



Metro

Los Angeles County
Metropolitan Transportation Authority

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**EXECUTIVE MANAGEMENT COMMITTEE
APRIL 17, 2014**

SUBJECT: FILMING POLICY

ACTION: RECEIVE AND FILE

RECOMMENDATION

Receive and file this response to a Board motion from March 20, 2014 regarding Metro's policy on filming. The report details improved safety training procedures to facilitate requests from production companies to film on the Metro system.

ISSUE

At the March Executive Management Committee meeting, a motion from Directors Garcetti, Antonovich and Krekorian asked staff to develop a comprehensive policy for filming on the Metro system. It also asked staff to consider ways to expedite the permissions process for production companies, and to evaluate the current vendor contract for representing Metro to the film community.

DISCUSSION

Policy

Metro strives to support the film industry by maintaining a film-friendly environment while preserving safety for all involved. The Metro system has provided settings for hundreds of motion pictures (including "The Italian Job," "LA Confidential" and the upcoming "Godzilla"), television shows (including "Agents of S.H.I.E.L.D.," "NCIS: Los Angeles" and "Glee"), music videos (including the group Muse) and commercials (including Samsung, Verizon and AT&T).

With input from Rail Operations, Safety and Risk Management, and based on the Board's direction to develop a comprehensive policy to keep and attract filming on the Metro system and in turn, in Los Angeles County, staff has refined its procedures and developed the Metro Filming Policy shown in Attachment A.

The policy language makes clear that Metro's goal is to make every possible effort to accommodate film shoots to the satisfaction of the requestors while ensuring the safety of film crews, transit customers and Metro employees, and also while maintaining uninterrupted delivery of safe, efficient transit service.

A significant new provision of this policy involves improved procedures for safety training requirements. When any cast or crew needs to enter track areas on the Metro system in connection with a filming project, operations and safety procedures require that those individuals be safety trained. Previously, safety training has only been available to film representatives in a three-hour, classroom-based session given at a downtown Metro facility at a set time once each week. (Safety training has not been required on projects that do not involve entering track areas.)

Operations and Safety staff have reviewed this practice and determined that to better accommodate the needs of production companies, streamline the process of arranging film shoots on the system and create a better customer service experience, Metro will now provide the requisite safety training onsite just prior to the filming session, for a period not to exceed 60 minutes. This "hands-on" training, tailored to the individual needs of the production and the environment being used, will be more relevant by addressing the safety topics that pertain to the specific area of the shoot, and will use the production company's time more efficiently. In addition, Metro provides a dedicated safety watchperson to comply with State safety laws anytime film productions involve entering track areas.

Vendor

Until early 2013, Metro's point of contact for film shoots was an FTE in Communications. Prior to this individual's retirement, staff issued a Request for Proposals (RFP) in December 2012 for a vendor to handle this function and act as Metro's filming representative. The advantages of using a vendor include the availability of multiple representatives to handle requestors' simultaneous needs resulting in faster response to filming inquiries, and greater familiarity with industry practices and needs.

The RFP was commercially advertised and posted on the Metro website. In addition the RFP was sent directly to six known potential proposers: All Pictures Media, Central Locations Agency, Film LA, Hollywood Locations, Plan It Locations and Reel to Reel Locations. Two proposals were received and were evaluated according to the criteria published in the RFP by a committee that included both Metro staff and an outside member in accordance with Metro policy. (Film LA did not respond to the solicitation.) Both potential vendors were interviewed by the proposal evaluation team. Hollywood Locations' proposal was deemed as the best value to Metro and was awarded a 3-year revenue-generating contract with two 1-year options beginning February 2013.

Metro incurs no direct costs in its agreement with Hollywood Locations. The vendor is responsible for responding to and meeting requestors' needs, coordinating film shoots on Metro property from start to finish with all necessary Metro departments, handling all filming contracts and enforcing Metro's policies and procedures. Metro receives 75% of the leasing fees charged to production companies, with 25 % going to the vendor. In addition to the leasing fee, the filming contract requires production companies to reimburse Metro for 100% of its labor costs incurred in supporting the filming project; the vendor receives no portion of this reimbursement. Historic Union Station also is

represented by Hollywood Locations under an identical agreement. As some productions in the complex use both Historic Union Station and Metro system facilities, this streamlines contact and coordination for film companies. A comparison of key points in Metro's filming practices with those of several comparable properties is provided in Attachment B.

To date, Hollywood Locations has enabled greater efficiency and better customer service in booking the Metro system for filming purposes. In its first year of representing Metro, Hollywood Locations has booked 160 film projects on the Metro system; 89 projects were booked during the previous year when contact was handled in house by Metro staff.

Permitting

All film productions at any location in Los Angeles County must apply for and be issued a permit by Film LA.

In addition to issuing these permits, Film LA also serves as a location representative for a number of facilities, and coordinates film shoots at those locations in addition to permitting them. Some locations are represented by Film LA as part of its permitting agreements with the city of Los Angeles and Los Angeles County; other locations, such as the Los Angeles Unified School District, are represented by Film LA under an independent agreement.

Still other locations, such as the Natural History Museum, the La Brea Tar Pits, and the Long Beach Unified School District, are represented by other firms.

DETERMINATION OF SAFETY IMPACT

The Filming Policy safeguards third-party users of the system and has a positive affect on the incidence of injuries for these groups as well as for Metro patrons and employees.

NEXT STEPS

Staff will work with County Counsel to finalize the policy language and implement it immediately.

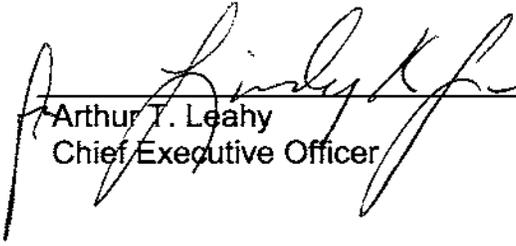
ATTACHMENTS

- A. Metro Filming Policy
- B. Comparison of Filming Properties

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ATTACHMENT A

COMMUNICATIONS Metro Filming Policy

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POLICY STATEMENT

The Los Angeles County Metropolitan Transportation Authority (LACMTA or Metro) recognizes the entertainment industry as a major contributor to the economic stability of the region. To maintain a film-friendly environment and retain filming of all kinds within Los Angeles County, all Metro departments strive to facilitate the use of Metro property when requested for the filming of motion pictures, television programs, commercials, music videos and other professional productions, and to ensure maximum cooperation from all Metro employees and/or representatives involved is assisting and implementing these film shoots. At the same time, Metro places the highest priority on the safety of film crews, transit customers and Metro employees, as well as on the uninterrupted delivery of safe, efficient transit service to Los Angeles County residents. Therefore when filming requests are made involving its system and properties, Metro makes every possible effort to accommodate them to the satisfaction of the requestors while preserving safety for all involved, maintaining service for its transit customers, and ensuring that the agency's brand identity and responsibility to the community are not compromised.

PURPOSE

To clearly define the procedures, considerations and responsibilities involved in arranging to use Metro-owned property, facilities and vehicles for the purpose of film and photography shoots.

APPLICATION

This policy and its procedures apply to all represented and non-represented employees, consultants, Board members and users of Metro property.

APPROVED: County Counsel or N/A

Department Head

ADOPTED: CEO

Effective Date: _____



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1.0 GENERAL

Metro can provide production companies with site locations, vehicles, equipment and parking for use in their productions. Site locations (land structures and parking) exist throughout Los Angeles County. Working closely with the Operations, Safety and Real Estate departments, the Communications Department administers Metro's filming program.

To expedite filming requests, Metro maintains a single point of contact to support the film industry. The Chief Communications Officer may either appoint one staff member to serve as Metro's primary contact for the purposes of filming on Metro property, or contract with a third party vendor to fulfill this purpose.

For the purposes of this policy, filming is defined as the use of Metro-owned property to directly or indirectly support the capture of moving images, still images and/or sound for professional, commercial or academic purposes.

2.0 PROCEDURES

2.1 Filming Requests

2.1.1 Companies interested in using Metro property in connection with film shoots ("Requestor") should first contact the designated filming staff or filming vendor ("Metro Contact," listed in the metro.net "Contact Us" section under "Filming Inquiries") and provide the following information:

- Date & hours of intended film shoot
- Desired property and intended use (filming location, crew parking, etc.)
- Summary of actions to take place in the filming if applicable
- Storyboard and/or script of the scene(s) taking place on Metro property if applicable

Requestor may also ask the Metro Contact for guidance and suggestions on the most suitable Metro locations for the Requestor's particular needs.



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- 2.1.2 If the request involves filming with trains and/or at a rail station, the Metro Contact will arrange a mandatory scouting meeting to be attended by the Requestor and all necessary Metro staff to review the Requestor's plans. To arrange for adequate scheduling of Operations and Security staff support, 15 business days' notice is recommended for shooting dates involving trains and/or rail stations; however Metro will attempt to accommodate shoots with less notice if possible. Subsequent to the scouting meeting, the Metro Contact will submit the Requestor's plans for final approval through Metro's weekly Track Allocation procedures. All such plans must be submitted prior to the Track Allocation deadline pertaining to the proposed film date, and must specify and limit the portion of Metro's right of way to be used.
- 2.1.3 For the safety of the Requestor, if the request requires crew and/or actors to enter any tracks, tunnels or right of way, all persons needing to enter such areas are required to be trained in rail safety issues. This training will be provided on-site by Metro to all those needing to enter track areas at the filming location prior to the scheduled shoot for a period not to exceed 60 minutes. All persons who attend the training and enter the track area will be required to sign an attendance sheet and must stay within the specific limits or sections of the track area approved for the shoot. Under no circumstances shall the limits be changed on location by the Requestor without prior approval from Metro. In all cases, Metro will tailor its safety training to the particular needs and location of each shoot. In addition to the training, whenever a shoot requires crew or actors to enter a track area, Metro will provide a dedicated watchperson to accompany the shoot in compliance with State safety rules.
- 2.1.4 After agreement on and approval of the Requestor's needs, the Metro Contact will draft a contract for a license to use Metro facilities. Contract will include:
- Date, time and location of facilities to be leased
 - A description of the approved use and/or copy of the Requestor's plans
 - Detail of insurance requirements (see Schedule A)
 - Detail of applicable leasing fees and labor fees (see Schedule B)



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Contract must be signed by the Requestor and fees must be received by the Metro Contact at least 24 hours prior the start of shooting.

2.2 Filming Guidelines

- 2.2.1 For productions in rail stations, the preferred shooting time is outside of normal transit operating hours. However, Metro will accommodate filming hours whenever possible, provided that the filming does not interfere with normal passenger service or compromise the safety of the film crew, Metro customers or employees, or compromise proper maintenance of the system.
- 2.2.2 The Requestor may not use pyrotechnics, smoke, or any other physical special effects on Metro property without specific written consent obtained during the scouting/contracting process. Such requests must be approved by Metro's Fire/Life Safety Committee.
- 2.2.3 Metro will have script approval over the portion of filming that involves Metro vehicles and/or locations, to ensure that the agency's brand identity and responsibility to the community are not compromised.
- 2.2.4 Metro owns trademark rights to its 'M' logo and 'M Metro' logo. Permission for use on camera can be granted as part of the filming contract. Any other use of the Metro logo, Metro signage or Metro advertisements on camera requires Metro's prior approval and written consent.
- 2.2.5 Metro, the Metro system, Metro employees or agents, and public transit in general, may not be portrayed in a disparaging manner in productions filmed on Metro property.
- 2.2.6 Unsafe transit behaviors and/or specific violations of Metro ordinances including nudity may not be portrayed in productions filmed on Metro property.
- 2.2.7 Metro employees may not be intentionally used as principals, extras or in other on-camera capacities during the filming of outside productions on the Metro system. Should Metro employees appear on camera inadvertently in the final production, the Requestor must obtain individual releases from said employees prior to the production's release.
- 2.2.8 The production will be solely responsible for obtaining all required releases and consents for the reproduction or use of any signs, displays, trademarks, service marks, trade names, artwork, posters,



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wall hangings or any other intellectual property recorded by or appearing in the production. A listing of Metro artwork and artist contact information is available upon request.

2.3 Student Filming Projects

- 2.3.1 For student projects, Requestor must be enrolled at an accredited college or university and have a letter from the student's professor explaining that the filming is necessary to the student's project.
- 2.3.2 Student Requestor must follow the request procedure outlined in section 2.1.
- 2.3.3 Student filming requests will be accommodated as time and available staff permit.
- 2.3.4 Student projects may film or photograph on a rail station platform, mezzanine, and/or escalator for a maximum of 4 hours, Monday through Friday only between the hours of 10 a.m. and 2 p.m.
- 2.3.5 Student projects may not film inside an operating bus or train.
- 2.3.6 Student projects may not control the movement of a bus or train.
- 2.3.7 Student projects may have a maximum combined cast and crew size of 20 persons.
- 2.3.8 No licensing fee is required for student productions; however charges may apply for any necessary support personnel. (See Schedule B)

2.4 Insurance

Requestors must provide proof of liability insurance at their own expense according to Metro's requirements. Please refer to Schedule A for current insurance requirements. These requirements are subject to change.

2.5 Fee Schedule

Requestors will be charged a leasing fee for the facilities used, plus a labor fee for necessary support from Metro Operations and Security personnel. Please refer to Schedule B for current Metro film leasing and labor fees. Rates are subject to change.



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3.0 DEFINITION OF TERMS

Filming - the use of Metro-owned property to directly or indirectly support the capture of moving images, still images and/or sound for professional, commercial or academic purposes.

Track Allocation – The procedure used by Metro to reserve time at various rail system locations for all activities other than normal operating service, such as maintenance or third-party use of the facilities.

4.0 RESPONSIBILITIES

4.1 Metro Communications Department Responsibilities

The Chief Communications Officer will designate the Metro Contact and administer the filming program.

4.2 Metro Operations Department Responsibilities

The Metro Operations Department will work with the Metro Contact and other internal departments (Safety, Security) to advise on and coordinate availability of rail stations and vehicles, as well as safety requirements for the purposes of filming.

4.3 Metro Real Estate Department Responsibilities

The Metro Real Estate Department will advise on available properties for rent for the purposes of parking or filming.

4.4 Metro General Services Department Responsibilities

The Metro General Services Department will advise on the availability of the Gateway building for rent for the purposes of filming.

5.0 FLOWCHART

Not Applicable

6.0 REFERENCES

None



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7.0 ATTACHMENTS

- Schedule A: Metro Filming Insurance Requirements
- Schedule B: Metro Filming Lease & Labor Rates

8.0 PROCEDURE HISTORY



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SCHEDULE A

Film Leasing Insurance Requirements

1. LICENSEE agrees to cover its employees with Workers' Compensation insurance in an amount and form to meet all applicable requirements of the California Labor Code. The policy must specifically cover all people and risks involved in this License Agreement.
2. LICENSEE will defend, indemnify and hold harmless METRO, its officers, employees, agents, contractors, successors and assigns, from any and all claims, causes of action, liabilities, damages, costs and expenses including, without limitation, attorney's fees, arising out of or incidental to or in connection with any personal injury, including death, to any person whatsoever, any damage to property of any person whatsoever and economic loss to any person whatsoever including, without limitation, attorney's fees, arising from LICENSEE negligence or acts or negligence or acts of LICENSEE's employees, agents and contractors.
3. LICENSEE, on behalf of itself, its officers, employees, agents, contractors, invitees and any other person claiming by, through or under LICENSEE, hereby releases METRO, its officers, directors, agents, contractors and employees from any and all claims, cause of action, liabilities, damages, costs and expenses that arise from LICENSEE's use of METRO property, including, without limitation, structures, lots, buses, trains, rail stations, elevators, staircases, platforms and terminals, except for third party negligence, METRO's gross negligence, or METRO's intentional wrongdoing.
4. LICENSEE will comply with all applicable laws, ordinances, regulations, standard operating procedures, and administrative procedures in its use of METRO property.
5. The use of METRO property by LICENSEE's Production Crew is conditioned upon receipt by METRO of the following documents from LICENSEE:
 - a. Insurance Requirements. LICENSEE must provide a Certificate of Insurance evidencing coverage on an Acord (or equivalent) form. The Certificate must name Los Angeles County Metropolitan Transportation Authority (METRO) as an additional insured, and include the following insurance requirements:
 - i. Minimum Scope of Insurance
Coverage shall be at least as broad as:
 1. Insurance Services Office Commercial General Liability coverage (occurrence form CG0001 or equivalent).
 2. Insurance Services Office form number CA0001 (or equivalent) covering Automobile Liability, code 1 (any auto).
 3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.



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ii. Minimum Limits of Insurance

LICENSEE shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation to comply with California's statutory requirements.

iii. Other Insurance Provisions

The insurance policies required per the terms of the contract are to contain, or be endorsed to contain, the following provisions:

1. Los Angeles County Metropolitan Transportation Authority (METRO), its subsidiaries, officials, agents and employees are to be covered as additional insureds as respects liability arising out of the activities performed by or on behalf of the LICENSEE; products and completed operations of the LICENSEE; premises owned, occupied or used by the LICENSEE; or automobiles owned leased, hired or borrowed by the LICENSEE. The general liability coverage shall also include contractual, personal injury, independent contractors and broad form property damage liability. The coverage shall contain no special limitations on the scope of protection afforded to METRO, its subsidiaries, officials and employees.
2. For any claims related to this project, the LICENSEE's insurance coverage shall be primary insurance as respects METRO, its subsidiaries, officials and employees. Any insurance or self-insurance maintained by METRO shall be excess of the LICENSEE's insurance and shall not contribute with it.
3. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to METRO, its subsidiaries, officials and employees.
4. The LICENSEE's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice has been given to METRO.
6. Workers' Compensation and Employer's Liability policies shall provide a waiver of subrogation in favor of METRO.
7. LICENSEE shall endeavor to ensure coverage is not excluded for activities within fifty feet of rail operations by the commercial general liability policy.



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- iv. Deductibles and Self-Insured Retentions
Any deductibles or self-insured retentions must be declared to, and amounts over \$25,000 approved by METRO.
 - v. Acceptability of Insurers
Insurance is to be placed with California admitted insurers with a current A.M. Best's rating of no less than A- VII, unless otherwise approved by METRO.
 - vi. Verification of Coverage
LICENSEE shall furnish METRO with original endorsements and certificates of insurance evidencing coverage required by this clause. All documents are to be signed by a person authorized by that insurer to bind coverage on its behalf. All documents are to be received and approved by METRO before work commences. If requested by METRO, the LICENSEE shall submit copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.
 - vii. Subcontractors
LICENSEE shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsement for each subcontractor. All coverage for subcontractors shall be subject to all of the requirements stated herein. If requested by METRO, the LICENSEE shall submit copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.
- b. A copy of LICENSEE's insurance company's endorsement naming METRO as additional insured and waiver of subrogation as required for workers' compensation.



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SCHEDULE B

Metro Filming Lease & Labor Rates

Fee Schedule

Train Station Platform, Mezzanine and/or Escalators AND Use of a Train

(Red, Purple, Gold, Blue, Expo or Green Line)

\$6,000 for minimum of 6 hours

\$1,500 for each additional hour

Plus personnel cost

Train Station Platform, Mezzanine and/or Escalators WITHOUT Use of a Train

(Red, Purple, Gold, Blue, Expo or Green Line)

\$3,000 for minimum of 6 hours

\$1,000 for each additional hour

Plus personnel cost

Train, Train Station Platform, Mezzanine and/or Escalators Preparation Work

\$2,000 for the first hour

\$250 for each additional hour

Metro Headquarters Building Lobby

Union Station East Portal

Union Station Patsaouras Transit Plaza

\$4000 for a minimum of 6 hours

\$1,000 each additional hour

Plus personnel cost

Metro Headquarters Board Room

\$10,000 per day

Plus personnel cost



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Still Photography on Metro Property

\$500 for minimum of one hour

\$150 for each additional hour

Rail Car Mock-Up

\$2,500 per day

10% discount for 6 days or more on rental only

Students

No License Fee for students, but charges may apply for any necessary support personnel.

Maximum of 4 hours, Monday – Friday, 10 a.m. – 2 p.m. only

Parking

50 spaces or less per day: \$400

51 – 100 spaces per day: \$600

101 – 200 spaces per day; \$800

201 + spaces per day: \$1,000

10% discount for more than 10 days

Monthly Rate: \$6,000

Metro Undeveloped Lot

50 cars or less per day: \$400

51 – 100 cars per day: \$600

101 – 200 cars per day; \$800

201 + cars per day: \$1,000

10% discount for more than 10 days

Monthly Rate: \$6,000

Bus Rental

Includes Bus Operator

\$500 per hour

(4 hour minimum)

\$250 for each additional hour



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Support Personnel

Metro will assign personnel to support filming as necessary.

The rates for support personnel are as follows:

(All rates are hourly and charged on an eight (8) hour minimum.)

HLC Site Coordinator	\$40.00
Rail Transportation Operations Supervisor	\$47.70
Metro Security	\$31.44
Vehicle Operator	\$39.24
Vehicle Tech	\$46.41
Facilities Tech	\$59.10
Traction Power Tech	\$59.10
Custodian	\$27.40
Bus Supervisor	\$47.70

Rates as of January 2013. Subject to change.

ATTACHMENT B

Comparison of Filming Properties

Property	Representation	Number of productions annually	Fees Charged/ Fee Split	Track Filming Requirements	Other
Metro – Los Angeles	Hollywood Locations	160	Set fee schedule/75% to Metro, 25% to vendor	Permitted with 1 hour safety training	
MTA – New York	In-house	Unavailable	Fees negotiated according to scope of production	Permitted with 8 hour safety training	4 to 6 weeks' notice required for filming on a train
BART – San Francisco	In-house	2	Fees negotiated according to scope of production	Filming not permitted in track areas	
LA Unified School District	Film LA	900	Set fee per day per facility/ 84% to school district, 16% to vendor	n/a	1,087 locations available; school hour use on case by case basis.
Long Beach Unified School District	Unreel Locations	54	Fees negotiated according to scope of production; 70% to museums, 30% to vendor	n/a	Filming during school hours on a case by case basis
Natural History Museum/La Brea Tar Pits/Page Museum	Unreel Locations	13	Fees negotiated according to scope of production; 70% to museums, 30% to vendor	n/a	

MTA – New York

New York MTA handles all filming requests in-house and charges fees based on the scope of the project. The agency requires all crew and actors who may walk on the tracks, to attend an eight-hour track class first. Four to six week's notice is required for filming on a train and two to four weeks for filming on a rail platform or bus.

BART – San Francisco

San Francisco BART handles all filming requests in-house. The agency requires an application and application fee be submitted before consideration of the filming request. The agency does charge fees depending on the scope of the project. The agency does not allow filming on the tracks. In 2013, two film permits were approved.

LA Unified School District

Film LA handles the filming requests for all properties within the Los Angeles Unified School District. Fees are charged on a set 12-hour-day basis. Film LA receives 16% commission on the leasing fees, in addition to filming permit fees. The school district has a total of 1,087 schools. In 2013, a total of 900 productions were booked.

Long Beach Unified School District

Unreel Locations handles filming requests for all properties within the Long Beach Unified School District. Fees are set based on the nature of the production. Filming during school hours is considered on a case by case basis. In 2013, a total of 54 projects were booked.

Natural History Museum, La Brea Tar Pits and Page Museum

Unreel Locations handles the filming requests at the Natural History Museum, La Brea Tar Pits and Page Museum. Fees are set based on the nature of the production. The museums usually require filming to take place after-hours, but requests for filming during open hours are considered on a case by case basis. In 2013, a total of 13 productions were booked (2 at Page, 11 at Natural History Museum).