

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
David Fleming
Richard Katz
Gloria Molina
Pam O'Connor
Mark Ridley-Thomas
Zev Yaroslavsky
Doug Failing, non-voting member

Officers

Roger Snoble, 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

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.

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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, FEBRUARY 26, 2009**

CONSENT CALENDAR ITEMS	COMMITTEE AUTHORITY	NON-CONSENT ITEMS	CLOSED SESSION
2	NONE	3	45
8		4	
9		12	
10		13	
11		16	
20		44	
21		46	
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****REQUIRES 2/3 VOTE OF THE BOARD**

1. APPROVE **Consent Calendar** Items: 2, 8, 9, 10, 11, 20, 21, 22, 23, 30, 32, 33, 35, 36, 37, 38, 39, 40, and 41.

CONSENT CALENDAR

2. APPROVE **Minutes** of Regular Board Meeting held January 22, 2009.

8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
 - A. approving application for up to \$375,000 in grant funds available (upon acceptance) from fiscal year (FY) **2009-10 State of California Department of Transportation (Caltrans) Community-Based Planning Grant (CBPG funds)**; and
 - B. adopting the required FY 2009 resolution authorizing the Chief Executive Officer to execute any documents and take any actions necessary for the purpose of obtaining grant funds;

9. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) finding that all 89 jurisdictions are in conformance with the **Congestion Management Program** for Los Angeles County.

10. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to award a revenue contract for three years with two, two-year options for **additional parking management services** Contract No. PS-4320-2195 to Clancy Systems International, Inc. for management of the Reserved Parking Management Concession for paid parking at selected transit stations effective April 1, 2009.

11. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approving the **2009 Call for Projects Application Package**.

20. AD-HOC CONGESTION PRICING COMMITTEE RECOMMENDED (4-0)
authorizing the Chief Executive Officer to:
- A. establish a life-of-project budget for the **Fastlanes on Interstates 10 and 110**, Capital Project 210120, in the amount of \$30,100,000; and
 - B. amend the FY 2009 budget to add in \$3,000,000 of revenues and expenditures to be funded with Federal Congestion Reduction Demonstration Project funds to begin implementation of the project in FY 2009, subject to approval by Caltrans.
21. AD-HOC CONGESTION PRICING COMMITTEE RECOMMENDED (4-0)
authorizing the Chief Executive Officer to:
- A. negotiate and execute Contract Modification #2 to Contract PS-0844402110 with PB Americas to provide additional **detailed analysis to support the project development requirements of the Los Angeles Congestion Reduction Demonstration (LA CRD) Project**. In addition, to provide technical oversight services for the implementation phase, which are not included in the original scope of services and are required to support delivery of the LA CRD Project, in an amount not-to-exceed \$7,083,212, increasing the total Board-authorized amount from \$4,675,851 to \$ 11,759,063.

The current authorized amount is inclusive of a contract value of \$4,250,851 and contract modification authority amount of \$425,000; and
 - B. amend the FY 2009 budget to add in \$2.5 million of revenues and expenses.
22. AD-HOC CONGESTION PRICING COMMITTEE RECOMMENDED (4-0)
authorizing the Chief Executive Officer to:
- A. establish a life-of-project (LOP) budget for the **Harbor Transitway Improvements Project**, Capital Project 202287, in the amount of \$2,850,000; and
 - B. amend the FY 2009 budget to add in \$300,000 of revenues and expenditures to be funded with Federal Congestion Reduction Demonstration Project funds and Proposition C 40% funds to begin implementation of the project in FY 2009.

23. AD-HOC CONGESTION PRICING COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to:
- A. establish a life-of-project budget for the **El Monte Busway Improvements and Transit Center Expansion Project**, Capital Project 202286, in the amount of \$60,106,000;
 - B. cancel the Ramirez Flyover project approved through the Call for Projects (Project #4302) and program \$2 million in Call for Project Proposition C 25% funds to the El Monte Busway Improvements and Transit Center Expansion Project (CP# 202286); and
 - C. amend the FY 2009 budget to add in \$2,600,000 of revenues and expenditures.
30. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (3-0) approving **Villaraigosa Antonovich Knabe Najarian Katz Motion** that the MTA Board of Directors:
- A. adopt as board policy that Measure R 3% commuter rail funds shall be prioritized for **Metrolink system safety improvements**, with a first priority for implementation of positive train control (PTC) in the Los Angeles County portion of the Metrolink service area.
 - B. direct the CEO to report back to the MTA Board with recommendations on how to program the remainder of the Measure R 3% commuter rail funds after PTC is implemented and operational.
 - C. direct the CEO to program, based on cash flow needs identified by Metrolink, up to \$105 million in Measure R 3% funds for positive train control in the Long Range Transportation Plan and allocate necessary funds in future budgets; funding commitment shall depend on the level of federal and/or state funding secured and shall be amended, subject to MTA Board approval, when a more precise Los Angeles County share for PTC is known.
 - D. direct the CEO to develop and recommend for MTA Board approval one or more agreements to front-fund the non-Los Angeles County portion of PTC costs if requested by other Metrolink and/or its member agencies, subject to the following:

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1. Each county seeking MTA front-funding shall be required to execute a legally binding repayment agreement.
2. Repayment terms shall include interest annually equal to the consumer price index to account for decreased spending value of funds due to inflation.
3. MTA shall issue debt against the Measure R 3% revenue stream if necessary to meet MTA's and/or another county's PTC share if funding assistance is requested; other counties shall be required to pay interest and issuance costs to MTA per agreed upon terms if debt is issued to meet some or all of their share of PTC funding.

32. CONSTRUCTION COMMITTEE RECOMMENDED (3-0):

- A. authorizing the Chief Executive Officer to:
 1. execute a seven-year Indefinite Quantity/Indefinite Delivery contract, Contract No. MC068 to Stantec Consulting, Inc. for **Construction Management Support Services** (consultant services) on contract work orders in an amount not-to-exceed \$21,500,000, inclusive of two one-year options;
 2. execute individual contract work orders and modifications within the Board-approved contract value;
- B. delegating to the CEO should Metro be unable to conclude negotiations with Stantec Consulting, Inc., the authority to negotiate and execute a contract with the next most qualified proposer.

33. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to:
- A. execute a five-year Indefinite Quantity/Indefinite Delivery Contract No. EN076 with TRC Solutions, Inc. for **Environmental Engineering Services on Contract Work Orders**, in an amount not-to-exceed \$19,947,500, inclusive of two one-year options; and
 - B. execute individual Contract Work Orders and Modifications within the Board-approved contract value.
35. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a firm, fixed price contract under bid No. OP34342261 with Reynolds Buick/Pontiac/GMC Trucks, for **two bucket trucks** in an amount not to exceed \$283,097, inclusive of sales tax.
36. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a five-year firm fixed unit rate, Contract No. OP33442273 to Pestmaster Services, Inc., the lowest responsive and responsible bidder, to **provide herbicide application services** on Metro railroad rights-of-way and transit facilities for an amount not to exceed \$1,364,846, inclusive of two one-year options.
37. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to execute a Letter of Agreement with the Exposition Construction Authority for **purchase of Train to Wayside Communications equipment** in an amount not-to-exceed \$1.53 million.
38. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a one-year firm fixed price contract under Bid No. OP-3960-2134R, to J.M. Fiber Optics, Inc., the lowest responsive and responsible bidder, for **SONET Fiber Optic Transmission equipment** for the Metro Red, Blue, and Green Lines, for an amount not to exceed \$2,481,005 inclusive of sales tax and four options.
39. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a 36-month, firm fixed price contract under Bid Number 09-0011 to Valley Power Systems, Inc., the lowest responsive and responsible bidder for **bus Master Overhaul Kits** for an amount not to exceed \$6,056,977, inclusive of sales tax and a two-year option.

40. OPERATIONS COMMITTEE RECOMMENDED (3-0) **extending Tiger Team efforts through July 31, 2009** reporting back to the Operations Committee and Service Sector Governance Councils quarterly or as needed.
41. OPERATIONS COMMITTEE RECOMMENDED (3-0) not entering into an agreement with Transportation Foundation Los Angeles for an **internship program for veterans**.

NON-CONSENT:

3. Chair's Report
4. Chief Executive Officer's Report
12. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) **as amended** authorizing the Chief Executive Officer to:
 - A. cancel the existing funding agreement with the California Department of Transportation (Caltrans) for the **construction of Soundwall Package 4** along the Interstate 210 Freeway and transfer the Package to Metro for construction;
 - B. program an additional ~~\$15.964~~ **4.6** million in Proposition C 25% funds for Packages 4, ~~5~~ ~~6~~, ~~7~~, ~~8~~, ~~10~~ and 11 as follows:
 1. ~~\$200,000 for design support services during the construction of Package 4;~~
 2. ~~\$5.923 million to cover cost increases for Caltrans to complete the design of Soundwall Packages 5 (I-405 in the San Fernando Valley), 6 (I-405 in the Gateway Cities), 7 (SR-134 in the City of Burbank), 8 (I-605 in the Cities of Santa Fe Springs and Irwindale) and 10 (I-210 in the Cities of Pasadena and Arcadia);~~

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- ~~3. \$5.241 million for the right-of-way capital and utility relocation costs for Soundwall Packages 5, 7, 8 and 10; and~~
 4. \$4.6 million for Metro to complete the final design of Soundwall Package 11 (SR-170 and I-405 in the San Fernando Valley); and
 - C. use the Planning Bench (Contract No. PS 4310-1268) and to negotiate and execute a task order for design for Package 11 in an amount not-to-exceed \$4.6 million, which will also increase the threshold of the bench by the same amount.
13. PLANNING AND PROGRAMMING COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION SUBJECT TO REWRITE AND CLARIFICATION **Knabe Najarian O'Connor Fasana DuBois Antonovich Motion** that the Metro Board, recognizing the needs of all low income transit users in the county, **extends the Rider Relief Transportation Program to services provided by included and eligible municipal operators in Los Angeles County**, with no additional revenues needed since the extended program can be accommodated within the funding originally approved by the Metro Board in 2007.
16. FINANCE AND BUDGET COMMITTEE RECOMMENDED **as amended by Director Najarian (4-0)**:
 - A. approving **waivers of Investment Policy** provisions;
 - B. authorizing the immediate purchase of \$21 million of general obligation bonds for projects under construction:
 1. The Interstate 10 Busway Rehabilitation Project that was approved under Board-delegated authority; and
 2. Other small projects in the final stages of construction as recommended by Caltrans.
 - C. authorizing the Chief Executive Officer to negotiate and execute further bond purchases to keep other Los Angeles County projects on schedule under similar terms up to a maximum of \$200 million; and

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- D. inclusion of the following projects for inclusion in the first bond purchase:
 - 1. New Station Track at Los Angeles Union Station, \$22 million
 - 2. Bus Mid-life rehabilitation, \$20 million
 - 3. Interstate 10 HOV Lanes I-605 to Puente, \$66 million
 - 4. ATSAC-Reseda Phase I, \$9 million

 - E. working with the Southern California Regional Rail Authority to identify the costs of the other member agencies for this project; and requiring each county that requires MTA front-funding to execute a legally-binding repayment agreement. If, and when, the state repays the MTA for the purchased bonds, the MTA Board shall determine the use of the interest and repayment.
44. PLANNING COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION:
- A. establishing Los Angeles County funding approval/obligation deadlines for funds to be made available through the **American Recovery and Reinvestment Act of 2009** (the Recovery Act) – 75 days from enactment for the first 50 percent of federal funds and June 1, 2010 for the second 50 percent of federal funds (subject to deadlines), to obligate as much of the full County share as quickly as possible and help position the County for any redirected funding;

 - B. allocating and programming 100 percent of Federal Section 5307 Urban Formula/Transit Capital funds using the Capital Allocation distribution from the annual Transit Fund Allocation process, resulting in the up-to-grant amounts by transit operator;

 - C. allocating and programming 100 percent of Federal Section 5309 Fixed Guideway Modernization and Federal Section 5340 funds for the eligible capital projects;

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- D. allocating and programming up to \$113.4 million of flexible federal Regional Surface Transportation Program (RSTP) funds to Cities and the County of Los Angeles for eligible transportation capital projects using a “first-come-first-served” approach for up to 100 percent of each local jurisdiction’s population share;
- E. allocating and programming up to 50 percent of any federal Transportation Enhancements Activities (TEA) funds made available to the eligible candidate projects (with priority to be determined by the Chief Executive Officer), and allocating and programming up to 50 percent of any federal TEA funds made available to the Cities and County of Los Angeles for their February 9, 2009 list of eligible candidate projects (with priority to be determined by the Technical Advisory Committee), subject to the approval of the California Department of Transportation (Caltrans) and the California Transportation Commission (CTC);
- F. allocating and programming up to \$200 million in Regional Improvement Program (RIP) funds or other similar funds for cash flow purposes to enable the on-time award of the Interstate 405 Northbound Carpool Lane from Interstate 10 to U.S. 101; programming the remaining RIP or other similar funds, if any, to the Interstate 5 Carpool Lane project from State Route 118 to State Route 170; and programming local funds released for a \$37 million cost reserve that the Federal Highway Administration is requiring for the Interstate Interstate 5 Carpool Lane project from State Route 134 to State Route 170;
- G. adopting the funding plans subject to Recovery Act funding being made available, and nominating the Exposition Light Rail Transit (LRT) Phase I project for \$150 million of Federal Section 5309 New Starts/Discretionary funds and the Gold Line Foothill LRT Extension project for \$150 million of Federal Section 5309 New Starts/Discretionary funds, in addition to the possible acceleration of Metro’s existing federal Full Funding Grant Agreement commitments to the Gold Line Eastside Extension to Whittier/Atlantic; and
- H. allocating and programming Metro’s share of Federal Section 5307 Urban Formula/Transit Capital funds, any remaining RIP RSTP funds, any reallocated funds (after addressing requests from the Cities and County of Los Angeles and Municipal Operators for their collective shares), and any federal discretionary grants (except as specified in Action G of this recommendation) to Metro’s eligible projects in priority order.

46. O'CONNOR MOTION that the MTA Board:
- A. vigorously **support a technical corrections Bill to Senate Bill 375** and that these efforts be placed at the top of Metro's State Legislative priorities; and
 - B. instruct Metro legislative staff to work closely with Senator Steinberg in this effort.

45. **CLOSED SESSION**

- A. Personnel Matters – G.C. 54957:
Public Employee Appointment
Consider appointment of Chief Executive Officer
- B. Conference with Legal Counsel - Pending Litigation - G.C. 54959.9(a)
 - 1. Jerell Logan v. LACMTA, Case No. BC385256
 - 2. Jorge Hasbun, et al v. LACMTA, Case No. BC391333

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