

MINUTES

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at 9:50am

Directors

Pam O'Connor, Chair
Antonio Villaraigosa, 1st Vice Chair
Don Knabe, 2nd Vice Chair
Yvonne B. Burke
John Fasana
David Fleming
Richard Katz
Bonnie Lowenthal, *via telephone
from Vancouver International
Airport, adjacent to the Business
Class Lounge, 3211 Grant
McConachie Way, Richmond, British
Columbia, Canada*
Gloria Molina
Ara J. Najarian, *via telephone from
Marriott Hotel, Mezzanine Level
Lobby, 350 Calle Principal, Monterey,
CA*
Zev Yaroslavsky

Officers

Roger Snoble, Chief Executive Officer
Michele Jackson, Board Secretary
Karen Gorman, Ethics Officer
William Waters, Inspector General
County Counsel, General Counsel



1. APPROVED **Consent Calendar** Items: 2, 6, 7, 8, 10, 11, 12, 18, 19, 20, 21, 22, 35, 36, 37, 38, 39, 40, 41, and 44.

Items 13 and 34 were removed from the Consent Calendar.

2. APPROVED ON CONSENT CALENDAR Minutes of Regular Board Meeting held June 28, 2007.

3. Chair's Report.

- Chair O'Connor said she looked forward to working with the Metro Board in her new role.
- Attended the July California Transportation Commission meeting in Glendale where member agencies discussed revisions to the Regional Transportation Plan Guidelines and how to incorporate greenhouse gas emission reduction strategies.
- Announced that she would convene a Metro Climate Change Sustainability Task Force, establish a Metro Sustainable Climate Action Plan, and find ways to continue existing efforts and identify new recommendations that will further advance Metro's environmental initiatives.
- Announced appointment of Director Fasana to lead a task force on congestion pricing options.
- Carolyn Cavecche, Orange County Transportation Authority Chair, gave a presentation on proposed changes to high occupancy vehicle lanes in Orange County that would allow continuous access to the lanes at all hours and allow single occupancy vehicles during off-peak hours (midday, evenings, nights and weekends).

4. Chief Executive Officer's Report.

- The California Transportation Commission has postponed decisions regarding funding of several Metro projects, including a \$314 million allocation for phase one of the Expo Line until the September meeting.
- The State Legislature has not approved a state budget as of July 26. The budget stalemate will affect a number of Metro partners that receive state funding. Mr. Snoble added that the state has diverted funds from transportation to other state needs in recent years and said that projections lead experts to believe that this year will not be as difficult as coming years.

6. APPROVED ON CONSENT CALENDAR amending Metro's FY 2008 budget to include \$477,877 from **three Caltrans transportation planning grants**. Caltrans will reimburse for the following projects:
 - A. "Making The Connection: A Pedestrian And Bicycle Linkages Plan For two Low-Income Latino And Asian Communities Adjacent To Gold Line Stations" in the amount of \$200,000
 - B. "Non-Motorized Access Plans at six Transit Hubs in Metropolitan Los Angeles" in the amount of \$87,877; and
 - C. "From Risk to Opportunity: Using the Los Angeles Land Opportunity Tracking System (LA LOTS) Information Platform to Support Planning Efforts in four Under-Served Communities" in the amount of \$190,000.

7. APPROVED ON CONSENT CALENDAR amending the FY 2008 Budget in the amount of \$1,350,000 to continue work on **Metro's Regional Intelligent Transportation Systems (ITS) Program**, which supports the maintenance, development and improvement of the Regional Integration of ITS Network.

8. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a contract to Vazquez & Company LLP to perform the Fiscal Year 2006-2007 **financial and compliance audits of programs, jurisdictions and agencies** in an amount not to exceed \$460,059 with an option to renew for up to two additional years.

9. APPROVED:
 - A. methodologies and assumptions, including all changes and adjustments, used for the Fiscal Year (FY) 2008 Transit Fund Allocations, as determined by staff in accordance with federal, state and local requirements, as well as Metro policies and guidelines and prior Board actions;
 - B. \$1.26 billion in **FY 2008 Transit Fund Allocations** for Los Angeles County jurisdictions, transit operators, and Metro Operations. These allocations include the following:

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1. \$607.7 million in Transportation Development Act (TDA) Article 4, TDA interest, State Transportation Assistance (STA), STA Interest and Proposition A 40% Discretionary fund allocations, which also includes \$2.2 million in funding to six operators in accordance with the two-year lag policy adopted by the Board of Directors;
 2. \$32.1 million in Proposition C 40% Discretionary fund allocations for the Bus Service Improvement Program, the Transit Service Expansion Program, the Base Service Restructuring Program and the Foothill Transit Mitigation Program;
 3. \$17.9 million in Proposition C 40% Discretionary fund allocations for the Municipal Operator Service Improvement Program;
 4. \$33 million in Proposition C 5% Security fund allocations;
 5. \$14.1 million in Proposition A Incentive Program fund allocations;
 6. \$20.4 million in TDA Article 8 fund allocations;
 7. \$309 million in Proposition A and Proposition C Local Return and TDA Article 3 fund allocations; and
 8. \$224.5 million in Federal Transit Act Section 5307 Urban Formula capital fund allocations, including an exchange of Santa Monica's allocation of \$8,120,918 of Section 5307 funds with an equal amount of Proposition C 40% Discretionary funds.
- C. adopting a resolution designating TDA and STA fund allocation compliance to the terms and conditions of the allocation;
- D. authorizing the Chief Executive Officer to negotiate and execute all necessary agreements for funding approved; and
- E. amending the FY 2008 budget in the amount of \$110,000 and adding 1.0 FTE for the Countywide Planning and Development department to provide additional support for management, administration and oversight of funding furnished by the FY 2008 Transit Fund Allocations and for other Board-approved, local programming activities.

10. ADOPTED:

A. findings and recommendations for using fiscal year (FY) 2007-08 **Transportation Development Act (TDA) Article 8 fund estimates** totaling \$20,364,746 as follows:

1. In the City of Avalon there are unmet transit needs that are reasonable to meet. In the Los Angeles County unincorporated areas adjacent to the City of Avalon, existing transit needs can be met through other funding sources, however the City of Avalon chooses to use their Article 8 funds for their transit services. Therefore, TDA Article 8 funds will be used to meet their unmet transit needs. The allocation is \$126,039 for Avalon.
2. In the Antelope Valley, which includes the Cities of Lancaster and Palmdale, and in the Los Angeles County unincorporated areas of the Antelope Valley, transit needs are met using other funding sources, such as Proposition A and Proposition C Local Return. Therefore, there are no unmet transit needs that are reasonable to meet, because other funding sources will be used to address these needs. Thus, TDA Article 8 funds may be used for street and road purposes. The allocations for the Antelope Valley are \$5,000,795 and \$5,095,469 (Lancaster and Palmdale, respectively). The allocation for Los Angeles County unincorporated is \$4,093,011.
3. In the Santa Clarita Valley, which includes the City of Santa Clarita and the Los Angeles County unincorporated areas of the Santa Clarita Valley, transit needs are met with TDA Article 8 funds; however, other funding sources, such as Proposition A and Proposition C local Return, may be used to address their needs. Therefore, there are no unmet transit needs that are reasonable to meet. TDA Article 8 funds may be used for transit and/or street and road purposes as long as their transit needs continue to be met. The allocation for Santa Clarita is \$6,049,433.

B. a resolution making a determination of unmet public transportation needs in the areas of Los Angeles County outside the Los Angeles County Metropolitan Transportation Authority (Metro) service area.

11. APPROVED ON CONSENT CALENDAR:

- A. recertifying \$524.84 million in existing Fiscal Year (FY) 2007-08 commitments from previous **Countywide Calls for Projects** and authorizing the expenditure of funds to meet these commitments;
- B. deobligating \$4.58 million of previously approved Countywide Call for Projects;
- C. programming \$13 million to make up for a Congressionally created shortfall in a Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) earmark for the Interstate 405 Northbound Carpool lane project using the \$4.58 million of deobligated funds from item B toward this shortfall;
- D. for those projects and sponsors with numerous previous administrative extensions, one last and final extension, which represents \$62 million in projects;
- E. reprogramming to FY 2007-2008 and FY 2008-2009 funding for the City of Long Beach, First Street Parking Project (#8237) based on special circumstances;
- F. authorizing:
 - 1. the Chief Executive Officer or his designee to negotiate and execute all necessary agreements for approved projects; and
 - 2. amendments to the FY 2007-2008 budget, as necessary, to include the 2007 Countywide Call for Projects Recertification and Extension funding in the Regional Programs budget and Metro grantee projects in the appropriate cost center budgets; and
- G. receiving and filing:
 - 1. time extensions for \$32.13 million in projects; and
 - 2. administrative time extensions of lapsing deadlines for projects for which the Metro Board of Directors approved supplemental funding on January 25, 2007, to coincide with the supplemental funding lapse date.

12. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to enter into an **Exclusive Right to Negotiate (ERN) with the United Commercial Food Workers Union (UFCW)** to jointly develop certain land owned by Metro in connection with the development of adjacent land owned by UFCW. Further, to authorize Metro and UFCW to proceed with a joint preliminary financial and land use study to determine the type of use, preliminary square footages for each use, financial pro forma, a financial plan, and associated information.
13. AUTHORIZED the Chief Executive Officer to negotiate and award **Excess Liability Insurance policies** for a cost not to exceed \$4.9 million for the 12-month period effective August 1, 2007 through July 31, 2008.
18. APPROVED ON CONSENT CALENDAR adopting a position on **H.R. 2783 (Tauscher)** – a bill that provides federal reimbursement for mass transportation services as a result of a highway emergency. **SUPPORT.**
19. APPROVED ON CONSENT CALENDAR adopting positions on **H.R. 2548 (Solis)** and **S 1499 (Boxer)** – a bill to amend the Clean Air Act to reduce air pollution from marine vessels which emit over 30 tons of sulfur oxide in Los Angeles County everyday. **SUPPORT**
20. APPROVED ON CONSENT CALENDAR adopting a position on **H.R. 2701 (Oberstar)** – a bill that seeks to mitigate the effects of climate change by prompting energy efficiency with respect to transportation modes and to create incentives for the use of alternative fuel vehicles and renewable energy. The bill also encourages energy efficiency with respect to public buildings and our nation’s aviation system. **SUPPORT.**
21. APPROVED ON CONSENT CALENDAR:
 - A. Reaffirming CEO authority to accept the **U.S. Department of Homeland Security Grants** per 1995 resolution concerning Federal, State and Local funding documents. Amend the Fiscal Year (FY) 2008 budget to add \$3,140,564 for Homeland Security projects;

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- B. Establishing a life-of-project budget for the Metro Rail Intrusion Monitoring System Capital Project No. 204084 in the amount of \$1,340,000 and include the project in the FY 2008 budget; and
- C. Executing contracts and modifications, under \$1 million, for projects that are funded and within the scope of the OHS grant.

22. APPROVED ON CONSENT CALENDAR the **salary for the Chief Operations Officer (COO)**, pay range CC (\$183,289 - \$225,680 - \$268,028), plus a 3% increase in salary upon a successful performance review after six months.

29. **CLOSED SESSION:**

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

- 1. Teppo v. LACMTA, Case No.: SC086190
APPROVED settlement in the amount of \$850,000.
- 2. Villareal v. LACMTA, Case No.: BC316949
APPROVED settlement in the amount of \$3 million.
- 3. Carrillo v. LACMTA, Case No.: BC336508
APPROVED settlement in the amount of \$375,000.

B. Personnel Matters – G.C. 54957:

Public Employee Performance Evaluation

- Chief Executive Officer

NO REPORT.

31. AUTHORIZED the Chief Executive Officer to execute Contract Modification No. 12.00 to Contract No. C0739 **Canoga Station/Park-and-Ride** with Sully-Miller Contracting Company for decreased Contaminated and Hazardous Soil quantities in the credit amount of \$343,650, decreasing the Total Contract Price from \$12,703,241 to \$12,359,591.

32. APPROVED BY A 2/3 VOTE:

- A. finding that awarding a Design-Build contract will achieve for Metro, among other things, certain private sector efficiencies in the **repair of Pasadena Gold Line Chinatown Aerial Structure cracked shear keys**;
- B. authorizing the Chief Executive Officer to award a non-competitive single source Design-Build contract to Brutoco Engineering & Construction, Inc. for an amount not to exceed \$640,000 for Chinatown Aerial Structure final design and repair of cracked shear keys;
- C. approving Contract Modification Authority in the amount of \$200,000 for possible modifications/change orders for future unforeseen field conditions; and
- D. approving an increase in the FY 2008 budget of \$540,000 from \$300,000 to \$840,000.

34. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE:

- A. finding that there is only a single source of procurement for computer-telephony equipment and purchase is for the sole purpose of duplicating the computer-telephony equipment already in use. The Board hereby authorizes the purchase of computer-telephony equipment, pursuant to Public Utilities Code § 130237; and
- B. authorizing the Chief Executive Officer to award firm fixed price Contract No. PS39602045, to AT&T Public Safety Division for the purchase of a **six-position computer-telephony system** for an amount not to exceed \$259,145.07 inclusive of sales tax.

35. APPROVED ON CONSENT CALENDAR:

- A. award a five-year firm fixed price unit rate Contract No. OP33442023, to Accent Landscape, Inc., for **Metro Orange Line landscape maintenance services** in an amount not to exceed \$3,928,432, inclusive of two one-year options and a 10% contingency of \$357,130 for as-needed additional services, effective September 1, 2007; and
- B. award a five-year firm fixed price unit rate Contract No. OP33440677 to Asplundh Tree Expert Company, for Metro Orange Line tree trimming services in an amount not to exceed \$425,146, inclusive of two one-year options, effective September 1, 2007.

36. APPROVED ON CONSENT CALENDAR subject to resolution of protest:

- A. authorizing the Chief Executive Officer to execute fourteen **Metro Freeway Service Patrol (FSP) contracts** for a total amount not to exceed \$21,652,592 inclusive of a 7% contingency, to the following contractors:

Beat	Contractor	Amount	Contract Period
3	Neighborhood Tow 4U, Los Angeles	\$1,625,898	01/01/08-12/31/10
4	Sonic Towing, Los Angeles	\$1,939,004	12/01/07-11/30/10
7	Platinum Tow & Transport, Camarillo	\$1,591,563	03/01/08-02/28/11
8	Pepe's Towing, Los Angeles	\$1,323,150	11/01/07-10/31/10
10	EZ Towing, Van Nuys	\$1,439,076	01/01/08-12/31/10
12	Pepe's Towing, Los Angeles	\$1,343,750	12/01/07-11/30/10
14	Kenny's Auto Service, Bellflower	\$1,566,660	02/01/08-01/31/11
16	Reliable Delivery Service, Santa Fe Springs	\$1,610,379	02/01/08-01/31/11
17	Tip Top Tow, Santa Monica	\$1,658,938	03/01/08-02/28/11
20	J&M Towing, Alhambra	\$1,451,250	11/01/07-10/31-10
24	Top Notch Towing, Van Nuys	\$1,328,506	03/01/08-02/28/11
39	ABA Towing, Inglewood	\$1,356,493	12/01/07-11/30/10
40	Lara's Tow Service, Los Angeles	\$1,644,400	12/01/07-11/30/10
41	Jon's Towing, Sun Valley	\$1,773,525	02/01/08-01/31/11
Total Amount Not to Exceed		\$21,652,592	

- B. executing two Pilot 4 year term Metro FSP contracts for a total amount not-to-exceed \$4,187,735, inclusive of a 7% contingency, to the following contractors:

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Beat	Contractor	Amount	Contract Period
18	Bob's Towing, Rowland Heights	\$2,327,507	02/01/08-1/31/12
23	Bob's Towing, Rowland Heights	\$1,860,228	11/01/07-10/31/11
Total Amount Not to Exceed		\$4,187,735	

C. negotiating and executing contract modifications for the Metro Freeway Service Patrol to provide contract extensions and/or redeployment services on Beats 3, 4, 8, 10, 14, 16, 17, 18, 20, 23, 24 and 41 in an amount not to exceed \$2,150,000.

37. APPROVED ON CONSENT CALENDAR subject to resolution of protest authorizing the Chief Executive Officer to execute two **pilot Super Beat Metro Freeway Service Patrol contracts** for a total amount not to exceed \$5,922,067, inclusive of a 7% contingency, to the following contractors:

Beat	Contractor	Amount	Contract Period
50	Hollywood Car Carrier	\$2,587,023	01/01/08-12/31/10
51	ABA	\$3,335,044	11/01/07-10/31/11
Total Amount Not to Exceed		\$5,922,067	

38. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute an agreement with the California Highway Patrol (CHP) to provide **field officer and dispatch support to the Los Angeles County Metro Freeway Service Patrol** during FY 2008 in an amount not to exceed \$800,000.

39. APPROVED ON CONSENT CALENDAR subject to resolution of protest authorizing the Chief Executive Officer to award a 36-month firm fixed price, indefinite quantity contract under Bid No. 07-0007 to Pamco Machine Works Inc., the lowest responsive bidder, to provide **wheel, gear box, brake disc and wheel bearing pressing services** for an amount not to exceed \$547,080 inclusive of sales tax and two one-year options, effective August 1, 2007, subject to resolution of protest.

40. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a firm fixed price contract under Bid No. 07-0008 to Diesel Radiator Co., the lowest responsive and responsible bidder, for **three-hundred sixty-eight radiator assemblies**, for an amount not to exceed \$970,020, inclusive of sales tax.

41. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a three-year firm fixed unit rate Contract No. OP33442014 to Gandy Glass Company, Inc. for **glazier services** to Metro bus and rail transit stations and facilities in an amount not to exceed \$374,148, inclusive of a one-year option, effective August 1, 2007.

43. APPROVED AS AMENDED BY DIRECTORS BURKE AND FASANA:

- A. staff recommendations regarding Call for Projects, Technical Advisory Committee motions, public comments and additional staff funding recommendations;
- B. programming \$454.520 million, in eight modal categories for the **2007 Countywide Call for Projects**, including \$8.148 million in FY 2007-2008, and FY 2008-2009 Supplemental Call funding and advance \$5 million from the 2009 Countywide Call for Projects to the 2007 Countywide Call for Projects in the time period of FY 2010-2013, to fund Project #1178, I-710 Early Action Plan – Intersection Improvements for the City of South Gate, with the expectation that the cash flow requirements can be met through first priority for funding from deobligated or delayed projects;
- C. all projects for potential nomination to the California Transportation Commission for 2008 State Transportation Improvement funds as necessary;
- D. amending the recommended 2007 Countywide Call for Projects Program of Projects in the FY 2008/09-2013/14 Los Angeles Regional Transportation Improvement Program;
- E. administering the 2007 Countywide Call for Projects as a project-specific grant program with the requirement that project sponsors bear all cost increases;
- F. authorizing Metro to administratively provide project sponsors with funding earlier than scheduled if the project sponsor can demonstrate project readiness to proceed and such funds are available; and

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- G. adopting the resolution required by the Southern California Association of Governments which certifies that Los Angeles County has the resources to fund the projects in the FY 2008/09-2013/14 Regional Transportation Improvement Plan and affirms its commitment to implement all of the projects in the program.

Amendment: Include the stipulation that in view of the fact that there was a scoring error which caused four projects to be eliminated from the present certification, that those projects be first in line for funding from any lapsed or delayed projects.

44. APPROVED ON CONSENT CALENDAR

- A. the **salary and special benefits for the Rail General Manager**, pay grade CC (\$183,289 - \$225,680 - \$268,028), plus a 3% increase in salary upon a successful performance review after six months; and
- B. the salary for the acting Rail General Manager, pay grade CC (\$183,289 - \$225,680 - \$268,028).

45. AUTHORIZED the Chief Executive Officer to award and execute:

- A. a cost plus fixed fee Contract No. PS4340-1939 to URS Corporation to provide professional services not to exceed \$22,700,000 to prepare an **EIR/EIS and engineering Project Report for the I-710 Corridor Project** (Project) from SR-60 to the Ports of Long Beach and Los Angeles, subject to execution of Funding Agreements with the funding partners;
- B. a firm fixed price Contract No. PS4340-1940 to Moore Iacafano Goltsman to provide professional services not to exceed \$1,779,000 for the Facilitation of Community Participation, subject to execution of Funding Agreements with the funding partners;
- C. contract modifications for up to \$2,521,000 to cover the cost of any potentially unforeseen issues that may arise during the environmental, engineering and community participation phase; and

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- D. amendment to the FY 2008 Budget in the amount of \$7 million and addition of a total of 1.1 FTE's for Communication, and Construction Departments of which \$1.4 million will cover Metro's share of the cost and \$5.6 million will be reimbursed from the funding partners per the Funding Agreements.
46. AUTHORIZED ratifying the Chief Executive Officer's purchase of **All Risk Property insurance policies and a Boiler and Machinery insurance policy for all Metro property** for a combined cost not to exceed \$3.2 million for the 12-month period effective May 10, 2007 through May 9, 2008.
47. AUTHORIZED the Chief Executive Officer to award Contract No. PS0771401970, a five-year firm fixed price revenue contract inclusive of three one-year options effective January 1, 2008, to CBS Outdoor Group Incorporated for a **license to sell and display the following on the Metro bus fleet:**
- A. Standard Exterior Advertising, for a firm fixed revenue price of \$106,049,000 inclusive of three one-year options;
 - B. Standard Interior Advertising, for a firm fixed revenue price of \$1,226,000 inclusive of three one-year options;
 - C. Enhanced Tail Advertising, for a firm fixed revenue price of \$3,065,000 inclusive of three one-year options; and
 - D. Exterior Wrapped Advertising, for a firm fixed revenue price of \$12,260,000 inclusive of three one-year options;
- for a total revenue amount to Metro of \$122,600,000.

48. AUTHORIZED the Chief Executive Officer to award Contract No. PS0771401971, a five-year firm fixed price revenue contract inclusive of three one-year options effective January 1, 2008, to CBS Outdoor Group Incorporated for a license to sell and display the following on the Metro Rail system:

- A. Standard Exterior Rail Car Advertising, for a firm fixed revenue price of \$2,494,000 inclusive of three one-year options;
- B. Wrapped Exterior Rail Car Advertising, for a firm fixed revenue price of \$2,668,000 inclusive of three one-year options;
- C. Subway Station Prominence Displays, for a firm fixed revenue price of \$3,712,000 inclusive of three one-year options; and
- D. Rail Station Back-lit Cases and Interior Rail Car Frame Advertising, for a firm fixed revenue price of \$2,726,000 inclusive of three one-year options;

for a total revenue amount to Metro of \$11,600,000.

49. ADOPTED **Conceptual Development Guidelines** for the Metro Orange Line Sepulveda Station park-and-ride site.

50. CARRIED OVER FASANA MOTION that:

A new **simplified and equitable Formula Application Procedure (FAP)** be developed that would replace the existing FAP, Municipal Operator Service Improvement Program (MOSIP), and other bus funding pools and incorporate these features:

FAP Formula: A participant's funding share will be the ratio of their total vehicle service hours (VSH) to all participants' total VSH.

Single Funding Pool: All current and future funding that LACMTA elects to allocate to any and all participants for transit operations must be allocated by this formula, including but not limited to TDA, STA, interest, Propositions A and C.

Transition: During the first three years after implementation of the New FAP, all participants will be guaranteed a minimum allocation equal to the total Fiscal Year 2006-2007 Transit Fund Allocation approved by the Metro Board at the July 27, 2006 meeting (participants with shortfalls below their FY 2006-2007 allocations would receive funds from participants with surpluses above their FY 2006-2007 allocations on a pro rata basis).

51. CARRIED OVER KNABE/LOWENTHAL/O'CONNOR MOTION that the following change be made to the **Formula Allocation Procedure (FAP)**.

FAP Funding Stability:

In the application of this FAP formula adjustment, all Operators' FAP dollar funding levels shall be held to a minimum of their FY 2007 dollar funding levels. Where necessary, funding to implement this provision shall come from the Proposition A 40% Discretionary Growth over CPI Account.

However, no additional funding will be allocated to an operator to mitigate against a reduction in funding from the fiscal year 2007 level, if this reduction is caused by a reduction in service level provided by that operator.

Application of FAP Formula:

- A. a new rule be added to the current FAP effective immediately for application to the FY 2009 Allocation Year (whose allocations are based on FY 2007 TPM data).

If an operator increases its base fare anytime from July 1, 2006 forward, their fare units will be frozen at that Operator's fare unit level during the last full fiscal year of the old lower fare. It will remain at this level, until the new fare unit calculation based on the new higher fare becomes greater than the frozen level. After that point, their fare units will be calculated normally.

Example: If an Operator implements a fare increase on July 1, 2006, or anytime during FY 2007, their fare units will be frozen at the FY 2006 level until fare unit growth occurs. Thus the fare units utilized to calculate the FAP will be the higher of the fare units calculated using current TPM data or the fare units from the FAP calculation from the fiscal year prior to the fare increase.

If an Operator lowers their base fare anytime from July 1, 2006 forward, their fare units will be frozen at that Operator's fare unit level during the last full fiscal year of the old higher fare. Thus, an Operator could not trigger an increase in their fare units by lowering their base fare and would have no incentive to do so. Operators would be required to increase their base fare to an amount equal to or greater than the base fare established using FY 2006 TPM data to again calculate their fare units utilizing current TPM data.

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- B. Los Angeles Department of Transportation's annual fare units calculation for the purpose of determining its annual FAP subsidy funded from the County's Proposition A Discretionary Growth Over CPI account be adjusted as described below.

Effective with the FY 2008 allocation year, the calculation of fare units for LADOT will be conducted utilizing a \$0.90 base fare for its eligible express services and a \$0.50 base fare for its eligible local services.

LADOT's annual FAP subsidy allocation will continue to be funded from the County's Proposition A Discretionary Growth Over CPI account, which is the primary source of FAP funding designated by Metro for all Eligible Operators in the County. LADOT will also be subject to the proposed new FAP formula/distribution rules discussed above for all Included and Eligible Operators. This includes holding all of the other Eligible Operators to a minimum of their FY 2007 dollar funding levels.

Continuation of Current Transit Operating Funds:

- C. The LACMTA shall continue to allocate funds to the Included and Eligible Operators from the following sources for both the FAP and non-FAP programs:

- *Transportation Development Act, Article 4 (includes interest)
- *State Transit Assistance (includes interest)
- *Proposition A 40% Discretionary
- *Proposition A 40% Discretionary Interest
- *Proposition A 40% Discretionary Growth Over CPI
- *Proposition C 5% Security
- *Proposition C 40% Discretionary Municipal Operator Service Improvement Program (MOSIP)
- *Proposition C 40% Discretionary Transit Service Expansion (TSE)
- *Proposition C 40% Discretionary Bus System Improvement Plan (BSIP)/Overcrowding Relief
- *Proposition C 40% Discretionary Base Restructuring
- *Proposition C 40% Discretionary Foothill Transit Mitigation
- *Proposition C 40% Discretionary Interest

52. APPROVED THE FOLLOWING MOTION TO RECONSIDER BARRIER GATE ANALYSIS:

NAJARIAN MOTION: Metro rail gating has been an issue prior to and subsequent to the opening of the red line and has been discussed over the years by the MTA board. At the June 2007 MTA board meeting, a recommendation for a gating feasibility analysis was presented to the board for approval and failed.

MTA staff has presented a compelling argument why this recommendation should be reconsidered by the MTA board. I am therefore requesting that the feasibility analysis be brought back to the July 2007 board meeting for reconsideration.

53. APPROVED:

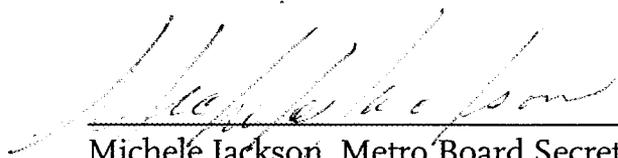
- A. establishing a life-of-project budget for the **UFS/TAP barrier gate analysis** in the amount of \$999,663 and include the project in the FY08 capital program budget;
- B. amending the FY08 budget to add in \$999,663 of expenditures and \$999,663 of Prop A 35% revenues for the gating project;
- C. authorizing the Chief Executive Officer to execute Contract Modification No. 9 to Booz Allen Hamilton, Contract PS-4610-1026, to complete the Metro Gating Study for an amount not to exceed \$400,000, increasing the total contract value from \$9,025,250 to \$9,425,250; and
- D. monitoring progress of pending Proposition 1B funding.

54. APPROVED the following nominee for **membership on the San Gabriel Valley Service Sector Governance Council**:

Ernest Gutierrez – New appointment to fill seat vacated by Bart Doyle
Appointed by: San Gabriel Valley Council of Governments
Term ending: June 2008

ADJOURNED AT 12:30 P.M.

Prepared by: William Walker
Board Specialist



Michèle Jackson, Metro Board Secretary

