

**SECOND AMENDMENT TO THE
MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL TRANSIT ADMINISTRATION AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE LOS ANGELES WESTSIDE SUBWAY EXTENSION PROJECT,
LOS ANGELES COUNTY, CALIFORNIA**

WHEREAS, the *Memorandum of Agreement between the Federal Transit Administration and the California State Historic Preservation Officer regarding the Los Angeles Westside Subway Extension Project, Los Angeles County, California* (original MOA) for the Los Angeles Westside Subway Extension Project (Undertaking), currently known as the Westside Purple Line Extension, was executed on March 7, 2012; and

WHEREAS, the Undertaking comprises Sections 1, 2, and 3; and the Federal Transit Administration (FTA) and the Los Angeles County Metropolitan Transportation Authority (LACMTA) held a groundbreaking ceremony on November 7, 2014, for Section 1 of the Undertaking, which is a 3.92-mile section from the existing Wilshire/Western Station to Wilshire/La Cienega that is currently under construction and expected to be completed in 2023 with three new stations: Wilshire/La Brea, Wilshire/Fairfax, and Wilshire/La Cienega; and held a groundbreaking ceremony on February 23, 2018, for Section 2 of the Undertaking, which is a 2.59-mile section from Wilshire/La Cienega to Century City Wilshire/Rodeo and Century City/Constellation; and Section 3 is a 2.56-mile section from Century City to the U.S. Department of Veterans Affairs (VA) West Los Angeles (WLA) Campus of the Greater Los Angeles Healthcare System (GLAHS), which began construction in 2019, with two new stations: Westwood/UCLA and Westwood/VA Hospital; and

WHEREAS, the treatment to resolve adverse effects per Stipulations I.A.1 and I.A.2 of the original MOA were finalized through completion of Historic American Buildings Survey (HABS) documentation of the Ace Gallery in Section 1 in December 2016, which is available at the following public website (<http://metro.net/acegallery>); and

WHEREAS, an amendment (MOA Amendment) to the original MOA was prepared and executed on November 25, 2019, as a result of refinements to Section 3 of the Undertaking to memorialize consultation and assessment of effects to historic properties, namely the WLA VA Historic District (referred to as the VA Medical Center Historic District in the original MOA, but identified as the WLA VA Historic District in the 2014 National Register of Historic Places [NRHP] documentation), and the Wadsworth Chapel (Catholic-Protestant Chapels), the News Stand (or Streetcar Depot, Building 66), and the Los Angeles National Cemetery (LANC), all of which are individually eligible and/or listed in the NRHP and also contributing properties to the

WLA VA Historic District, and revision to the area of potential effects (APE) and measures to avoid and minimize adverse effects, consistent with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) (NHPA), as amended; and

WHEREAS, LACMTA is proposing additional refinements in Section 3 of the Undertaking that involve modifications to parking lots, changes to the location of a planned parking structure within the VA WLA Campus, and modifications to work associated with station construction west of Bonsall Avenue that were not subject to the previous Section 106 review; and

WHEREAS, on February 20, 2020, FTA notified the signatories and invited signatories (collectively referred to as all signatories) to the MOA, as amended, namely Advisory Council on Historic Preservation (ACHP); VA and U.S. General Services Administration (GSA); and FTA notified consulting parties City of Los Angeles Office of Historic Resources, Los Angeles Conservancy, Los Angeles City Historical Society, and Veterans Park Conservancy (collectively referred to as consulting parties), of the additional refinements to Section 3 of the Undertaking and revisions to the APE; and FTA solicited comments on resources and potential effects to historic properties within the revised APE; and

WHEREAS, on February 20, 2020, FTA consulted with Native American tribes, including the Gabrielino-Tongva Tribe, Gabrielino Tongva Indians of California, Gabrielino/Tongva Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, and Gabrieleno Band of Mission Indians – Kizh Nation (collectively referred to as Native American tribes), who may attach traditional religious and cultural importance to affected properties pursuant to 36 CFR 800.2 (c)(2)(ii) and 36 CFR 800.2 (c)(5) and were concurring parties to the MOA Amendment, regarding the additional refinements to Section 3 of the Undertaking and revisions to the APE; and FTA solicited comments on resources and potential effects to historic properties within the revised APE and FTA received comments on plans for construction monitoring; and FTA has taken these comments received into account; and

WHEREAS, in a letter dated March 12, 2020, the ACHP recommended preparation of this Second MOA Amendment to document the refinements to the Undertaking and address any future proposed changes to the Undertaking and the APE; GSA offered a suggestion on the delineation of the revised APE on April 1, 2020; and FTA has taken these comments received into account; and

WHEREAS, FTA, in consultation with the California State Historic Preservation Officer (SHPO), has determined the refinements to Section 3 of the Undertaking will not result in additional adverse effects to known historic properties, and that the previous finding of effect for the Undertaking remains appropriate, per 36 CFR 800.5(d)(2); and

WHEREAS, this Second MOA Amendment is prepared to document the refinements to the Undertaking and the modified APE that was expanded due to these refinements and to provide a process to address possible future changes to the Undertaking and revisions to the APE; and

WHEREAS, FTA and LACMTA have consulted with Native American tribes, consulting parties, and all signatories regarding this Second MOA Amendment and have taken their comments into consideration; and

NOW, THEREFORE, in accordance with the original MOA Stipulation III.C, signatories and invited signatories of the original MOA, as amended (collectively referred to as all signatories) agree to amend the original MOA as follows:

STIPULATIONS

FTA, with the assistance of LACMTA, shall ensure the following measures are carried out:

- Modify the APE for Section 3 as depicted in Appendix A of the MOA Amendment to show the revised APE for Section 3 as depicted in Appendix A of this Second MOA Amendment.
- Add new stipulations to the original MOA: Stipulations IV and V.

IV. CHANGES TO THE UNDERTAKING

A. Revisions to APE

1. In the event of proposed changes to the Undertaking that require modifications to the APE, LACMTA shall inform FTA of any such changes. FTA will determine if the proposed changes to the Undertaking will require revisions to the APE. If FTA determines the APE will need to be modified, FTA, in coordination with LACMTA, shall assess and revise the APE as needed to incorporate any additional areas where the undertaking may have the potential to affect historic properties.
2. FTA will submit a revised APE map to all signatories, Native American tribes, and consulting parties and will consult for no more than fourteen (14) calendar days on the revised APE. FTA may extend this review and comment period up to an additional fourteen (14) calendar days upon request. FTA, in coordination with LACMTA, shall compile a comment/response document that describes how the comments were addressed.
3. FTA shall provide this comment/response document and the revised APE to SHPO for a fourteen (14) calendar-day review and comment. FTA, in coordination with LACMTA, will address comments received from SHPO and provide a final revised APE within fourteen (14) calendar days from receipt of SHPO's initial comments. Thereafter, FTA and SHPO shall consult for a period not to exceed fourteen (14) calendar days to resolve comments on the final revised APE. The final revised APE shall be provided to all signatories, Native American tribes, and consulting parties.

4. If the APE is modified, the MOA will not require an amendment if project modifications do not result in additional adverse effects to historic properties. If one or more signatories request an amendment, then the signatories will consult pursuant to Stipulation III.C of the original MOA.

B. Identification and Evaluation of Historic Properties within the Revised APE

1. If the APE is modified, LACMTA will carry out additional investigations to identify and evaluate historic properties that may be listed and/or eligible for listing in the NRHP or that have not been previously identified and to assess potential effects to all identified historic properties. LACMTA will prepare a draft document reporting on the identification of historic properties and evaluation of effect to historic properties, including Department of Parks and Recreation (DPR) 523 forms, if needed.
2. FTA shall have thirty (30) calendar days to review the draft document. After completing its review and resolving comments with LACMTA, FTA shall provide a draft document for a thirty (30) calendar-day review and comment period to all signatories, Native American tribes, and consulting parties whose area or historic properties of interest, ownership, and/or oversight is affected by the proposed changes to the Undertaking. The documentation submitted for this review will be consistent with the requirements in Section 304 of the NHPA and the confidentiality provisions in 36 CFR 800.11(c). Any written comments provided to FTA within the thirty (30) calendar-day review and comment period shall be considered in the revision of the document. FTA may extend this review and comment period up to an additional thirty (30) calendar days, if requested. For project activities and features on the VA WLA Campus and the LANC, FTA and LACMTA will consult with VA as described in Stipulation III.A.4 of the MOA Amendment. For project activities and features on GSA property, FTA and LACMTA will consult with GSA as described in Stipulation III.A.2 of the MOA Amendment.
3. LACMTA, in coordination with FTA, shall compile a comment/response document that describes how any written comments were addressed. FTA shall provide the comment/response document with a final document to SHPO for a thirty (30) calendar-day review and concurrence, consistent with 36 CFR 800.4 and 800.5.
4. Should FTA and the SHPO be unable to reach agreement on the final document submitted to the SHPO for concurrence, FTA and the SHPO shall consult for a period not to exceed fourteen (14) calendar days following the receipt of SHPO's written comments. Should SHPO and FTA be unable to resolve SHPO's comments, SHPO and FTA shall proceed in accordance with Stipulation III.B (Dispute Resolution) of the original MOA. The timeframe to consult to resolve a disagreement or objection may be extended by mutual agreement between FTA and SHPO.
5. Failure of any party to respond within review time frames of any submittal shall not preclude FTA from proceeding to the next step in the consultation or the Undertaking.

6. FTA may address multiple steps in 36 CFR 800.3-800.6 with a request to SHPO for expedited consultation pursuant to 36 CFR 800.3(g). The SHPO shall have thirty (30) calendar days to review and provide comments or concurrence.

V. Changes to the Appendices

1. Revisions to any appendix to the original MOA, MOA Amendment, Second MOA Amendment, and any future amendment(s) may be proposed in writing by any signatory by submitting a draft of the proposed revisions to all signatories. Revisions to any appendix to the original MOA, MOA Amendment, Second MOA Amendment, and any future amendment(s) will not require an amendment to the MOA. All signatories may propose an amendment to the MOA under Stipulation III.C. of the original MOA. FTA will notify the consulting parties and Native American tribes, as appropriate, of the proposal to revise any appendix.
2. All signatories will consult for fourteen (14) calendar days (or as outlined in Stipulation III.C of the original MOA) to consider the proposed revisions to the appendix. If all signatories agree in writing to revise the appendix, FTA will provide a copy of the revised appendix to the other signatories, Native American tribes, and consulting parties.
3. FTA will submit a revised appendix to all signatories, Native American tribes, and consulting parties and will consult for no more than fourteen (14) calendar days on the revised appendix. FTA may extend this review and comment period up to an additional fourteen (14) calendar days upon request. FTA, in coordination with LACMTA, shall compile a comment/response document that describes how the comments were addressed. Thereafter, FTA shall consult with all parties for a period not to exceed fourteen (14) calendar days to resolve comments on the final revised appendix.
4. If no responses on the final revised appendix from signatories, consulting parties, and Native American tribes are received by FTA and/or LACMTA, FTA and LACMTA will finalize the appendix. The final revised appendix will go into effect on the date FTA transmits the revision to all signatories, Native American tribes, and the consulting parties.

With the exception of items explicitly delineated in the MOA Amendment and this Second MOA Amendment, all other terms and stipulations of the original MOA shall remain unchanged and in full force and effect including but not limited to the Dispute Resolution, Amendments, Termination, and Duration Stipulations (Stipulations III.B through III.E of the original MOA).

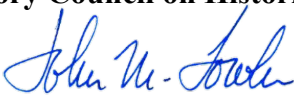
Execution of this Second MOA Amendment by FTA, ACHP, and SHPO and implementation of its terms shall evidence that FTA has taken into account the effects of the Undertaking on historic properties and has afforded the ACHP an opportunity to comment on the Undertaking and its effects on historic properties.

Signature Pages for Signatories, Invited Signatories,
and Concurring Parties

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SIGNATORY

Advisory Council on Historic Preservation

By:  _____ Date: November 6, 2020
John M. Fowler
Executive Director

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SIGNATORY

California State Office of Historic Preservation



By: _____ Date: 10/29/2020

Julianne Polanco

State Historic Preservation Officer

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SIGNATORY

Federal Transit Administration

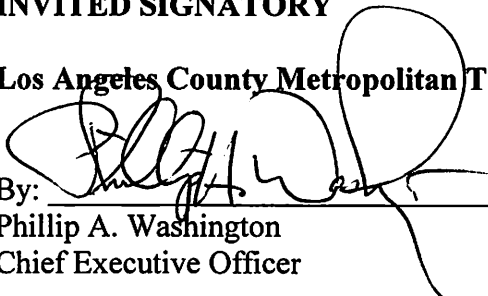
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Ray Tellis
Regional Administrator
FTA Region IX

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INVITED SIGNATORY

Los Angeles County Metropolitan Transportation Authority

By: 
Phillip A. Washington
Chief Executive Officer

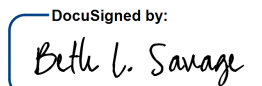
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INVITED SIGNATORY

U.S. General Services Administration

By:  Date: 9/25/2020
D36B00143698477...
Dan R. Brown, Regional Commissioner
Public Buildings Service, Region 9

By:  Date: 9/25/2020
0EA620932479482...
Beth L. Savage
Director, Center for Historic Buildings
Federal Preservation Officer

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INVITED SIGNATORY

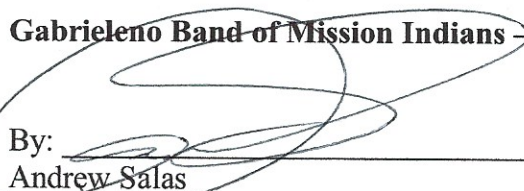
U.S. Department of Veterans Affairs

By: STEVEN E. BRAVERMAN 1407826 Digitally signed by STEVEN E. BRAVERMAN 1407826
Date: 2020.10.02 17:58:21 -07'00' Date: October 2, 2020
Steven E. Braverman, M.D.
Director, VA Greater Los Angeles Healthcare System

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CONCURRING PARTY

Gabrieleno Band of Mission Indians – Kizh Nation

By: 

Andrew Salas

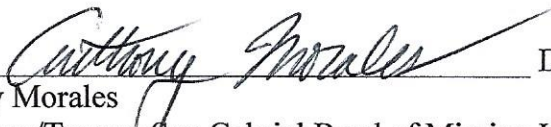
Date: 10-6-2020

Gabrieleno Band of Mission Indians – Kizh Nation

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CONCURRING PARTY

Gabrieleno/Tongva San Gabriel Band of Mission Indians

By:  Date: 10-2-2020
Anthony Morales
Gabrieleno/Tongva San Gabriel Band of Mission Indians

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CONCURRING PARTY

Gabrieleno Tongva Indians of California

By:  Date: 9-28-20
Robert Derame
Gabrieleno Tongva Indians of California

APPENDIX A

Revised Area of Potential Effects (APE) for Section 3

