

AGENDA

**Regular Board Meeting
Board of Directors**

**One Gateway Plaza
3rd Floor Board Room**

Call to Order

Directors

Ara J. Najarian, Chair
Don Knabe, 1st Vice Chair
Antonio Villaraigosa, 2nd Vice Chair
Michael Antonovich
Diane DuBois
John Fasana
José Huizar
Richard Katz
Gloria Molina
Pam O'Connor
Rita Robinson
Mark Ridley-Thomas
Zev Yaroslavsky
Vacant, non-voting member

Officers

Arthur T. Leahy, Chief Executive Officer
Michele Jackson, Board Secretary
Karen Gorman, Ethics Officer
Karen Gorman, Acting Inspector General
County Counsel, General Counsel



Metro

Los Angeles County
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

Upon request, sign language interpretation, materials in alternative formats and other accommodations are available to the public for MTA-sponsored meetings and events. All requests for reasonable accommodations must be made at least three working days (72 hours) in advance of the scheduled meeting date. Please telephone (213) 922-4600 between 8 a.m. and 5 p.m., Monday through Friday. Our TDD line is (800) 252-9040.

HELPFUL PHONE NUMBERS

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General Information/Rules of the Board - (213) 922-4600
Internet Access to Agendas - www.metro.net
TDD line (800) 252-9040

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

1. APPROVE **Consent Calendar** Items: 2, 5, 6, 7, 28, 34, 35, 36, 38, and 41.

CONSENT CALENDAR

2. APPROVE **Minutes of Regular Board Meeting held May 27, 2010.**

5. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0):
 - A. approving the award recommendations totaling \$14,738,986 in **federal Job Access and Reverse Commute (JARC) and \$3,161,533 in federal New Freedom funds;**
 - B. amending the fiscal year (FY) 2011 budget to add the necessary revenues and expenses for the projects recommended for funding awards per recommendation A, once the Federal Transit Administration (FTA) awards JARC and NF grant funds;
 - C. authorizing the Chief Executive Officer or his designee to negotiate and execute grant pass-through agreements with agencies approved for funding award recommendations per recommendation A once the FTA awards JARC and NF grant funds;
 - D. certifying that there has been a fair and equitable distribution of federal JARC and NF funds resulting from a competitive selection process and that projects recommended for funding awards per recommendation A were derived from our region's Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan) that the Board of Directors approved in January 2008; and
 - E. approving minor scope modifications to previously awarded JARC and NF projects.

6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0):

A. approving the **Southern California Regional Rail Authority (SCRRA) FY 2010-11 Budget** and the Los Angeles County Metropolitan Transportation Authority (MTA)'s contribution totaling \$66,540,914, consisting of \$38,796,400 for Operations; \$8,000,000 for Rehabilitation and Renovation; \$17,400,000 for New Capital/Positive Train Control; \$2,093,004 for Right of Way (ROW) Security; \$251,510 for Support Services; and, approving the programming of funding to the SCRRA as follows:

1. \$42,345,430 in new Proposition C 10% funding for Operations, Rehabilitation and Renovation, and ROW Security;
2. \$17,400,000 in new Measure R 3% funding to the Positive Train Control Project;
3. \$6,795,484 in Proposition C 10% funding reprogrammed from prior year SCRRA operating and capital surpluses, held by SCRRA on behalf of MTA;

B. approving the following actions relating to the Rehabilitation and Renovation Program:

1. reduce FY 2006-07 Rehabilitation and Renovation commitments by \$838,147. Extend the lapsing date so that all funds, subject to lapse June 30, 2009, will lapse June 30, 2012;
2. reduce FY 2007-08 Rehabilitation and Renovation commitments by \$933,183. Extend the lapsing date so that all funds, subject to lapse June 30, 2010, will lapse June 30, 2012;
3. reduce FY 2008-09 Rehabilitation and Renovation commitments by \$214,047. Extend the lapsing date so that all funds, subject to lapse June 30, 2011, will lapse June 30, 2012;

C. approving the following actions relating to the Lang/Ravenna Siding and Vincent 2nd Platform Projects:

1. reprogram \$1,900,000 in Proposition C 10% funding from the Vincent 2nd Platform Project to the Lang/Ravenna Siding Project;
2. reprogram \$450,000 in Proposition C 10% funding, to be budgeted in FY 2011-12, to complete the Lang/Ravenna Siding project;

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- D. approving for FY 2010-11 only, a revised transfer payment rate to MTA of \$74.2 cents per boarding;
- E. approving the programming of \$251,510 to SCRRRA for support services for various High Speed Rail alignment alternatives at LA Union Station; and
- F. authorizing the Chief Executive Officer or his designee to negotiate and execute all necessary agreements between MTA and the SCRRRA for funding approved.

7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0):

- A. approving \$1.341 billion in **FY 2011 Transit Fund Allocations** for Los Angeles County jurisdictions, transit operators and Metro operations. These allocations comply with federal and state regulations and MTA Board policies and guidelines.
 - 1. \$530.5 million in Transportation Development Act (TDA) Article 4 including TDA interest, State Transit Assistance (STA) and Proposition A 95% of 40% Discretionary as determined according to the Formula Allocation Procedure (FAP).
 - 2. \$31.3 million Proposition C 40% Discretionary fund allocations for Commerce as compensation for having zero passenger revenue, Foothill Mitigation Program, Transit Service Expansion, Discretionary Base Restructuring and Bus Service Improvement Program Overcrowding Relief.
 - 3. \$6 million Tier 2 Operators funding program approved in April, 2010.
 - 4. \$19.6 million in Municipal Operators Service Improvement Program.
 - 5. \$22.6 million in local Proposition C 5% Security fund allocations.

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6. \$116.2 million in Measure R 20% Bus Operations fund allocations.
 7. \$8.4 million Proposition 1B PTMISEA Account Bridge Funding.
 8. \$1.5 million in Proposition 1B Security Account Bridge Funding.
 9. \$13.2 million in local Proposition A Incentive Program fund allocations. These allocations include \$3.6 million from Proposition A Incentive fund reserve to mitigate FY2011 revenue shortfall.
 10. \$14.6 million in TDA Article 8 fund allocations.
 11. \$140 million in Proposition A Local Return, \$116.2 million in Proposition C Local Return, \$87.1 million in Measure R Local Return and \$4.9 million in TDA Article 3 fund allocations.
 12. \$229.6 million in FY 2011 estimated Federal Section 5307 allocations.
- B. authorizing the Chief Executive Officer to adjust FY 2011 Section 5307 allocations to include adjustments based on FY 2010 actual revenues received from SCAG;
- C. approving \$16.9 million fund exchange of Santa Monica's Big Blue Bus (BBB) Federal Section 5307 allocations with Metro's TDA Article 4 revenues. This represents BBB's \$8.2 million FY 2010 allocation which will be disbursed in FY 2011 and \$8.7 million FY 2011 allocation which will be disbursed in FY 2012;
- D. adopting a resolution designating TDA and STA fund allocation compliance to the terms and conditions of the allocation; and
- E. upon approval, authorizing the Chief Executive Officer to negotiate and execute all necessary agreements to implement the above funding programs.

28. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) amending the FY11 Budget and increasing the Life of Project Budget by \$638,000 for CP204006 – **Metro Red Line Entrance Canopy Project.**

34. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award firm fixed price contract under IFB No. OP39602529 with Electrical Cable Specialists, the lowest responsive and responsible bidder, **for Metro Blue Line DC feeder cable**, for an amount not to exceed \$1,400,000, inclusive of sales tax.

35. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to:
 - A. award a five-year firm fixed price Contract No. OP35902470 to MV Transportation for **Contract Bus Service, including Compressed Natural Gas (CNG) fuel**, for an amount not to exceed \$74,637,395 and provide for reimbursement of fuel costs for the five-year period for an amount not to exceed \$12,138,430, for a total contract amount not to exceed \$86,775,825, effective October 31, 2010; and
 - B. execute future contract modifications to Contract No. OP35902470 in an amount up to \$1,000,000 per contract modification.

36. OPERATIONS COMMITTEE RECOMMENDED (3-0-1) authorizing the Chief Executive Officer to award Contract No. OP33432475 to Clean Energy, Inc. **for Divisions 10 and 18 fueling facility electrification upgrades**, including a ten-year operation and maintenance agreement, in the amount of \$24,007,934, with capital funds made available through the American Recovery and Reinvestment Act of 2009 (ARRA).

38. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a three-year firm fixed-price unit rate contract under Bid No. 10-0027 to Knorr Brake Corporation, the single lowest responsive and responsible bidder, for the **overhaul of Metro Blue Line light rail vehicle friction brake system equipment** for an amount not to exceed \$3,784,138.

41. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0):
 - A. approving up to \$308,000 in local funds for the City of Los Angeles Department of Transportation to fund two staff positions to provide maintenance and on-going support for the **Metro Rapid Transit Priority System (TPS)** within the City of Los Angeles, and central hosting of TPS for the Cities of Beverly Hills and West Hollywood for Fiscal Year (FY) 2011; and
 - B. amending the FY11 budget to add revenues and expenses of \$308,000.
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NON-CONSENT

3. Election of Board Officers.

6.1 ANTONOVICH AND NAJARIAN AMENDING MOTION:

The Metrolink CEO has determined that providing service on the Antelope Valley Line on July 4th will be beneficial for the residents of North Los Angeles County. This service is estimated to cost Metro a one-time amount of \$16,000.

WE THEREFORE MOVE the Metro Board direct the CEO to amend the recommended budget for Metro's share of Metrolink funding for FY11 by an additional \$16,000 to **allow Metrolink to run July 4th service on the Antelope Valley Line.**

19. CONSIDER:

- A. approving a Life of Project (LOP) for:
 - 1. new Capital Project 212007 – **Automated License Plate Recognition Network** Phase I (Phase I) in the amount of \$2,068,907. Transit Security Grant Program (DHS-08-GAD-07501802) will fund \$1.67 million in equipment costs. Labor costs will be funded by TDA Article 4 in the amount of \$401,000; and
 - 2. new Capital Project 212009 – Automated License Plate Recognition Network (Phase II) in the amount of \$1,601,907. Transit Security Grant Program (TSG-2009-RA-T9-K004) will fund \$1.2 million in equipment costs. Labor costs will be funded by TDA Article 4 in the amount of \$402,000;
- B. amending FY11 Budget for Cost Center 2610, System Security and Law Enforcement, in the amount of \$1,797,000 for Automated License Plate Recognition Network Phase I; and
- C. amending FY11 Budget for Cost Center 2610, System Security and Law Enforcement, in the amount of \$1,168,000 for Automated License Plate Recognition Network Phase II.

20. CONSIDER:

- A. approving reprogramming of \$726,577 of project savings from Capital Project (CP) #204085 – MTA Subway Chemical Detection System Project to CP #204084 – **Tunnel and Bridge Protection Project Phase I**;
- B. approving an increase to the Life of Project for Capital Project 204084 – Tunnel and Bridge Protection Project Phase I from \$1,840,000 to \$2,566,777; and
- C. amending the FY11 budget to add \$726,577 of expenses and revenues to CP #204084.

22. AUTHORIZE the Chief Executive Officer to award a one-year, nine month firm-fixed price contract (No. PS10713008) effective June 1, 2010, to Patton Boggs LLP, for **federal legislative advocacy services** in an amount not to exceed \$787,500, inclusive of a one-year option.
(Supplement Report)
23. RECEIVE report on **Metro Transit Adjudication Bureau**.
24. ADOPT the **FY11 Proposed Audit Plan**.
25. RECEIVE AND FILE the **performance audit of non-competitive procurements and single bids/proposals**.

(ITEM 37 HAS BEEN WITHDRAWN)

37. OPERATIONS COMMITTEE RECOMMENDED (4-0) AS AMENDED:
 - A. authorizing staff to issue a solicitation with evaluation criteria that encourages local job creation during light rail vehicle production, subject to ensuring eligibility for federal funding, **for new Light Rail Vehicles (LRVs)** to meet the vehicle requirements for current projects and for the transit projects identified in the 30/10 Initiative; and
 - B. approving the funding plan totaling \$335,410,000 for the first 78 LRVs.

Ridley-Thomas Amendment that monthly status updates be provided on how an aggressive Disadvantaged Business Enterprise program is being applied to the LRV procurement.

42. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) approving AS AMENDED a unified process and policy for the **evaluation of project cost increases against the transit program trade-offs necessary to secure sufficient resources for all 12 transit projects in the 30/10 Initiative**, including a requirement for the prompt development and consideration of lower cost project alternatives that address the cost control policy actions of the MTA Board of Directors to date.

Molina Amendment that the Board direct the CEO to meet with County and City staff to review how the Project Advisory Committees (PACs) functioned for both entities, and report back within 60 days with a plan to implement PACs for all 12 Measure R transit projects.

43. AUTHORIZE the Chief Executive Officer to execute Contract Modification Number 15 to Contract OP33900626 with Trillium USA, LLC, for **operation and maintenance of compressed natural gas fueling facilities at Divisions 1, 5 and 7**, in the amount of \$650,000, increasing total contract value from \$43,811,408 to \$44,461,408.

44. ADOPT the following **positions on State Legislation**:

- A. **SB 1245 (Simitian)** – Which would provide that a vehicle that meets the applicable occupancy level for a High-Occupancy Vehicle (HOV) for use of an HOV lane, including a High-Occupancy Toll (HOT) lane, shall not be charged a toll. **OPPOSE**
- B. **AB 1955 (De La Torre)** – Which would add three additional circumstances that would qualify as incompatible public offices and exempts supervisors or council members who have declared themselves as the community redevelopment agency. **OPPOSE UNLESS AMENDED**
- C. **TBD (TBD)** – Which would authorize a local fee for public transit operations. **WORK WITH AUTHOR**
- D. **TBD (TBD)** – Which would modify the legislative notice requirements regarding changes to the Measure R Expenditure Plan. **SUPPORT**

45. Chair's Report.
- Presentation of Resolution to Larry Zarian.
46. Chief Executive Officer's Report.
47. ANTONOVICH AND O'CONNOR MOTION that the Metro Board directs the CEO to make arrangements for **Metro to be a sponsor agency for the AltCar Expo** to be held in October in Santa Monica and to be a participating agency at this event providing information on Metro services and fuel technology.
48. CONSIDER **possible action on the following motions on the SR-710 gap closure:**
- A. **Katz Motion** that the LACMTA Board direct the Chief Executive Officer to conduct parallel analysis concurrent with Environmental Impact Report (EIR) scoping as follows:
1. analysis shall be neutral, objective and fully analyze all alternatives that address the purpose and objectives of the State Route 710 North Gap Closure;
 2. community input shall be sought throughout the entire process; and
 3. a cost-benefit analysis shall be performed and findings shall be presented at the same time the LACMTA Board considers the Draft EIR.
- B. **Huizar Motion** that the LACMTA Board direct the Chief Executive Officer to eliminate the surface route from the environmental review process that the Board is now committing to undertake; and further move that if the environmental process moves forward, that Metro consider the negative impacts a portal constructed north of Valley Boulevard will have on the residential neighborhoods in the community of El Sereno. (Continued on next page)

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- C. **Antonovich and Fasana Motion** that the Metro Board:
1. approve the three staff recommendations for Item 17 on May 27, 2010 Regular Board agenda;
 2. ensure that all five zones studied in the geotechnical tunnel study are included at the start of the scoping process;
 3. ensure that this environmental process follows National Environmental Protection Act/California Environmental Quality Act guidelines;
 4. institute a State Route 710 North Advisory Committee (Committee) with the following stipulations:
 - a. the Committee shall be composed of the member jurisdictions and agencies that participated in the State Route 710 Tunnel Steering Committee, plus the Crescenta Valley and Altadena Town Councils;
 - b. the Committee will meet no less than once every three months, and as often as deemed necessary by the Chief Executive Officer (CEO);
 - c. the purpose of these Committee meetings will be for stake holders to receive timely updates and presentations from – and to provide input to – Metro staff;
 - d. the CEO shall retain authority over all other elements of this Committee not stipulated in subsections (a) through (c);
 5. direct the CEO to present a project update presentation before the Measure R Project Delivery Committee no less than once every three months, or as often as deemed necessary by the CEO; and
 6. direct the CEO to develop a comprehensive outreach program to federal, state and local officials regarding the process of this project study and report back to the Board within 60 days with a presentation of this program and its implementation.

(CARRIED OVER FROM MAY BOARD MEETING)

49. **Closed Session:**

A. **Conference with Legal Counsel – Pending litigation – G.C. 54956.9(a):**

1. Stephens v. LACMTA, Case No. BC 419329
2. Schmolder v. LACMTA, Case No. SC103328
3. LACMTA v. Parson-Dillingham, Case No.: BC150298
4. Magdaleno v. SCRRA, et al, Case No. PC043703 (Chatsworth Metrolink accident cases)

B. **Conference with Labor negotiators – G.C. 54957.6**

1. Agency Representative: Richard Hunt
Employee Organizations – ATU, UTU, TCU, Teamsters
2. Agency Representative: James Falicki
Employee Organizations – TCU, Teamsters

C. **Personnel Matters – G.C. 54957:**

- Public Employee Performance Evaluation
- Chief Executive Officer

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