

Agenda

Regular Board Meeting
Board of Directors

One Gateway Plaza
3rd Floor Board Room

Call to Order

Directors

Antonio Villaraigosa, Chair
Don Knabe, 1st Vice Chair
Ara J. Najarian, 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
Doug Failing, 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



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.

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

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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

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

**REGULAR BOARD MEETING
THURSDAY, APRIL 23, 2009**

CONSENT CALENDAR ITEMS	COMMITTEE AUTHORITY	NON-CONSENT ITEMS	CLOSED SESSION
2	NONE	3	53
5		4	
6		9	
10		16	
15		24	
22		26	
23		41	
27		48	
28		49	
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***REQUIRES 2/3 VOTE OF THE BOARD**

1. APPROVE **Consent Calendar** Items: 2, 5, 6, 10, 15, 22, 23, 27, 28, 30, 31*, 32, 33, 34, 35*, 36*, 37*, 38, 39, 40, 44, 45 and 46.

***Note:** Items 31, 35, 36 and 37 require a 2/3 vote of the Board.

CONSENT CALENDAR

2. APPROVE **Minutes** of Regular Board Meeting held March 26, 2009.
5. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award and execute:
 - A. Contract No. PS4370-2316 to InfraConsult LLP to provide professional services encompassing seven tasks: Tasks 1 and 2 in the firm fixed price amount of \$397,535 for program development and project screening to **identify candidate projects for our Public-Private Partnership program**; Tasks 3 through 6 for further analysis, business case development and project delivery to be negotiated at firm fixed prices following completion of Task 2, with all six tasks to be completed within a three year term; and one option, Task 7, for implementation management support; and
 - B. contract modification authority for up to \$60,000 to cover the cost of any unforeseen issues that may arise during consultant performance of Tasks 1 and 2.
6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to **execute an option for a subterranean easement in favor of the City of Culver City and the Culver City Redevelopment Agency** to provide construction of commuter parking for the Exposition Line light rail project and the construction of a transportation oriented development over and adjacent to the existing LACMTA right of way.
10. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) approving the **extension of the Compressed Natural Gas Hedging Program** for an additional five years until June 30, 2015.

15. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (4-0) **amending the FY 2009 budget to add \$250,000 of revenues and expenses** to Project #100055, Measure R Administration.

22. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (3-0):

A. exempting the Research Services Bench Contract PS-7410-2343 from the consulting services freeze because the research performed supports effective planning and implementation of agency projects and programs, and collects the demographic information necessary to meet federal reporting requirements;

B. authorizing the Chief Executive Officer to:

1. award a **five-year firm fixed price Bench Contract, No. PS-7140-2313, comprised of the following eight contractors and contract numbers, for research services** in the amount not to exceed \$1.3 million, inclusive of two one-year options, effective May 1, 2009:

Action Research, Inc	PS-7140-2313-1
Applied Management and Planning Group	PS-7140-2313-2
BW Research Partnership	PS-7140-2313-3
EMC Research, Inc.	PS-7140-2313-4
Fairbanks, Maslin, Maullin & Associates	PS-7140-2313-5
Moore & Associates	PS-7140-2313-6
Q&A Research	PS-7140-2313-7
Redhill Group, Inc.	PS-7140-2313-8

2. execute Task Orders under these contracts for research services in a total amount not to exceed \$1.3 million for a period of performance of five years.

23. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (3-0) adopting the **Metro Environmental Policy**.

27. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) increasing the life-of-project budget for **Project CP 204053 (Division 21-Phase 2 Improvements)** in the amount of \$9 million, increasing the previously authorized amount of \$5 million to \$14 million to be funded with a combination of federal and local funds.
28. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) approving Molina Villaraigosa Huizar Motion that the Board directs the Chief Executive Officer to create and implement a program to **recognize the following deceased Eastside Review Advisory Committee members**: Dorothy Harthshorn, Joel Bloom, Ross Valencia, Louis Martinez and Al Taira.
30. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a 24-month, firm fixed price contract under Bid Number 09-0018 to Penn Machine Company, the lowest responsive and responsible bidder for **180 Red Line Wheel Sets** for an amount not to exceed \$501,600, inclusive of a one-year option.
31. OPERATIONS COMMITTEE RECOMMENDED (4-0):
- A. finding that there is only a single source of procurement for this type of platform-based Between Car Barriers (BCB) system and purchase is necessary in order to ensure the facilities of Metro are available to serve the transportation needs of the general public. The Board hereby authorizes purchase of Impact Recovery Systems' platform based BCB system pursuant to Public Utilities Code section 130235; and
 - B. ratifying the award of a firm-fixed price Contract. No. DR05289 to Impact Recovery Systems, Inc., to furnish **platform-based Between Car Barriers for all Metro light rail stations** for a total amount of \$302,893, inclusive of sales tax;
- (REQUIRES A 2/3 VOTE OF THE BOARD)
32. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a firm fixed price contract under Bid No. 09-0025 with R.T. Welding and Fabrication, the lowest responsive and responsible bidder for **223 tubing kits** for a firm fixed price of \$248,905, inclusive of sales tax.

33. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a firm fixed price contract under Bid No. 09-0026 with California Industrial Rubber Co. Inc, the lowest responsive and responsible bidder of **223 hydraulic hose assembly kits** for a firm fixed price of \$527,128, inclusive of sales tax.
34. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a 36-month, firm fixed price contract under Bid Number 09-0009 to Interstate Battery Systems, the lowest responsive and responsible bidder for **bus batteries** for an amount not to exceed \$3,398,685, inclusive of sales tax and two one-year options.
35. OPERATIONS COMMITTEE RECOMMENDED (4-0):
- A. finding that awarding Design-Build contracts pursuant to California Public Utilities Code Section 130242(b) will achieve for us certain private sector efficiencies in the integration of the design, project work and components related to the real property, renovation, repair and construction of the **Automated Transportation Management System (ATMS) Data Center Improvements**; and
 - B. authorizing the Chief Executive Officer to solicit and award a Design-Build contract for renovation, repair and construction of our facilities, pursuant to Public Utilities Code Section 130242 (a), (c), (d) and (e).

(REQUIRES 2/3 VOTE OF THE BOARD)

36. OPERATIONS COMMITTEE RECOMMENDED (4-0):
- A. finding that awarding Design-Build contracts pursuant to California Public Utilities Code Section 130242(b) will achieve for us certain private sector efficiencies in the integration of the design, project work and components related to the **replacement of 20 existing traction power substations** with new and more energy-efficient units; and
 - B. authorizing the Chief Executive Officer to solicit and award a Design-Build contract for renovation, repair and construction of our facilities, pursuant to Public Utilities Code Section 130242 (a), (c), (d) and (e).

(REQUIRES 2/3 VOTE OF THE BOARD)

37. OPERATIONS COMMITTEE RECOMMENDED (4-0):

- A. finding that there is only a **single source of procurement for Cummins 8.9 ISLG natural gas engines** and purchase is for the sole purpose of duplicating our existing equipment already in use. The Board hereby authorizes the purchase of Cummins 8.9 ISLG natural gas engines pursuant to California Public Utilities Code Section 130237;
- B. authorizing the Chief Executive Officer to award a firm fixed price contract to Cummins Cal Pacific, LLC, for the procurement of 188 Cummins 8.9 ISLG natural gas engines for an amount not to exceed \$7,495,708, inclusive of sales tax.

(REQUIRES A 2/3 VOTE OF THE BOARD)

38. OPERATIONS COMMITTEE RECOMMENDED (3-0):

- A. increasing the life-of-project budget for the **purchase of Compressed Natural Gas (CNG) composite buses for the Contracted Bus Services program** including project contingency from \$18.6 million to \$24 million; and
- B. authorizing the Chief Executive Officer to:
 - 1. execute Contract OP31502257 with North American Bus Industries (NABI) to purchase up to 45 32-foot CNG buses in an amount not to exceed \$20,809,651 inclusive of delivery and sales tax, subject to completion of the required Buy America Pre-Award audit and contingent upon funding becoming available, as approved in February 2009 by Board action Item 44, American Recovery and Reinvestment Act (ARRA) programming action;
 - 2. exercise Option No. 1 to Contract OP31502257 with NABI to purchase up to five additional 32-foot CNG buses in an amount not to exceed \$2,308,527 inclusive of delivery and sales tax, bringing the Total Contract Value from \$20,809,651 to \$23,118,178, subject to completion of the required Buy America Pre-Award audit and contingent upon funding becoming available, as approved in February 2009 by Board action of Item 44, ARRA programming action;

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3. exercise Option No. 2 to Contract OP31502257 with NABI to purchase an interior video security system for up to 50 buses in an amount not to exceed \$312,790 bringing the Total Contract Value from \$23,118,178 to \$23,430,968; and
4. negotiate and execute modifications for this procurement in an amount not to exceed \$174,032, increasing the Total Contract Value from \$23,430,967 to \$23,605,000.

39. OPERATIONS COMMITTEE RECOMMENDED (3-0):

- A. establishing a life of project budget for the **purchase of up to 100 Compressed Natural Gas composite buses** for the FY2010 capital program, including project contingency in the amount of \$60 million;
- B. authorizing the Chief Executive Officer to:
 1. negotiate and execute contract option no. 2 to contract OP33202082 with North American Bus Industries, (NABI) to purchase up to 100 CNG high capacity composite buses for the price not to exceed \$58,684,659, increasing the total contract value from \$198,693,126 to \$257,377,985 inclusive of sales tax and subject to both stimulus funding availability and completion of a Buy America Pre-Award audit; and
 2. authorize staff to negotiate and execute modifications for this procurement in an amount not to exceed \$581,814, increasing the total contract value from \$257,377,985 to \$257,959,799.

40. OPERATIONS COMMITTEE RECOMMENDED (4-0) approving **service changes to Tier 1 bus lines** to be implemented in June 2009.

44. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED
(4-0) **adopting the following positions on Federal Legislation:**
- A. **Metro 2009 Federal Reauthorization Plan** – Proposal from Metro that outlines the agency’s objectives with respect to the surface transportation authorization bill to be considered by Congress and the Obama Administration. This document also includes a list of mobility projects for which we will be seeking authorization. **SUPPORT**
 - B. **Southern California Surface Transportation Reauthorization Consensus Document** – Proposal from Metro and the transportation commissions of San Diego, Riverside, San Bernardino, Orange and Ventura Counties, along with the Ports of Los Angeles and Long Beach, Los Angeles World Airports, Southern California Regional Rail Authority (Metrolink) and the Southern California Association of Governments. **SUPPORT**
 - C. **California Consensus on Federal Transportation Authorization 2008:** Proposal from various California transportation organizations and associations on consensus principles and regulatory recommendations that benefit programs and projects within the State of California. **SUPPORT**
45. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED
(4-0) **adopting as amended the following positions on State Legislation:**
- A) ~~SB 455 (Lowenthal) High Speed Rail~~ – which would modify the powers of the California High Speed Rail Authority. **SUPPORT IF AMENDED**
 - B) **AB 113 (Portantino) 710 Freeway Gap Closure** - which would require the California Department of Transportation (Caltrans) to sell state-owned property along the unconstructed areas of State Highway Route 710 (north of Interstate 10). **OPPOSE**
 - C) **AB 672 (Bass) Letters of No Prejudice** - Recommends that the Board support and co-sponsor AB 672 which would establish a Letter of No Prejudice (LONP) process for projects funded through Proposition 1B. **SUPPORT – SPONSOR**

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- D) **AB 798 (Nava) California Transportation Finance Authority** – establishes the California Transportation Financing Authority to facilitate construction of transportation projects including authority to approve tolling projects. **SUPPORT**
- E) **AB 1072 (Eng) Proposition 1B Transit** – which will make permanent the formula for allocating Proposition 1B Public Transportation Modernization Improvement and Service Enhancement Account funds. **SUPPORT**
- F) **AB 1381 (Perez) Congestion Pricing Program** – would require us to work with the California Department of Transportation (Caltrans) and the California Highway Patrol (CHP) in developing performance measures for the optimal use of High Occupancy Toll Lanes. **SUPPORT**
- G) **AB 1471 (Eng) Metro Procurement Process** – which would make technical corrections to and streamline Metro’s procurement process. **SUPPORT**

Director Najarian abstained on Item 45B.

- 46. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving an exemption to the hiring freeze to fill one vacant **Transportation Sustainability Policy Manager** position.

NON-CONSENT:

- 3. Chair’s Report
- 4. Chief Executive Officer’s Report
- 9. FINANCE AND BUDGET COMMITTEE FORWARDED TO THE FULL BOARD DUE TO CONFLICTS AND ABSENCES authorizing the Chief Executive Officer to **purchase All-Risk Property and Boiler and Machinery insurance policies** for all property, at a price not to exceed \$2.4 million for the 12-month period effective May 10, 2009 through May 9, 2010.

16. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (4-0) approval of [Najarian O'Connor Knabe Motion as amended](#) that:
- A. all direct and indirect costs charged against Measure R funds, including promotions, transfers and new hires, be presented for review, discussion and approval by the Measure R committee beginning with the next Measure R Committee meeting and quarterly thereafter;
 - B. 1.5% of Measure R funds be transferred to ~~the cost center~~ [Project Number 100055](#) of the MTA Measure R ~~with the~~ task leader responsible ~~as Project Manager of Project Number 100055~~ and therefore accountable for the disbursement and implementation of Measure R projects and administrative funds; and
 - C. an organization and staffing plan for Measure R from this 1.5% be prepared and submitted to Measure R committee for approval.
24. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE AND OPERATIONS COMMITTEE FORWARDED receiving oral update on [Los Angeles Sheriff's Department Negotiations](#).
26. CONSTRUCTION COMMITTEE FORWARDED TO THE FULL BOARD DUE TO CONFLICTS AND ABSENCES:
- A. establishing a life-of-project budget for the [Interstate 405 \(I-405\) Sepulveda Pass Project](#) No. 405523 in the amount of \$1.034 billion;
 - 1. programming an additional \$84 million to the prior project budget of \$950 million and using \$10.1 million of Regional Surface Transportation Program funds and \$73.9 million of Proposition 1B Corridor Mobility Improvement Program funds that would otherwise have been freed up per California State Assembly Bill 20 had there not been a cost increase; and
 - B. authorizing the Chief Executive Officer to:
 - 1. award a firm fixed price contract, No CO882, to Kiewit Pacific Company, for the design and construction, for \$712,248,000, for the design and construction of the [I-405 Sepulveda Pass Widening Project](#). Price includes base contract value and provisional sums and is exclusive of any options.

2. exercise Options 1, 2 and 3 for Standardization of Lanes from Mulholland Drive to Sepulveda Boulevard, \$4.447 million; standardization of lanes from Ohio Avenue to Olympic Boulevard, \$9.285 million; and relocated Skirball Interchange, \$13.034 million, respectively; and
 3. execute contract modifications and establish Contract Modification Authority in the amount of \$36,950,700, which is equal to 5 percent of the Total Contract Award Value (including options), subject to reporting and approval authority based upon individual contract modification dollar limitations set forth.
41. OPERATIONS COMMITTEE FORWARDED receiving and filing report on the **Transit Access Pass (TAP) and the Metro Rail Fare Gate Status**.
48. APPROVE **Fasana Motion** that the Board approves the request from the City of El Monte to program \$4.58 million in additional stimulus dollars to support the grant application, subject to the CEO's consent to a written agreement with the City to provide offsetting funds to Metro from future Measure R revenues.

The CEO is directed to: (1) prepare correspondence to the Department of Housing and Community Development stating Metro's intent to **program \$4.58 million in stimulus funds to support the City of El Monte's application for infill infrastructure assistance**; (2) execute appropriate agreements with the City of El Monte to memorialize the transfer of funds; (3) initiate the process of reprogramming \$4.58 in stimulus funds programmed at the February, 2009 Board Meeting ; (4) institute a TIP amendment; and (5) take other appropriate actions as may be required to further the purposes of this Resolution.

49. APPROVE **Fasana Motion** that:
- A. the Metro Board confirm its intent to **acquire a maintenance facility in Irwindale and reimburse MGLFECA** for acquisition costs;
 - B. Metro provide support as necessary to the MGLFECA for activities including, but not limited to, outreach to neighborhoods and schools in Irwindale and Duarte that are adjacent to the potential site; and
 - C. Metro’s CEO report back to the Construction Committee in May 2009 on the MGLFECA timetable for extending the Gold Line to Azusa by December 2013, and strategic opportunities to partner in the construction effort that maximize the capabilities of both Metro and MGLFECA.
50. APPROVE **Molina Motion** that the Edward R. Roybal Metro Gold Line Eastside Extension be referred to as **“La Linea de Oro, Edward R. Roybal.”**
51. APPROVE **Katz Najarian Motion** that easements for construction and/or requisite permits for the City of Glendale and the City of Los Angeles and their contractors (if applicable) be granted at no cost to the cities; and further that
- any **future requests for easements and/or permits be approved without cost for all public jurisdictions and their contractors** (if applicable during construction of safety improvements for commuter rail in the County so long as they do not otherwise impose additional costs on the MTA beyond administrative processing of the waiver).
52. APPROVE **Antonovich Najarian Fasana Motion** that the Board of Directors adopt a position of **support for Assembly Bill 1361 (Portantino)**. This bill seeks to restrict truck traffic in State Route 2 (Angeles Crest Highway) in the wake of the tragic runaway truck crash that killed two County residents on April 1, 2009.
53. **CLOSED SESSION:**
- A. Conference with Legal Counsel - Pending Litigation - G.C. 54956.9(a): Ricky Windom, et al. v. LACMTA, Case No.: BC371345
 - B. Personnel Matters - G.C. 54957
Public Employee Performance Evaluation – Sr. Security Officer

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