

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

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

Copies of Agendas/Record of Board Action/Cassette Tapes of Meetings - (213) 922-4880 (Records Management Department)
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, 8, 11, 16, 17, 26, 34, 37, 45, 46, 48, 50, 53 and 54.

CONSENT CALENDAR

2. APPROVE **Minutes of Regular Board Meeting** held February 25, 2010.
5. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) finding that all 89 jurisdictions are in **conformance with the Congestion Management Program** for Los Angeles County.
6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) adopting the **Los Angeles-San Diego-San Luis Obispo (LOSSAN) Corridor Agency revised Joint Exercise of Powers Agreement and Bylaws**.
8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
 - A. **amending the Fiscal Year (FY) 2010 Budget** to reflect:
 1. increases in Measure R 20 Percent (R20) Bus Operations FY 2010 funding marks by \$23.3 million;
 2. a reduction of Transportation Development Act Article 4 (TDA4) FY 2010 funding marks by \$24.1 million;
 3. transfers of \$8.9 million of Proposition A Interest and \$11 million of Proposition C Interest to the Proposition A 40 Percent Transit Fund, 95 percent of 40 percent, (PA40);
 4. a transfer of \$9.3 million Proposition C Interest to the Proposition C 40 Percent (PC40) Fund;
 5. reductions of Transportation Development Act Articles 3 and 8 FY 2010 funding marks;
 - B. authorizing the transfers and loan of:
 1. \$13.6 million of Proposition C Interest to PA40 Transit Fund;
 2. \$24.1 million from the TCRP fund to the PA40 Transit Fund;
 3. \$15.8 million from the TCRP fund to the R20 Bus Operations Fund.

11. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approving LaBonge Motion that the MTA Board direct the Chief Executive Officer to report back in 90 days with preliminary estimates of the feasibility, ridership and cost of **extending Red Line and Purple Line service** from the current terminus at Union Station via the existing track spur south to 6th Street in downtown Los Angeles.

16. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0-1) authorizing the Chief Executive Officer to finalize negotiations with the proposing banks and enter into reimbursement agreements for **direct-pay letters of credit**:
 - A. for a commitment amount of \$150 million for a three-year term with Barclays Bank for a not-to-exceed (NTE) amount of \$4.75 million, including legal fees and other related expenses; and
 - B. for a commitment amount of \$100 million for a two-year term with the Sumitomo Bank/Union Bank team for a NTE amount of \$2.3 million, including legal fees and other related expenses; or
 - C. if unable to reach agreement with one or both of the recommended proposers, negotiate with each successively ranked proposer for agreements having two year terms and a combined NTE amount for all bank of \$7.05 million.

17. FINANCE AND BUDGET COMMITTEE RECOMMENDED (5-0) amending the Fiscal Year 2010 General Fund budget by \$720,000 to establish a reserve to pay Philip Morris and related **costs resulting from the loss of leased buses**.

26. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (4-0) approving a life-of-project budget of \$1.695 million to design and implement a **project management information system** for Measure R and other MTA construction projects.

34. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving **revisions to the Los Angeles County Metropolitan Transportation Authority Rules and Procedures**.

37. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a five-year, professional service, firm, fixed-price contract, No. PS107140706, to Inland Transportation Services to provide **rideshare survey, incentive program management and customer service**, in an amount not to exceed \$2,420,266, inclusive of four, one-year options, effective April 18, 2010.
45. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to:
- A. approve contract modification authority to Contract No. C0938, **Hoist Replacement at Bus Maintenance Divisions 1, 8, 9, and 15**, with Mallcraft, Inc. in the amount of \$1.6 million; and
 - B. execute contract modifications to Contract No. C0938, to provide additional replacement hoists at bus maintenance Divisions 7 and 8, for an amount not to exceed \$1.6 million, allowing an increase to the Total Contract Value from \$4,261,678 to \$5,861,678.
46. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a 36-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid No. 10-0008 to the lowest responsive and responsible bidders for **brake shoes, blocks and drums** for an amount not to exceed \$4,507,017, inclusive of sales tax and two one-year options to the following bidders:
- A. Onyx Fleet Pride for line items 1 (Brake Shoe Front), 2 (Brake Shoe Rear), 3 (Brake Shoe Rear Type 3), 6 (Brake Blocks Rear), 7 (Brake Blocks Front), 8 (Brake Blocks Cast Plus Rear) and 9 (Brake Block Cast Plus Front) for a total contract value of \$2,627,071, inclusive of sales tax;
 - B. North American Bus Industries (Bid No. 1) for line item 4 Brake Shoe (Rear Cast Plus) for a total contract value of \$330,509, inclusive of sales tax and;
 - C. Truck Trailer and Transit for line item 5 (Brake Shoe - Front 6") for a total contract value of \$334,647, inclusive of sales tax; and

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- D. American Moving Parts for line item 10 (Brake Drums Front 6") for a total contract value of \$110,200, inclusive of sales tax and;
- E. Vehicle Maintenance Program for line items 11 (Brake Drum Rear), 12 (Brake Drum Front Bolt Circle), 13 (Brake Drum Rear), and 14 (Brake Drum Front Bolt Circle) for a total contract value of \$1,104,590, inclusive of sales tax.

48. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to:

- A. award the following six-year fixed unit-rate **Big Rig Freeway Service Patrol (FSP) contracts** in an amount not to exceed \$9,180,250, inclusive of two, single year options for each contract; and

<u>Beat</u>	<u>Contract</u>	<u>Contractor</u>	<u>Amount</u>	<u>Contract Period</u>
60	FSP10BR-60	Hadley Tow	\$4,590,125	08/01/10-07/31/16
61	FSP10BR-61	Hadley Tow	\$4,590,125	08/01/10-07/31/16

- B. execute Contract Modification No. 5 to Contract No. FSP05-BR1647 with U.S. Tow, Inc. to provide FSP Big Rig Service for a period of two months in an amount not to exceed \$225,000, increasing the total contract value from \$3,757,454 to \$3,982,454.

50. OPERATIONS COMMITTEE RECOMMENDED (4-0) adopting the agreement to **authorize certain individuals at the Los Angeles County Metropolitan Transportation Authority to act as representatives to acquire surplus property** through the auspices of the California State Agency for Surplus Property.

53. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to **negotiate a salary within the pay range for the Chief Operating Officer position** (pay grade CC, \$190,621 - \$278,793).

54. AD-HOC SUSTAINABILITY COMMITTEE RECOMMENDED (5-0):

- A. adopting a position of support for the Chief Executive Officer's recommendation to offer to develop cooperative agreement(s) with the Southern California Association of Governments (SCAG), the County of Los Angeles, the City of Los Angeles, and sub-regional agencies to ensure a common understanding of **roles, responsibilities, and expectations related to California Senate Bill (SB) 375 implementation** and the adoption of a Sustainable Communities Strategy; and
- B. directing staff to create a technical working group on SB 375 to address issues being confronted by SCAG and the sub-regions related to the development of a Sustainable Communities Strategy, including the modeling approach, the development of countywide planning tools, and emission reduction strategies, and others.

(FORWARDED FROM FEBRUARY REGULAR BOARD)

NON-CONSENT

- 3. Chair's Report
- 4. Chief Executive Officer's Report
 - Recognition of Operator Helen Brandon for assistance with locating a kidnapped child aboard a Metro Bus.
- 9. PLANNING AND PROGRAMMING COMMITTEE AND FINANCE AND BUDGET COMMITTEE FORWARDED WITHOUT RECOMMENDATION:
 - A. adopting the proposed near-term strategies and priority-setting criteria for **developing the 2011 Los Angeles County Transportation Improvement Program (TIP)** and addressing current and projected revenue shortfalls;
 - B. directing that any additional federal transportation funds provided from future economic stimulus and/or job creation legislation be folded into the 2011 Los Angeles County TIP and be used for the

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- timely fulfillment of Measure R and other Long Range Transportation Plan (LRTP) commitments that would not be possible otherwise due to the economic downturn and state budget issues;
- C. adopting the recommended priorities for the first ten years of the 2009 LRTP;
 - D. programming \$26.1 million of Corridor Mobility Improvement Account funds to the Interstate 10 High Occupancy Vehicle Lanes Project (Puente Avenue-Citrus Avenue) and utilize any funds freed up for other projects as appropriate using the recommended priorities;
 - E. approving the programming of \$2.76 million in Federal Transit Administration (FTA) Section 5311 funds for Los Angeles County for a six-year period and any additional amounts that may become available through the reauthorization of SAFETEA-LU or other federal legislation; and authorizing the Chief Executive Officer (CEO) or his designee to identify projects annually;
 - F. authorizing the CEO to select and program eligible projects for funding using additional FTA Section 5307 revenues to be generated by the Metro Vanpool program for the next seven years;
 - G. approving the Measure R Highway Operational Improvement Project Lists for the Arroyo Verdugo and Las Virgenes-Malibu Subregions;
 - H. authorizing staff to submit the 2011 Los Angeles TIP consistent with the recommended LRTP priorities and other programming actions herein;
 - I. adopting the resolution certifying to the Southern California Association of Governments that the Los Angeles County TIP is constrained to financial resources that can reasonably be expected to be available; and
 - J. authorizing the CEO or his designee to negotiate and execute funding contracts or agreements as needed with Los Angeles County jurisdictions, agencies or other entities to provide funds programmed as authorized.

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10. PLANNING AND PROGRAMMING COMMITTEE FORWARDED WITHOUT RECOMMENDATION:
- B. approving Funding Agreement term sheet and Master Cooperative Agreement term sheet to allow the Los Angeles County Metropolitan Transportation Authority (LACMTA) to **finalize agreements with the Pasadena Metro Blue Line Foothill Extension Construction Authority (MBLFECA) for construction of the Gold Line from its current terminus at Sierra Madre Villa in Pasadena to Azusa.**
 - C. authorizing the Chief Executive Officer to concurrently execute Funding and Master Cooperative Agreements with the Construction Authority predicated upon the conditions set forth in the Board-approved Funding Agreement and Master Cooperative Agreement term sheets;
22. AD-HOC CONGESTION PRICING COMMITTEE FORWARDED WITHOUT RECOMMENDATION:
- A. receiving and filing the **Los Angeles County Reduction Demonstration Low Income Commuter Assessment Report.**
 - B. approving a finding that low income commuters, defined as Los Angeles County Residents with an annual household income of \$35,000 (2007) or less are likely to be impacted;
 - C. authorizing the Chief Executive Officer to implement the following toll credit mitigation, in the form of a Low Income Commuter Discount, to address the impact:
 - 1. credit the account of qualifying low-income households \$25 for account set-up/establishment fees that can be applied to the transponder deposit or prepaid toll balance;
 - 2. waive the monthly \$3 non-user fee for qualifying low-income households;
 - 3. limit eligibility to one per household address; and
 - D. approving the outlined Performance Measures.

36. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) rejecting staff recommendation to amend Policy COM-6, "Metro System Advertising," to **permit the advertising of beer and wine products on buses and trains** in order to generate approximately \$1.5 million in additional advertising revenue over the next three years.
42. APPROVE **Molina Motion** that the Metro Board direct the Chief Executive Officer to negotiate agreements with the Exposition Metro Line Construction Authority Board and the Pasadena Metro Blue Line Construction Authority, which would **require the two authorities to submit all actions to the Metro Board for ratification and approval**. All items shall be submitted to the Metro Board at the first board meeting immediately following action by the two authority boards.
47. OPERATIONS COMMITTEE FORWARDED WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCES authorizing the Chief Executive Officer to award a firm, fixed-price Contract No.OP39615625 to **ACS Transportation Solutions**, Inc. in the amount of \$5,638,980 to **upgrade the Advanced Transportation Management System Computer Aided Dispatch system**, inclusive of a 10 percent contingency for Contract Modification Authority.
49. OPERATIONS COMMITTEE FORWARDED WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCES authorizing the Chief Executive Officer to:
- A. execute Contract Modification No. 6 to Clean Energy Corporation, Contract OP33900638, to **electrify CNG fueling facilities at Divisions 2, 9, & 15**, for the firm fixed price of \$6,624,208 (based on availability of funding approved February 2009 by Board action Item 44, American Recovery and Reinvestment Act programming action) increasing the not-to-exceed Total Contract Value from \$21,050,876 to \$27,675,084.
 - B. execute Contract Modification No. 3 to Clean Energy Corporation, Contract OP33900641B, to electrify the CNG fueling facility at Division 8, for the firm fixed price of \$1,748,146 (based on

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availability of funding approved February 2009 by Board action Item 44, American Recovery and Reinvestment Act programming action) increasing the not-to-exceed Total Contract Value from \$8,499,773 to \$10,247,919.

- C. approve a Contract Modification Authority to negotiate and execute Change Orders with Clean Energy Corporation, for Contracts OP33900638 and OP33900641B, in an aggregate amount of \$1,255,853, equal to 15 percent of the total Contract Modifications for change orders associated with electrical Utility upgrades, relocations and unanticipated changes.
55. APPROVE **Molina Motion** that the Metro Board direct the Chief Executive Officer to establish a policy ensuring that funds to cover **any cost overruns or judgments resulting from activities of any construction authority are allocated from sources allocated to projects located within the same sub-region.**
56. APPROVE resolution in support of **Local Taxpayer, Public Safety and Transportation Act of 2010.**
57. **CLOSED SESSION**
- A. Conference with Legal Counsel - Pending Litigation- G.C. 54956.9(a)
 - 1. Linda Clementi v. Los Angeles County Metropolitan Transportation Authority (LACMTA)
Los Angeles County Superior Court Case No. SC 101270
 - 2. Eiman Shekarchi v. LACMTA
Los Angeles County Superior Court Case No. BC 402199
 - 3. Jane Serebrenikov v. LACMTA
Los Angeles County Superior Court Case No. BC 406098
 - 4. Tutor-Saliba-Perini v. LACMTA
Los Angeles County Superior Court Case No. BC 123559

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5. LACMTA v. Kiewit/Washington, a joint venture; et al.
Los Angeles County Superior Court Case No. BC 385585'

B. Conference with Labor Negotiators – GC 54957.6

1. Dana Coffey, Interim Deputy Executive Officer, Labor Relations Employee Organizations – ATU, UTU.
2. James Falicki, Deputy Executive Officer, Labor Relations Employee Organizations – TCU, Teamsters

C. Personnel Matters – G.C. 54957

Public Employee Appointment

- Consider appointment of Inspector General

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