangeline High Speed Maglev does not preclude additional uses of the PE Railroad right-of-way, including intra-county projects such as proposed by Santa Ana and Garden Grove. The Orangeline Maglev is an elevated system that requires a very small footprint at the ground surface, leaving room for additional services within the approximate 100-ft right-of-way. The OC/LA Inter-county Transportation Study can help to determine how multiple services can be integrated into the corridor to achieve the highest and best use of the corridor.

Notwithstanding OCTA's concerns about the Orangeline High Speed Maglev and its recommendation to move the Project to the Strategic Plan, we wish to continue positive dialogue with OCTA beyond adoption of the 2008 RTP. However, that positive dialogue is only possible by retaining the Orangeline High Speed Maglev in the 2008 RTP and by SCAG fostering a cooperative working relationship among all stakeholders so that the public's interest is best served.

III. The Orangeline High Speed Maglev Qualifies for Inclusion in the RTP.

As state in the cover letter, the Authority asserts that the Project meets the requirements for inclusion in the 2008 RTP. Of significance, the Authority meets the "financial constraint" requirement by having demonstrated that funding for the Project is "reasonably available". Specifically, the Authority provided requested documentation to SCAG that demonstrates compliance with the financial constraint requirements. The Authority meets the required conditions for inclusion of the Project in the 2008 RTP – conditions that have not changed since the SCAG Regional Council approved inclusion of the Project in the Draft 2008 RTP currently in circulation.

Further, the issue regarding rights-of-way availability is not a basis for approving OCTA's request that the Orangeline High Speed Maglev not be included in the RTP. The immediate availability of rights-of-way has not been requested by the Authority. Moreover, there is no requirement that rights-of-way be immediately available to qualify a project for inclusion in the 2008 RTP. In fact, many of the projects included in the Draft 2008 RTP, including other maglev projects, have not secured rights-of-way or shown that rights-of-ways are immediately available. A different standard may not be imposed on the Orangeline High Speed Maglev.

IV. POLICY CONSIDERATIONS:

Removal of the Project from the RTP would do great harm to the Project and to the Authority and its 15 member agencies and to other communities along the Project's 108-mile corridor in Los Angeles County and Orange County for the following reasons:

A. Removal of the Orangeline High Speed Maglev from the 2008 RTP would put at risk the investment that has been made in the Project by the Authority's member cities, by SCAG and by the Authority's private partners, including the ARCADIS Team. More importantly, removal of the Project from the 2008 RTP could put into jeopardy further development of the Project and risk billions of dollars in projected transportation, air quality and economic benefits to the Authority's member cities and other corridor cities, as projected in the Project studies and financial plan. Action by SCAG to remove the Project from the 2008 RTP would have an immediate and harmful effect on the Authority's current efforts to attract private investment to the Project.

B. Many of the communities that the Project will benefit are minority, lower income communities that are not well-served by existing and planned transportation systems; these communities carry a disproportionately higher burden as a result of severe health risks and premature deaths, air pollution, public transit dependency and the lack of access enjoyed by other communities. While the air quality benefits of the Project are not included in the assessment of RTP conformance with federal emission standards, these benefits are of significant interest for the heavily-burdened communities that the Orangeline Maglev will serve. Furthermore, the Orangeline High Speed Maglev will serve as an alternative to greater auto and truck traffic, and attendant emissions, along the entire corridor, including traffic generated in Orange County that spills over into Los Angeles County. This "spill-over" traffic creates adverse impacts on Los Angeles County communities, especially those that are close to the Orange County border, and increases pressure to add roadway capacity in Los Angeles County. For this and other reasons, removal of the Project from the 2008 RTP will create harm to communities along the corridor, both within and outside of Orange County.

C. Removal of the Project from the RTP, on the basis set forward by Chairman Norby, sets an unequal and discriminatory standard for the Authority and its member cities – a standard that is not being applied to other projects that are included in the RTP.

D. Inclusion of the Project in the 2008 RTP is necessary for the very reason that it focuses attention and debate on the proposed Project and enables the stakeholders to decide on the course of action that best serves the public interest. By relegating the Project to the Strategic Plan, the importance of the Project and opportunity to advance it are diminished, if not precluded. Unlike many projects in the RTP that are heavily supported by county, state and federal funding sources, the Orangeline High Speed Maglev has largely depended on limited local funds and on private investments. As the Orangeline High Speed Maglev Project is seeking primarily private funding to move forward, demonstrated public agency support is important to attract private investors.

V. CONCLUSION:

In conclusion, the Authority asserts that the Project meets the requirements for inclusion in the 2008 financially constrained 2008 RTP. It has demonstrated the "financial constraint" requirement is met by showing that required funding for the Project is "reasonably available". There is no basis for approving OCTA's request that the Orangeline High Speed Maglev not be included in the financially constrained 2008 RTP. The immediate availability of rights-of-way has not been requested by the Authority and is not a requirement for inclusion of the Orangeline High Speed Maglev in the 2008 RTP, just as it is not a requirement for any other maglev project or any other transportation project included in the 2008 RTP. Right-of-way acquisition generally occurs after completion of environmental studies and after a decision is made to construct the Project.