

ACTION ITEM: UPDATE DELEGATION OF AUTHORITY

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BOARD ACTION – DELEGATION OF AUTHORITY

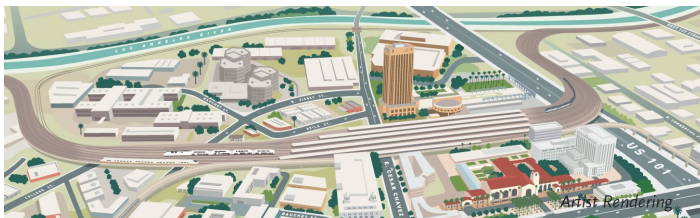
Reasons for Revisions

- **Delegation of Authority last updated in 2019**

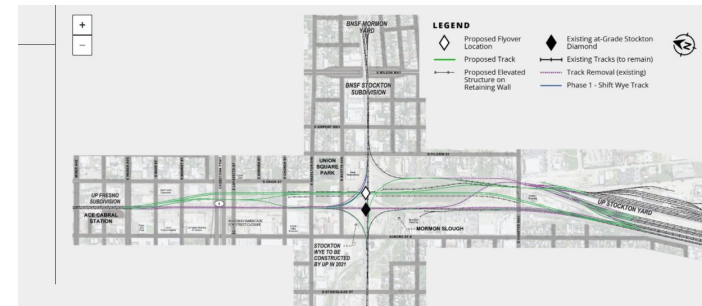
- » Refers to NEPA Assignment in conditional tense (e.g., *If* the Federal Railroad Administration (FRA) approves the State’s application)
- » Retains language regarding coordination with the FRA on environmental documents
- » Does not distinguish between responsibilities of the CEO regarding:

Less environmentally impactful reviews (i.e., Environmental Assessments (EA) and Finding of No Significant Impact (FONSI) or Categorical Exclusion (CE))

Environmental reviews for local sponsor projects



Los Angeles Metro Link US



**San Joaquin Regional Rail Commission
Stockton Diamond Grade Separation**



BOARD ACTION – UPDATE DELEGATION OF AUTHORITY

Local Sponsor Projects

- **Local sponsors must seek Authority Board concurrence on preferred alternative**
 - » Link US taking staff recommended preferred to Metro Board in May/June
- **Board must approve a local sponsor project and then direct CEO to sign Record of Decision**
 - » Prevents use of combined FEIS/ROD, with potential for delays of 30 days or more
Metro schedule assumes combined FEIS/ROD
 - » Requires approval of preferred alternative for less impactful projects
Stockton Diamond EA would require Board approval



BOARD ACTION – DELEGATION OF AUTHORITY

Proposed Modifications

Update language to reflect effective date of NEPA Assignment MOU

- Eliminate language regarding the coordination of environmental documents with FRA

Clarify responsibility of CEO for:

- Environmental Impact Statements retain existing language including Board concurrence
- Environmental Assessments – authorize CEO to identify preferred alternative and approve a project through a FONSI or mitigated FONSI without prior Board concurrence
- Categorical Exclusions – authorize CEO to approve projects through a CE without prior Board concurrence



BOARD ACTION – DELEGATION OF AUTHORITY

Proposed Modifications

Distinguish Local Sponsor Project EIS from Phase 1 and Phase 2 EIS

- Clarify that for local sponsor projects, “the CEO is not required to seek Board concurrence on a preferred alternative...and the CEO will not seek Board approval to execute a ROD for such projects.”

Distinguish Local Sponsor Project EA and CE from Phase 1 and Phase 2 EA or CE

- Authorize the CEO to make the determination of NEPA compliance and approve local sponsor projects including CE, EA,/FONSI, EIS/ROD



QUESTIONS

