

MINUTES

Los Angeles County
Metropolitan Transportation Authority

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Called to Order at 10:01 A.M.

Directors Present:

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
Beatrice Proo
Ed P. Reyes
Zev Yaroslavsky

Officers

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



Metro

NOTE: Members voting are reflected on the attached "RECAP OF PROCEEDINGS" matrix.

1. APPROVED on Consent Calendar Items 2, 9, 10, 11, 12, 20, 21, 26, and 36**.

Items 13, 18, 22, 27, 35** and 37 were removed from Consent Calendar.

**Requires 2/3 vote of the Board.

NOTED Committee Authority item 30.

2. APPROVED ON CONSENT CALENDAR **Minutes** of Regular Board meeting held January 27, 2005.

3. RECEIVED Chair's Report.

- Black History month celebration taking place today on the plaza level of the Gateway building.
- Arthur Winston, who has been employed with the agency for a record 75 years, recently marked his 99th birthday.
- Honored the memory of Dorothy Payton Gray, the longest-serving library administrator in the agency. As a result of Gray's efforts, the agency's transportation research library (named after Gray) has the distinction of being one of the best in the nation.

4. RECEIVED Chief Executive Officer's Report.

- Commended MTA rail and bus operations staff for keeping the system moving efficiently and without disruption during the recent torrential rain.

9. APPROVED ON CONSENT CALENDAR finding that 88 jurisdictions are in conformance with the **Congestion Management Program for Los Angeles County**, and determining that the City of Industry remains in non-conformance.

10. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to **amend the existing soundwall design Memorandum of Understanding with Caltrans** to add the final design and right-of-way support of the Post 1989, Phase I, Priority 1 Soundwalls, Design Package 4 and increase the amount by \$2.3 million to a total contract amount not to exceed \$6.4 million.

11. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to enter into a **revised Joint Development Agreement with Wilshire Entertainment Center, LLC (WEC)** for joint development at the Metro Red Line Wilshire-Western Station with the following primary revisions:
 - A. revised Project and Conceptual Site Plans by WEC for the joint development at the Station;
 - B. modification of the previously approved land exchange to allow Metro to exchange land fronting Western Avenue for land fronting 6th Street, and to allow WEC to develop and sell condominium units in lieu of rental units; and
 - C. Business Terms revisions as a result of revised project and land exchange.

12. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer:
 - A. to execute non-exclusive Service Agreements with approximately 30 Information Service Providers and public agencies to **access real time freeway traffic congestion information** from the LACMTA Regional Integration of Intelligent Transportation Systems network that they currently receive from Caltrans' Traffic Vision Service for up to twelve months; and
 - B. at his discretion to execute additional non-exclusive Service Agreements with ISPs that are not currently Traffic Vision Service Users if the RIITS Network is functioning without problems.

13. APPROVED **AS AMENDED** authorizing the Chief Executive Officer to program up to \$15.8 million in additional funding for the **Interstate 5 High Occupancy Vehicle Lane project from Route 118 to Route 14** using the following funds sources:
 - A. up to \$8 million of allocated and unspent Traffic Congestion Relief Program (TCRP) funds, which will lapse on September 28, 2005, from the Route 71 project; and
 - B. up to \$7.8 million of additional Congestion Mitigation and Air Quality (CMAQ) funds;

OR,

- C. if the funds in recommendation A are not provided by the California Transportation Commission (CTC), up to an additional \$8 million in CMAQ and Proposition C 25% matching funds.

AMENDMENT: Direct staff to return next month with additional funding options.

- 14. APPROVED LABONGE MOTION that the MTA Board direct the CEO to:

Include in the MTA Long Range Transportation Plan a **countywide policy, standards and/or criteria for determining where best to construct underground rail;**

Work to remove the federal prohibition on the use of federal funds for rail tunneling in potential or high potential methane gas risk zones;

Analyze the impact of removing restrictions on the use of transportation sales tax revenues for planning, design, and construction of heavy rail tunnels in Los Angeles County; and

Assess any potential financial implications of removing restrictions on the use of transportation sales tax revenues for heavy rail tunneling on the capability of the MTA to develop and implement current, planned or approved transit projects and/or programs such as the Eastside extension of the Gold Line, the Exposition Line and other projects related to them.

- 18. APPROVED **REVISED** RECOMMENDATION TO ADOPT:

- A. A SUPPORT – WORK WITH AUTHOR position on Federal Bill S. 197 (Boxer) – The “Rail Crossing Safety Act,” authorizing the U.S. Secretary of Transportation to conduct a **study of highway-railroad grade crossings and to provide grants for grade separations** that would enhance safety and for grade crossings on rail lines that have a high volume of goods movement; and

- B. A SUPPORT – WORK WITH AUTHOR position on Federal Bill H.R. 603 (Watson) authorizing the U.S. Secretary of Transportation to conduct a study of highway-railroad grade crossings and to provide grants for grade separations that would enhance safety and for grade crossings on rail lines that have a high volume of goods movement.

20. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a five-year, firm fixed price Contract No. PS0543401617 to J. Perez Associates, Inc. to provide posting, inspection and maintenance of **wayfinding and promotional signage in the agency's railcars, rail stations and bus stations** for an amount not to exceed \$750,000 inclusive of four one-year options effective April 1, 2005.
21. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a five-year, firm fixed price Contract No. PS0471801585, to Inland Transportation Services to provide **rideshare survey, incentive program management and customer service** for an amount not to exceed \$1,981,311 inclusive of four, one-year options, effective April 18, 2005.
22. AUTHORIZED the Chief Executive Officer to enter into agreement(s) with the Los Angeles to **Pasadena Metro Blue Line Construction Authority (Construction Authority)** that would affect the following:
- A. transfer of the Del Mar Gold Line Station Parking Structure to Los Angeles County Metropolitan Transportation Authority (LACMTA) ownership and management, subject to Construction Authority and City of Pasadena approvals and staff performing due diligence to report back the operating costs before September 2005;
 - B. exchange of \$2,951,036 in Fiscal Year (FY) 2003 Federal Bus Capital earmarked funding with the Construction Authority for an equivalent amount of local sales tax funds, so that the funds may be used for making final payments to Phase I contractors and closing out Phase I construction contracts, subject to the Construction Authority seeking the appropriate federal approvals that would allow for the exchange of funds contemplated; and
 - C. ~~Advance Program of \$10 million of previously identified funding for preliminary engineering of the Pasadena to Claremont (Phase II) extension from through the LACMTA Short Range Transportation Plan for Los Angeles County from FY 08 to FY 06, programmed but not dispersed, so that it may be used towards an initial property purchase for a rail-maintenance facility upon notification from the Construction Authority that they are ready for escrow; and~~
WITHDRAWN BY STAFF

- D. entering into a Memorandum of Understanding (MOU) to review the planning, design and construction of the Phase II extension as required by the Construction Authority's enabling legislation SB 1847 and draft of an MOU no later than June 2005.

23. CLOSED SESSION:

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

- 1. Panaga v. MTA EC037499

NO REPORT.

- 2. Ferdinand v. MTA GC028819

APPROVED settlement in the amount of \$437,500.

- 3. MTA v. Argonaut Insurance Co. BC156601

NO REPORT.

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

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

NO REPORT.

26. APPROVED ON CONSENT CALENDAR:

- A. transferring \$19.2 million of local funds from the capital program to the operating program;
- B. amending the FY05 budget to add up to \$8.2 million of General Fund revenues to the Enterprise Fund for additional bus operations fuel costs and up to \$8 million of Proposition A 35% funds for rail operations; and
- C. eliminating 14 positions as a result of the capital program changes.

27. CARRIED OVER TO MARCH BOARD MEETING DUE TO CONFLICTS awarding a five-year contract to Bank of America N.A. to provide a \$150 million **direct pay letter of credit** for an amount not to exceed \$1,340,000, including legal fees and other related expenses.

30. AUTHORIZED UNDER CONSTRUCTION COMMITTEE AUTHORITY:

- A. an increase in authorized funds to Contract No. EN070, Environmental Compliance Services with Ultrasystems Environmental, Inc., to provide **environmental compliance services** through March 2006, for an amount not to exceed \$450,000, increasing the total authorized funds from \$2,551,000 to \$3,001,000; and
- B. the Chief Executive Officer to negotiate and execute task orders and change orders to Contract No. EN070 within the total authorized funds in Recommendation A.

35. CARRIED OVER TO MARCH BOARD MEETING:

- A. receiving and filing report notifying the Board that the Chief Executive Officer has awarded Contract No. OP39201648 to U.S. Energy Systems in the amount of \$375,000 to **provide UPS batteries for the Red Line System** as an immediate remedial measure in accordance with Public Utility Code Section 130235;
- B. finding that there is only a single source of procurement for warranty replacement of Red Line System Uninterruptible Power Supply batteries, and purchase is for the sole purpose of replacing UPS batteries already in use; and authorizing purchase of the UPS batteries pursuant to Public Utilities Code section 130237; and
- C. authorizing the Chief Executive Officer to execute Modification No. 1 to Contract No. OP39201648 with U.S. Energy Systems to provide for removal, supply and installation of UPS batteries for an amount not to exceed \$1,125,000, increasing the total contract value from \$375,000 to \$1,500,000.

(REQUIRES 2/3 VOTE OF THE BOARD)

36. APPROVED ON CONSENT CALEDNAR BY A 2/3 VOTE OF THE BOARD:
- A. rejecting all bids received under IFB No. OP39201613 for **Embedded Rubber Concrete Grade Crossings**;
 - B. finding that the bids received for Embedded Rubber Concrete Grade Crossings under Public Utilities Code section 130232 have been rejected and the Embedded Rubber Concrete Grade Crossings may be purchased at a lower price on the open market; and authorizing purchase of those Embedded Rubber Concrete Grade Crossings on the open market pursuant to Public Utilities Code section 130233; and
 - C. authorizing the Chief Executive Officer to award a three and a half year, indefinite quantity and indefinite delivery contract with economic price adjustment, Contract No. OP39201613, to Omni Products, Inc., for Embedded Rubber Concrete Grade Crossings for an amount not to exceed \$2,029,323 inclusive of sales tax.
37. AUTHORIZED the Chief Executive Officer to award a five-year contract to Woods Maintenance Services, Inc. (dba Graffiti Control Systems) for **graffiti abatement services for Metro transit facilities** for an amount not to exceed \$3,613,824, inclusive of two one-year options and a 5% contingency for as-needed additional services effective March 1, 2005.
38. CARRIED OVER TO MARCH BOARD MEETING:

LUDLOW MOTION that the MTA Board of Directors direct staff to report back at the March Operations Committee meeting on the following, but not limited to: 1) a detail map that depicts the original Line 107 with an overlay of the new alternative line(s), including transfers; 2) a comparison on Line 107 passenger boardings to the new alternative line(s) passenger boardings; and 3) fiscal and time impacts to passengers on Line 107 and the new alternative line(s) – e.g., cost and time from Point A to Point B. Further move that the MTA Board of Directors direct staff to not make any further changes or reaffirm the **cancellation of Line 107** until Board has been able to review and evaluate the requested information.

39. APPROVED YAROSLAVSKY SUBSTITUTE MOTION:

ANTONOVICH, FASANA AND ROBERTS MOTION that MTA:


- 1) ~~support the completion of the Gold Line Foothill Extension Project to Montclair by 2014 as a significant congestion relief project subject to availability of federal funds consistent with FTA guidelines;~~
- 2) ~~direct staff to work with the Authority to revise the ridership model expeditiously and develop a financial plan that addresses the FTA comments in order for the project to proceed to preliminary engineering;~~
- 3) ~~enter into a Memorandum of Understanding with the Authority to reflect the above as well as the actions required in SB 1847 no later than April 2005; and~~
- 4) ~~support replacing Pasadena, South Pasadena, and SGVCOG board seats on the Metro Gold Line Foothill Extension Construction Authority (Pasadena Metro Blue Line Construction Authority) with cities along the Phase II Gold Line alignment.~~

YAROSLAVSKY SUBSTITUTE MOTION that Items 1, 2 and 3 be referred to staff for consideration as part of the development of the Long Range Transportation Plan and that Item 4 be received and filed.

40. ADOPTED a SUPPORT position on State Bill ACA 11 (Oropeza) – A bill proposing to **remove the suspension clause from Proposition 42** funds and instead allow for these funds to be loaned to the General Fund under specified conditions.

RECEIVED public comment.

Prepared by: Michele Chau
Recording Secretary


Michele Jackson, MTA Board Secretary

RECAP OF PROCEEDINGS
LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY
REGULAR BOARD MEETING
THURSDAY, FEBRUARY 24, 2005

DIRECTORS VOTING

ATTENDANCE		DIRECTORS VOTING													
ITEM NO.	SUBJECT ITEM	O'CONNOR	LUDLOW	FASANA	MOLINA	BURKE	HAHN	ROBERTS	ANTONOVICH	YAROSLAVSKY	KNABE	PROO	REYES	LABONGE	WONG
1	APPROVE CONSENT CALENDAR ITEMS: 2, 9, 10, 11, 12, 20, 21, 26, AND 36**. ITEMS 13, 18, 22, 27, 35**, AND 37 WERE REMOVED FROM CONSENT CALENDAR. **REQUIRES 2/3 VOTE OF THE BOARD	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	
	NOTE COMMITTEE AUTHORITY ITEM: 30														
2	APPROVE MINUTES OF REGULAR BOARD MEETING HELD JANUARY 27, 2005.														
3	CHAIR'S REPORT	P	P	P	P	P	P	P	P	A	P	P	P	P	
4	CHIEF EXECUTIVE OFFICER'S REPORT	P	P	P	P	P	P	P	P	A	P	P	P	P	

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

