

Date of Hearing: April 28, 2014

ASSEMBLY COMMITTEE ON TRANSPORTATION
Bonnie Lowenthal, Chair
AB 2574 (Rodriguez) – As Amended: March 17, 2014

SUBJECT: Metro Gold Line Foothill Extension Construction Authority

SUMMARY: Authorizes the extension of the Gold Line light rail line from the City of Montclair in San Bernardino County to the City of Ontario in San Bernardino County. Specifically, this bill:

- 1) Redefines the Gold Line light rail project to include an extension to the City of Ontario.
- 2) Redefines the extension cities for the Gold Line to include the cities of Upland and Ontario.
- 3) Authorizes the Los Angeles Metropolitan Transportation Authority (Metro) to operate the project to the LA/Ontario International Airport.

EXISTING LAW:

- 1) Creates the Metro Gold Line Foothill Extension Authority (Authority) for the purpose of awarding and overseeing all design and construction contracts for completion of the Gold Line light rail project and grants the Authority all the powers necessary for planning, acquiring, developing, owning, using, designing, procuring, and building the project.
- 2) Defines the Gold Line project as the Los Angeles-Pasadena Foothill Extension Gold Line light rail project, formerly known as the Los Angeles-Pasadena Metro Blue Line, extending from Union Station in the City of Los Angeles to Sierra Madre Villa Boulevard in the City of Pasadena and any mass transit guideway that may be planned east of Sierra Madre Villa Boulevard along the rail right-of-way extending to the City of Montclair.
- 3) Defines the extensions cities as the cities of Arcadia, Monrovia, Duarte, Irwindale, Azusa, Glendora, San Dimas, La Verne, Pomona, Claremont, and Montclair.
- 4) Prescribes the roles, responsibilities, and membership of the Authority and requires the Authority to adhere to applicable laws, specifically including those related to open meetings, contracts and procurement, and conflict of interest.
- 5) Requires the Authority to be governed by a board consisting of five voting members and four nonvoting members appointed as follows:
 - a) Three voting members appointed by the city councils of the cities of Los Angeles, Pasadena, and South Pasadena, with each city council appointing one member by a majority vote of the membership of that city council;
 - b) One voting member to be appointed by the president of the governing board of the San Gabriel Valley Council of Governments, subject to confirmation by that board;

- c) One voting member to be appointed by Metro;
 - d) One nonvoting member to be appointed by the Governor;
 - e) Two nonvoting members to be appointed by the city councils of the Cities of Pasadena and South Pasadena, with each city appointing one nonvoting member; and,
 - f) One nonvoting member to be appointed by the president of the board of directors of the San Bernardino Associated Governments (SANBAG), subject to confirmation by that board.
- 6) Requires Metro to assume responsibility for operating all completed phases of the project.
 - 7) Gives Metro the authority to operate the portion of the project located in the County of San Bernardino, extending approximately one-half mile from the Los Angeles and San Bernardino County line to the Montclair Transit Center.
 - 8) Specifies that with respect to the portion of the project on the right-of-way owned by SANBAG, Metro's authority to operate the project shall be contingent upon the approval of SANBAG's board, acting as the county transportation commission, through approval of an operations and maintenance agreement with Metro.
 - 9) Requires the operations and maintenance agreement to provide that SANBAG reimburse Metro for the costs of operating that portion of the line located in the County of San Bernardino.
 - 10) Requires the Authority to enter into a construction agreement with SANBAG, acting as the county transportation commission, prior to the commencement of construction of the portion of the project in the County of San Bernardino.
 - 11) Specifies that Metro is not required to allocate funds to the project beyond funds that were allocated as of January 1, 2012.
 - 12) Requires that the Authority be dissolved when project construction has been completed.

FISCAL EFFECT: Unknown

COMMENTS: The Authority (formerly known as the Pasadena Metro Blue Line Construction Authority) was created by statute in 1998 to oversee the planning, design, and construction of a light rail line from east Pasadena to Claremont. Currently, the Authority has sufficient resources to build the line as far as Azusa. Metro operates the light rail service and maintains the line to east Pasadena.

In 2012, the Authority, working with Metro, proposed an extension of the Gold Line from its current terminus in Pasadena to Montclair, about a half mile into San Bernardino County. The Authority felt that Montclair, with its TransCenter regional transit hub, was a logical terminus for the next phase of the light-rail service. The extension required a statutory change because the law at the time only authorized the line to go as far as Claremont, west of Montclair in Los Angeles County.

The Authority sponsored, and the Legislature passed, AB 1600 (Torres), Chapter 189, Statutes of 2012 to authorize the Montclair extension. Additionally, because Metro's jurisdiction stops at the Los Angeles County line, the bill gave Metro the authority to operate the extension into Montclair. The bill additionally added a nonvoting member to the Authority board representing SANBAG, required SANBAG's approval for Metro to operate the line within San Bernardino County (which is proposed to be built on right-of-way owned by SANBAG), and required SANBAG to reimburse Metro for the costs of operating the portion of the line within San Bernardino County. AB 1600 had no opposition because the Authority, SANBAG, and Metro worked together to craft the language in the bill.

This bill would extend the Gold Line to Ontario to connect with the LA/Ontario International Airport, and eight-mile extension beyond the Montclair TransCenter. Unlike with the half-mile portion within San Bernardino County to Montclair, the current language in the bill does not give SANBAG any approval over Metro's authority to operate the project within the county, although SANBAG would still be required to reimburse Metro for all operational costs.

The author introduced this bill to grant the Authority the legal authority to initiate feasibility and planning studies for what it believes should be the final extension of the Gold Line system. The Authority is statutorily restricted to work related to the project as defined, which under current law ends at Montclair.

Arguments in support: Writing in support, the Gold Line Phase II Joint Powers Authority states that this bill will "allow the Construction Authority to continue planning the final extension of the light rail line from the Montclair TransCenter to the LA/Ontario Airport. The member cities of the JPA strongly support extending the line to the airport, and believe that the planning work should continue moving forward, knowing that we are many years from being ready for construction. Without planning the project now, there is little change for it to succeed later. To that end, the Construction Authority's Board of Directors has already agreed to fund the initial stages of planning with its own money."

Arguments in opposition: Writing in opposition, SANBAG states that it is "deeply concerned that this bill is premature as results from the present Ontario Airport Access study are not anticipated until later in 2014. This study is analyzing more than 30 alternatives for connections to the LA/Ontario International Airport and an extension of the Gold Line is but one of these options. Additionally, as funding for the presently authorized extension to Montclair is not secured, and appears to be dependent on a future, unscheduled local transportation sales tax measure in L.A. County, the need for authority to extend the Gold Line to Ontario International Airport is premature and should be sought later when all jurisdictions have a better understanding of funding opportunities and the need for the extension is better understood."

Committee concerns: When AB 1600 came through the Legislature, it had no opposition. The Authority, Metro, and SANBAG worked together to craft language that worked to protect the interests of the three entities. AB 2574 is different. SANBAG opposes this bill and neither SANBAG nor Metro had a role in crafting the language prior to the bill being introduced. AB 1600 centered around a half-mile extension into San Bernardino County, while AB 2574 is about a far more substantial distance—eight miles. The author and sponsor thought that applying the terms of the agreement negotiated for Montclair to the Ontario extension would be sufficient, but it is not unreasonable to expect that the terms negotiated for a half-mile stretch on right-of-way

already owned by SANBAG might not be the same terms SANBAG and Metro would negotiate for a much longer extension of the line.

The five voting member's on the Authority's board are all appointed by government entities in Los Angeles County. While SANBAG has a seat at the table via its nonvoting member, it has no vote on a proposed project that would extend a significant distance into its jurisdiction and that it would be required to pay to operate.

For an extension of the Gold Line to Ontario Airport to have any hope of becoming a reality, the Authority, SANBAG, and Metro will have to work collaboratively for years to come. Given the level of acrimony over this bill, things are not off to an auspicious start. Under the terms set forth in this bill, the project is doomed to fail.

Previous legislation: AB 1600 (Torres), Chapter 189, Statutes of 2012, authorized the extension of the Gold Line to the City of Montclair.

AB 706 (Torres) Chapter 533, Statutes of 2011, reconstituted the Pasadena Metro Blue Line Construction Authority as the Metro Gold Line Foothill Extension Construction Authority and specifically exempted city elected officials and the governing board members of the Authority from incompatible office provisions of existing law.

SB 1847 (Schiff) Chapter 1021, Statutes of 1998, established the Pasadena Metro Blue Line Construction Authority, predecessor to the Authority, as an independent transportation planning, design and construction agency responsible for the design, contracting and construction of the Los Angeles-to-Pasadena Metro Gold Line (formerly the Pasadena Blue Line).

Double-referral: This bill was also referred to the Committee on Local Government, where it is scheduled to be heard on April 30 should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Metro Gold Line Foothill Extension Construction Authority (sponsor)
City of Arcadia
City of Azusa
City of Claremont
City of Duarte
City of Glendora
City of Irwindale
City of La Verne
City of Monrovia
City of Pasadena
City of Pomona
City of San Dimas
City of South Pasadena
Gold Line Phase II Joint Powers Authority
San Gabriel Valley Council of Governments

Opposition

City of Adelanto
City of Hesperia
City of Rancho Cucamonga
City of Victorville
Inland Action
Move I.E.
San Bernardino Associated Governments
Self-Help Counties Coalition

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