

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN**

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
SAN DIEGO ASSOCIATION OF GOVERNMENTS
NATIONAL RAILROAD PASSENGER CORPORATION
NORTH COUNTY TRANSIT DISTRICT
ORANGE COUNTY TRANSPORTATION AUTHORITY
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
VENTURA COUNTY TRANSPORTATION COMMISSION
SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS
SAN LUIS OBISPO COUNCIL OF GOVERNMENTS
CALIFORNIA DEPARTMENT OF TRANSPORTATION
CALIFORNIA HIGH-SPEED RAIL AUTHORITY
LOSSAN AGENCY**

THIS MEMORANDUM OF UNDERSTANDING (MOU) dated May 10, 2010, between San Diego Metropolitan Transit System (MTS), San Diego Association Of Governments (SANDAG), National Railroad Passenger Corporation (NRPC - Amtrak), North County Transit District (NCTD), Orange County Transportation Authority (OCTA), Southern California Association Of Governments (SCAG), Los Angeles County Metropolitan Transportation Authority (MTA), Ventura County Transportation Commission (VCTC), Santa Barbara County Association Of Governments (SBCAG), San Luis Obispo Council Of Governments (SLOCOG), California Department Of Transportation (Caltrans), and California High-Speed Rail Authority (CHSRA) (referred to herein individually as a Party and collectively as the "Parties") sets forth principles, responsibilities, activities and work, and funding needs required to support the development and implementation of a Business Plan for the Los Angeles-San Diego-San Luis Obispo (LOSSAN) corridor to support improved freight, commuter, intercity, and high-speed rail operations in the corridor.

WHEREAS, the LOSSAN rail corridor runs through a six-county coastal region in southern and central California from the City of San Diego to the City of Los Angeles and terminates in the City of San Luis Obispo; and

WHEREAS, the LOSSAN rail corridor is the second busiest intercity rail (Amtrak Pacific Surfliner service) corridor in the United States of America; and

WHEREAS, the LOSSAN corridor is a federally recognized high-speed rail corridor eligible for federal funding (Section 3043(c)(105) of SAFETEA-LU for New Starts funds); and

WHEREAS, the Southern California Regional Rail Authority's Metrolink and NCTD's COASTER commuter rail service and Amtrak's Pacific Surfliner service carried more than 8.5 million riders in FY 09 along the LOSSAN corridor; and

WHEREAS, Burlington Northern Santa Fe (BNSF) Railway and Union Pacific (UP) own portions of and provide freight rail transportation on the LOSSAN rail corridor that supports the movement of goods from the Ports of San Diego, Los Angeles, and Long Beach; and

WHEREAS, MTS, NCTD, OCTA, MTA, and VCTC own portions of the LOSSAN corridor railroad right-of-way; and

WHEREAS, MTA, SCAG, OCTA, NCTD, MTS (formerly MTDB), SANDAG, and Caltrans in 1989 formed the LOSSAN Joint Powers Authority (LOSSAN AGENCY) to implement Study Group recommendations directed by Senate Bill 1095 (Craven) in 1987; and

WHEREAS, the LOSSAN AGENCY in 2002 added VCTC, SBCAG, SLOCOG, and SANDAG as voting members and appointed a full complement of directors from member agencies; and

WHEREAS, the LOSSAN AGENCY is advised by a Technical Advisory Committee (TAC) consisting of representatives from its member, ex officio, and advisory member agencies; and

WHEREAS, the LOSSAN AGENCY in 2007 completed the "LOSSAN North Strategic Business Plan" and the "LOSSAN Corridorwide Strategic Business Plan"; and

WHEREAS, Proposition 1B (2006), the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, dedicates \$400 million in state general obligation bonds to the state's intercity rail program, including projects along the LOSSAN corridor; and

WHEREAS, Proposition 1A (2008), the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, dedicates \$9 billion to the state's High-Speed Train (HST) system, including HST improvements along the segments of the LOSSAN corridor and \$950 million to urban feeder rail services including the Pacific Surfliner, Metrolink, COASTER, and other feeder services along the corridor; and

WHEREAS, President Obama in 2009 signed the American Recovery and Reinvestment Act, providing \$8 billion for high-speed and intercity passenger rail improvements nationwide; and

WHEREAS, the LOSSAN AGENCY has expended much time, effort, and public funding on studies and capital projects to support improved and expanded rail operations in the corridor; and

WHEREAS, the LOSSAN AGENCY recognizes the urgent need to advance efforts to support improved customer information, service(s) coordination, and operations to the following action at its meeting of September 9, 2009, directing the member agency chief executive officers (CEOs) to:

(1) Draft a memorandum of understanding (MOU) that:

(a) Clearly articulates the shared vision of the LOSSAN AGENCY member agencies including:

- Short-term roles and responsibilities
- Corridor-long responsibility and authority

- Corridor-long planning and investment (\$6-8 billion by 2025)
 - Interactive electronic fare collection system
 - Recognition of the diverse nature of the corridor (e.g., North and South of Los Angeles Union Station; discretionary intercity and commuter passengers)
 - Better traveler information distribution including a consolidated timetable and corridor Web site
 - Focus on local partnerships
- (b) Identification of the Business Plan tasks/scope of work required to support implementation of that shared vision,
- (c) Identification of the budget, resource requirements, respective responsibilities, and schedule associated with completing the necessary studies, and
- (d) An outline of the next steps after completion of Business Plan analysis.
- (2) Moving forward with identification of the lead agency acting for the LOSSAN AGENCY to hire a project manager/principal (title to be determined and hereafter referred to as PM) to work independent of any one Party and report directly to the LOSSAN AGENCY Board of Directors, with input from the TAC and oversight by a steering committee of the Parties' CEOs or their designees, and lead the development of a Business Plan that will provide the operating plan, ridership forecasts, capital and operating requirements, and the public benefits associated with implementing a coordinated and expanded rail operations plan for the LOSSAN rail corridor and develop a draft job description for this position.
- (3) Working collaboratively to (a) build a Business Plan that accounts for the plans associated with intercity rail passenger service, local commuter rail services, and freight rail services. The transportation plan will demonstrate the desire and ability to collaborate with member agencies for the success of the LOSSAN corridor; and (b) to strive for early success that demonstrates that we can work collaboratively to implement initiatives (e.g., joint timetable).
- (4) Developing an initial work plan of tasks that can be completed in FY 2010 (October 2009 – June 2010).

WHEREAS, the Parties' CEOs have worked collaboratively to implement the actions of the LOSSAN AGENCY at its meeting of September 9, 2009;

NOW THEREFORE, the Parties hereby set forth their mutual understandings and actions required to support the implementation of the LOSSAN AGENCY action regarding Agenda Item #6 at its meeting of September 9, 2009;

Section 1 - Vision for Corridor

The Parties agree to the following actions in order to implement a corridor vision:

- Collectively provide the infrastructure to allow more peak-period trains, faster through-express trains, and additional service improvements that meet current and future conventional and high-speed intercity, commuter, and freight demands both north and south of Los Angeles Union Station
- Integrate regional fare policy and develop common fare media that are based in part on early implementation lessons in the corridor as appropriate (electronic revenue collection)
- Integrate and/or coordinate operations and develop efficient operating schedules and dispatching for corridor services
- Implement a strategy for seamless rail travel in the corridor
- Collaborate to identify and establish new services for underserved markets
- Integrate and improve traveler information
- Coordinate with Long-Distance Passenger Rail and Motorcoach Services

Section 2 - Short-Term Actions

The Parties agree to the following short-term actions:

- Development of a scope of work for a Business Plan that identifies the required work to support the implementation of the shared vision for the corridor (June 2010; CEOs/TAC to lead).
- Development of a job description for the LOSSAN Corridor Program/PM to be hired by the LOSSAN AGENCY (June 2010; CEOs/TAC to lead).
- Identify the budget, resource requirements, and schedule associated with completing the Business Plan for the LOSSAN AGENCY that includes ridership and revenue forecasting, operational modeling, operating and capital costs, and an analysis of the benefits of the proposed changes (including infrastructure, rolling stock, stations, fare collection technology, and management) (June 2010; PM to lead).
- Development of a scope of work for the Program/PM hired by the LOSSAN AGENCY to focus on between June 2010 and December 2011, including completion of the Business Plan by September 2010 (June 2010; CEOs/TAC to lead and the Project Manager is to detail this work plan within 30 days of hire).

In an effort to make immediate changes that have a direct, positive experience on the traveling public, the LOSSAN AGENCY agrees to direct the PM to focus on the following early action items:

- Implementation of service modifications of both COASTER and Metrolink service with a goal of serving underserved markets (January 2011)

- Implementation of a program similar to the Rail 2 Rail Program to include COASTER, Metrolink, and Amtrak under one unified program (June 2010)
- Implementation of a limited-stop express service between San Diego, Orange County, and Los Angeles with continuing service to Ventura, Santa Barbara, and San Luis Obispo (January 2011)
- Development of a joint timetable (July 2010)
- Implementation of remaining tasks from the LOSSAN Corridor Quick Improvements Study, July 2008 (September 2010)
- Revise Amtrak schedule to better serve the Ventura-Santa Barbara peak period market (January 2011)
- Review these actions with the Business Plan for consistency (Ongoing)

Section 3 - Long-Term Actions

Based upon the Business Plan, the Parties agree to:

- decide upon the appropriate institutional and organizational structure for the future success of the LOSSAN corridor
- implement "Coast Daylight" services to close the gap in state-supported intercity rail services connecting downtown Los Angeles and downtown San Francisco along the coast route

Section 4 - Priority of Projects/Funding

The Parties agree to develop a prioritized program of projects with the goals of realizing the shared vision of the corridor without regard to operational and jurisdictional boundaries.

Section 5 - Board/Stakeholder Feedback

Each Party will be responsible for gathering comments and feedback from their respective boards of directors as a key input into this process.

The Parties also agree to solicit input from the Federal Railroad Administration in the development of the Business Plan and to consult the *Railroad Corridor Transportation Plans Guidance Manual, FRA, July 8, 2005*.

Nonbinding Memorandum of Understanding

The Parties acknowledge and agree that this MOU is a nonbinding understanding of agreed-upon vision, goals, and plans for the LOSSAN corridor and not a contract. Any definitive agreement reached in connection with the matters described herein shall be subject to the approval of the Parties' duly authorized representatives, which approval may be withheld or conditioned in their sole discretion. No joint venture, partnership or other undertaking shall be deemed to exist as a result of this MOU.

CALIFORNIA HIGH-SPEED RAIL AUTHORITY

APPROVED AS TO FORM:


for **ROELOF van ARK**
Chief Executive Officer

9-14-10

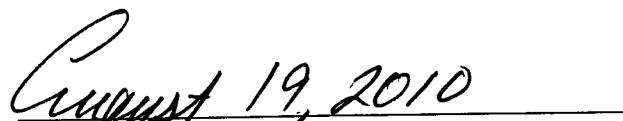
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CALIFORNIA DEPARTMENT OF TRANSPORTATION

APPROVED AS TO FORM:



WILLIAM D. BRONTE
Chief, Division of Rail



August 19, 2010

Date

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

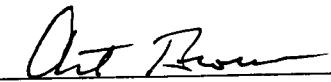

for **ARTHUR T. LEAHY**
Chief Executive Officer

9/15/10

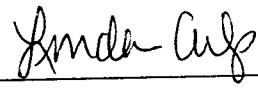
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LOSSAN AGENCY

APPROVED AS TO FORM:



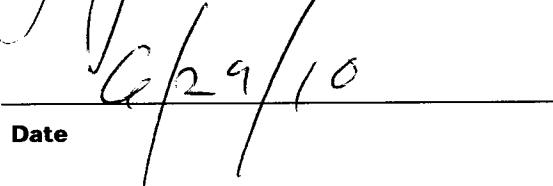
ART BROWN
Chair, LOSSAN Joint Powers Board



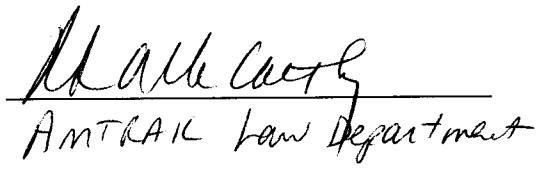
6-23-10

Date

NATIONAL RAILROAD PASSENGER
CORPORATION


JOSEPH H. BOARDMAN
President and Chief Executive Officer

Date 6/29/10

APPROVED AS TO FORM:


Mark Carty
AMTRAIL Law Department

NORTH COUNTY TRANSIT DISTRICT

Matthew O. Tucker

MATTHEW O. TUCKER
Executive Director

August 12, 2010

Date

APPROVED AS TO FORM:

Paula DeSouza

PAULA DESOUZA
General Counsel

ORANGE COUNTY TRANSPORTATION
AUTHORITY


WILL KEMPTON
Chief Executive Officer

7-8-10

Date

APPROVED AS TO FORM:


KENNARD R. SMART, JR.
General Counsel

SAN DIEGO ASSOCIATION OF GOVERNMENTS

APPROVED AS TO FORM:

for Renee Wasmund
GARY L. GALLEGOS
Executive Director


JULIE D. WILEY
General Counsel

9/30/10
Date

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

APPROVED AS TO FORM:


PAUL JABLONSKI
Chief Executive Officer


Date


TIFFANY LORENZEN

SANTA BARBARA COUNTY ASSOCIATION OF
GOVERNMENTS

JIM KEMP
JIM KEMP
Executive Director

6/17/10
Date

APPROVED AS TO FORM:

James

- implement “Coast Daylight” services to close the gap in state-supported intercity rail services connecting downtown Los Angeles and downtown San Francisco along the coast route

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SAN LUIS OBISPO COUNCIL OF GOVERNMENTS
Item E-7 Approved 12/2/09

Dated: 8/4/2010

By:



John P. Shoals
President - SLOCOG

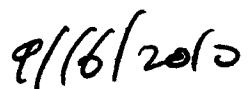
APPROVED AS TO FORM


Rita L. Neal, SLOCOG Legal Counsel Dated 8/3/2010

SOUTHERN CALIFORNIA ASSOCIATION OF
GOVERNMENTS



HASAN IKRATA
Executive Director



Date

APPROVED AS TO FORM:



JOANN AFRICA
Chief Counsel/
Director of Legal Services

VENTURA COUNTY TRANSPORTATION
COMMISSION

D. M. K.
DARREN KETTLE
Executive Director

9/14/10

Date

APPROVED AS TO FORM:

Mitchel B. Kahn
MITCHEL B. KAHN
Legal Counsel