

# Metro Transit Coalition to Reduce Climate Pollution for the 2028 Olympics and Beyond

FY24 Environmental Protection Agency's Climate Pollution Reduction Grants (CPRG) Program:  
Implementation Grants General Competition

April 1, 2024

## Legal Opinion Letters of Eligibility



## Eligibility Requirements

All LA Metro Coalition members are eligible applicants. Los Angeles County and the City of Anaheim are municipalities defined under Clean Air Act section 302(f). Per EPA requirements, Los Angeles County Metropolitan Transportation Authority, Orange County Transportation Authority and Southern California Regional Rail Authority have provided legal opinions providing documentation that the State of California considers these entities to be a public body created by or pursuant to State law and are accountable to municipal or state units of government. The following legal opinion letters are attached:

- > Los Angeles County Metropolitan Transportation Authority (LA Metro)
- > Orange County Transportation Authority (OCTA)
- > Southern California Regional Rail Authority (SCRRA/Metrolink)



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March 28, 2024

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VIA EMAIL

**Re: LA Metro's Climate Pollution Reduction Grants Program Application**

To whom it may concern:

I am the chief legal officer serving the Los Angeles County Metropolitan Transportation Authority (LACMTA or LA Metro). Metro was created by the California Legislature, effective February 1, 1993. Public Utilities Code §130050.2 et seq. In creating Metro, the Legislature merged the Southern California Rapid Transit District (SCRTD), the primary transit operator in Los Angeles County, and the Los Angeles County Transportation Commission (Commission), the transportation planning and programming agency for the County.

There was no new law that replaced the laws of Metro's predecessor agencies. Instead, a bill that modified the language of the Commission law created Metro. AB152 (Katz), also known as the Los Angeles County Metropolitan Transportation Authority Reform Act of 1992, left the SCRTD enabling law nearly unchanged, added new language to the Commission law to create Metro, and left the majority of the Commission law also unchanged. The key section of the Public Utilities Code that ties the responsibilities of SCRTD and the Commission together under Metro is 130051.14:

"On and after April 1, 1993, any reference in this part, or in any other provision of law or regulation, to the Southern California Rapid Transit District or to the Los Angeles County Transportation Commission or to the county transportation commission in general shall be deemed to refer to the Los Angeles County Metropolitan Transportation Authority."

As the statutory successor to SCRTD and the Commission, Metro is accountable to the California Legislature, which at any time may amend Metro's responsibilities, duties and functions as set forth in the Public Utilities Code. In addition, Metro is accountable to the County and cities within its jurisdiction through the Metro Board which is composed of the five County Supervisors, the Mayor of Los Angeles and her appointees, including representation from the Los

Angeles City Council, local elected officials representing cities in four subregions of the County, and a representative of the California Department of Transportation (Caltrans). Specific examples of how Metro is accountable to the State, County and cities it serves, include but are not limited to the following:

1. Metro, as the regional transportation planning agency for Los Angeles County, is responsible for planning, programming, and allocating transportation funding to itself and to Los Angeles County jurisdictions and transit operators. Each year, the Metro Board allocates transit operating and capital funds consisting of federal, state, and local revenues for programs, projects, and services according to federal guidelines, state laws, and established funding policies and procedures.
2. Senate Bill 125 (Chapter 54, Statutes of 2023) guides the distribution of \$4 billion in General Funds through the Transit and Intercity Rail Capital Program (TIRCP) on a population-based formula and \$1.1 billion from the Zero-Emission Transit Capital Program to regional transportation planning agencies, including Metro, which will have the flexibility to use the money to fund transit operations or capital improvements. To be eligible to receive money from these funding sources, regional transportation planning agencies, including Metro, must submit a regional short-term financial plan to the California State Transportation Agency (CalSTA). Regional transportation planning agencies must also submit a long-term financial plan to CalSTA by June 26, 2026, to be eligible to receive TIRCP grants in the 2026–27 fiscal year or any subsequent fiscal years. Government Code §13987(c); and Public Resources Code §75224(e).
3. As soon as practicable after the close of each fiscal year, the Metro Board must submit to the chief administrative officers and legislative bodies of municipalities within the County a financial report showing the result of operations during the preceding fiscal year and Metro's financial status. Public Utilities Code §30260.
4. Metro is prohibited from establishing any rapid transit service or system which may divert, lessen, or compete for the patronage or revenues of an existing municipal transit operator without the consent of the municipality, if the existing system has been in operation since at least August 1, 1974. Public Utilities Code §30637.
5. The Los Angeles County Board of Supervisors, or a City Council may file a request for a hearing before the Metro Board as to the reasonableness of any rates or charges fixed by Metro and as to any proposal for the location of transit facilities by Metro. Within 30 days after the conclusion of the hearing, the Metro Board must render its decision, in writing, with written findings of fact. Public Utilities Code §§30639, 30645.

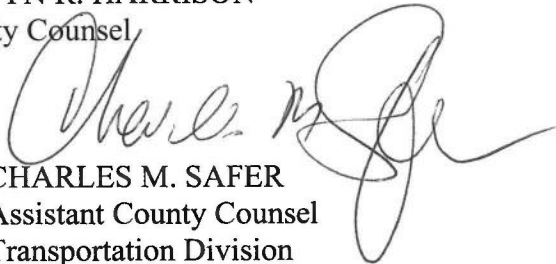
6. Metro is subject to regulations of the Public Utilities Commission (PUC) relating to safety devices and procedures, and the PUC may make such further additions or changes necessary to Metro facilities for the purpose of safety to employees and the general public. Metro is also subject to the jurisdiction of the PUC with respect to safety rules and other regulations governing the operation of street railways. Public Utilities Code §30646.
7. Metro is subject to the rules and regulations prescribed by the Department of the California Highway Patrol regulating the safe operation of transit buses. Public Utilities Code §30647.
8. Metro must coordinate with Caltrans and the Southern California Association of Governments (SCAG), the multicounty designated transportation planning agency, all planning for guideway and rapid transit systems.
9. Metro's countywide sales tax ordinances (Propositions A and C, and Measures R and M) establish independent oversight committees to provide an enhanced level of accountability for expenditures of sales tax revenues. All audit reports, findings and recommendations by the oversight committees are available and accessible to the County, cities and the public through Metro's website.
10. Metro allocates revenue generated from its countywide sales tax ordinances, per their "local return" provisions, to all 88 cities in Los Angeles County and to the County of Los Angeles based on population shares according to state statutes.

Pursuant to the statutory framework which applies to Metro through its enabling law, state grant programs and local sales tax measures, Metro is accountable to the State, the County of Los Angeles and the 88 cities it serves to achieve optimal transportation services for the movement of goods and people in the Southern California area.

Very truly yours,

DAWYN R. HARRISON  
County Counsel

By

  
CHARLES M. SAFER  
Assistant County Counsel  
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# WOODRUFF

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## MEMORANDUM

TO: Kia Mortazavi, OCTA Executive Director, Planning

FROM: James M. Donich, OCTA General Counsel

DATE: March 29, 2024

RE: Legal Opinion regarding OCTA's Participation as a Public Entity in the  
Environmental Protection Agency's CPRG Program

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The General Counsel's office has been asked to provide a legal opinion as to whether the State of California recognizes the Orange County Transportation Authority (OCTA) as a public body created by or pursuant to State law. OCTA is a County Transportation Commission created by and organized pursuant to California Public Utilities Code (PUC) Section 130052 et seq. Its statutory responsibilities include operating public transportation systems and maintaining responsibility for transportation planning and programming throughout Orange County.

OCTA's governing board, powers, functions, and duties, are all authorized and established by the State Legislature pursuant to PUC Sections 130052 et seq. and 130200 et seq. OCTA is accountable to the legislature as it may amend OCTA's responsibilities, powers, functions, and duties at any time as set forth in the Public Utilities Code. As a public entity created by the State Legislature, OCTA is a public body organized and existing pursuant to State law.



**VIA EMAIL**

March 29, 2024

*RE: SCRRRA's CPRG Grant Application*

To Whom It May Concern:

I am the General Counsel to the Southern California Regional Rail Authority (SCRRA). SCRRA was created pursuant to California Public Utilities Code Section 130255, which authorized the transportation commissions organized by the Counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura, to establish a joint powers entity to plan, design, construct, and administer the Metrolink rail system in Southern California.

Accordingly, and as authorized by State law, in 1991 the above five counties entered into a Joint Powers Agreement to form and govern SCRRA. Since that time, SCRRA has fulfilled its statutory mandate to plan, design, construct, and administer the Metrolink Rail system—indeed it has provided commuter rail service to Southern California residents continuously for over 30 years.

SCRRA is a public entity serving as a regional organization comprised of multiple counties. Its existence is authorized by the State Legislature, and it is organized and existing pursuant to State Law.

A handwritten signature in blue ink, appearing to read "Don O. Del Rio", written over a horizontal line.

Don O. Del Rio  
SCRRA General Counsel

