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**CONSTRUCTION COMMITTEE
NOVEMBER 19, 2009**

**PROJECT: RED LINE SEGMENT 3 CLOSE-OUT
UNIVERSAL CITY STATION PEDESTRIAN BRIDGE**

**ACTION: AUTHORIZE PRELIMINARY EVALUATION OF BRIDGE
CONCEPT AND AMEND THE FY10 BUDGET**

RECOMMENDATION

Authorize the Chief Executive Officer to proceed with preliminary evaluation of bridge concept in the amount of \$500,000

RATIONALE

In October 2002, staff went to the Board to seek approval of a new total capital budget of \$26,408,000 for Project 800115, Universal City Station Site Enhancements. This proposed new project was to fund (1) Contract C0322, Universal City Station Pedestrian Underpass and (2) Contract C0324, Universal City Site Improvements. The obligation to construct a pedestrian underpass arose out of a March 1994 Memorandum of Understanding (MOU) with MCA (now NBC Universal) entered into as part of constructing the Universal City Red Line subway station. Contract C0322 was initially advertised in August 1999, but all bids were rejected due to higher than anticipated bids. Subsequently, the underpass was redesigned and rebid. In October 2002, the Board chose to only authorize funds for contract C0324. Consequently, for a second time all C0322 bids were rejected due to cost considerations.

NBC Universal filed a tort claim for construction of the pedestrian underpass. The parties have tolled the claim for the past six years. NBC Universal has expressed a willingness to explore a pedestrian bridge in lieu of the more costly pedestrian underpass.

The bridge would be located on the eastern edge of the proposed Universal City Station transit oriented development site which is being discussed in ongoing meetings between Metro, NBC Universal and Thomas Properties Group.

At the June 2009 Construction Committee, staff requested \$1.5 million for consultant, third party and agency staff to evaluate the bridge concept, perform site investigations, prepare environmental clearance documents, conceptual designs, and estimates. The

Board deferred action on the budget request until receipt of Universal's written confirmation that either a bridge or tunnel would be acceptable. Universal confirmed in an October 13, 2009 letter that a bridge would be accepted in lieu of a pedestrian tunnel under certain conditions.

The purpose of this action is to establish a budget for consultant, third party and agency staff to do a preliminary evaluation of the bridge concept to look for fatal flaws before spending money for a full scope of preliminary engineering. Initial work by Metro is to include a seismic evaluation of a curved slender truss concept, review of possible environmental and visual impacts on the adjacent historic Campo de Cahuenga, and an order-of-magnitude cost estimate.

If this initial investigation does not disclose any fatal flaws and the initial cost estimate indicates that the bridge would be significantly less expensive than the current tunnel design, then staff would return to the Board to seek permission and budget to perform a broader scope of preliminary engineering to include additional site investigations at foundation locations, preliminary design of the structure, foundations and utility relocations, preparation of a revised cost estimate, preparation of a formal Environmental Assessment in accordance with state and federal laws and to provide support to County Counsel to negotiate a revised contract with Universal to supersede the previous agreement which called for construction of a pedestrian underpass. If such an agreement is reached, we would bring the matter back to the Board for approval along with a request to approve a life-of-project budget for final design and construction.

FINANCIAL IMPACT

The FY10 budget includes \$363,000 in Project 809082 Red Line Segment 3 Close-out in Cost Center 8510. The additional funding required to evaluate the bridge concept will be absorbed within the FY10 budget.

Since this is a multi-year project, the Deputy Chief Capital Management Officer will be accountable for budgeting the costs in future years.

IMPACT ON BUS AND RAIL OPERATING AND CAPITAL BUDGET

The source of funds for this project is Proposition A 35%. These funds are eligible for rail operating and capital expenses. No other source of funds was considered.

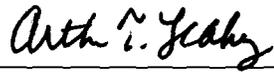
ALTERNATIVES CONSIDERED

The Board may choose not to proceed with these actions for this project. We do not recommend this alternative because the tort claim would remain unresolved.

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Chief Executive Officer

