

AGENDA

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Call to Order

Directors

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

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.

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

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

**REGULAR BOARD MEETING
THURSDAY, MAY 27, 2010**

CONSENT CALENDAR ITEMS	COMMITTEE AUTHORITY	NON-CONSENT ITEMS	CLOSED SESSION
2	NONE	3	50
5		4	
10		16	
11		17	
12		27	
26		43	
29		45	
30		47	
31		48	
34		49	
44			
46			

1. APPROVE **Consent Calendar** Items: 2, 5, 10, 11, 12, 26, 29, 30, 31, 34, 44, and 46.

CONSENT ITEMS

2. APPROVE Minutes of A) Regular Board Meeting held **April 22, 2010**, B) Special Board Meeting held **May 8, 2010**, and C) Special Board Meeting held **May 19, 2010**.
5. AD-HOC SUSTAINABILITY COMMITTEE RECOMMENDED (4-0) approving O'Connor Motion that **cost savings from sustainability projects be reinvested into sustainability and energy savings projects**.
10. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
 - A. approving \$14.7 million in Congestion Mitigation and Air Quality funds for the **Interstate 5/State Route 14 High Occupancy Vehicle (HOV) Direct Connector Construction project** to resolve soil contamination problems and settle delay claims due to conflicts between the HOV Direct Connector pile shaft and the Metrolink tunnel, increasing the total programmed budget from \$161.1 million to \$175.8 million;
 - B. authorizing the Chief Executive Officer to execute an amendment to the existing Funding Agreement with the California Department of Transportation (Caltrans) for the additional funds.
11. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) approving the **Strategic Plan** projects as a supplement to the 2009 Long Range Transportation Plan.
12. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
 - A. approving programming of up to \$19.7 million from fiscal year (FY) 2010 federal Department of Homeland Security Transit Security Grant Program (TSGP) and State Proposition 1B Transit Security Grant Program (Prop 1B Transit Security) funds that are available to Metro for eligible transit projects;

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- B. approving reprogramming of \$12.8 million in FY 2008 federal Department of Homeland Security TSGP and FY 2009 State Prop 1B Transit Security grants to other **transit security projects**, due to changing priorities; and
 - C. adopting the required FY 2010 resolution authorizing the Chief Executive Officer to execute any actions necessary for obtaining state financial assistance that the California Emergency Management Agency may provide.
26. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (3-0) adopting the following positions on **State Legislation**:
- A) SB 1268 (Simitian)** – Which would impose restrictions on the data collected by transportation agencies that operate toll facilities. **WORK WITH AUTHOR**
 - B) SB 1299 (Lowenthal)** – Which would require the Department of Motor Vehicles to develop and implement, by January 1, 2012, a pilot program designed to assess various issues associated with implementing a Vehicle Miles Traveled (VMT) fee. **WORK WITH AUTHOR**
 - C) SB 1348 (Steinberg)** – Which would codify a procedure for the California Transportation Commission (CTC) to adopt legislatively mandated guidelines. **WORK WITH AUTHOR**
 - D) AB 2324 (Pérez)** – Which would create new misdemeanors and recasts fines and punishments for crimes committed upon public transit vehicle stations. **SUPPORT – WORK WITH AUTHOR**
 - E) AB 2620 (Eng)** – Which would dedicate an unspecified percentage of net toll revenues from future toll facilities on the state highway system for maintenance, reservation, and rehabilitation of the state system. **OPPOSE**
 - F) AB 2703 (Pérez)** – Which would authorize loans of future federal economic stimulus funds to advance projects scheduled to be funded from Proposition 1B infrastructure bonds. **SUPPORT – WORK WITH AUTHOR**

29. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to establish a life-of-project budget of \$7 million for Phase 1 construction of **four-quadrant crossing gates at an initial five intersections of the Metro Gold Line Eastside Extension**.
30. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) authorizing the use of design-build project delivery method, pursuant to Public Utilities Code Section 130242(b) for **installation of a Wayside Energy Storage Substation** at the Metro Red Line Westlake/MacArthur Station under Project CP No. 205090.

(REQUIRES A TWO-THIRDS VOTE OF THE BOARD)

31. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to negotiate with the Exposition Metro Line Construction Authority for the **Exposition Light Rail Project-Phase 1 Additional Safety Enhancement Program**.
34. OPERATIONS COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to execute the annual agreement, MOU.P000CHP15 with the California Highway Patrol to provide **field officer and dispatch support to the Metro Freeway and Big Rig Service Patrol programs during fiscal year 2011** in an amount not to exceed \$910,000.
44. OPERATIONS COMMITTEE RECOMMENDED (3-0) approving Molina Fasana Antonovich Motion that the Metro Board directs the Chief Executive Officer to:
 1. have LACMTA staff participate with the City of El Monte in meetings with State representatives to **extend the timeline for spending California Department of Housing and Community Development (HCD) grant funds** allocated to to the El Monte Gateway Transit Oriented Development Project Housing Element.
 2. send a letter of support for the City of El Monte's request for a timeline extension to the HCD.

46. OPERATIONS COMMITTEE RECOMMENDED (3-0) approving the following **nominees for membership on the following Governance Councils:**

A. San Fernando Valley Governance Council

Donald Weissman – City of Los Angeles Appointee
New Appointment to fill position vacated by Coby King
Appointed by: Antonio Villaraigosa, Mayor, City of Los Angeles
Term ending: June 30, 2012

B. Westside Central Governance Council

Jeffrey M. Jacobberger – City of Los Angeles Appointee
New Appointment to fill vacant position
Appointed by: Antonio Villaraigosa, Mayor, City of Los Angeles
Term ending: June 30, 2012

Catherine Bator – Transit User
Reappointment
Appointed by: Antonio Villaraigosa, Mayor, City of Los Angeles
Term ending: June 30, 2013

Peter Capone-Newton – Transit User
Reappointment
Appointed by: Antonio Villaraigosa, Mayor, City of Los Angeles
Term ending: June 30, 2012

Jerard Wright – Transit User
Reappointment
Appointed by: Antonio Villaraigosa, Mayor, City of Los Angeles
Term ending: June 30, 2012

NON-CONSENT

3. Chair's Report

4. Chief Executive Officer's Report.

16. CONSIDER:

- A. concurring with City of Los Angeles recommendations for the **East San Fernando Valley (SFV) North/South Transit Corridor Bus Speed Improvement Project** that define the East SFV North/South Rapidway short, medium and long-term project components.
- B. authorizing the Chief Executive Officer (CEO) to:
 - 1. have Metro be the lead agency for the environmental clearance and public outreach, with the City of Los Angeles Department of Transportation (LADOT) providing close support for the East SFV North/South Rapidways Project (Reseda, Sepulveda, Van Nuys and Lankershim/San Fernando corridors);
 - 2. executing appropriate agreements with LADOT for reimbursement costs for staff, consultant services, and miscellaneous items affiliated with the project’s environmental clearance and public outreach efforts;
- C. directing the CEO to continue working with LADOT to refine the scope, schedule, and budget to conduct the Alternatives Analysis for expanded north/south rail service connecting the Metro Red Line North Hollywood Station and the Sylmar Metrolink Station.

17. CONSIDER:

- A. receiving and filing the **Final Geotechnical Summary Report for the State Route 710 Tunnel Technical Study**;
- B. directing the Chief Executive Officer (CEO) to utilize the Transportation Planning Bench and/or advertise and procure consultant services to prepare a robust scoping document, Alternative Analysis and the appropriate environmental documents to determine the full range of new transportation options to (1) improve mobility, safety and congestion, (2) address community concerns and (3) augment planning efforts;
- C. authorizing the CEO to execute a Funding Agreement with Caltrans and others should additional funds become available; and

Najarian Amending Motion that the CEO direct LACMTA staff to work with Caltrans to begin a dialogue with the House Transportation and Infrastructure Committee members to transfer funds to begin work on an expanded scope of work; and

that Paragraph B of Item 17 be modified to read as follows:

- B. Directing the Chief Executive Officer (CEO) to utilize the Transportation Planning Bench and/or advertise and procure consultant services to amend the scope to follow the more robust FTA, rather than FHWA, process to include a full range of new, route-neutral transportation options, (which eventually will be included in a cost/benefit analysis), alternative analyses, and all necessary environmental studies to allow policy makers, stakeholders and the public to make well-informed decisions about options to 1) improve mobility, safety and congestion, 2) address community concerns and 3) augment planning efforts; and

that **LACMTA staff return to the Board in July 2010 and present a new scoping document based on the FTA scoping process that will produce a comprehensive State Route 710 corridor study.**

- 27. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE FORWARDED WITHOUT RECOMMENDATION authorizing the Chief Executive Officer to award a one-year, nine month firm-fixed price contract (No. PS10713008) effective June 1, 2010, to Patton Boggs LLP, for **federal legislative advocacy services** in an amount not to exceed \$787,500, inclusive of a one-year option.
- 43. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE FORWARDED WITHOUT RECOMMENDATION adopting the following position on **Federal Legislation:**
 - S. 3189 (Brown)** – would allow for additional transportation assistance grants - **SUPPORT**
- 45. OPERATIONS COMMITTEE RECOMMENDED (3-0) approving Villaraigosa Robinson Motion **as amended** by Director Antonovich that the MTA Board direct the Chief Executive Officer (CEO) to:

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- A. Meet with the municipal operators and Metrolink to develop a **weekly and daily EZ pass usable on all transit services operated within Los Angeles County.**
- B. Develop an enhanced distribution system so that passes are more readily available to the public.
- C. Create a customer-oriented website and smart phone/personal digital assistant applications that enable patrons to receive rider information, schedule trips, etc. for all transit services operated within Los Angeles County.
- D. Meet with the municipal operators and Metrolink to identify service duplication, recommend to the MTA Board service restructuring that maintains service in the most cost effective manner, and identify other service restructuring that will make the transit system more convenient.

Antonovich Amending Motion **as amended** by Director Robinson that the MTA Board direct the CEO to return to the Board during the September 2010 Board cycle with a presentation and recommendations on the potential for distance/**time**-based fares for the Metro bus and rail system, including but not limited to the following elements:

- Analysis of distance/**time**-based fare policies adopted by other major transit properties in the United States, and their applicability to our Metro bus and rail system
- Analysis of current Metro fare media and fare collection technology to assess potential for implementing a distance/**time**-based fare policy
- Assessment of Metro organizational structure, personnel and other strategic changes that would be necessary to implement a distance/**time**-based fare policy in an effective manner
- Literature review of academic journals since 2000 that have explored the topic of public transit distance/**time**-based fares

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- At least three models for how a distance/time-based fare policy on the Metro bus and rail system would be implemented, including the spectrum of pros and cons associated with each model
 - A timeline for implementing a distance/time-based fare policy for the Metro bus and rail system, both overall and in pieces
 - Analysis of coordination necessary with other transit agencies and public agencies to implement a distance/time-based fare policy
47. ADOPT a resolution that authorizes the **use of a bond tender program in the refunding of all or a portion of the General Revenue 2004-A bonds**, approves the form of the tender and disclosure documents on file with the Board Secretary, and reaffirms the June 2008 resolution that provides authority for the refunding of the General Revenue 2004-A bonds.

(REQUIRES A SEPARATE, SIMPLE MAJORITY BOARD VOTE)

48. ADOPT a resolution that **approves the form of the reimbursement agreements** on file with the Board Secretary and makes certain benefit findings in compliance with the Government Code.

(REQUIRES A SEPARATE, SIMPLE MAJORITY BOARD VOTE)

49. APPROVE the following **nominees for membership on the Westside Central Governance Council**:

Art Ida – City of Culver City Representative
Reappointment
Appointed by: Westside Cities Council of Governments
Term ending: June 30, 2013

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Terri Slimmer – City of West Hollywood Representative
Reappointment
Appointed by: Westside Cities Council of Governments
Term ending: June 30, 2013

Joseph Sticher – City of Santa Monica Representative
Reappointment
Appointed by: Westside Cities Council of Governments
Term ending: June 30, 2013

50. **CLOSED SESSION:**

A. Conference with Legal Counsel – Pending Litigation – G.C. 54956.9(a):

1. Byung C. Yi and Kiu H. Yi v. LACMTA, Case No. BC 408326
2. Arthur Henry Jost v. LACMTA, Case No. BC 408930
3. Preston N. Jones v. LACMTA, Case No. BC 407705
4. Robin Ramirez v. LACMTA, Case No. BC 414875
5. Gina Capetillo v. LACMTA, Case No. PC 044727
6. Tutor-Saliba-Perini v. LACMTA, Case No. BC 123559
7. LACMTA v. Parsons-Dillingham, Case No. BC 150298
8. City of South Pasadena, et al. v. LACMTA, Case No. B221118
9. Expo Construction Authority: CPUC Consolidated Proceeding No. A06-12-005 including No. A07-05-0013 (Farmdale Avenue)

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B. Conference with Legal Counsel – Anticipated Litigation – GC 54956.9(b):

Significant Exposure to Litigation (1 case)

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