

Agenda

Los Angeles County
Metropolitan Transportation Authority

Regular Board Meeting
Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Call to Order

Directors

Frank Roberts, Chair
James Hahn, 1st Vice Chair
Gloria Molina, 2nd Vice Chair
Mike Antonovich
Yvonne B. Burke
John Fasana
Don Knabe
Tom LaBonge
Martin Ludlow
Pam O'Connor
Ed P. Reyes
Zev Yaroslavsky
Doug Failing, non-voting member

Officers

Roger Snoble, Chief Executive Officer
Michele Jackson, Board Secretary
Karen Gorman, Ethics Officer
William Waters, Inspector General
County Counsel, General Counsel



Metropolitan Transportation Authority

METROPOLITAN TRANSPORTATION AUTHORITY BOARD RULES (ALSO APPLIES TO BOARD COMMITTEES)

PUBLIC INPUT

The meetings of the Metropolitan Transportation Authority Board are open to the public. A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for up to 5 minutes per item, or at the discretion of the Chair. A request to address the Board should be submitted in person at the meeting to the Board Secretary prior to the start of the meeting.

The public may also address the MTA on non-agenda items within the subject matter jurisdiction of the MTA during the public comment period, which will be held at the end of each meeting. Each person will be allowed to speak for one minute and may speak no more than once during the Public Comment period. Public Comment will last a maximum of 30 minutes, or as otherwise indicated by the Chair. Speakers will be called according to the order in which the speaker request forms are received until the Public Comment period has expired. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.

At the discretion of the Chair, the Board may limit public input on any item, based on the number of people requesting to speak and the business of the Board.

In the interest of hearing from as many members of the public as possible, if at the time your name is called, your issue has been addressed or your opinion expressed by a previous speaker, please simply state that fact and your name for the record.

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, or when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

CONDUCT IN THE BOARD ROOM - The following rules pertain to conduct at Metropolitan Transportation Authority meetings:

REMOVAL FROM THE BOARD ROOM The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
Any other unlawful interference with the due and orderly course of said meeting.

INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE BOARD

Agendas for the Regular MTA Board meetings are prepared by the Board Secretary and are available prior to the meeting in the MTA Records Management Department and on the Internet.

Every meeting of the MTA Board of Directors is recorded on cassette tapes, and duplicate tapes are available for a nominal charge. A Spanish language translator is available at all Board Meetings. Translators for other languages must be requested 72 hours in advance. After each Board meeting, a record is prepared which indicates the actions taken by the Board. This record is available on the second business day following the meeting.

DISCLOSURE OF CONTRIBUTIONS

The State Political Reform Act (Government Code Section 84308) requires that a party to a proceeding before an agency involving a license, permit, or other entitlement for use, including all contracts (other than competitively bid, labor, or personal employment contracts), shall disclose on the record of the proceeding any contributions in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any officer of the agency, additionally PUC Code Sec. 130051.20 requires that no member accept a contribution of over ten dollars (\$10) in value or amount from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the authority in the preceding four years. Persons required to make this disclosure shall do so by filling out a "Disclosure of Contribution" form which is available at the LACMTA Board and Committee Meetings. Failure to comply with this requirement may result in the assessment of civil or criminal penalties.

ADA REQUIREMENTS

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NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA

1. APPROVE Consent Calendar Items: 2, 7, 8, 10, 11, 12, 13, 14, 18, 19, 20A, 21, 28, 32, 36, 46, 47, 48, 49, and 50.

NOTE **Committee Authority** Item 31.

CONSENT CALENDAR

2. APPROVE **Minutes** of Regular Board meeting held March 24, 2005.

7. PLANNING AND PROGRAMMING COMMITTEE (5-0) AND OPERATIONS COMMITTEE (4-0) RECOMMENDED APPROVING:
 - A. **implementation of Metro Rapid service on Fairfax Avenue** in June 2005 by operating it as a separate line between Hollywood and Vine and West Los Angeles Transit Center (Line 717); and
 - B. **rescheduling of the North Sepulveda Metro Rapid** from June 2005 to June 2006 at the latest, with a goal of implementing the service as early as December 2005 if additional resources are identified.

8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
 - A. approving the local scores for the **Federal Transit Administration Section 5310 projects**; and
 - B. authorizing the Chief Executive Officer to:
 1. Include the applications recommended for funding in the FY 2006 Regional Transportation Improvement Program; and
 2. Execute the Resolution provided and transmit the Resolution and scoring recommendations to Caltrans.

10. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0-1) authorizing the Chief Executive Officer to:
 - A. award a three-year firm fixed price non-competitive Contract No. PS-4360-1580 to PB Farradyne for the **Countywide Metro Rapid Signal Priority Expansion Project** in the amount of \$6,700,000; and
 - B. execute planned contract options for procurement of hardware, software, equipment and services for an amount not to exceed \$800,000 for a total contract value of \$7,500,000.

11. PLANNING AND PROGRAMMING COMMITTEE (5-0) AND CONSTRUCTION COMMITTEE (4-0) RECOMMENDED **AS REVISED**:
 - A. approving full funding plan and programming for the **Exposition Light Rail Transit Project from Downtown Los Angeles to Robertson Boulevard** in Culver City, not to exceed \$640 million; and
 - B. ~~conditioning such approval on receiving~~ **seeking** \$15 million in federal earmarks and \$50 million in local contributions from Cities and/or private parties as part of the full funding plan for the project.

12. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approval of ANTONOVICH MOTION:

Whereas, an Exclusive Negotiation agreement (ENA) is now being considered for development of the Taylor Yards site; and

Whereas, this ENA is in response to an unsolicited proposal that was made for the development of the Taylor Yards site; and

Whereas, a Request for Proposals (RFP) may yield better alternatives for development of this parcel in terms of cost, density, value, future ridership, and other performance measurements; and

Whereas, it is the intent of the Metro Board of Directors to maximize the value and utility of developments through requesting RFP's as opposed to unsolicited proposals,

I Therefore move that the Board direct staff to solicit bids for the development of this site through an RFP, and make every effort to report back to the Board on competing alternatives that are acceptable to the Board as close as possible to the July 2005 Board meeting.

(CARRIED OVER FROM MARCH BOARD MEETING)

13. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approval of YAROSLAVSKY AND BURKE MOTION that MTA staff **revise the Joint Development Policy to require an RFP, RFQ/RFP or competitive bidding process for all joint development projects except in very exceptional circumstances** (such as small parcels or those with access problems) and to submit such a revised Joint Development Policy to the Board for consideration at its May meeting.
14. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approval of LABONGE MOTION that the **Board direct staff to examine the feasibility of creating shuttle service between existing Metrolink stations and Griffith Park**, as well as to contact the Cities of Glendale and Burbank, as well as Caltrans, to inquire about their interest in developing an additional train station in the area of San Fernando Road near the 134 Freeway to serve such a shuttle service.
18. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (3-0) adopting the **proposed FY06 Annual Audit Plan**.
19. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the following **positions on State Legislation**:
 - A. **OPPOSE** AB 426 (Bogh) – Would require the conversion of all HOV lanes to mixed flow lanes during off-peak periods.
 - B. **SUPPORT - WORK WITH AUTHOR** AB 509 (Richman) – Would authorize regional transportation agencies to enter into agreements to develop user financed transportation projects.
 - C. **SUPPORT** AB 1169 (Torrico) – Would expand the violations against transit operators for which increased penalties may be assessed.

- D. **SUPPORT - WORK WITH AUTHOR** AB 1276 (Oropeza) – Would require the creation of a task force to study congestion along the state’s intermodal corridors.
 - E. **SUPPORT** SB 275 – (Torlakson) – Would require Caltrans and the California Transportation Commission to conduct a 10 year transportation needs assessment.
 - F. **SUPPORT** SB 523 – (Torlakson) – Would require that \$7.2 million be annually allocated to the Bicycle Transportation Account.
20. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the following **position on State Legislation**:
- A. **WORK WITH AUTHOR** Building Opportunity (Assembly Speaker Fabian Nunez) – Transportation Financing.
21. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the following **positions on Federal Legislation**:
- A. **SUPPORT – WORK WITH AUTHOR** H.R. 3 (Young) – Would authorize funds for Federal aid to highways, highway safety programs, transit programs, and for other purposes.
 - B. **WORK WITH AUTHOR** S. – Not Yet Numbered (Inhofe) – Would authorize funds for Federal aid to highways, highway safety programs and for other purposes.
 - C. **SUPPORT – WORK WITH AUTHOR** S. – Not Yet Numbered (Shelby) – Would authorize funds for Federal aid for bus and rail programs and for other purposes.
 - D. **SUPPORT** S. 553 (Feinstein) – Would amend title 23, United States Code, to provide for HOV-lane exemptions for low-emission and hybrid vehicles.

28. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0-2) appointing **Citigroup Global Markets and UBS Financial Services as co-senior managing underwriters with Citigroup Global Markets as:**
- A. senior managing underwriter along with Goldman Sachs & Co. as co-managing underwriter to issue and remarket one or more series of auction rate securities; and
 - B. senior managing underwriter and bookrunner, with UBS Financial Services as co-senior managing underwriter, with E.J. De La Rosa & Co. and Loop Capital Markets to serve as co-managing underwriters for the sale of one or more fixed rate bond series.
32. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to execute an **Amended and Restated Utility Cooperative Agreement between California Water Service Company** and the Los Angeles County Metropolitan Transportation Authority to define the responsibilities of each party for design and construction of the California Water Service Company and/or LACMTA facilities.
36. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) approval of LABONGE MOTION that the Board direct staff to provide a detailed **report to the Construction Committee on the status of the North Hollywood train station restoration project**. This report should include the current involvement of the City of Los Angeles Community Redevelopment Agency efforts; the existing funding status; anticipated timelines and completion date; and a review of the issues that have led to delays with the project.
46. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to execute:
- A. a five-year firm, fixed-unit rate, multiple award Contract No. OP3344-1643, with Travers Tree Service, Inc. and International Environmental Corporation for **the provision of as-needed tree trimming services for Metro transit facilities** inclusive of two one-year options, effective May 1, 2005, for a cumulative total amount not to exceed \$640,000; and
 - B. Task Orders under these agreements for tree trimming services.

47. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a 24-month, firm fixed price contract under Bid Number 05-0004 to Asbury Environmental Services, the lowest responsive, responsible bidder for **Recycled Pre-diluted Engine Coolant and Coolant Waste Recycling Services** for an amount not to exceed \$1,008,700, inclusive of sales tax and one-year option effective May 1, 2005.
48. OPERATIONS COMMITTEE RECOMMENDED (4-0) approval of LABONGE MOTION that the Board direct staff to **report on the draft implementation plan for the Metro Connections effort**, particularly as it relates to existing rail service and stations, the Metro Orange Line busway and Metro Rapid bus service, as well as connections to community centers and neighborhoods in the region.
49. OPERATIONS COMMITTEE RECOMMENDED (4-0) approval of LABONGE MOTION that the Board direct staff to **report on the status of any efforts to examine improvements to the Harbor Freeway Transit Project** that would connect it to the surrounding transit network.
50. OPERATIONS COMMITTEE RECOMMENDED (4-0) approval of LABONGE MOTION that the Board direct staff to contact the Southern California Regional Rail Authority (SCRRA) and discuss the **feasibility of operating hourly Metrolink train service on weekdays between the hours of 6:30 a.m. and 6:30 p.m. to and from Union Station and Bob Hope (formerly Burbank) Airport** and report back to the Operations Committee.

APPROVED UNDER COMMITTEE AUTHORITY

31. CONSTRUCTION COMMITTEE AUTHORIZED (4-0) the Chief Executive Officer to award and execute a firm fixed price Contract C0768 with the lowest responsive and responsible bidder for the **supply of bicycle lockers and racks** in the amount of \$234,628.

NON-CONSENT:

3. Chair's Report.
 - Adjourn in memory of former L.A. County Supervisor Deane Dana.

4. Chief Executive Officer's Report.

20. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the following **amended position on State Legislation**:
 - B. **SUPPORT and ~~SUPPORT NEUTRAL~~– WORK WITH AUTHORS** Go California (Various Authors) – Transportation Financing and Delivery.

27. FINANCE AND BUDGET COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION approving a **change of the internal funding source used to pay the debt service on the outstanding Grand Central Square bonds from Prop A 40%** (discretionary) to Prop A 35% (rail).

33. CONSTRUCTION COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCE authorizing the Chief Executive Officer to execute an **Amended and Restated Utility Cooperative Agreement between SBC California** and the Los Angeles County Metropolitan Transportation Authority to define the responsibilities of each party for design and construction of SBC California and/or LACMTA facilities.

34. CONSTRUCTION COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCE authorizing the Chief Executive Officer to execute **Amendment #2 to the 1984 Utility Cooperative Agreement between The Gas Company** and the Los Angeles County Metropolitan Transportation Authority to define the responsibilities of each party for design and construction of The Gas Company and/or LACMTA facilities.

35. CONSTRUCTION COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCE authorizing the Chief Executive Officer to execute **Amendment #2 to the 1984 Utility Cooperative Agreement between MCI Worldcom** and the Los Angeles County Metropolitan Transportation Authority to define the responsibilities of each party for design and construction of MCI Worldcom and/or LACMTA facilities.

43. OPERATIONS COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS authorizing the Chief Executive Officer to:
- A. award a five-year fixed-unit rate **Contract No. OP31501624, to Transportation Concepts, Inc. for contracted bus services** in the amount of \$36,315,168, provide for reimbursement of fuel costs for the five-year period for an amount not to exceed \$6,939,020 for a total contract amount not to exceed \$43,254,188, effective July 3, 2005; and
 - B. establish a contingency for unanticipated fuel costs or the potential need for additional Revenue Service Hours for an amount not to exceed \$3,631,516.
44. OPERATIONS COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS authorizing the Chief Executive Officer to:
- A. award a five-year fixed-unit rate **Contract No. OP31501623, to Southland Transit, Inc. for contracted bus services** for an amount not to exceed \$29,552,418 and provide for reimbursement of fuel costs for the five-year period for an amount not to exceed \$3,623,357 for a total contract amount not to exceed \$33,175,775, effective July 3, 2005; and
 - B. establish a contingency for unanticipated fuel costs or the potential need for additional Revenue Service Hours for an amount not to exceed \$2,955,241.
45. OPERATIONS COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS authorizing the Chief Executive Officer to:
- A. award a five-year fixed-unit rate **Contract No. OP31501625, to First Transit, Inc. for contracted bus services** for a firm fixed amount of \$66,547,817 and provide for reimbursement of fuel costs for the five-year period for an amount not to exceed \$10,381,844 for a total contract amount not to exceed \$76,929,661, effective July 3, 2005; and
 - B. establish a contingency for unanticipated fuel costs or the potential need for additional Revenue Service Hours for an amount not to exceed \$6,654,781.

51. Consider:

- A. Increasing the **Maintenance and Material Management System (M3) Life-of-Project budget** by \$3.9 million from \$28.8 million to \$32.7 million, primarily due to a contract modification resulting from schedule delays to accommodate Kiosk implementation, a change in the bus division roll-out plan, the 2003 work stoppage and additional Metro labor resulting from the schedule extension; and
- B. Amending the FY05 budget to transfer \$1.9 million of revenues and expenditures from the Enterprise Fund operating budget to the capital budget and to add \$1.7 million of Prop A 35% Rail Funds; and
- C. Authorizing the Chief Executive Officer to execute contract modification number 7 to Contract No. PS-9240-1264 with Spear Technologies for a firm fixed price of \$2,648,651, less the amount funded by Board delegated authority of \$1,050,366, and authorizing an additional delegated authority of \$100,000, increasing the total contract value from \$20,876,212 to \$22,574,497.

(CARRIED OVER FROM MARCH BOARD MEETING)

52. AUTHORIZE the Chief Executive Officer to **proceed with the following actions to support the Mid-City/Exposition Transit Corridor project schedule:**

- A. Amend the FY05 budget to add \$500,000 to the Exposition project for a total Life of Project budget through FY05 Preliminary Engineering of \$18.3 million;
- B. Negotiate and execute a Change Order 4 to Contract Work Order (CWO) 7 to Contract PM022, Project Management Assistance (PMA) with URS Corporation for an amount not to exceed \$440,000, increasing the total CWO funding value from \$235,000 to \$675,000. In addition, authorize the exercise of a second, one-year option thereby extending the period-of-performance from May 31, 2005 to May 31, 2006 in order to complete the work; and
- C. Approve \$43.75 million for FY06 activities to support the Exposition project schedule, which will increase authorized expenditure authority through FY06 to a total not to exceed \$62.35 million.

(CARRIED OVER FROM MARCH BOARD MEETING)

53. CONSIDER:

- A. holding a public hearing on the proposed Resolution of Necessity; and
- B. adopting the Resolution of Necessity authorizing the commencement of an **eminent domain action to acquire a temporary construction easement and a subsurface easement (“Property Interests”) to Parcels ES-521, ES-631, ES-632 and ES-633 for the Metro Gold Line Eastside Extension project.**

(REQUIRES A 2/3 VOTE OF THE BOARD)

54. Adopt the following **positions on State Legislation:**

- A. AB 1714 (Assembly Member Plescia). Modifies the cost estimates to complete the Toll Bridge Seismic Safety Repair and Retrofit Program and identifies funding for the revised estimates. **WORK WITH AUTHOR**
- B. SB 172 (Senator Torlakson). Grants budgetary control of all toll revenues to the Bay Area Toll Authority (BATA) and requires Caltrans and BATA to establish various oversight procedures for toll revenues. **WORK WITH AUTHOR**
- C. SB 1024 (Senators Perata and Torlakson). Authorize the sale of \$7.688 billion in general obligation bonds for capital improvement projects throughout the state, including funding for the Toll Bridge Seismic Safety Repair and Retrofit Program. **WORK WITH AUTHOR**

55. Adopt the following **position on State Legislation:**

SUPPORT WORK WITH AUTHOR on SB 760 (Senator Lowenthal) - allows for regulation of ports and harbors operation

24. CLOSED SESSION:

A. Conference with Legal Counsel – Existing Litigation – G.C. 54956.9(a):

1. Boggio v. MTA LC068484
2. Romero v. MTA BC317495
3. Labor Community Strategy Center v. MTA CV 94-5936
4. MTA v. Argonaut Insurance BC 156601
5. USA v. MTA 04-07699JFW

B. Conference with Legal Counsel - Anticipated Litigation – G.C. 54956.9(b):

Significant exposure to litigation (one case)

C. Personnel Matters – G.C. 54957:

Public Employee Performance Evaluation – Chief Executive Officer

D. Conference with Labor Negotiator – G.C. 54957.6

Agency Negotiators: Roger Snoble and Brenda Diederichs
Employee Organizations: ATU, TCU, UTU

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN
COMMITTEE'S SUBJECT MATTER JURISDICTION

ADJOURNMENT