

**Regional Connector Transit Corridor  
Final Environmental Impact Statement/  
Final Environmental Impact Report**

APPENDIX 3



MEMORANDUM OF AGREEMENT WITH THE  
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER



**MEMORANDUM OF AGREEMENT  
BETWEEN THE FEDERAL TRANSIT ADMINISTRATION  
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE  
REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT,  
LOS ANGELES COUNTY, CALIFORNIA**

**WHEREAS**, the Los Angeles County Metropolitan Transportation Authority (LACMTA or Metro) propose to construct the Regional Connector Transit Corridor Project within the city of Los Angeles, California and is seeking financial assistance from the U.S. Department of Transportation Federal Transit Administration (FTA) for the Regional Connector Project, which is therefore a Federal undertaking subject to Section 106 of the National Historic Preservation Act of 1966, as amended (16 USC 470f) and its implementing regulation at 36 CFS 800; and

**WHEREAS**, the Regional Connector Transit Corridor Project (Undertaking) consists of adding 1.9 miles of new dual tracks (2.9 miles of track for all alternatives combined) in downtown Los Angeles that would provide a direct link between the Metro Gold, Blue, and Expo Lines by bridging the gap in the regional light rail network between 7<sup>th</sup> Street/Metro Center Station at 7<sup>th</sup> and Flower Streets and the Little Tokyo/Arts District station at 1<sup>st</sup> and Alameda Streets. This would allow for direct trains from East Los Angeles to Culver City and from Long Beach to Pasadena. The project also includes construction of three new stations downtown that would allow passengers on the Metro Gold, Blue, and Expo Lines to reach multiple destinations in the central business district without transferring.

**WHEREAS**, five (5) alternatives were analyzed in the Draft Environmental Impact Statement/Report (DEIS/DEIR), in September 2010, and, LACMTA selected the Fully Underground LRT as the locally preferred alternative in October 2010; and

**WHEREAS**, FTA has consulted with the California State Historic Preservation Officer (SHPO) and, in accordance with 36 CFR Part 800, the regulation implementing Section 106 of the NHPA of 1966 (16 U.S.C. 470f), as amended, regarding the Undertaking's potential to affect historic properties, has decided to prepare a Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.4(b)(2) and 800.14(b), and has notified the Advisory Council on Historic Preservation (ACHP) that a MOA will be prepared, pursuant to 36 CFR § 800.6(a)(1)(i)(C); and

**WHEREAS**, on April 7, 2009, the FTA and LACMTA initiated consultation efforts with the SHPO regarding the proposed Undertaking, the proposed Area of Potential Effects (APE), and consultation coordination; and

**WHEREAS**, on December 23, 2009, LACMTA continued consultation with personnel from the Office of Historic Preservation (OHP) to further discuss the proposed undertaking, proposed APE, methods for identification of historic properties, and documentation standards; and

**WHEREAS**, FTA has determined that the Undertaking has the potential to adversely affect the Zanja Madre (Mother Ditch aqueduct from the Los Angeles River), CA-LAN-887H,

numerous unrecorded numbered zanjas, and sites CA-LAN-3588, P-19-003338, and P-19-003339; and

**WHEREAS**, FTA has determined that the Undertaking has the potential to affect historic properties (namely, Barker Brothers, Roosevelt Building, General Petroleum, Superior Oil Company Building, The California Club, Los Angeles Library, Former Nishi Hongwanji Buddhist Temple, Los Angeles Times Building, Mirror Building, Cathedral of Saint Vibiana, Cathedral of Saint Vibiana (Rectory), 2<sup>nd</sup> Street Tunnel, and Disney Hall), but would not adversely affect these properties provided the measures in this MOA are implemented; and

**WHEREAS**, on June 1, 2010, OHP concurred with the determinations of eligibility and finding of effects by FTA and

**WHEREAS**, based on continued consultation with the OHP, FTA has chosen to prepare this MOA to minimize the potential for adverse effects and resolve any adverse effects on historic properties within the Undertaking's APE subsequent to its approval of the Undertaking; and

**WHEREAS**, no Federally recognized Indian tribes (as defined in 36 CFR 800.16(m)) expressed an interest in consulting on the Undertaking, however, LACMTA, on behalf of the FTA, consulted with the Native American Heritage Commission and the local Native American community regarding the cultural sensitivity of the project area; and

**WHEREAS**, LACMTA, on behalf of the FTA, consulted with 18 local government offices, historical organizations, and individuals interested in historic preservation in Los Angeles County about the Undertaking and its effects on historic properties; and

**WHEREAS**, at such time as any unevaluated cultural resources may be discovered during the project, it may require archaeological evaluation, data recovery, consultation with Indian tribes, and/or other historic preservation activities, in compliance with Section 106 and concurrent with active construction; and

**WHEREAS**, the FTA and the LACMTA shall make the terms and conditions of this MOA part of the conditions of any permissions and grants issued by the FTA for this project; and

**WHEREAS**, the FTA and SHPO are signatories pursuant to 36 CFR 800.6(c)(1) and have the authority to execute, amend, or terminate this Agreement; and

**WHEREAS**, the LACMTA is an invited signatory pursuant to 36 CFR 800.6(c)(2) and has the authority to execute, amend, or terminate this Agreement; and

**NOW, THEREFORE**, all signatories agree that, upon FTA's decision to proceed with the Undertaking, FTA shall ensure that the Undertaking is implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties; and further agree that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

## STIPULATIONS

FTA will ensure that the terms of this MOA are carried out and will require, as a condition of any approval of Federal funding for the undertaking, adherence to the stipulations set forth herein.

### I. ARCHAEOLOGICAL RESOURCES

#### A. Cultural Resources Monitoring and Mitigation Plan

A Cultural Resources Monitoring and Mitigation Plan (CRMMP) shall be developed by LACMTA. The CRMMP shall describe the specific field methodologies to be utilized, including procedures to be followed for the archaeological monitoring of construction activities and if prehistoric and historic period archaeological resources are encountered. The mitigation and monitoring shall meet the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716-44740), take into account the Council's publication, *Treatment of Archaeological Properties: A Handbook* (Advisory Council on Historic Preservation 1980) as well as standards and guidelines established by the SHPO.

Upon completion in draft form, LACMTA will submit the Draft CRMMP to all other signatories to this MOA for a 15 working day review period. LACMTA will incorporate any comments received during this review period into the final CRMMP. If any party fails to submit their comments within fifteen working days, all parties shall assume that party's concurrence with the Draft CRMMP. The CRMMP shall be completed prior to the commencement of construction.

#### B. Identifying Archaeological Resources

LACMTA shall ensure that cultural resources discovered within the Archaeological APE are identified and evaluated pursuant to the CRMMP.

#### C. Evaluating Archaeological Resources

Evaluations performed hereunder shall conform to the procedural requirements of 36 CFR § 800.4(c) (1-2). Failure of any party consulted pursuant to 36 CFR § 800.4(c)(1-2) to respond within 21 days after receipt of a LACMTA request for comments on determinations of NRHP eligibility may be considered by LACMTA to constitute concurrence with FTA's determination. The signatories agree that only cultural resources determined eligible for inclusion in the NRHP will be subject to further consideration under the terms of this MOA.

#### D. Determining and Treating Effects

1. LACMTA will make every reasonable effort to ensure that potential effects of any undertaking activity on identified historic properties are avoided. When avoidance is required, LACMTA may proceed with the undertaking activity in accordance with any conditions or restrictions that may be needed to ensure avoidance. However, the FTA shall not authorize construction to proceed hereunder unless and until any objections raised pursuant to the terms of this MOA have been resolved.

2. Four archaeological sites that are either within or immediately adjacent to the APE have been presumed eligible for listing on both the NRHP and the CRHR. These include the Los Angeles zanja system (the Zanja Madre, CA-LAN-887H, and numerous unrecorded numbered zanjás) and sites CA-LAN-3588, P-19-003338, and P-19-003339). Due to the lack of exposed soil

surface and context, the treatment of these sites (if they survive) may include systematic and scientific exposure, evaluation, and if necessary, treatment. LACMTA shall ensure that treatment measures include documentation consisting of historical research, archaeological testing and recording, Historic American Engineering Record (HAER) documentation that includes a narrative report, measured drawings, and photographs that are consistent with HAER standards, distribution of architectural and archaeological reports to public repositories, and public interpretation. The CRMMP will specify the qualifications for individuals conducting the treatment activities, required levels for the HAER documentation, required milestones for completion, timeline for construction resumption, and a process for review of the deliverables.

3. If the FTA and LACMTA, in consultation with SHPO, determines that effects of any undertaking activity on historic properties cannot be avoided, and that such effects will be adverse, then the adverse effects will be resolved by LACMTA through the implementation and completion of the data recovery program prescribed by and set forth in the CRMMP or in any successor CRMMP that is developed following execution of this MOA. The FTA will permit LACMTA to proceed with the Undertaking activity after the adverse effect of the undertaking activity on the historic property has been resolved to the satisfaction of the FTA and SHPO by completion of the fieldwork phase of CRMMP implementation. However, the FTA shall not authorize construction to proceed hereunder unless and until any objections raised pursuant to the terms of this MOA have been resolved.

#### **E. Amending the CRMMP**

1. Within 30 days following execution of this MOA, the signatories shall consult to review and amend the CRMMP to their mutual satisfaction. The amended CRMMP shall be implemented by LACMTA as required by the terms of this MOA.

2. Any signatory may, in writing, propose to the other signatories that the CRMMP be further amended. Thereupon, the signatories will proceed to address the amendment proposal.

3. Amendment of the CRMMP, as stipulated hereunder, will not require amendment of this MOA.

#### **F. Reporting Requirements**

1. LACMTA will submit to the signatories a written report on a semi-annual basis based upon the date of the issuance of the Record of Decision for the project, documenting the activities carried out pursuant to this stipulation. These reports will be submitted until the fieldwork phases of this stipulation have been completed. A schedule of fieldwork and the expected dates for reports will be provided to the required signatories to this MOA.

2. Within three months after LACMTA has determined that all fieldwork required by this stipulation have been completed, LACMTA will submit to the signatories and to Native American consulting parties a written summary report that comprehensively presents the results of all inventory, evaluation, and treatment actions carried out pursuant to this stipulation.

3. Within six months after LACMTA has determined that all fieldwork required by this stipulation have been completed, LACMTA will ensure preparation, and concurrent distribution

to the other signatories and to Native American consulting parties for review and comment, of a written draft technical report that documents the results of implementing the CRMMP. The reviewing parties will be afforded 30 days following receipt of the draft technical report to submit any written comments to LACMTA. Failure of these parties to respond within this time frame shall not preclude LACMTA from authorizing revisions to the draft technical report as FTA may deem appropriate. LACMTA will provide the reviewing parties with written documentation indicating whether and how the draft technical report will be modified in accordance with any reviewing party comments. Unless the reviewing parties object to this documentation in writing to LACMTA within 30 days following receipt, LACMTA may modify the draft technical report as LACMTA may deem appropriate. Thereafter, LACMTA may issue the technical report in final form and distribute this document as appropriate.

4. Copies of the final technical report documenting the results of CRMMP implementation will be distributed by LACMTA to the other signatories, to Native American consulting parties, and to the appropriate California Historic Resources Information Survey (CHRIS) Regional Information Center, as appropriate.

#### **G. Consultation with Native American Individuals, Tribes and Organizations and Treatment of Cultural Remains and Artifacts.**

1. LACMTA has consulted with several Native American tribes, individuals, and organizations that do not meet the definition of Indian tribe pursuant to 36 CFR 800.16(m). These Native American individuals and organizations include the Ti'At Society, Gabrielino Tongva Indians of California Tribal Council, Gabrielino Tongva Nation, Gabrielino/Tongva San Gabriel Band of Mission Indians, and Tongva Ancestral Territorial Tribal Nation.

2. LACMTA will ensure that Native American tribes, individuals and organizations are consulted during, and will be invited to participate in, the implementation of the terms of this MOA and in implementation of the Undertaking. The consultation with Native Americans herein prescribed shall be implemented by LACMTA in accordance with applicable sections of the MOA and any successor MOA.

3. The parties to this MOA agree that Indian burials and related items discovered during the implementation of the MOA and the Undertaking will be treated in accordance with the requirements of § 7050.5(b) of the California Health and Safety Code. If, pursuant to § 7050.5(c) of the California Health and Safety Code, the county coroner/medical examiner determines that the human remains are or may be of Native American origin, then the discovery shall be treated in accordance with the provisions of §§ 5097.98 (a) - (d) of the California Public Resources Code.

4. LACMTA will ensure that the expressed wishes of Native American individuals, tribes, and organizations are taken into consideration when decisions are made regarding the disposition of other Native American archaeological materials and records relating to Indian tribes.

#### **H. Confidentiality**

The signatories to this MOA acknowledge that historic properties covered by this MOA are subject to the provisions of § 304 of the National Historic Preservation Act of 1996 and §

6254.10 of the California Government Code (Public Records Act), relating to the disclosure of archeological site information and having so acknowledged, will ensure that all actions and documentation prescribed by this MOA are consistent with §304 of the National Historic Preservation Act.

### **I. Worker Training**

Prior to initiating ground-disturbing activities, a qualified archaeologist will conduct a short cultural resources awareness training session for all construction workers and supervisory personnel. Each worker will learn the proper procedures to follow in the event cultural resources or human remains are uncovered during ground-disturbing activities.

### **J. Unanticipated Discoveries**

If FTA and LACMTA determines, after any future construction of the Undertaking has commenced, that project activities will affect a previously unidentified archeological or historical resources that may be eligible for the National Register, or affect a known resource in an unanticipated manner, FTA and LACMTA will address the discovery or unanticipated effect in accordance with 36 CFR § 800.13(b)(3). The LACMTA must notify the FTA and SHPO within 48 hours of the discovery. The LACMTA will halt all construction work involving subsurface disturbance in the area of the discovery and in the surrounding area where additional resources can reasonably be expected to occur. Construction work may continue in the area outside the discovery as defined by the LACMTA in consultation with the FTA and SHPO. FTA, at its discretion may hereunder, and pursuant to 36 CFR § 800.13(c), assume any unanticipated discovered property to be eligible for inclusion in the National Register.

For properties determined eligible or assumed to be eligible pursuant to Stipulation I.J., LACMTA will notify the FTA, ACHP, and SHPO of those actions that it proposes to avoid, minimize, or mitigate adverse effects which may include treatment as outlined in the CRMMP. Consulting parties will have forty-eight (48) hours to provide their views on the proposed actions. The FTA will ensure that the timely filed recommendations of consulting parties are taken into account prior to granting approval of the measures that the LACMTA will implement to resolve adverse effects. The LACMTA will carry out the approved measures prior to resuming construction activities in the location of the discovery.

## **II. ARCHITECTURAL HISTORY PROPERTIES**

### **A. Pre-Construction Baseline Survey**

LACMTA will prepare a pre-construction survey of all historic properties within 21 feet of vibration producing construction activity to assess the building category and the potential for Ground Borne Vibration to cause damage. The survey would also be used to establish baseline, pre-construction condition for historic properties for the purposes of construction monitoring. The survey would be conducted for the following historic properties: Barker Brothers, Roosevelt Building, General Petroleum, Superior Oil Company Building, The California Club, Los Angeles Library, Walt Disney Concert Hall, Former Nishi Hongwanji Buddhist Temple, Los Angeles Times Building, Mirror Building, Cathedral of Saint Vibiana, Cathedral of Saint Vibiana (Rectory), and the 2<sup>nd</sup> Street Tunnel.

### **B. Geotechnical Investigations**

For the historic properties noted in Stipulation II.A, geotechnical investigations will be undertaken to evaluate soil, groundwater, seismic, and environmental conditions along the alignment. This analysis will assist in the development of appropriate support mechanisms and measures for cut and fill construction areas. The subsurface investigation would also identify areas that could cause differential settlement as a result of using a TBM in close proximity to historic properties. An architectural historian or historical architect who meets the Secretary of the Interior's Professional Qualification Standards will provide input and review of final design documents prior to implementation of the mechanisms and measures. The review will evaluate whether the geotechnical investigations and support measures for cut and fill, and measures to prevent differential settlement meet the Secretary of the Interior's *Standards for the Treatment of Historic Properties*. The evaluation of measures will be forwarded by the LACMTA to the FTA and SHPO for review. The FTA, in consultation with LACMTA and SHPO, shall approve the evaluation and permit the LACMTA to proceed with construction.

### **C. Building Protection Measures, Geotechnical and Vibration Monitoring, and Post-Construction Survey**

For those historic properties noted in Stipulation II.A., LACMTA will develop building protection measures, conduct geotechnical and vibration monitoring, and complete a post-construction survey. For these properties, LACMTA shall use building protection measures such as underpinning, soil grouting, or other forms of ground improvement, as well as lower vibration equipment and/or construction techniques. LACMTA shall also ensure that TBM Specifications include specific provisions regarding the use of earth pressure balance or slurry shield TBM.

LACMTA shall also develop and conduct a geotechnical and vibration monitoring program. The monitoring program shall include field evaluation of building conditions during construction, monitoring of ground vibration measurement equipment. The monitoring program shall be conducted by an architectural historian or historical architect who meets the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61).

A post-construction survey shall also be undertaken by LACMTA. This survey would evaluate whether any damage to historic properties occurred during construction. If the survey identifies any adverse effects to historic properties noted in Stipulation II.A, consultation with the SHPO shall be re-initiated by the FTA with a brief report supplied by LACMTA noting the extent of the adverse effect and the proposed repairs. All repairs to historic properties shall be consistent with the Secretary of the Interior's Standards for Rehabilitation. SHPO shall have 30 days to review the report and the proposed measures to resolve adverse effects. If no response is received from the SHPO, the FTA and LACMTA may assume concurrence. If comments from the SHPO are received, the FTA shall take into account the comments and authorize LACMTA to proceed with the repairs to the building.

### **D. Building Protection Measures, Geotechnical and Vibration Monitoring, and Communication measures for the Walt Disney Concert Hall**

LACMTA shall conduct evaluations during the final engineering phase to confirm initial estimates for noise and vibration. Thereafter, if necessary, LACTMA shall specify that the

contractor will employ high compliance resilient fasteners, floating slab trackbed or other appropriate measures, to reduce operational groundborne noise impact below FTA criteria, as described in the FTA guidance, *Transit Noise and Vibration Impact Assessment* (2006).

During construction LACMTA shall provide monitoring for groundborne noise at the Walt Disney Concert Hall and the Roy and Edna Disney/CalArts Theater (REDCAT). LACMTA shall also provide advance notification to the Walt Disney Concert Hall and the Roy and Edna Disney/CalArts Theater (REDCAT) regarding schedules for tunneling and other activities prior to the commencement of those activities. If the FTA and LACMTA determines, in consultation with the SHPO, that construction related noise causes an adverse effect to the historic property, then the CRRMP will be amended by LACMTA following the process for CRMMP amendment noted in Stipulation I.E. The amendment will include proposed measures to reduce noise or further coordinate construction so as to minimize effects.

### **III. REPORTING REVIEWS**

**A.** Upon completion of construction and any reports prepared under the CRMMP, the SHPO shall have thirty (30) days to review the draft and comment on the level of effort, results, and eligibility recommendations; those comments shall be incorporated into the final technical report, as appropriate. If no response by the SHPO is received by the LACMTA within 30 days, the LACMTA shall assume concurrence and authorize the final report and/or the historic architectural documentation.

**B.** Within thirty (30) days of receipt of comments on any draft report, the FTA and LACMTA shall submit the final report and/or historic architectural documentation to the SHPO, the appropriate CHRIS information center, and the appropriate Indian tribe(s), and shall make it available to other interested persons who meet the confidentiality requirements. Reports prepared under the CRMMP shall not be distributed to the general public, except in an abridged form that does not include sensitive information about archaeological site locations or human remains.

**C.** All reports generated as a result of this MOA shall be consistent with contemporary professional standards and the Secretary of the Interior's guidelines.

### **IV. ADMINISTRATIVE PROVISIONS**

#### **A. Standards**

**1. Definitions.** The definitions set forth at 36 CFR § 800.16 are applicable throughout this MOA.

**2. Professional Qualifications.** All activities prescribed by Stipulations I and II of this MOA shall be carried out by LACMTA under the authority of FTA by or under the direct supervision of a person or persons meeting at a minimum the Secretary of Interior's *Professional Qualifications Standards* (48 FR 44738-39) (PQS) in the appropriate disciplines. Nothing in this stipulation, however, may be interpreted to preclude FTA and LACMTA or any agent or contractor thereof from using the properly supervised services of persons who do not meet the PQS.

3. **Documentation Standards.** Written documentation of activities prescribed by Stipulations III, IV, V, VI, and VII of this MOA shall conform to *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-44740) as well as to applicable standards and guidelines established by the SHPO.

4. **Curation and Curation Standards.** LACMTA shall ensure that, to the extent permitted under §§ 5097.98 and 5097.991 of the California Public Resources Code, the materials and records resulting from the activities prescribed by this MOA are curated in accordance with 36 CFR Part 79. FTA will ensure that, to the extent permitted by applicable law and regulation, the views of the Most Likely Descendant(s) are taken into consideration when decisions are made about the disposition of other tribal archaeological materials and records.

## **B. Dispute Resolution**

1. Should any signatory party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FTA will consult with such party to resolve the objection. If the FTA determines that such objection cannot be resolved, the FTA will forward all documentation relevant to the dispute, including the applicable federal agency's proposed resolution, to the ACHP. The ACHP will provide the appropriate federal agency with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FTA will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP or signatory parties, and provide them with a copy of this written response. The FTA will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the applicable federal agency may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the appropriate federal agency will prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the MOA, and provide them and the ACHP with a copy of such written response.

3. The appropriate federal agency's responsibility is to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute.

## **C. Amendments**

1. Any MOA party may propose that this MOA be amended, whereupon the MOA parties will consult for no more than 30 days to consider such amendment. FTA may extend this consultation period. The amendment process shall comply with 36 CFR §§ 800.6(c) (1) and 800.6(c) (7). This MOA may be amended only upon the written agreement of the signatory parties. If it is not amended, this MOA may be terminated by any of the signatory parties in accordance with Section D of Stipulation IV.

## **D. Termination**

1. If this MOA is not amended as provided for in section D of this stipulation, above, or if either signatory party proposes termination of this MOA for other reasons, the signatory party

proposing termination shall, in writing, notify the other MOA parties, explain the reasons for proposing termination, and consult with the other MOA parties for at least 30 days to seek alternatives to termination.

2. Should such consultation result in an agreement on an alternative to termination, then the parties shall proceed in accordance with the terms of that agreement.

3. Should such consultation fail, the signatory party proposing termination may terminate this MOA by promptly notifying the other MOA parties in writing. Termination hereunder shall render this MOA without further force or effect.

4. If this MOA is terminated hereunder, and if FTA determines that the Undertaking will nonetheless proceed, then FTA shall either consult in accordance with 36 CFR §800.6 to develop a new MOA, or request the comments of the ACHP, pursuant to 36 CFR Part 800.

#### **E. Duration of the MOA**

1. Unless terminated pursuant to Section D of Stipulation IV above, or unless superseded by an amended MOA, this MOA will be in effect following execution by the signatory parties until FTA, in consultation with the other MOA parties, determines that all of its stipulations have been satisfactorily fulfilled. This MOA will terminate and have no further force or effect on the day that FTA notifies the other MOA parties in writing of its determination that all stipulations of this MOA have been satisfactorily fulfilled.

2. The terms of this MOA shall be satisfactorily fulfilled within ten (10) years following the date of execution by the signatory parties. If FTA determines that this requirement cannot be met, the MOA parties will consult to reconsider its terms. Reconsideration may include the continuation of the MOA as originally executed, amendment of the MOA, or termination. In the event of termination, FTA will comply with section E.4 of Stipulation VIII, above, if it determines that the Undertaking will proceed notwithstanding termination of this MOA.

3. If the Undertaking has not been implemented within ten (10) years following execution of this MOA by the signatory parties, this MOA shall automatically terminate and have no further force or effect. In such event, FTA shall notify the other MOA parties in writing and, if it chooses to continue with the Undertaking, shall reinitiate review of the Undertaking in accordance with 36 CFR Part 800.

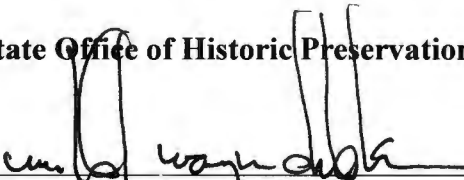
**F. Effective date.** This MOA will take effect on the date that it has been fully executed by FTA, LACMTA, and SHPO.

**G. Execution** of this MOA by FTA, LACMTA, and SHPO, its transmittal by FTA to the ACHP in accordance with 36 CFR § 800.6(b)(1)(iv), and subsequent implementation of its terms, shall evidence, pursuant to 36 CFR § 800.6(c), that this MOA is an agreement for purposes of section 110(1) of the NHPA, and shall further 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.

**Federal Transit Administration**

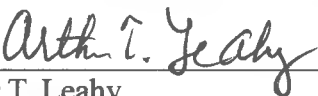
By  Date 9/15/11  
Leslie T. Rogers  
Regional Administrator  
FTA Region IX

**California State Office of Historic Preservation**

By  Date 30 SEP 2011  
M. Wayne Donaldson, FAIA  
State Historic Preservation Officer  
California Department of Parks and Recreation

**INVITED SIGNATORY PARTY:**

**Los Angeles County Metropolitan Transportation Authority**

By  Date 9-13-11  
Arthur T. Leahy  
Chief Executive Officer  
Los Angeles County Metropolitan Transportation Authority

