

Metro Board Approved Policy

Art for Rail Transit Policy

Adopted: June 1989

Historical Perspective

The Metro Art Program commissions artists to incorporate original artworks into the transit environment. Outreach and community engagement are a hallmark of the program and artworks are created specifically for their transit related locations to connect people, sites and neighborhoods.

The policy requires equitable distribution of commissions among artists of both genders, as well as among artists of diverse cultural heritage.

ATTACHMENT B

LOS ANGELES COUNTY TRANSPORTATION COMMISSION

ART PROGRAM POLICY

The Los Angeles County Transportation Commission, in keeping with its mission to provide improved mobility for the people of Los Angeles County, has adopted a public art policy which will provide for the creation of works of art throughout the rail transit system. The Commission recognizes that the inclusion of art in the design of public spaces creates a more inviting environment, enlivening a functional world and contributing to a positive experience for the system's future riders.

The Commission will allocate one half of one percent of construction costs for the creation of original art works. The costs of administering the art program will also be covered by this allocation.

The stated goals of the program are the following:

- to enhance the everyday act of commuting and expand the public experience of art through the commissioning of the highest quality art in public spaces;
- to enrich the rail transit system for both residents and visitors by creating a unique visual identity for each station through works of art that contribute to a sense of community identity and pride;
- to heighten public awareness of the unique cultural and ethnic resources of the communities surrounding the stations;
- to foster the creation of a wide variety of visual art, conceived in any medium or material;
- to foster the creation of art that is integrated into the design of each site and to foster collaborations between artists and architects in the creation of stations;
- to ensure the equitable distribution of commissions among artists of both genders, as well as among artists of diverse cultural heritage, and
- to express a commitment to artists residing in California by restricting the program to California artists, with the exception of a limited number of international competitions.

G U I D E L I N E S -- PERMANENT COMMISSIONS

A successful public art program entails the clear definition of roles, lines of authority and accountability, but also demands flexibility and a willingness to improvise.

I. ARTIST SELECTION PROCEDURE

The goal of the selection process is to choose artists who will create art works that are integrated with the architecture, specific to the site and accessible to the public. The selected art must:

- be of high quality,
- be site specific,
- last at least 25 years,
- require minimum maintenance,
- be resistant to vandalism.

Whenever possible, artists should be able to work on their proposals in the early stages of the station design process. Involvement of artists in the conceptual stage of a project fosters innovation and allows artists to play expanded creative roles. If possible, the artists' final design work should be completed before the construction phase begins. This allows time for dialogue between the artist and the architect during the design process and the inclusion of specifications for the artwork's site preparation in the final architectural plans. (These may include specifications for such items as wiring, lighting, structural supports, seating, plumbing and paving.)

In keeping with procedures adopted by public art programs around the country, all art works will be selected through a committee review process.

A. The Art Committee

Generally, stations will be grouped by location and an art committee will be created for each group. The art committee will consist of two distinct sub-committees: the advisory group (non-voting) and the art panel (voting). Members will be selected by the program administrator, in conjunction with local governments where appropriate, other agency staff members and with advice from area elected representatives and area residents. Care will be taken to ensure proper representation of the diverse ethnic populations present in the community as well as equal participation by both men and women.

1. The Advisory Committee:

This group of approximately five committee members is composed of individuals with a vested interest in the stations, representing:

- the business community (local business associations, community redevelopment group, etc..)
- the neighborhood (historical society, active civic groups, etc,)
- the architectural firm or designer
- the LACTC

The function of the advisory committee is to develop a site profile (fact sheet) and advise the art panel on the social and physical dimensions of each station. Each member of the advisory committee relays relevant information from the viewpoint of the group he or she represents. For example: the station architect describes the future station and the rationale for the design; the Commission's representative explains the Agency's technical and safety requirements, and provides information regarding such issues as pedestrian traffic flow, placement of required signage and seating, security, etc...; the residential and business representatives describe the composition, history and unique features of the community.

This is the best method of empowering the community while ensuring that art of the highest standard is selected by qualified professionals. The advisory committee's site profile provides the art panel with information to help them make informed decisions and choose artists that have the capacity to work with the relevant information.

2. The Art Panel

There will be a different five member art panel for each group of stations. Panelists will be selected from a list established by the art program and approved by the Commission. A minimum of three arts professionals will be chosen to represent varying artistic points of view and should be informed about contemporary public art. Of the three, at least one must be an artist. In addition to the three art professionals there shall be at least one and no more than two voting representatives from the local community. These community representatives may be local elected officials, residents and or business people who are selected by the advisory committee to serve on the art panel.

The responsibility of the panel is to select specific artists to be commissioned. In making its recommendations the panel considers the facility, its architecture and function, the community it serves, the quality of the art work and its appropriateness for the site, the potential for vandalism, the durability of materials and the artist's ability to execute the commission.

As in other programs around the country, art panelists will be paid a small honorarium (\$150) to help compensate them for their time.

In order to avoid any potential conflicts of interest, it is important to note :

- that the administering agency's representatives cannot be voting members of the art committee
- that commercial gallery owners or artists' agents are ineligible for membership on the art committee
- that the art panel's decision cannot be reversed on aesthetic grounds but only on technical grounds or on the basis of other non-aesthetic concerns expressed by the LACTC.

B. Selection Processes

Generally art for the stations will be selected by means of a limited competition, however the program administrator may decide, in conjunction with the Commission, to sponsor an open competition for certain sites. In a few cases the program administrator, in conjunction with the art committee, may decide that direct commission is the best process for a specific project.

C. Slide Registry

The art program will develop a slide registry of artists interested in working with the program. This will serve as a resource for the selection committees and help ensure that the program reaches out to the largest number of artists possible. LACTC will provide public notice of the existence of the registry; in addition, a program outline and slide registry application will be mailed to numerous artist mailing lists (for example: LACE, SMArts, The Japanese-American Cultural Center, etc...). Inclusion in the registry will be open to all professional artists.

D. Art Committee Meetings

The first meeting requires the attendance of all members, and will include the following:

- introduction of the individual committee members
- review of the program guidelines, the art criteria and the selection procedure,
- a site visit

The first or second meeting will also include:

- a slide presentation of public art by the program administrator to familiarize the committee with the potential of public art;
- a discussion among committee members of their expectations in relation to their roles;
- the review and approval of the site profile.

Committee members will be sent minutes of the meetings. At the conclusion of the first or second meeting, advisory group members will be informed of the dates of the art panel meetings which they will be invited to observe, although their presence is not required.

1. Art Panel Meetings

a. Limited Competitions

Generally at least three panel meetings will be necessary. At the first, the art panel will discuss ideas for the type of art which will best suit the station(s) and the best possible sites, keeping in mind the advisory committee members' recommendations and desires.

At the second meeting, art program staff will provide a slide presentation of artists from the slide registry, as well as other sources, considered particularly appropriate for the site. Panelists, as well as all other advisory committee members, will be invited to present additional artists for consideration.

Generally, the panel's task will be to select three artists to submit proposals for each available commission, as well as two alternates. However, the panel will have the option of inviting a lesser number of finalists to compete.

In keeping with practices established by public art programs nationwide, the artists selected by the panel will be invited to develop a proposal for a fixed sum (1% of the total commission, with a minimum of \$500, and

a maximum of \$1,000). The artist who is finally chosen will forfeit this honorarium (it will be deducted from his or her design fee). If an artist turns down the invitation, the next artist on the panel's list will be contacted.

After agreeing to compete, the artist will be provided with: a detailed explanation of the artist selection procedure; minutes of the art committee meetings, and a fact sheet about the neighborhood. This fact sheet will contain relevant historical, demographic, social and economic information, and will have been developed and approved by the art committee in conjunction with the art program staff.

Once the artist has reviewed this information, a meeting will be scheduled for the artist and the program administrator to discuss the artist's response to the site. The agenda will include a tour of the station and the surrounding neighborhood. Although the artist will have been made aware of the panel's site recommendations, he or she will have the option of submitting a proposal for the location of his or her choice.

Next a proposal contract will be signed, specifying:

- the time frame for proposal development,
- date of proposal presentation,
- payment schedule (two thirds upon signing, remainder upon presentation)
- ownership and copyright of the proposal (usually all proposal materials, including models and/or drawings, remain the property of the artist and the agency receives the right to exhibit or use the proposal for promotional purposes).

On the specified date, the art committee will meet to review the artists' presentations. Each artist will be given time to present his or her proposal to the art committee and to answer questions. The presentation will include a rendering of the proposed art work (model or drawings), a written description and/or statement, a budget, and samples of the actual proposed materials.

After the artists have concluded their presentations and left, discussion will begin with advisory group members offering their opinions and suggestions. During this discussion, the business community and neighborhood representatives can offer personal reactions to the proposals, as well as their opinions on how each individual artist responded to the information they provided. They will also be asked to comment on how businesses and residents might respond to the proposed

works. The agency representative will review each proposal in terms of such technical concerns as compatibility with the function of the site, durability and projected maintenance problems.

After this discussion period the art panel will adjourn and meet separately. The session will be chaired by the program administrator. Carefully considering the opinions of the advisory group, the panel will engage in an open and frank discussion of the proposals. When this discussion does not result in a unanimous decision, the final selection will be by majority rule vote.

b. Open Competitions

While open competitions entail a great deal of additional administrative work (developing a project announcement, responding to requests for information, handling hundreds of proposals and screening them for completeness, returning the materials to the artists...) they also offer increased visibility for the program and are considered by many to be the only truly democratic way to select artists for public commissions. (However this method does not appeal to all artists. Many are unwilling to spend time developing proposals if they are unpaid and uncertain of obtaining a commission.)

Weighing the pros and cons of the method, the program administrator, in conjunction with LACTC senior staff, may decide to hold an open competition for a specific site. In this case, an announcement will be prepared and distributed to all the artists in the registry, as well as to other mailing lists of artists, arts groups and the art press. This will simply inform people of the competition and specify that artists interested in applying should obtain a complete information packet from the art program. (This would in a sense take the place of the first art panel meeting).

The art panel would review all the applications and a predetermined number of finalists would then be asked to submit specific proposals (for which they would receive an honorarium). The review procedure would then continue as in the limited competition.

c. Direct Commission

In a very limited number of cases, the art committee, may decide to request a proposal for a station from only one artist. This would be a rare occurrence and would require a unanimous decision on the part of the art committee. Usually, this would only happen in a situation where there is a particularly strong desire on

the part of a large section of the community to work with a particular artist, and the art panel concurs as to the artist's professional ability and the appropriateness of his or her work for the site. Once that artist is selected, the process would then continue as in the limited competition.

2. Final Approval

Whatever the initial process, the art panel has the final responsibility for the selection of artists and art works. However, the LACTC will reserve the right to reject a proposal on the basis of technical or safety related concerns. (The selection procedure is designed to address and resolve these problems prior to the proposal's final selection and therefore this should rarely be an issue.)

II. DESIGN

It will be the policy of the art program to select the artist(s) for each station as early as possible in the development of the station's design.

There are multiple reasons for this approach, the primary one being that when artists are involved in a project relatively early in the design stage, the results of their collaboration with the architect are usually original and creative solutions to some of the problems that plague the design of public spaces. In addition, if an artist is involved with a project prior to the construction of said project, a great deal of money allocated for finishings can be used to augment the art budget (ie: if x amount has been budgeted for steel railings and the steel railings become a sculpture project, the art budget can be increased by the amount originally allocated for the steel railings, and it is no longer necessary to include in the art budget the cost of preparing the site and installing the art work, as installing the steel railings was already part of the construction contract).

For certain stations, the art program may decide to select artists (through an open or limited competition) to work with the architects designing the facility as part of a "design team". This approach would only be considered for stations which were at the preliminary design stage. Artists would be selected on the basis of their past work, as well as an expressed desire to work collaboratively. All finalists would also be interviewed.

Once selected, the artist(s) would be hired to work directly with the architect on the overall design concept, addressing both architectural and functional issues. For example such items as the station canopy, furniture, light fixtures, signage, pathways and circulation patterns, as well as the overall layout of the facility, might benefit from the input of an artist experienced in

this approach to public art. The artist(s) might also contribute some form of specific "art object" to the final station design.

Although this approach requires a larger amount of funds initially (cost of the open competition, expense of flying in finalists for interviews, daily fees for artists working with architects plus per diem if they are from out of town, etc...) the cost is more than justified by the increased integration of the art and the station design, as well as by the savings generated by incorporating the art work into the station construction schedule.

III. POST SELECTION: CONTRACTS, FABRICATION, AND INSTALLATION

Upon confirmation by the Commission, the program administrator will write to the artist notifying him/her of panel's selection, describing the nature of the project and explaining the commission process. The artist will be given thirty days to accept or reject the offer in writing. If the artist rejects the offer or simply does not respond, the commission will be offered to the panel's alternate choice.

A. Contracts

Once the artist has accepted the commission, a contract between the artist and the agency, (and/or other principal parties such as the architect or the contractor) will be adapted from the standard form (to be developed in conjunction with the LACTC's legal advisor, based on samples from the NYC % for Art Program, the Cambridge Arts on the Line program and a model contract from the NYC Bar Association) as necessary and appropriate.

The artist contract will provide the following:

- the schedule for construction and payments for the art work,
- fabrication of the art work,
- insurance,
- transportation of the art work to the site,
- installation of the art work,
- storage of the art work should the schedule be delayed by a party other than the artist,
- the artist's copyright rights,
- the agency's title to and ownership of the work,
- maintenance procedures,
- progress report schedule.

The artist must prepare a budget that includes costs for fabrication, materials, labor, transportation, site preparation and installation, insurance, the artist fee and a contingency fund.

When an art work is commissioned the artist will always receive a fee for his/her design even if the work is not executed/installed because of the agency's concerns.

The artist will normally receive 15% upon signing the contract, with subsequent payments as per the negotiated agreement. Generally 15% will be kept until final acceptance by the Commission that all services under this agreement have been completed. However, contracts and payment schedules must be designed to take into account artists' cash flow problems and must clearly outline artists' and other parties responsibilities, specifically in regard to site preparation and installation of the art work.

No provisions can be made at this point for additional outside fundraising and the artist(s) must be able to work with the amount allocated.

B. Fabrication

The art work will be fabricated by the artist or under his or her direct supervision.

The contracted artist will not be subject to the terms of competitive bidding because each artist is considered the sole source of his or her art. However, when working with fabricators, foundries, sign painters etc...it is highly recommended that the artist get several written bids.

C. Installation

Whenever possible, the installation of the art work will become part of the final station construction contract and will be executed by the contractor under the artist's supervision.

IV. PUBLIC INFORMATION AND COMMUNITY EDUCATION

Public information and education activities will be supported to bring the public, the visual arts, and artists closer together. Working with local arts and community organizations, and with both print and broadcast media, we will seek to develop greater awareness of the rail transit system and its art program, its diversity and the unique assets it offers residents and visitors. The art program will initiate and cooperate with activities designed to stimulate public understanding of the visual arts and awareness of art in the transit systems. Activities may include conferences, symposia, tours, informational brochures at stations, cooperative programs with educational institutions and arts organizations, special activities coinciding with the dedication of an art work and other community events.

In addition, prior to Commission approval of the final proposal, each artist creating a permanent art work for one of the stations will be required to make a public presentation, explaining the work and the ideas behind it at a community meeting arranged by the art program staff. Staff will facilitate the meeting and help the artist respond to any community concerns.

V. CARE AND MAINTENANCE

The art selected for the program will be specifically designed for the public transit environment, with durability of materials being one of the selection criteria. However, all public art is still subject to vandalism as well as being affected by environmental factors, and must therefore be properly maintained.

The operating agency (RTD) will be responsible for the routine care and maintenance of all commissioned art work. A system providing for said maintenance will be developed by the art program to ensure that maintenance and necessary repairs are executed in accordance in the artist's specifications. The artist will be required to complete a thorough care/maintenance document prior to final payment on contract.

VI. DOCUMENTATION

The art program will carefully document the selection process used for each art work and will maintain complete and detailed records of each piece's fabrication and installation.

In addition, the art program will produce a brochure which will enable people to take a self guided tour of the art on each line, as well as a film on the completed stations, (similar in concept to the film produced by Arts on the Line, or the one currently being finished on the Detroit transit art program).

G U I D E L I N E S -- TEMPORARY ART EVENTS

In order to complement and expand the range of the art program, a small portion of the overall budget will be allocated for the sponsorship of temporary art events. These could range from providing space for temporary exhibitions (see NYC sample program), to sponsoring a series of concerts at certain stations or even on the trains.

Generally these events will be tailored to respond to specific interest on the part of a community or group of riders. It will also be the context in which the agency can respond to proposals by individual artists or local arts organizations.

In addition, because it will not be possible for the art program to have completed permanent commissions for each station by the time the Los Angeles - Long Beach line is scheduled to open, temporary art events at some of the stations will be a way of reaching out to the riders and letting them know about both the transit system and our new art program.

I. Selection Procedure

Every year the art program will request and review proposals for temporary art projects, in any medium, which would take place in or around the stations (on our property). Both individual artists and arts organizations will be eligible to apply, the only requirement would be that they be located in the Los Angeles area. A special selection panel, created specifically for the temporary art program, will review the proposals and select a predetermined number for sponsorship.

II. Contracts

Once the artists have been selected, they will be asked to sign a standard contract (a modified version of our art contract) covering the creation, installation and removal of their art project. The contract will include a payment schedule. Generally at least two thirds of the funds will be advanced to the artist in order to realize the project.