



MINUTES/PROCEEDINGS

**LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY**

REGULAR BOARD MEETING

BOARD OF DIRECTORS

**MTA Headquarters
3rd Floor - Board Room
One Gateway Plaza
Los Angeles**

November 19, 1998

Called to order at 9:45 a.m.

Directors Present:

Richard Riordan, Chair
Yvonne Brathwaite Burke, First Vice Chair
James Cragin, Second Vice Chair
Richard Alatorre
Michael Antonovich
Hal Bernson
John Fasana
Don Knabe
Jose Legaspi
Gloria Molina
Jenny Oropeza
Zev Yaroslavsky
Larry Zarian
Tony V. Harris, Ex Officio

Chief Executive Officer - Julian Burke
Board Secretary - Georgia Hamilton
Inspector General - Arthur Sinai
General Counsel - County Counsel

NOTE: Members voting are reflected on the attached "**RECAP OF PROCEEDINGS**" [matrix](#).

1. **APPROVED Consent Calendar** Items: 19, 31, 33, 37 through 42, 44, 52, 54 & 57.

Noted Items **Approved Under Committee Authority**: 26 THROUGH 30; 51 & 53

2. **APPROVED Minutes** of Regular Board Meeting held October 22, Special Board Meeting held October 29 and Revised minutes of Special Board Meeting held November 9, 1998.

3. Chief Executive Officer's Report

Inclusion of alternate rail technology in year 2000 Long Range Transit Plan.

Director Fasana asked that immediate attention be given to all Red (A) Line Stations, particularly Civic Center, replacing or cleaning graffiti from signs.

4. Chair's Report

Announced cancellation of Committee and Board meetings for December.

5. **APPROVED** execution of the following agreements:

- A. Amendment to the **Fiber Optic Agreement** between MTA and Pacific Pipeline Systems, Inc. ("PPSI") permitting PPSI to: (i) convey to Qwest Communications ("Qwest") the right to use, for commercial purposes, two conduits installed by PPSI in conjunction with their 20-inch oil pipeline located on approximately 22 miles of MTA right-of-way between the communities of Sylmar and Chinatown; (ii) install fiber for the benefit of Qwest within these conduits and (iii) install 72 strands of dark fiber for the benefit of the County of Los Angeles ("County") within one of the conduits installed by PPSI for the County's exclusive, non-commercial governmental use pursuant to the Property Transfer and Indefeasible Right to Use Agreement between the County and PPSI dated March 1, 1998.
- B. A 25 year agreement with Qwest Communications permitting the commercial use, operation and maintenance of the two conduits installed by PPSI for a one-time payment of \$725,000 to the MTA, subject to Qwest's option to extend the term for consecutive 25 year periods at market rates as agreed to by the parties. If the parties cannot agree, the market rates shall be established by binding arbitration prior to the end of a 25 year term.
- C. Authorize the negotiation and execution of a reciprocal access agreement with the County of Los Angeles, subject to Board of Supervisors approval of the same, covering (i) access to the conduit containing the County's fiber optic system; (ii) payment of the prorata share of actual maintenance and related expenses; (iii) access to MTA right-of-way along the Fiber Optic Route and (iv) access to the County's Fiber Optic System.

Conflict of Interest: Antonovich, Bernson, Knabe, Molina, Riordan

6. **APPROVED** selection of the following 10 qualified **bond counsel firms to perform on an as-needed-basis for a period of three years**:

1. Curls Brown & Duran
2. Fulbright & Jaworsky
3. Hawkins, Delafield, & Wood
4. Kutak, Rock

5. Nixon, Hargrave, Devans & Doyle
6. Nossaman, Guthner, Knox, & Elliott
7. O'Melveny & Myers
8. Orrick, Herrington, Sutcliffe
9. Preston, Gates, & Ellis
10. Robinson & Pearman

Conflict of Interest: Alatorre, Antonovich, Bernson, Burke, Molina, Yaroslavsky, Riordan

9. APPROVED selection of Mellon Trust, San Francisco, to provide **custodial services for MTA's operating funds** for a five (5) year period, for a total contract value of \$420,000, inclusive of two one-year options.
10. APPROVED:
 - A. adoption of a resolution authorizing the **competitive sale and issuance of Proposition C 1999-A bonds in a par amount not to exceed \$300 million** and, if market conditions permit, refunding of a portion of existing bonds in accordance with the debt policy; **and** approval of Notice Inviting Bids and Notice of Intention to Sell Bonds; and
 - B. appointment of O'Melveny & Myers and Robinson & Pearman as co-bond counsel and Kutak Rock as disclosure counsel for the transaction, for not to exceed fee amounts of \$50,000, \$25,000 and \$30,000 respectively

Conflict of Interest: Alatorre, Bernson, Molina, Yaroslavsky, Riordan

11. APPROVED the allocation of **FY98 sales-tax based revenues** in excess of the FY98 reforecast budget.
14. APPROVED MOLINA MOTION TO CARRY OVER TO JANUARY EXECUTIVE MANAGEMENT COMMITTEE adoption of **amendments to Rules and Procedures** to delegate authority to Board members present and able to vote to consider certain matters, and work with the Legislature.
15. Closed Session - Conference with Legal Counsel - Existing Litigation - G.C. 54956.9(a):
 - A. Richard v. MTA, Case No. TC 010859
APPROVED up to \$925,000 settlement
 - B. Oviedo, et. al. v. MTA, Case No. BC 133879
APPROVED up to \$725,000 settlement
 - C. Thompson v. MTA, Case No. BC 178820
APPROVED up to \$200,000 settlement
18. APPROVED REVISED RECOMMENDATION **AS AMENDED**, to authorize the CEO to select an Automatic Passenger Counter consultant and, subject to prior written notice to the Board, award to the technically acceptable proposer that submits the lowest price. **The term of the contract shall not extend beyond September 30, 1999.** The CEO's recommendation will become final 10 days after mailing to the Board unless there is a Director request that the recommendation be reconsidered by the full Board.

19. APPROVED ON CONSENT CALENDAR amending the MTA **Lapsing Policy** for the Federal Surface Transportation Program-Local (STP-L) Funds Lapsing Policy as follows:
- A. Specify that lapsed STP-L funds will be redistributed to the cities and the County of Los Angeles using the STP-L allocation formula, rather than through the Call for Projects;
 - B. Add an appeals process for annually reviewing STP-L funds to be lapsed and include recommended justifications for exceptions to the Lapsing Policy; and
 - C. Establish criteria for trading STP-L funds between Los Angeles County jurisdictions.
20. APPROVED the final draft **1999 TIP Call for Projects Application package** and release of preliminary modal category fund estimates as information to project applicants; **and Molina motion** requesting the following changes:
- A. The following criteria - reducing traffic congestion, increasing regional mobility, improvement to existing transit systems, service to transit-dependent, improvement to air quality shall comprise at least 80% of the total points calculated in the evaluation of each project;
 - B. Making the criterion "Project Readiness" a requirement rather than a "goal." MTA should expect applicants to submit projects that are realistic and result in timely completion.

REFERRED to Committee:

- C. Reduce the \$49.7 million reserve to \$20 million which is to be used for MTA program management of the Call for Projects and project effectiveness evaluations. The "regionally significant projects" such as Transit Center Enhancements that MTA staff had identified as part of the reserve should not subjectively be funded "off the top." These projects should undergo the same rigorous evaluation process and compete with other applicants. Consequently, the balance of funds available to Call applicants would now be \$538.7 million.

FAILED on a Roll Call vote, Fasana motion that the staff recommended cap on MTA's contribution toward the required Federal local match for the TEA-21 projects be eliminated.

21. APPROVED in concept, staff recommendation concerning fare policies and strategies.
24. APPROVED, AS AMENDED, **creation of a Special Task Force**, for a 60 day period, to evaluate two of the most heavily patronized bus routes, with involvement of the Citizens Advisory Committee and subject to the direction of the CEO.
26. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY exercise of a one-year option to Contract 6205 with Ace Fence Company, City of Industry, to **provide fence repair and installation services** for MTA transit facilities for the period December 1, 1998 through November 30, 1999, for an amount not to exceed \$311,510.
27. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY award of a contract to Municipal Maintenance Equipment Inc., Anaheim, covering procurement of **23 portable**

electric hydraulic bus lift sets for the bus operating divisions, for a cost not to exceed \$471,584.

28. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY award of a contract to Travers Tree Service, Inc., Lomita, the lowest responsive, responsible bidder to provide **tree maintenance services** for MTA transit facilities for a five year period, for a total contract value of \$850,000, inclusive of two one-year options.
29. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY award of a contract to Comfort Commute, Culver City, covering **rental and service of 12 used commuter vans** for the Employee Vanpool Program, for a two year period at a cost of \$262,656, inclusive of one-year option.
30. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY award of a contract to Bielski Window and Masonry Cleaning, Brea, for **window washing services at the Gateway Headquarters Building** for a five year period for a total contract value of \$310,850, inclusive of two one-year options.
31. APPROVED ON CONSENT CALENDAR execution of a firm fixed price contract with Transnational Computer Technology, El Segundo, to **develop and implement a replacement software system for Transit Operating and Trends System (TOTS)**, for a two year period for a contract value of \$3,197,874.
33. APPROVED ON CONSENT CALENDAR:
 - A. Execution of options valid through December 31, 1998 with New Flyer of America, Inc., Crookston, Minnesota, the lowest responsive, responsible bidder and authorize contracts for auxiliary contractors for the **purchase of 223 CNG buses and related equipment** for a total cost not to exceed \$80,420,184, inclusive of all options, subject to availability of funding;
 - B. Negotiation and execution of a change order with New Flyer of America, Inc. to **change the 223 CNG buses from high floor to low floor configurations**, for a total cost not to exceed \$724,193, including sales tax, subject to availability of funding and audit by MASD and FTA concurrence; and
 - C. Authorizing the CEO to execute change orders for this procurement in amounts less than \$500,000 per change order, with cumulative change orders not to exceed 10% of the current approved contract value.
34. APPROVED an amendment extending **contracted bus service** with Ryder/ATE Inc., for a three month period increasing the contract by \$3,357,555 to an amount not to exceed \$33,587,555. **Also approved Zarian motion** instructing the CEO to submit a plan, within 60 days, to provide improved administration of the 13 contracted bus lines; the plan should examine the opportunity to transfer contract oversight and management of these contracts elsewhere to avoid the perception and potential conflict of interest addressed in the August Performance Review of Contracted Bus Lines report, criteria to include improved regional connectivity, local responsiveness, cost efficiency, and improved route monitoring. Once adopted, the CEO shall provide the Board with a "Receive and File" written report on a quarterly basis on the execution of the Plan summarizing the status and performance of the 13 contracted bus lines.

36. APPROVED AS CORRECTED:

- A. extension and amendment of the existing Contract No. MR040 with Sedgwick James of California, Inc. to reflect a **decreased scope of work for construction related brokerage services**; and
- B. execution of all necessary documents to amend the existing contract to reflect reduced service fee of \$520,048 per year from January 1, 1999 through December 31, 2001; subject to resolution of outstanding audit issues.

37. APPROVED ON CONSENT CALENDAR an increase in the Authorization for Expenditure for Metro Red (A) Line, Wilshire and Vermont/-Hollywood Corridors, Segment 2, Contract No. B710 with Fujitec America, Inc., escalators and elevators, to provide **funding for pending changes that are within the Board-delegated authority** in the amount of \$800,000, increasing the current AFE amount to \$17,958,239.

38. APPROVED ON CONSENT CALENDAR:

- A. negotiation and execution of Change Order No. 18 to Contract A4239, Emergency Telephones, Metro Red (A) Line, Wilshire and Vermont/Hollywood, Segment 2, and North Hollywood, Segment 3, with Williams Communications Solutions for **increased monitoring capability requirements on Segments 2 and 3 emergency telephone system**, in a total contract amount of \$234,000, divided as follows:
 1. in an amount not to exceed \$170,500 for Segment 2, which increases the contract to \$1,326,840;
 - B. in an amount not to exceed \$63,500 for Segment 3, which increases the contract amount to \$623,892;
- B. an increase in the Authorization for Expenditure for:
 1. Segment 2 in the amount of \$170,500, increasing the AFE amount to \$1,442,474; and
 2. Segment 3 in the amount of \$63,500, increasing the AFE to \$679,931.

39. APPROVED ON CONSENT CALENDAR an increase in the Authorization for Expenditure (AFE) for Metro Red (A) Line, Wilshire & Vermont/Hollywood Corridors, Segment 2, Contract B641 with Amelco Electric, Inc. to provide **funding for pending changes that are within the Board-delegated authority**, in the amount of \$302,333 to a current AFE of \$11,555,508.

40. APPROVED ON CONSENT CALENDAR:

- A. execution of Change Order No. 34 for Metro Red (A) Line, North Hollywood Extension, Segment 3, for an **economic price adjustment** to Contract B641, for the radio system with Amelco Electric, Inc., in the amount of \$233,508, increasing the contract amount to \$17,232,846; and
- B. an increase in the Authorization for Expenditure (AFE) in the amount of \$233,508, increasing the North Hollywood Corridor, Segment 3 AFE to \$6,785,618.

41. APPROVED ON CONSENT CALENDAR an increase in the Authorization for Expenditure for

Metro Red (A) Line, Wilshire & Vermont/Hollywood Corridors, Segment 2, Contract B646, the Fire & Emergency Management System, with SYSECA, Inc., in the amount of \$161,136, increasing the AFE to \$4,522,410 to provide **funding for pending changes that are within the Board-delegated authority.**

42. APPROVED ON CONSENT CALENDAR an increase in the Authorization for Expenditure for Metro Red (A) Line, Wilshire & Vermont/Hollywood Corridors, Segment 2, Contract B645, Transit Automatic Controls and SCADA (TRACS), with SYSECA, Inc., in the amount of \$304,895, increasing the AFE to \$3,903,519 to provide **funding for pending changes that are within the Board-delegated authority.**
43. APPROVED ON RECONSIDERATION, Revision No. 10 to Contract Work Order No. 2 to Contract EN030 for Metro Red (A) Line, Vermont/Hollywood Corridor, Segment 2, with CH2MHILL, for **environmental emergency response services** in the amount of \$143,339, increasing the current CWO value to \$1,384,346.

Conflict of Interest: Antonovich, Molina, Riordan

44. APPROVED ON CONSENT CALENDAR an increase in the Authorization for Expenditure for Metro Red (A) Line, Vermont/Hollywood Corridor, Segment 2, Contract B252, Vermont/Santa Monica Station, with Kiewit/Shea, JV, to provide **funding for pending changes that are within the Board-delegated authority** in the amount of \$452,635, increasing the AFE to \$57,923,429.
45. APPROVED ON RECONSIDERATION:
- A. exercise of option 1 under Contract E0110 with Booz-Allen & Hamilton, Inc., to **provide systems engineering and analysis for Metro Rail Projects** from January 1, 1999 through December 31, 1999, in the amount of \$1,192,945 for a total contract value of \$3,945,745;
 - B. an increase to the Authorization for Expenditure (AFE) for the Metro Red (A) Line, Vermont/Hollywood Corridor, Segment 3 (CWO301) Project 800081 in the amount of ~~\$490,820~~, **\$596,194** increasing the AFE to ~~\$1,417,620~~, **\$1,522,994** which includes a contract contingency;
 - C. an increase to the AFE for the Metro Red (A) Line, North Hollywood Extension, Segment 3 (CWO302) Project 800082, in the amount of ~~\$220,558~~, **\$292,032** increasing the AFE to ~~\$455,358~~, **\$526,832** which includes a contract contingency;
 - D. an increase to the AFE for the Metro Green (D) Line (D Line), Project 800023, in the amount of ~~\$14,655~~, **\$27,381** increasing the AFE to ~~\$305,055~~, **\$317,781** which includes a contract contingency;
 - E. an increase to the AFE for System Safety Enhancements, Project 800089 (CWO304), in the amount of ~~\$29,043~~, **\$48,053** increasing the AFE to ~~\$240,243~~, **\$259,253** ~~which includes a contract contingency~~; and
 - F. AFE for Contract E0110 for Systemwide expenditures, Project 800275 in the amount of \$463,807 to replace Project 800092 which was eliminated by the MTA for the FY 99 Budget

Conflict of Interest: Alatorre, Riordan

46. APPROVED:

- A. Revision No. 24 to Contract Work Order (CWO) No. 3 for Metro Red (A) Line, Vermont/Hollywood Corridor, Segment 2, Contract E0070 with Engineering Management Consultant (EMC) for **cost incurred for Design Support During Construction**, in the amount of \$1,775,000, which increases the total CWO value to \$94,519,976; and
- B. an increase to the Authorization for Expenditure (AFE) in the amount of \$1,775,000, which increases the AFE to \$105,976,130.

Conflict of Interest: Alatorre, Antonovich, Bernson, Burke, Knabe, Molina, Riordan

47. APPROVED:

- A. unilateral Contract Work Order (CWO) No. 72 to Contract E0070 with Engineering Management Consultant (EMC), for **Program Office Administration for the Metro Rail Program**, in the amount not to exceed \$2,977,429 for payment of actual and projected costs for program administrative services from May, 1997 through February, 1999; and
- B. an Authorization for Expenditure (AFE) in the amount of \$3,051,457, including 10% for contingency.

Conflict of Interest: Alatorre, Antonovich, Bernson, Burke, Knabe, Molina, Riordan

48. FAILED ON A ROLL CALL VOTE changes for Metro Red (A) Line, North Hollywood Corridor, Segment 3, Contract No. E0070 with Engineering Management Consultant (EMC) as follows:

- A. Ratification of Revision No. 1 to CWO No. 71 for **Preliminary Design Services for the Metro Red (A) Line North Hollywood Corridor, Universal City Station**, in the amount of \$171,484 which increases the authorized amount to \$256,480;
- B. Execution of Revision No. 2 to CWO No. 71 for **Final Design Services** for the Metro Red (A) Line North Hollywood Corridor, Universal City Station, in the amount of \$609,993 which increases the currently authorized amount to \$866,473;
- C. An increase to the Authorization for Expenditure (AFE) for the North Hollywood Corridor, in the amount of \$896,473 which increases the total AFE to \$92,769,463.

Conflict of Interest: Alatorre, Antonovich, Bernson, Burke, Knabe, Molina, Riordan

49. Closed Session - Conference with Legal Counsel - Existing Litigation G.C. 54956.9 (a):

L.K. Comstock v. MTA, Case No. 179452

APPROVED settlement up to \$800,000

50. APPROVED recommending the **list of candidate projects** for consideration by Caltrans for inclusion in the Interregional Transportation Improvement Program (ITIP); **AND Molina motion** that the CEO shall provide Caltrans with a letter stating the MTA is undertaking a review of how to maximize the opportunity to enhance the list by looking at any matching funds and report back to the Board at its meeting in January.

Staff clarified the Route 5 project to include the Western Avenue-Flower Street connector.

51. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (5-0): AWARD of five year contract to Mitsubishi Electronics America, Elevator/Escalator Division, Cypress, covering **elevator/escalator maintenance and repair** at the Gateway Headquarters Building, for a total contract value of \$653,820, inclusive of two one-year options.

52. APPROVED ON CONSENT CALENDAR:

- A. A.ratification of expenditures by Montgomery KONE for **elevator services** rendered during fiscal years 1997, 1998 and 1999, in the amount of \$462,335, inclusive of some amounts that exceeded \$100,000 in a given fiscal year and
- B. ratification of expenditures in an amount not to exceed \$750,000 to Van Pool Services, Inc. for **vanpool services** provided for employees, rendered during fiscal years 1992 through 1999, inclusive of some amounts that exceeded \$100,000 in a given fiscal year.

53. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (5-0):

- A. Receipt and filing of Booz-Allen & Hamilton's report "Evaluation of the Current **Grade Crossing Safety Improvement Program of the Metro Blue (B) Line**"; and
- B. implementation of Metro Blue (B) Line Grade Crossing Public Outreach/Public Education programs in the amount of \$289,698, using Board contingency funds.

54. APPROVED ON CONSENT CALENDAR:

- A. negotiation and execution of Change Order 29.00 for the Metro Red (A) Line, Vermont/Hollywood Corridor, Segment 2, **communications installation** Contract B648B with Steiny and Company, Inc. in an amount not to exceed \$875,000, subject to merit determination and audit, increasing the total contract value to \$4,617,423; and
- B. an increase to the Authorization for Expenditure (AFE) of \$945,762 for a total AFE of \$4,980,180.

55. APPROVED ON RECONSIDERATION:

- A. an amendment to Metro Red (A) Line, Wilshire and Vermont/Hollywood Corridors, Segment 2, Contract B290, **Ancillary Construction and Maintenance** with Tutor-Saliba Corp., in the amount of \$2,725,000, increasing the total contract value to \$18,346,943; and
- B. an increase to the Authorization for Expenditure (AFE) of \$2,725,000 for a total AFE of \$18,346,943.

Conflict of Interest: Alatorre, Antonovich, Riordan

56. APPROVED ON RECONSIDERATION Change Order No. 123, which incorporates WACN 143.00 to Contract C0311 for Metro Red (A) Line, North Hollywood Corridor, Segment 3, with Traylor Bros./Fontier-Kemper, JV, for **revision to the architectural, mechanical and electrical systems associated with the track level rooms and cross-passages** to meet Fire Life Safety requirements, in the amount of \$704,458, for a revised total contract amount of \$160,737,294.

Conflict of Interest: Alatorre, Riordan

57. APPROVED ON CONSENT CALENDAR:
- A. Adoption of the proposed **MTA Alternative Dispute Resolution policy for Rail Construction Projects**, and
 - B. Revising the CEO's authority to execute construction Change Orders from the current amount of \$200,000 per change to \$250,000 per General Contractor or subcontractor per dispute, inclusive of any required AFE adjustments.
58. APPROVED execution of an **Assignment and Assumption Agreement** with Engineering Management Consultants (EMC) for the assumption of EMC's interest in their lease at 707 Wilshire Boulevard, Los Angeles, covering approximately 117,234 rentable square feet of office space and a Consent to Assignment Agreement and Ninth Amendment to Lease, in a form approved by County Counsel.

Conflict of Interest: Bernson, Burke, Knabe, Riordan

59. FAILED ON A ROLL CALL VOTE
- A. Revision No. 1 to Contract Work Order (CWO) No. 62 to Contract No. E0070 with Engineering Management Consultant (EMC) for **Final Design Services for the Metro Red (A) Line North Hollywood Corridor**, in the amount of \$283,580, which increases the CWO value from \$200,000 to \$483,580;
 - B. Execution of Contract Work Order No. 63 to Contract No. E0070 with Engineering Management Consultant (EMC) for **rail activation/system start-up services for the Metro Red line North Hollywood Corridor** in the amount of \$1,790,916; and
 - C. An increase to the Authorization for Expenditure (AFE) to Contract No. E0070 for the North Hollywood Corridor, in the amount of \$2,074,496, which increases the total AFE to \$93,947,486.

Conflict of Interest: Alatorre, Antonovich, Bernson, Burke, Knabe, Molina, Riordan

60. APPROVED, AS AMENDED, YAROSLAVSKY/ANTONOVICH MOTION - that the Board instruct the CEO to implement the provisions of The Metropolitan Transportation Authority Reform and Accountability Act of 1998 by:
- 1. Proceeding immediately to contract for an independent audit ~~solicit bids from at least three~~

~~independent auditing firms to conduct the audit~~ of Proposition A (1980) and Proposition C (1990) Sales Tax revenues and expenditures, in accordance with Section 5 of the Act using ~~whatever accelerated procurement procedures are required~~ ~~order~~ to ensure that the MTA may enter into a contract ~~for the audit no later than~~ by December 18, 1998, ~~as required by Section 5(a) of the 1998 measure.~~ Including delegating authority to the CEO to award and execute such contract.

2. Requesting each appointing authority for the Independent Citizens' Advisory and Oversight Committee, as outlined in Section 6, to appoint a member of that body.
3. Amending the budget as necessary and certifying to the Board that on and after November 3, 1998 no Proposition A (1980) or Proposition C (1990) Sales Tax revenues have been or will be spent on "New Subways," as defined.
4. Amending the budget as necessary to comply with Section 8 relative to revenue allocation percentages, and certifying to the Board that the MTA is in compliance with Section 8.
5. Reporting to the Board in connection with the Regional Transit Alternatives Analysis, and all other planning efforts, on how best to implement Section 9 which authorizes expenditures of Proposition C (1990) "25% Freeways and State Highways" funds for public mass transit improvements to railroad rights-of-way.

61. Closed Session - Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(b):

Four Cases

- A. Najera - APPROVED settlement up to \$409,388
- B. Sprint & Southern Pacific Railroad - Delegated authority to Chair to negotiate payment amount, and if successful, authorized proceeding to arbitration on liability issues.

62. Closed Session - Conference with Legal Counsel - Existing Litigation - G.C. 54956.9 (a):

Labor/Community Strategy Center v. MTA, U.S.D.C. Case No. CV945936 TJH

NO REPORT WAS MADE

63. Closed Session - Conference with Legal Counsel - Existing Litigation - G.C. 54956.9(a):

Shea-Kiewit-Kenny v. MTA, Case No. BC 133505

NO REPORT WAS MADE

PREPARED BY: Rhodona Enright
Recording Secretary

Michele Jackson
Assistant MTA Secretary

[\[Recap Matrix\]](#)

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