

AGENDA

**Regular Board Meeting
Board of Directors**

**One Gateway Plaza
3rd Floor Board Room**

Call to Order

Directors

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



Los Angeles County
Metropolitan Transportation Authority

Metro

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:

- 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 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

Pledge of Allegiance

Reading of the Agenda

I. PRESENTATIONS/SET MATTERS

S-1. Chair's Report

S-2. Chief Executive Officer's Report

- [Presentation on High Speed Rail by Roelof van Ark.](#)

II. BOARD OF DIRECTORS ITEMS 1-3

1. **[RIDLEY-THOMAS MOTION regarding Crenshaw/LAX Transit Corridor: Leimert Park/Vernon Station and Undergrounding Park Mesa Heights.](#)**

Move that the Metro Board:

- A. Redirect monies to fund the inclusion of a Leimert Park/Vernon Station and undergrounding the segment of the alignment from 48th to 59th Streets within the City of Los Angeles, for the Crenshaw/LAX Transit Corridor.
- B. Consider potential funding sources including, but not limited to, Expo Measure R funds for the "substitute project", Measure R Green Line to LAX funds, Arbor Vitae interchange project funds and surplus property sales along the alignment.
- C. Amend the Crenshaw/LAX Transit Corridor project to include the Leimert Park/Vernon Station and undergrounding the segment of the alignment from 48th to 59th Streets as a part of the Base Project.
- D. Authorize, if needed, the release of a supplemental Environmental Impact Statement/Environmental Impact Report.

(CARRIED OVER FROM APRIL BOARD MEETING)

BOARD OF DIRECTORS ITEMS - Continued

2. **VILLARAIGOSA, DUBOIS AND WILSON MOTION on the Interstate 405 Inter-County HOT Lane Corridor:**

Move that the Board:

1. Direct the CEO to report on the progress of the OCTA EIR/EIS during the July 2011 Board cycle
2. Direct the CEO to provide an update on the traffic analysis (previously directed via Board-adopted motion in September 2010) during the July 2011 Board cycle; and
3. Amend the FY 2012 Budget to add \$500,000 from the "General Fund: HOV Fines, FY12 Estimated Ending Fund Balance" (Fiscal Year 2012 Proposed Budget, p.33, line 35; \$2.9 million available) to further analyze and begin an environmental review of HOT lanes in Los Angeles County north of the I-405/I-605 (e.g. along the I-105, I-405, I-605, and/or surrounding freeways).

3. **VILLARAIGOSA, ANTONOVICH, KNABE, NAJARIAN AND KATZ MOTION on Metrolink System Safety - Doran Street Crossing:**

Move that the MTA Board:

1. Program \$6.6 million (\$6 million + 10% contingency) in available Measure R 3% funds for the Doran Street full intersection safety improvement.
2. Direct and authorize the CEO and County Counsel to execute funding and implementation agreements with Metrolink, City of Glendale, and/or City of Los Angeles not-to-exceed \$6.6 million total.
3. Direct the CEO and Metrolink to report back with a final budget and implementation schedule.

III. CONSENT CALENDAR ITEMS 4 THROUGH 15

All matters are approved by one motion unless held by a Director for discussion and/or separate action.

4. APPROVE **Minutes of the April 28, 2011 Regular Meeting** and **May 18, 2011 Special Meeting**.

AD HOC CONGESTION PRICING COMMITTEE

5. AD HOC CONGESTION PRICING COMMITTEE RECOMMENDED (3-0-1):
 - A. receiving and filing the **Metro ExpressLanes FasTrak® Transponder Distribution Plan**;
 - B. authorizing the CEO to execute a trade promotional agreement with the Automobile Club of Southern California (AAA) to advertise the Metro ExpressLanes; and
 - C. authorizing the inclusion of retail sales as an element of the Metro ExpressLanes Program in order to increase transponder accessibility.

CONSTRUCTION COMMITTEE

6. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) authorizing:
 - A. an increase to the Total Contract Value for Contract No. MC069, with Stantec Consulting, Inc. to provide **Construction Management Support Services** for an amount not to exceed ~~\$7,500,000~~ \$16,000,000 for the third year of a five-year contract, from \$21,500,000 to ~~\$29,000,000~~ \$37,500,000; and
 - B. the Chief Executive Officer to execute individual Contract Work Orders and Modifications within the Board approved contract value.

CONSENT CALENDAR ITEMS - Continued
EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE

7. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting a **reimbursement resolution** that will permit MTA to reimburse itself for capital expenditures paid more than 60 days prior to issuance of debt.
8. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the **FY12 Proposed Audit Plan**.
9. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving the **conversion of Metro calendar-based monthly and weekly passes** to 30-and 7-day rolling passes.

OPERATIONS COMMITTEE

10. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a five-year indefinite delivery, indefinite quantity Contract No. PS10643055 to McAllister Office Pavilion, for **space planning/installation services and workstations** for an amount not to exceed \$5,000,000.
11. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to execute Agreement No. MOU.P000CHP16 with the California Highway Patrol to provide **field officer and administrative support to the Metro Freeway Service Patrol and Big Rig Service Patrol programs** during FY12 for an amount not to exceed \$990,000.

CONSENT CALENDAR ITEMS - Continued
PLANNING AND PROGRAMMING COMMITTEE

12. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approving the following actions related to the **State Route 126/Commerce Center Drive Interchange Improvement Project**:
- A. approving an exchange of up to \$41 million in federal Surface Transportation Program-Local (STP-L) funds for unrestricted, non-federal funds with County of Los Angeles Department of Public Works (LACDPW);
 - B. authorizing the Chief Executive Officer to:
 - 1. negotiate and execute an exchange agreement with LACDPW for the funds approved herein;
 - 2. place funds received from LACDPW in an interest-bearing account for pass-through allocations to participating local agencies for STP-L eligible projects, with a two percent (2%) administrative fee that LACMTA would charge; and
 - 3. negotiate and execute agreements with participating local agencies, so as to ensure that the unrestricted funds being made available are properly administered, used on STP-L eligible projects in a timely fashion, and expended within three years of executing the agreements; and
 - C. receiving and filing a status report on the previously Board approved \$20.6 million exchange with LACDPW for the Interstate 5/Hasley Canyon Road Interchange Project.
13. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
- A. certifying the Revised Final Environmental Impact Report/Environmental Assessment (FEIR/EA) for the **Wilshire BRT Project**;
 - B. adopting:
 - 1. Alternative A-1, Truncated Project with Reduced Length Bus Lanes Between Comstock Avenue and Selby Avenue as the Locally Preferred Alternative (LPA);
(Continued)

CONSENT CALENDAR ITEMS

PLANNING AND PROGRAMMING COMMITTEE – Continued

(Item 13 – Continued from previous page)

2. Mitigation Monitoring and Reporting Program and Findings of Fact and Statement of Overriding Consideration; and
- C. authorizing the Chief Executive Officer to File a Notice of Determination.

14. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to award and execute Contract No. PS 4010-2178-11-xx-xx with Cambridge Systematics, Inc, to provide professional services to conduct a feasibility study, **the Gateway Cities Council of Governments ITS Implementation Plan for Goods Movement**, for an amount not to exceed \$2,489,063. Final contract value is subject to the completion of a pre-award audit and corresponding negotiation currently underway. In the event an agreement cannot be reached with the recommended proposer, staff will proceed to the next highest evaluated proposer.

15. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):

- A. approving \$1.474 billion in **FY 2012 Transit Fund Allocations** for Los Angeles County jurisdictions, transit operators and Metro operations. These allocations comply with federal and state regulations and MTA Board policies and guidelines.
 1. \$56.5 million in Planning and Administrative allocations of Transportation Development Act, Proposition A, Proposition C and Measure R.
 2. \$1.028 billion in Bus Transit Subsidies.
 3. \$0.389 billion in Population Based Allocations and Proposition A Incentive Programs.

(Continued)

CONSENT CALENDAR ITEMS
PLANNING AND PROGRAMMING COMMITTEE – Continued

(Item 15 – Continued from previous page)

- B. authorizing the Chief Executive Officer to adjust FY2012 Federal Section 5307 allocations upon receipt of final apportionment from the Federal Transit Authority;
- C. approving fund exchange of Santa Monica's Blue Bus for FY2012 Federal Section 5307 formula share allocation with Metro's TDA Article 4 revenues. The estimated amount is \$8.9M annually which will be disbursed in FY2013;
- D. approving \$600K fund exchange of Long Beach Transit's FY 2012 Federal Section 5307 allocation for Southern California Regional Transit Training Consortium training program with Metro's TDA Article 4 revenues;
- E. adopting a resolution designating TDA and STA fund allocation compliance to the terms and conditions of the allocation; and
- F. upon approval, authorizing the Chief Executive Officer to negotiate and execute all necessary agreements to implement the above funding programs.

IV. DISCUSSION ITEMS 16 THROUGH 24

- 16. FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION FROM THE MAY 18, 2011 SPECIAL BOARD MEETING:
 - A. adopting the **proposed FY12 budget** as presented in the budget document (provided as a separate transmittal);
 - B. approving the total budgeted salaries and benefits for each union/non-contract group as required by the Position Authorization and Compensation policy;

(Continued)

DISCUSSION ITEMS – Continued

(Item 16 – Continued from previous page)

- C. approving the life-of-project budget for all new capital projects as presented in the proposed budget document including 16 new projects with a life-of-project budget over \$5.0 million;
- D. approving the amendments to increase expenditures for requests submitted subsequent to preparation of the FY12 proposed budget **revised**; and
- E. approving the Reimbursement Resolution declaring Metro's intention to issue debt in FY12 for capital projects. Debt issuance will require separate Board approval.

17. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
RECOMMENDED APPROVAL (4-0) AND MEASURE R PROJECT
DELIVERY COMMITTEE RECOMMENDED APPROVAL (4-0)
AS AMENDED adopting the **Fiscal Responsibility Policy for Measure R
Capital Project Contingency Funds**, summarized as follows:

- A. projects with Measure R savings at project close-out must first apply such savings to reimbursing the Contingency Funds in the Measure R Expenditure Plan for any debt service (excluding principal) that were used for the project;
- B. projects that are accelerated relative to their Long Range Transportation Plan (LRTP) schedule must include that portion of debt service (excluding principal) that was necessary to support cash flow needs in advance of the LRTP-planned cash flow needs; **and**
- C. sales tax forecast revisions for the Transit and Highway Sub-Funds within Measure R will be met by revising the available Capital Project Contingency Funds, and not by revising the Measure R project minimum amounts.; ~~and~~
- D. ~~Measure R debt service (excluding principal) to be repaid from the Contingency Funds may not exceed the levels forecasted to be necessary in the LRTP. (Continued)~~

DISCUSSION ITEMS – Continued

(Item 17 – Continued from previous page)

Villaraigosa and Katz Amendment that the Committee:

1. Recommend approval of board report recommendations "A-C"
2. Recommend deletion of board report recommendation "D"
3. Request CEO to propose alternative language to recommendation "D" at the May 26, 2011 Board meeting that allows for 30/10, America Fast Forward, and similar financing -- which may involve issuing debt and/or taking out loans greater than contemplated in the 2009 Long Range Transportation Plan -- so long as projects stay within their Board-approved funding levels, and so long as they do not adversely impact second and third decade projects.

18. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED APPROVAL (3-0-1):

- A. adopting a resolution authorizing the replacement of **expiring liquidity facilities for the Prop A 2008 bonds**;
- B. authorizing the CEO to finalize negotiations with the proposing banks short-listed in Attachment B of the Board report and enter into any combination of agreements as provided for in the resolution having a combined estimated cost for fees and spread of \$6 million or less for the three year terms of the agreements; and
- C. authorizing the CEO to negotiate with each successively ranked proposer from the list provided in Attachment B of the Board report if unable to reach agreement with one or more of the recommended proposers.

(REQUIRES SEPARATE, SIMPLE MAJORITY BOARD VOTE)

DISCUSSION ITEMS – Continued

19. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED APPROVAL (4-0) AS AMENDED the **temporary roll-back of the regular Day Pass** from \$6 to \$5 for a period of ~~nine~~ **months** **one year and return to the Board in six months with a report.**

(REQUIRES TWO-THIRDS VOTE PURSUANT TO PUBLIC UTILITIES CODE SECTION 30638 (a)).

20. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION adopting the following **position on State Legislation:**

AB 845 (Ma) – Which codifies a portion of the California Transportation Commission (CTC) High-Speed Passenger Train Bond Program Guidelines. **SUPPORT**

21. OPERATIONS COMMITTEE FORWARDED TO THE BOARD WITHOUT RECOMMENDATION DUE TO CONFLICT AND ABSENCES rejecting all bids received in response to IFB PS11064106, canceling the procurement, and issuing a new IFB for **Integrated Waste Management Services.**

22. APPROVE the sale of the **MTA's equity share in David Solow's residence** for the amount of approximately \$141,000.

23. AUTHORIZE the Chief Executive Officer to award a five year, firm fixed unit rate Contract No. OP85102554 to Mitsubishi Electric & Electronics USA, Inc. for **Metro transit facilities elevator and escalator maintenance and repair services**, for an amount not to exceed \$44,377,356 inclusive of two one-year options, effective June 1, 2011.

24. APPROVE the following **nominee for membership on the San Fernando Valley Service Council:**

Maribel De La Torre - New appointment to fill unexpired position held by Steve Veres. Nominated by City of San Fernando.
Term Ending: June 30, 2014

V. MISCELLANEOUS

25. Additions to the agenda which were posted more than 72 hours in advance of the meeting, as indicated on the supplemental agenda.
26. 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.
27. Opportunity for members of the public to address the Board on items of interest that are within the subject matter jurisdiction of the Board.

VI. CLOSED SESSION

- CS-1. Personnel Matters - G.C. 54957:
Public Employee Appointment
Consider appointment of Inspector General
- CS-2. Conference with Legal Counsel - Pending Litigation – G.C. 54956.9(a):
Donald Barrett v. L.A.C.M.T.A., Case No. SC107496
Janice Marvel v. L.A.C.M.T.A., Case No. BC437352
L.A.C.M.T.A. v. Amrat Patel, et al., Case No. BC459031
- CS-3. Conference with Legal Counsel - Anticipated Litigation – G.C. 54956.9(b):
Significant Exposure to Litigation (one case)
- CS-4. Conference with Labor Negotiator - G.C. 54957.6:
Agency Representative: Richard Hunt and designated staff
Employee Organizations: ATU, UTU, TCU, Teamsters

ADJOURNMENT