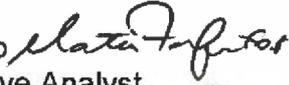
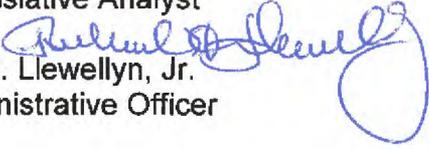


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: November 26, 2018

TO: Honorable Members of the City Council

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No.: 16-0639
Richard H. Llewellyn, Jr. 
City Administrative Officer CAO WA No.: 0220-05410-0000

SUBJECT: OPERATIONS AND MAINTENANCE RESPONSIBILITIES FOR THE LOS ANGELES RIVER

SUMMARY

On October 25, 2016, Council approved a report from the Arts, Entertainment, Parks and River Committee (AEPR) that provided instructions to various City departments to report on various aspects of the Los Angeles River Revitalization Master Plan (LARRMP). Among other instructions, the Council specifically directed the CLA and the CAO to report on the following:

- The current structure relating to all responsibilities and jurisdictions relative to the management and maintenance of the Los Angeles River (LA River) and tributaries; and
- The creation of a strategic management plan with the goal of recommending a clear management structure in order to carry out the functions of the City, County, and Federal governments.

Through the AEPR Committee, and under the direct oversight of the Chair, City departments have provided reports in 2017 and 2018 on major projects, programs, partnerships and investments implemented to address the LARRMP. The City has considered these reports and taken successive actions to consider and advance the LARRMP, including adoption of water quality testing and notification protocols for the LA River in February 2018. Tables 1 and 2 of this report include information on the current configuration of services and responsibilities performed by the respective jurisdictions and describe the current services provided by City departments.

Responsibility for operating and maintaining the river falls among several different agencies, including the City, County, state and federal governments, among others, that at times, has generated uncertainty over which entity is responsible for specific activities. With City approval of the Los Angeles River Ecosystem Restoration Feasibility Study Alternative 20, acquisition of Taylor Yard G2, implementation of various pedestrian bridge crossings, and activation of other projects along the LA River, it is increasingly apparent that the responsibility for operations and

maintenance among our various entities for the different parts of the LA River need to be articulated and defined.

To commence this endeavor, our Offices recommend that City departments provide reports within 180 days on all current agreements, estimated Fiscal Year 2018-19 programming and costs associated with their respective responsibilities along the LA River. Finally, our Offices conducted a preliminary review of existing and potential management structures and recommend that further authority be provided to work towards identifying the appropriate City entity to manage oversight of maintenance and operation of the LA River.

RECOMMENDATIONS

That the City Council, subject to approval by the Mayor:

1. Instruct departments, with the assistance of the Chief Legislative Analyst (CLA) and City Administrative Officer (CAO), to report to Council within 180 days on programming and costs associated with operation and maintenance responsibilities of the Los Angeles River (LA River) Channel, River Banks, Bridges and LA River as follows:
 - a. Department of Recreation and Parks (RAP) - Maintenance of existing park space and feasibility of expanding RAP's presence regarding recreation, park activities, and landscaping along the LA River;
 - b. Department of Transportation (LADOT) - Pedestrian and bike paths and associated landscaping, as well as anticipated future costs of maintaining the pedestrian and bike path following its planned expansion;
 - c. All City departments/offices/agencies - Agreements with the County, Mountains Recreation Conservancy Agency (MRCA), or any other governmental entity relating to the operations and maintenance of the LA River and/or bridges crossing the LA River;
 - d. Bureau of Sanitation (LASAN) - Trash and bulky items pickup, including the number of requested trash pick-ups per year and tonnage;
 - e. Los Angeles Police Department (LAPD) and LASAN - Engagement of Homeless Outreach Partnership Endeavor (HOPE) teams; and,
 - f. Bureau of Street Services (BSS) - Estimated annual costs of maintaining bridges crossing the LA River, including vehicular and non-vehicular bridges, and the funding and personnel required for BSS to maintain hardscape areas along the river banks, including the pedestrian and bike paths.
2. Instruct the CLA and the CAO to coordinate with the appropriate County authorities to identify the current operations and maintenance responsibilities for each governmental entity, with a focus on active and identified projects, along the LA River and explore options with the County for clear management and operation of the LA River through a Master Use Agreement, Joint Powers Authority or other cooperative agreement; and
3. Instruct the CLA and the CAO to report on the feasibility of designating a City department to be tasked with responsibility for meeting City operations and maintenance obligations along the LA River, including funding requirements, and if a City department cannot be identified, the feasibility of creating a new department for the LA River.

BACKGROUND

On October 25, 2016, the City Council instructed various City departments to report on their respective programs, partnerships and investments related to the LARRMP. Council further directed the CLA and the CAO to report on the current structure relating to all responsibilities and jurisdictions relative to the management and maintenance of the LA River and tributaries and on the creation of a strategic management plan with a clear management structure capable of carrying-out the functions of the City, County, state and federal governments.

Jurisdictions

Jurisdictional issues along the Los Angeles River have historically been challenging. Governmental entities holding property rights, either through fee interest, perpetual easement, lease, or another instrument, include the City, County, federal government, State of California, Mountains Recreation and Conservancy Agency (MRCA), Southern California Regional Rail Authority (Metrolink), the Los Angeles County Metropolitan Transportation Authority (Metro), the Los Angeles Unified School District (LAUSD), and ten other cities. Further, water rights issues are governed by the California State Water Resources Control Board. Separate from the jurisdictional issue, multiple City departments have indicated a willingness to take a more active role in the maintenance of the LA River. Such a commitment would require additional funding for personnel, equipment, and/or contractual services. Responsibility for maintaining the LA River is shared by several different agencies, including the City, County, state and federal governments, among others, that at times, has generated uncertainty over which entity is responsible for specific activities.

Existing Management and Maintenance Structure

The management and maintenance responsibilities of various parties are divided into three categories described within this report: 1) within the river channel 2) along the river banks, and 3) bridges crossing the river. Within the river channel, the US Army Corps of Engineers (USACE) and the Los Angeles County Flood Control District (LACFCD), a component of the Los Angeles County Department of Public Works (LACDPW), have responsibility. The areas along the river bank are the responsibility of LACDPW, City, and the MRCA. Regarding bridges, BOE typically has inspection responsibility, while BSS generally has responsibility for maintenance of vehicular bridges. For maintenance of non-vehicular bridges, it has not been established which department has responsibility.

Within the River Channel

USACE and LACFCD share responsibility for maintaining the River's capacity to convey stormwater and reduce flood risk to the surrounding communities. This includes responsibility for general maintenance in the channel. Currently, the areas of responsibility are split according to when the channel was lined with concrete. USACE has responsibility from White Oak Avenue to Sepulveda Boulevard and from Lankershim Boulevard to Washington Boulevard. LACFCD has responsibility in the remainder of the river channel (see Attachment A). Where the River has an adjacent maintenance road, the relevant entity also has maintenance responsibility for that road. Projects that impact the channel must receive a permit from USACE in addition to any other required permits. The following table (Table 1) details the division of maintenance responsibilities within the river channel:

Area of River	Maintenance Need	Jurisdiction	Government Entity
Within the River Channel	Trash Removal	Federal	USACE
		County	LACFCD
	Graffiti Abatement	Federal	USACE
		County	LACFCD
	General Maintenance	Federal	USACE
		County	LACFCD
	Watershed Protection	City	LASAN
Monitoring of Water Quality	City	LASAN	
Flood control and permit sign offs in the channel	Federal	USACE	

LASAN currently monitors the river quality in the Los Angeles River and, through its participation in the Los Angeles River Watershed Monitoring Program (LAWRMP), the Los Angeles River Watershed. The Cities of Los Angeles and Burbank launched the LAWRMP, in partnership with the Council for Watershed Health and Aquatic Bioassay and Consulting Laboratories, in 2009. The LAWRMP monitors bacterial levels at several locations popular for swimming and wading during the summer months. Water samples are tested five times each month and posted on the program website at www.lacitysan.org/waterquality. LASAN also samples and tests water twice a week at three locations in each of the Recreation Zones, located in the Sepulveda Basin and the Elysian Valley, which is operated by the MRCA. Following an assessment of the water quality, LASAN then determines whether the status of each Recreation Zone is open, caution, or closed. LASAN receives permits from the Region 4 Water Quality Control Board and has carried out this testing since 1991.

River Bank

Along the river bank, the jurisdictional situation becomes more complex. This is due, in part, to the jurisdictional lines becoming less clear. The City, County, MRCA, and Metro may all have responsibilities in close proximity to one another without clear demarcations, or they may reach agreements to operate and maintain sections of the river. In addition, the City, through LADOT, BOE, and RAP, has entered into agreements with the County to construct and/or maintain various projects along the river. The City provides emergency response and varied maintenance and general obligation responses, i.e. trash pick-up, etc. This results in a situation where the City may have responsibilities outside of City lands or public right-of-way. There is currently no central repository of these agreements. The following table (Table 2) details the division of maintenance responsibilities along the banks of the LA River:

Area of River	Maintenance Need	Jurisdiction	Government Entity
River Bank	Enforcement of park hours, rules	City	MRCA (in the dedicated Recreational Zone)
	General Emergency Response	County	Los Angeles County Sherriff's Department and Los Angeles County Fire Department
		City	LAPD and LAFD
	Graffiti Abatement	County	LACDPW
		City	Variable

Table 2: Current Operations and Maintenance Along The River Bank			
Area of River	Maintenance Need	Jurisdiction	Government Entity
	Landscaping and Irrigation	County	LACDPW
		City	N/A: landscaping and irrigation (if not in public right-of-way)
			BSS: landscaping and irrigation (if in public right-of-way)
	Trash Pick-Up	County	LACDPW
		City	LASAN
	Pedestrian and Bike Path Maintenance	City	LADOT
	Pedestrian and Bike Path Lighting	City	BSL
Pedestrian and Bike Path Signage	City	LADOT	

The City has authorized the MRCA, with concurrent approval of USACE and LACFCD, to operate the Recreation Zone along two sections of the LA River since 2013. In these areas, the public may walk, fish, and use non-motorized steerable boats such as kayaks between Memorial Day and late September. MRCA provides rangers to enforce rules relating to usage of the LA River in the Recreation Zone and generally manages the Recreation Zone.

Emergency response remains primarily the responsibility of the Los Angeles Police Department (LAPD) and Los Angeles Fire Department (LAFD). LAFD has also deployed swift water rescue teams when individuals become stranded in the LA River, especially during storms. When an incident occurs on County property, the Los Angeles County Sherriff's Department is also notified.

General maintenance obligations, such as trash pick-up, including bulky items, and graffiti abatement, are split between the County and the City depending on location. LASAN has responsibility for general trash pick-up on City lands and is also able to assist with bulky item pick-up where appropriate. LASAN has also participated in larger clean-ups of the LA River, such as Tujunga Wash. These clean-ups, as with other areas where the City does not have jurisdiction, may require a permit from the Region 4 Water Quality Control Board. The responsibility for graffiti abatement varies according to which entity has general maintenance responsibilities. In areas where general maintenance responsibility is unclear (i.e. open space in City lands where no projects have been completed), responsibility for graffiti abatement is also unclear.

The shared pedestrian and bike path is maintained, pursuant to an agreement between the City and County, by LADOT. LADOT only maintains the hardscape and the railing of the path, those elements essential to the path's viability as a transportation corridor. The scope of these responsibilities include sweeping the path, clearing trash from the path, and removing graffiti. Landscaping is also cleared if it threatens to create a blockage on the path. As LADOT does not employ personnel for general maintenance purposes, LADOT contracts out for maintenance services for the paths it maintains and ensures that the path is adequately striped.

Bridges

BOE has responsibility for inspecting bridges throughout the City, most of which are made of concrete. Under the City's Bridge Improvement Program, bridges are generally inspected every

two years. Following the inspection, BOE provides BSS a report outlining repair needs and BSS completes the required repairs. BSS is limited to completing basic repairs, such as pothole filling or guardrail replacement. Major maintenance, such as structural repairs, is often contracted out by BOE.

BOE has indicated that there are 61 existing, planned, or under construction bridges that cross the LA River and are inspected by BOE. Of these, 12 bridges or 20% of the total crossings, have direct access to the river itself either through the shared pedestrian and bike path or the river bank directly. The following table (Table 3) details the types of bridges which cross the river. With the exception of the bridges under construction (Table 4 below), these generally follow the existing inspection and maintenance pattern of other bridges in the City.

Bridge Type	Count	Percentage
Vehicular	49	80%
Pedestrian	57	93%
Bike ¹	15	25%
Equestrian	1	2%

North Atwater Multimodal Bridge	Connects Atwater Village and Griffith Park. Bridge requires inspections and heavy maintenance every five years to tune the cables. BOE estimates approximately \$80,000 to complete. Light maintenance, such as sweeping the bridge to clear debris and maintaining lighting, is an on-going requirement and estimated at \$75,000 annually. BOE is preparing an ordinance that would bring this bridge within the boundaries of Griffith Park.
Taylor Yard Bikeway and Pedestrian Bridge	Connects the Taylor Yard G2 parcel with the east bank of the river. BOE estimates that the annual cost of light maintenance to be approximately \$25,000 to \$50,000 per year for this bridge. No City department has been assigned maintenance responsibilities for this bridge.
Red Car Pedestrian Bridge	Part of the Glendale Boulevard – Hyperion Avenue Complex of Bridges. BOE estimates annual maintenance costs to be approximately \$25,000 to \$50,000. No City department has been assigned maintenance responsibilities for this bridge.

As each of the Table 4 bridges are comprised of steel, the maintenance for them differs from the remainder of the City’s bridges. BOE has not yet determined whether these bridges must be inspected every two years, as with other bridges in the City, or on a different cycle. BOE has also indicated that it does not currently conduct inspections of steel bridges and would likely need to contract out for inspection services.

BSS has indicated that the Table 4 bridges currently under construction are not within the public right-of-way. Due to this, BSS does not have responsibility for maintaining the bridges. While BSS has the equipment for light maintenance and minor repairs on the bridges, it lacks the personnel. Additional funding would be required for BSS to hire personnel or contract out for services relating to this responsibility. This report recommends all departments report back on programming costs.

¹ Bike access was defined as having a specific bike facility, such as a striped bike lane. Additional bridges may be trafficked with bikes.

Strategic Management Plan

As directed by Council, our Offices have completed a preliminary review of existing and potential management structures. Council may elect to pursue a cooperative agreement, such as the creation of a Master Use Agreement (MUA) or similar vehicle that would define the roles and outline the responsibilities of the member parties or the creation of a Joint Powers Authority (JPA), a legally separate entity that would be able to engage in a broader array of actions.

Master Use Agreement (MUA) - A MUA could clarify the operations and maintenance responsibilities of the various parties, at minimum the City and the County, relating to the river. It could also allow for designation of an implementing agency to conduct the operations and maintenance activities and for provisions relating to cost sharing. It may also set out performance requirements for the member agencies to meet. In short, a MUA clarifies the scope of maintenance responsibilities and which entity is responsible for conducting that maintenance. It is, in comparison to a JPA, easier to establish and has lower initial costs, but narrower in scope.

Joint Powers Authority/Agreement (JPA) - In contrast to an MUA or similar cooperative agreement, a JPA would be a legally separate entity from the County and the City. That is, it would be capable of entering into contracts, receiving grants from the State of California and the federal government, issuing debt, and engaging in litigation as required. It could also exercise some of the powers of the City and County. The limitations on the JPA's powers and authorities would be established in a formation agreement. County and City agencies may be engaged to provide particular services, but the JPA would serve as the coordinating governmental body for efforts along the LA River. This solution, while clarifying the operations and maintenance situation along the LA River, also anticipates a structure that would be adaptable to future challenges.

The LARRMP contemplated a JPA between the City and the County which would implement the LARRMP and the County Master Plan. USACE would participate through a MOU. The JPA, termed the "Los Angeles River Authority", would be the primary entity to seek State and Federal Funds for major capital reconstruction of the LA River channel and to create, design, and manage construction of improvements along the river. As set forth in the LARRMP, the JPA would have the following powers and responsibilities:

Area	LA Rivers Joint Powers and Responsibilities
River Reconstruction	Phased project design, funding, and implementation <ul style="list-style-type: none">- Channel and bridge modification- Trail construction- Water quality improvements and monitoring
Right-of-Way Management and Maintenance	Management of the right-of-way and channel* <ul style="list-style-type: none">- Trails and river access points- Concrete and vegetation maintenance- Low flow channel maintenance- Monitoring and policing of the right-of-way <i>*Some of these functions may be delegated or assigned to City departments, County agencies, or nongovernmental groups as appropriate</i>
Public Liability	Acceptance of the public liability of the river channel, with the participation of City and County legal and risk management authorities
Permitting	Issuance of permits for all construction and special events activities within the right-of-way

Statutory Requirements – Basic JPA Formation and Funding

The California Joint Exercise of Powers Act establishes statutory requirements for information to be included in any agreement between entities establishing a joint powers agreement. This includes the following: the JPA's purpose, financial accountability measures, designation of a treasurer, administration, manner of exercising power, distribution of assets, and contract participation goals. Member agencies must also determine the governance structure (i.e. board composition) of the JPA, the breadth of the JPA's authority, the liability of member agencies, terms for withdrawal of a member agency, and the process for amending the JPA.

Under State law, JPAs are permitted to issue revenue bonds without the approval of a majority of the voters. Among many other additional requirements, State law further establishes that revenue bonds issued by a JPA, as well as any related contracts and obligations entered into to carry out the purposes for which the bonds were issued, does not constitute a debt, liability, or obligation of any of the member agencies. This statutory protection does not automatically extend to other liabilities and obligations of the JPA, but the agreement establishing the JPA may specify that such liabilities and obligations do not belong to the member agencies. Given that the LA River does not currently generate enough revenue to cover the costs for operations and maintenance, the City and County would have to identify and/or establish a suitable revenue source prior to the issuance of any debt.³ Our Offices recommend further exploration of these agreements.

FISCAL IMPACT

Approval of the recommendations in this report will not have an immediate fiscal impact to the General Fund. It is anticipated that there will be a fiscal impact for operations and maintenance of new structures and bridges along the LA River once those projects are completed. The full impact is unknown at this time.

Attachment A – LA River Major Maintenance Responsibilities
CAO DocId No.: 15190043

SMT/RHL:MF/JVW:tp/blm

³ Council has considered the creation of an Enhanced Infrastructure Financing District (EIFD), which may be considered as a potential revenue source for the JPA. See Council File Nos. 14-1349, 14-1349-S2, 14-1349-S3, and 14-1349-S4.

Attachment A – LA River Major Maintenance Responsibilities

