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September 6, 1995

TO: MTA BOARD MEMBERS AND ALTERNATES

FROM: JIM SMART 

SUBJECT: LOS ANGELES TIMES REQUEST FOR INFORMATION

The Los Angeles Times today requested our comment on the termination of Eugene Casey who served as our representative on three rail construction Disputes Review Boards.

We informed a Times reporter that the Authority remains committed to alternate dispute resolution as a means of solving construction disputes out of court. We said, however, we are changing the method of selecting DRB members to ensure impartiality. We also explained that the role of the DRB is to assist contractors and the owner in reaching mutually agreeable solutions, and that we had lost faith in the impartiality of the B-251 DRB and our member on it after that Board met without authorization following the termination of Shea-Kiewit-Kenny. As you recall, the DRB heard a presentation by only one side and issued a decision containing gratuitous statements that not only indicated a partiality toward the contractor, but also were outside the purview of a normal Disputes Review Board.

An article is expected to appear soon on this matter.