



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

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**PLANNING AND PROGRAMMING COMMITTEE  
JANUARY 18, 2012**

**SUBJECT: FUNDING FOR DESIGN AND CONSTRUCTION OF BIKE PATH  
ALONG EXPOSITION BOULEVARD RIGHT-OF-WAY**

**ACTION: APPROVE RECOMMENDATION**

**RECOMMENDATION**

- A. Accept the Project Sponsorship for the Exposition Boulevard Right-Of-Way Bike Path – Westside Extension Project ("the Project") and authorize the transfer of \$13,053,170 in programmed funds (\$11,528,000 in federal Transit Enhancement ("TE") funds and \$1,525,170 in Local Transportation Funds) from the Cities of Los Angeles and Santa Monica to the Los Angeles County Metropolitan Transportation Authority ("Metro") for the Project;
- B. Adopt a Life-of-Project Budget of \$16,102,170 for Capital Improvement Project No. 890003, as shown in Attachment A;
- C. Authorize the Chief Executive Officer ("CEO") to execute an amendment to the Exposition Project Phase 2 Funding Agreement with the Exposition Metro Line Construction Authority ("Construction Authority") to provide up to \$16,102,170 for the Project and an amendment to Exposition Project Phase 2 Master Cooperative Agreement (MCA) with the Construction Authority to address related provisions for the design and construction of the Project;
- D. Authorize the CEO to negotiate and execute funding agreements with the Cities of Los Angeles and Santa Monica for their funding contributions towards the Project and to execute the corresponding license agreements for operating and maintaining the bike path on Metro's right-of-way;
- E. Amend the FY12 Budget to increase revenues and expenses by \$800,000 for Capital Improvement Project No. 890003 to advance the current Conceptual Design to Preliminary Engineering and develop a Lump Sum Fixed Price (LSFP) proposal for the Final Design and Construction of the Bike Path. Award of the Final Design and Construction Scope of Work is subject to the review and approval of the LSFP by Metro.
- F. Approve a Notice-to-Proceed of \$800,000 for the Construction Authority for preliminary engineering, once the California Transportation Commission ("CTC") authorizes a state allocation of the \$11,528,000 in federal TE funding for the Project.

## **ISSUE**

The Board of Directors has awarded, through several actions, \$13,514,170 in Countywide Call for Projects (CFP) funding for the design and construction of a bikeway along Exposition Boulevard Right-of-Way in Los Angeles and Santa Monica. The Cities of Los Angeles and Santa Monica have agreed to transfer the balance of the CFP funds, together with the corresponding \$3,049,000 local match, to Metro to build the Project under the Construction Authority management with the construction of the light rail project. Board authorization is needed now to proceed with transferring the Project and its remaining funds to Metro and to contract with the Construction Authority to initiate project activities for design and construction.

## **DISCUSSION**

From 1999 to 2010, through various Board actions, the Exposition Boulevard Right-Of-Way Bike Path – Westside Extension project was awarded a total of \$13,514,170 in CFP funds. Of the \$13,514,170, the Cities spent close to \$461,000 and agreed to transfer the \$13,053,170 balance of CFP funds and corresponding local match of \$3,049,000 to Metro to design and build the Project.

In 2010, the Cities of Los Angeles and Santa Monica agreed, by letters, to transfer implementation and funding of the projects to Metro, so that the full bike path would be coordinated and constructed with the Exposition Phase 2 Light Rail Transit (LRT) project. The Construction Authority will be responsible for the design and construction of the Project, which includes awarding and overseeing design and construction contracts.

On February 17, 2011 the Board of Directors approved the terms and conditions of the Funding Agreement and the MCA for the Exposition Phase 2 LRT project. With Board approval of the recommended actions herein, we will revise the Agreements to include the Project, as summarized in Attachment B.

In addition to the Agreements with the Construction Authority, Funding Agreements between Metro and the Cities of Los Angeles and Santa Monica are also needed. The Agreements will identify the processes by which the Cities will reimburse Metro for their share of the cost, as well as the Cities' and Metro's responsibilities. Attachment C summarizes some of the key provisions for these Agreements.

## **FINANCIAL IMPACT**

Actions B, E and F of the recommendation will authorize the Construction Authority to start the Project with Plan Specification and Estimates (PS & E) activities by amending the budget. As indicated in Attachment A, the estimated capital costs total \$16,102,170. Because this is a multi-year project, the Deputy Executive Officer for Construction will be responsible for authorizing the project to proceed and budgeting the costs in future years.

## Impact to Bus and Rail Operating and Capital Budget

The funds programmed to be used for the Project are:

1. \$3,049,000 in Local Agency Contributions;
2. \$11,528,000 in Transportation Enhancement (TE), and
3. \$1,525,170 in Local Transportation Funds (Repayment from State of Capital Project Loans).

These funds were allocated to this Project and cannot be used for bus and rail operating purposes. The Local Agency Contributions and the TE funds are not eligible for bus and rail operations. The LTF are eligible for bus and rail operations; however, through Board action in July 2010, these funds were re-programmed to the Project. No other funds were considered because these funds were approved specifically for the Project. The funds proposed in this report are for Project capital uses and will have no impact on bus and rail operations.

## ALTERNATIVES CONSIDERED

The Board of Directors may choose not to approve the related actions that we have recommended, in which case the Cities will construct the bike path themselves. However, we do not recommend this option because it will require the Cities to negotiate with Metro and the Construction Authority for access to Metro's right-of-way and to coordinate the various construction activities. Community disruption will be minimized by combining the two projects and having the Construction Authority build the Project concurrently with the rail line construction. Board approval will authorize Metro to engage the Construction Authority design and construct the Project.

## NEXT STEPS


With Board approval of the recommendation, we will work with representatives of the Construction Authority and the Cities to execute amendments and final Funding Agreements.

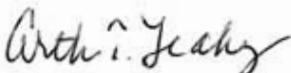
## ATTACHMENTS

- A. Life-of-Project Budget – Exposition Boulevard Right-of-Way Bike Path
- B. Summary of Amendments to Expo Phase 2 Agreements
- C. Summary of Key Provisions of Funding Agreements with the Cities of Los Angeles and Santa Monica

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**ATTACHMENT A**

Los Angeles County Metropolitan Transportation Authority  
**LIFE-OF-PROJECT BUDGET**  
**Exposition Boulevard Right-of-Way Bike Path - Westside Extension**  
**PROJECT 890003**

<b>USE OF FUNDS</b>	<b>FY 12</b>	<b>FY 13</b>	<b>FY 14</b>	<b>FY 15</b>	<b>TOTAL</b>
Plan Specification & Estimates (PS & E)	\$800,000				\$800,000
Design/Construction		400,000	\$ 9,510,000	\$ 3,867,000	\$ 13,777,000
Contingency				\$ 1,525,170	\$ 1,525,170
<b>TOTAL USES OF FUNDS</b>	<b>\$800,000</b>	<b>\$400,000</b>	<b>\$9,510,000</b>	<b>\$5,392,170</b>	<b>\$16,102,170</b>
<b>SOURCES OF FUNDS</b>					
Transportation Enhancements (STIP-federal)			\$7,608,000	\$3,920,000	\$11,528,000
City of Los Angeles - Contribution	\$623,680	\$311,840	\$1,441,479		\$2,377,001
City of Santa Monica - Contribution	\$176,320	\$88,160	\$407,520		\$672,001
Local Transportation Funds			\$53,000	\$1,472,170	\$1,525,170
<b>TOTAL SOURCES OF FUNDS</b>	<b>\$800,000</b>	<b>\$400,000</b>	<b>\$9,509,999</b>	<b>\$5,392,170</b>	<b>\$16,102,171</b>

Note: Amounts may not add up due to rounding.

<b>FUNDING SUMMARY</b>	<b>Awarded a</b>	<b>Spent b</b>	<b>Available (a - b)</b>
<b>CALL FOR PROJECTS (CFP) 1999-2009</b>			
Transit Enhancements	\$11,989,000	\$461,000	\$11,528,000
Local Transportation Funds	\$1,525,170		\$1,525,170
<b>Sub-total CFP</b>	<b>\$13,514,170</b>	<b>\$461,000</b>	<b>\$13,053,170</b>
City of Santa Monica	\$672,000		\$672,000
City of Los Angeles	\$2,377,000		\$2,377,000
<b>Sub-total Cities Funds</b>	<b>\$3,049,000</b>		<b>\$3,049,000</b>
<b>TOTAL</b>	<b>\$16,563,170</b>	<b>\$461,000</b>	<b>\$16,102,170</b>

**SUMMARY OF AMENDMENTS TO EXPO PHASE 2 AGREEMENTS**

The **Expo Phase 2 Master Cooperative Agreement (MCA)** will be amended to include the following items:

- Term Sheet I. Overview, A. MCA, 4: Modification will be made to include the Project Scope of Work (pages 1-2);
- Term Sheet I. Overview A. MCA, 7: Design Criteria and Standards will be modified for the Project to include Scope of Work and add the use of Caltrans, City of Los Angeles and City of Santa Monica Design Criteria and Standards (page 2);
- Term Sheet I. Overview, C. LACMTA Participation Generally, 1, 2, 3, 4: to be modified to include the City of Los Angeles and City of Santa Monica inspection rights (pages 4-5);
- Term Sheet II. Design Review and Contractor Submittal Review and Comment during Construction: modify the Project Scope of Work and add City of Los Angeles and City of Santa Monica design review (pages 6-7); and
- Term Sheet V. Testing and Start Up, E. Warranties: will be modified for the Project Scope of Work (page 10).

The **Expo Phase 2 Funding Agreement** will be amended to include the following items:

- Term Sheet 5. Reports from Construction Authority will be modified to include the status of the Project Scope of Work as part of the reporting requirements listed.
- The Project contractor shall be responsible for the design and construction of:
  - The bike path, as described on Attachment B - Scope of Work of the Funding Agreement, and all bike path elements as shown in General Requirements Appendix E Limits of Project Contract;
  - All work including but not limited to grading, drainage, lighting, fencing, gates, utility work (including point of connections), landscaping and irrigation, environmental, Storm Water Pollution Prevention Plans (SWPPP), Americans with Disabilities Act (ADA) ramps, signage, barriers and retaining walls to support an autonomous project.
  - Signalized intersections and crosswalks at the following cross streets: Northvale Ave./Motor Ave.; Sawtelle Blvd./Exposition Blvd.; Centinela Ave./Exposition Blvd.; Olympic Blvd./LRT crossing; 19th St./LRT crossing;
  - Loop detection or video detection from back of curb ramp and sidewalk at each intersection with a bikeway crossing. Coordinate with the agency having jurisdiction.



## ATTACHMENT C

### **SUMMARY OF KEY PROVISIONS OF FUNDING AGREEMENTS WITH THE CITIES OF LOS ANGELES AND SANTA MONICA**

1. Metro inspection rights – Metro will have the right to inspect the Project at any time and will address all concerns and issues directly with Construction Authority staff.
2. Design review, approval, and changes – Metro to review and comment on the contents of RFP(s) for the design and construction of the Project as further described in the Funding Agreement. Any disputes between the parties on issues other than a Significant Change shall be handled by staff if possible, and by the CEOs, if staff is unable to resolve disputes.
3. Cities to reimburse Metro for actual costs incurred.
4. Cost overruns are the responsibility of the Cities, as this is a requirement of the CFP-adopted guidelines.
5. Cities will be responsible for maintaining the bikeway and the landscaping associated with the Project, which will be detailed in the maintenance agreement.