

Thursday, December 13, 2012 8:30 AM\*

\*Change in time this month only

# AGENDA

## Regular Board Meeting Board of Directors

One Gateway Plaza  
3<sup>rd</sup> Floor Board Room

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### Call to Order

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### Directors

Michael Antonovich, Chair  
Diane DuBois, 1<sup>st</sup> Vice Chair  
Richard Katz, 2<sup>nd</sup> Vice Chair  
John Fasana  
José Huizar  
Don Knabe  
Gloria Molina  
Ara J. Najarian  
Pam O'Connor  
Mark Ridley-Thomas  
Antonio Villaraigosa  
Mel Wilson  
Zev Yaroslavsky  
Michael Miles, non-voting member

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### Officers

Arthur T. Leahy, Chief Executive Officer  
Michele Jackson, Board Secretary  
Karen Gorman, Ethics Officer  
Karen Gorman, Acting Inspector General  
County Counsel, General Counsel



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

## **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.

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:

- a. Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
- b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
- c. Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
- d. 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 CD's and as MP3's and can be made available for a nominal charge.

### **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.

### **LIMITED ENGLISH PROFICIENCY**

A Spanish language interpreter is available at all Board Meetings. Interpreters for Committee meetings and all other languages must be requested 72 hours in advance of the meeting by calling (213) 922-4600.

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TDD line (800) 252-9040

**NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA**

**SUMMARY OF AGENDA ITEMS  
LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY**

**REGULAR BOARD MEETING  
THURSDAY, DECEMBER 13, 2012**

<b>CONSENT CALENDAR ITEMS</b>	<b>NON-CONSENT ITEMS</b>	<b>CLOSED SESSION</b>
2	3	78
9	4	
13	16	
14	21	
17	33	
22	35	
24	37	
25	38**	
26	41	
53	42**	
55	43	
72	44	
73	63	
74	64	
81	77	
	79	
	80	
	82	
	83	
	84	
<b>** REQUIRES 2/3 VOTE</b>		

78. **CLOSED SESSION:**

- A. Public Employee Performance Evaluation – G.C. 54957  
Chief Executive Officer
- B. Conference with Legal Counsel – Existing Litigation – G.C. 54956.9(a)
  - 1. Richard Nesbitt v. LACMTA, Case No. BC403503
  - 2. Dagoberto Quijada v. LACMTA, Case No. BC455828
  - 3. Jen Wen Ko v. LACMTA, Case No. BC425459
- C. Conference with Legal Counsel – Anticipated Litigation – G.C. 54956.9(b)  
Significant Exposure to Litigation (2 cases)
- D. Conference with Legal Counsel – Anticipated Litigation – G.C. 54956.9(c)  
Initiation of Litigation (2 cases)
- E. Conference with Labor Negotiator – G.C. 54957.6  
Agency Representative: Richard Hunt  
Employee Organizations: TCU, AFSCME
- F. Conference with Labor Negotiator – G.C. 54957.6  
Agency Representative: Don Ott  
Employee Organizations: ATU, UTU

**END OF CLOSED SESSION**

1. APPROVE **Consent Calendar** Items: 2, 9, 13, 14, 17, 22, 24, 25, 26, 53, 55, 72, 73, 74 and 81.

## **CONSENT CALENDAR**

2. APPROVE **Minutes of the Regular Board Meeting held October 25, 2012.**
9. AD-HOC SUSTAINABILITY COMMITTEE RECOMMENDED (4-0) adopting:
  - A. the **Countywide Sustainability Planning Policy**, which establishes a framework for integrating sustainability into the Agency's planning functions and serves as a resource for local jurisdictions working to create a more sustainable transportation system; and
  - B. ~~receiving and filing~~ the **Countywide Sustainability Planning Policy Implementation Plan** to guide work efforts in implementing the Policy and to replace the Sustainability Implementation Plan, which was developed in 2007 and included a list of suggested projects through the end of Fiscal Year 2012.
13. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to execute the **Crenshaw Light Rail Transit Project Measure R 3% Local Match Financial Contribution Agreement** to facilitate the advancement of \$17.8 million for the City of Inglewood's 3% local match funding contribution to the Crenshaw/LAX Transit Corridor project.
14. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (5-0) and CONSTRUCTION COMMITTEE RECOMMENDED (3-0) AS CLARIFIED:
  - A. **increasing Life-of-Project (LOP) Budget for Crenshaw/LAX Transit Corridor Project, No. 865512, by \$13.9 million** increasing the LOP budget from \$1,749.0 billion to \$1.762.9 billion; and

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**CONSENT CALENDAR CONTINUED:**

(Item 14 – continued from previous page)

- B. reprogramming to a project reserve contingency \$13.9 million in Proposition C 25% funds freed up when Crenshaw/LAX Transportation Investment Generating Economic Recovery grant available funds were not required for their original purpose. to cover the increase in the LOP Budget.
  
- 17. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (5-0) authorizing the CEO to **award fixed rate, five-year contracts in the amount of \$6.18 million to investment management firms.**
  
- 22. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approving:
  - A. **the updated park and ride project list;** and
  - B. the letter to be sent to Caltrans Director on Metro's position regarding the transfer process.
  
- 24. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to enter into an **amendment to the existing Revised Amended and Restated Joint Development Agreement ("JDA") with MacArthur Park Metro, LLC, ("MPM")** to modify the JDA in accordance with the Summary of Key Modifications to JDA, together with such modifications as may be appropriate to protect Metro's interests, and to extend the JDA term twelve (12) months to:
  - A. allow Metro and MPM to analyze and, if necessary, renegotiate the JDA's terms and conditions with respect to rent due under the ground lease(s) contemplated for the second phase of the Westlake/MacArthur Park joint development project (including any associated terms and conditions); and
  - B. provide sufficient time for MPM to secure project financing.

## **CONSENT CALENDAR CONTINUED:**

25. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) authorizing the programming of **\$178 million in new State Highway Operation and Protection Program funding and bid savings** on the I-5 North at Empire Project to address requests by the California Transportation Commission and Caltrans related to the I-5 South and I-405 Sepulveda Pass Projects.
26. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to work with the Southern California Association of Governments **to amend the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy** to incorporate a High Occupancy Toll facility as an alternative to the I-5 North Capacity Enhancement from SR-14 to Parker Road Project, which is an element of the Accelerated Regional Transportation Improvements project, to ensure consistency with the Board-approved 2009 Long Range Transportation Plan and the Public-Private Partnership Program.
53. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a five year firm fixed unit rate contract under Request for Proposal No. OP83802979 with Lerch Bates, Inc., the lowest responsive and responsible proposer for **Elevator/Escalator Maintenance Monitoring and Consulting Services** for an amount not-to-exceed \$1,143,242, inclusive of two one-year options.
55. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the CEO to:
  - A. **lease office space to provide Los Angeles Metro Protective Services (LAMPS) a sub-station**; and
  - B. to execute a 5 year lease agreement, including up to five (5) one year options, with the Bakewell Hawthorne, LLC for the rental of office space and associated parking in an office building located at 4401 Crenshaw Blvd in Los Angeles, CA commencing January 1, 2013 at a cost not-to-exceed \$3,529,310 (inclusive of tenant improvements) lease agreement monthly rent plus the annual cost of utilities and operating expenses.

## **CONSENT CALENDAR CONTINUED:**

72. ~~PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approval of **MOLINA MOTION** that the Board of Directors direct the CEO to change the name of the "Metro Red Line Civic Center Station" to "Grand Park/Civic Center Station".~~ **WITHDRAWN**

73. ~~PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approval of **RIDLEY-THOMAS MOTION** that the MTA Board of Directors direct the CEO to prepare a plan to change the name of the Wilshire/Western station on the Purple Line to the "Wilshire/Western Alfred Hoyun Song Station," to commemorate the work of Senator Song; and Report back to the Board in 60 days.~~ **WITHDRAWN**

74. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approval of **ANTONOVICH, DUBOIS AND KNABE MOTION** that the Board directs the CEO to develop and implement a plan to work with Caltrans, affected cities and key stakeholders to develop a coordinated corridor-wide approach to implementing outreach, needed improvements and related mitigations along the I-5 from the Orange County line to the Kern County Line; and

FURTHER that a plan of action and associated budget be presented for consideration at the February 2013 Board meeting.

81. AUTHORIZE the Chief Executive Officer to:

- A. execute two (2) pilot **Metro Freeway Service Patrol ExpressLanes** contracts for a total amount not to exceed \$7,193,823, inclusive of an option year, to the following contractors in order to provide dedicated incident management towing services to the Metro ExpressLanes Project.

1. Beat 70, contract FSP12-R-1 to Sonic Towing Inc. for \$3,582,202 for contract period 12/13/12 to 11/30/14, and

2. Beat 71, contract FSP12-R-2 to Bob & Dave's Towing Inc. for \$3,611,621 for contract period 02/02/13 to 01/31/15; and

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## **CONSENT CALENDAR CONTINUED:**

(Item 81 – continued from previous page)

- B. execute contract modifications to existing Freeway Service Patrol contracts as delineated in an amount not to exceed \$4,936,000.

## **END OF CONSENT CALENDAR**

## **NON-CONSENT**

- 3. Chair's Report.
    - [Adjourn in memory of Harold Flory, a 23-year Metro employee who passed away on November 28, 2012.](#)
  - 4. Chief Executive Officer's Report.
    - Update on Sheriff's Deputy Rudy Juarez who was critically injured while helping to remove a vehicle which was interfering with the safe operation of the Metro Gold Line.
    - Receive oral report by Hasan Ikhata, Southern California Association of Governments on Implementation of the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy.
80. AUTHORIZE the Chief Executive Officer to award:
- A. Contract No. PS12714022, a five-year revenue-generating contract, inclusive of three one-year options, effective January 1, 2013, for a [license to sell and display advertising on the Metro Bus fleet on a fixed, guaranteed revenue basis with revenue to Metro totaling \\$104,250,000, to CBS Outdoor Group Incorporated](#); and
  - B. Contract No. PS12714023, a five-year revenue-generating contract, inclusive of three one-year options, effective January 1, 2013, for a license to sell and display advertising on the Metro Rail system on a fixed, guaranteed revenue basis with revenue to Metro totaling \$5,750,000 to CBS Outdoor Group Incorporated.

The total amount of revenue generated from these two contracts will be \$110,000,000.

## **NON-CONSENT CONTINUED:**

### **33. Safety Presentation:**

- A. [Influencing safety culture – NTSB findings on the June 22, 2009 Ft. Totten Accident](#) – Robert Sumwalt
- B. [Changing the safety culture – WMATA Board response to NTSB findings](#) – Mortimer Downey
- C. [Presentation on LACMTA's safety culture – Findings and Recommendations](#) – Robert Torres
- D. Metro Blue Line Task Force Safety Assessment Recommendations, see item 37 – Frank Alejandro
- E. LACMTA's Photo Enforcement Program, see item 44 – Abdul Zohbi
- F. Report on System Safety

### **16. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (5-0):**

- A. authorizing the Chief Executive Officer to **finalize negotiations with the recommended banks and enter into reimbursement agreements and related documents for direct-pay letters of credit:**
  - 1. with Sumitomo Mitsui Banking Corporation ("Sumitomo") for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,135,000, including legal fees and other related expenses;
  - 2. with Union Bank for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,130,000, including legal fees and other related expenses;
- B. if unable to reach agreement with one or both of the recommended banks, authorizing the CEO to finalize negotiations with each successively ranked bank for agreements having three year terms and estimated costs; and

(Continued on next page)

**NON-CONSENT CONTINUED:**

(Item 16 – continued from previous page)

- C. adopting a resolution that approves the selection of Sumitomo and Union Bank or successor(s), a form of the reimbursement agreement on file with the Board Secretary and makes certain benefit findings in compliance with the Government Code.  
(REQUIRES SEPARATE, SIMPLE MAJORITY BOARD VOTE)
35. AUTHORIZE the Chief Executive Officer to award a five-year, firm fixed price Contract No. PS120641104 to **Pestmaster Services, Inc., the lowest responsive and responsible bidder for pest and bird control services** in an amount not-to-exceed \$2,602,221, effective January 1, 2013.
37. CONSIDER:
- A. approving the increase in the Life-of-Project budget for the **Metro Blue Line Pedestrian and Swing Gates Capital Project** in the amount of \$6,780,000, increasing the total project budget from \$920,000 to \$7,700,000; and
  - B. authorizing the Chief Executive Officer to amend the FY2013 budget to reflect this adjustment.
38. CONSIDER:
- A. authorizing the Chief Executive Officer to award a firm fixed price contract to **Wabtec Passenger Transit for friction brake overhaul of 52 P2000 Light Rail Vehicles** for an amount not-to-exceed \$1,664,000; and
  - B. finding that there is only a single source of procurement for the overhaul of the friction brake equipment on the P2000 LRV fleet (P2000 LRV). The purchase is for the sole purpose of overhauling existing friction brake equipment for continued safe operations. The Board hereby authorizes the purchase of overhaul services for the P2000 LRV friction brake equipment pursuant to Public Utilities Commission Code Section 130237.  
(REQUIRES TWO-THIRDS VOTE OF THE BOARD)

**NON-CONSENT CONTINUED:**

41. AUTHORIZE the Chief Executive Officer to:

- A. execute Contract Modification No. 4 to Contract No. OP35902469 with **Southland Transit, Inc., (STI) to provide fixed-route contract transportation services** for an amount not-to-exceed \$7,564,301 for operating and diesel fuel costs increasing the total contract value from \$55,127,849 to \$62,692,150; and
- B. execute future contract modifications to Contract No. OP35902469 for an amount not-to-exceed \$4,157,539 for unanticipated fuel or other costs.

42. CONSIDER:

- A. authorizing the Chief Executive Officer to award a firm fixed price contract to **Ansaldo STS USA (formerly Union Switch & Signal (US&S)) ("Ansaldo") for the upgrade of the existing solid-state train control equipment** for an amount not-to-exceed \$7,867,854; and
- B. finding that there is only a single source of procurement for the upgrade of the Metro Green Line (MGL) Train Control Equipment (MicroLok I) to Ansaldo's MicroLok II system. The existing MGL MicroLok I Train Control Equipment is proprietary. The purchase is for the sole purpose of replacing existing equipment already in use. The Board hereby authorizes the purchase of Ansaldo MicroLok II pursuant to Public Utilities Code section 130237.

(REQUIRES 2/3 VOTE OF THE BOARD)

43. CONSIDER:

- A. approving a Life-Of-Project (LOP) Budget increase of \$1,200,000 for project 205095 - **Metro Red Line (MRL) Damper Replacement**, increasing the LOP from \$1,500,000 to \$2,700,000; and

(Continued on next page)

**NON-CONSENT CONTINUED:**

(Item 43 – continued from previous page)

- B. authorizing the Chief Executive Officer to award a firm fixed price contract under Bid No. OP39602952 with Pacific Power Systems Integration, Inc., the lowest responsive and responsible bidder for 164 actuator drives in an amount not to exceed \$2,149,183 inclusive of sales tax.

44. CONSIDER:

- A. **continuing the Red Light Photo Enforcement program** under the current contracts which will expire June 30, 2013; and
- B. commence procurement for a new contract to extend the program to future years with a bi-annual performance evaluation.

63. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (5-0) and EXECUTIVE MANAGEMENT FORWARDED WITHOUT RECOMMENDATION approving the **federal legislative strategy to advance the second policy proposal embedded in America Fast Forward, the creation of a new class of qualified tax credit bonds for transportation projects**. These qualified tax credit bonds would be referred to as America Fast Forward Transportation Bonds.

64. EXECUTIVE MANAGEMENT COMMITTEE FORWARDED WITHOUT RECOMMENDATION **Metrolink Action Plan and Timeline** to ensure Metrolink customers experience seamless transfers through Metro's latched gates.

67. RECEIVE **civil rights compliance update**.

77. CONSIDER **"Buy America" Compliance Impact on Utility relocations and project schedules**.

## **NON-CONSENT CONTINUED:**

79. **YAROSLAVSKY MOTION** that an independent audit/review be conducted by the Inspector General of the I-405 Sepulveda Pass Widening Project claims process, including the response time, subcontractor oversight, investigative process and overall due diligence; and

FURTHER that the Inspector General report back at the January meeting on ~~a path forward~~ findings/status for this of the investigation.

82. CONSIDER:

- A. holding a public hearing on the proposed Resolution of Necessity; and
- B. adopting the Resolution of Necessity authorizing the commencement of an **eminent domain action to acquire a full take on Parcel HS-2201 (APN 4015-019-006) for Crenshaw Light Rail Project.**

83. RATIFY the award of a design build contract under Bid No. PS116430101 with Emcor Services, Mesa Energy Systems the lowest responsive and responsible bidder for **replacement of the Gateway Building Cooling Towers** for a firm fixed price of \$3,145,500, inclusive of sales tax.

21. **KATZ AND WILSON MOTION** that THE MTA Board consider the following:

- A. Approving the Sepulveda Pass Transit Corridor as a candidate for further consideration as a P3 delivery project without changing Long Range Transportation Plan priorities.
- B. Authorizing the Chief Executive Officer to:
  - 1. Evaluate the suitability of a transit and/or highway facility (Project) through the Sepulveda Pass as a P3, utilizing the Board-approved P3 evaluation criteria.

(Continued on next page)

## **NON-CONSENT CONTINUED:**

(Item 21 – continued from previous page)

2. Convene an industry outreach program that will draw significant and worldwide interest in order to gather information and feedback for the Sepulveda Pass project.
3. Proceed with all actions necessary to assist in the preparation of a Pre-Development Agreement (PDA) with a private entity (Developer) to develop the project; and

C. Receiving and Filing the Sepulveda Pass Systems Planning Study Findings.

84. ~~**NAJARIAN MOTION** that the CEO direct staff to report back to the MTA Board at the January 2013 meeting with a comprehensive, current cost estimate (for the SR-710 North Project), including all alternatives listed on the Measure R Expenditure Plan, updated construction and mitigation costs; and,~~

~~I FURTHER MOVE that the question of truck or no truck access be included in the cost calculation, as prohibiting truck access fails to support the toll revenue essential for the tunnel construction, operation and maintenance; and,~~

~~I FURTHER MOVE that current Measure R costs expended on this project be included in the cost estimate report, as well as all MTA local funds since the passage of Measure R; and,~~

~~I FURTHER MOVE that should a reliable current cost estimate not be provided in January 2013, that all Measure R and other MTA local funding for this project be suspended until one is presented to the full Board for discussion. **WITHDRAWN**~~

## **END OF NON-CONSENT ITEMS**