

# MINUTES



LOS ANGELES COUNTY TRANSPORTATION COMMISSION 403 West 8th St., Suite 500, Los Angeles, CA 90014 (213) 626-0370

## LOS ANGELES COUNTY TRANSPORTATION COMMISSION

Wednesday, December 2, 1987

The regular Commission meeting was called to order by Chairman Bradley at 1:47 p.m. in the Board Room at the Department of Water and Power.

Mr. Richmond indicated that he was in receipt of letters from Supervisor Dana designating Peter Ireland as his alternate in the absence of Mr. Szabo, and from Supervisor Antonovich designating Tom Silver as his alternate, in Mr. La Follette's absence, for today's meeting.

### Members in attendance:

Mayor Tom Bradley  
Councilwoman Christine E. Reed  
Marcia Mednick  
Blake Sanborn, alternate for Supervisor Schabarum  
Walter King, alternate for Supervisor Hahn  
Robert Geoghegan, alternate for Supervisor Edelman  
Peter Ireland, alternate for Supervisor Dana  
Tom Silver, alternate for Supervisor Antonovich  
Councilman Harold Croyts, alternate for Councilwoman Bacharach  
Councilman Ray Grabinski, alternate for Councilman Tuttle

### Staff members present:

Rick Richmond, Executive Director  
David Kelsey, Assistant County Counsel  
Kathy Torigoe, Executive Secretary  
Elyse Kusunoki, Senior Secretary

**CHAIRMAN'S REMARKS**

Chairman Bradley announced that there will be a joint LACTC/SCRTD Board meeting on December 16, 1987 before the regular LACTC meeting.

**APPROVAL OF MINUTES**

The minutes of November 18, 1987 were moved and seconded for approval. The following amendments were made to the minutes:

(page 5) Comments by Bryan Allen (individual) - The EIR is not productive now. If it is to proceed, suggests adding a hybrid alternative using Flood Control Channel and Ventura Blvd.

(page 6, under Section 9 Fund Trade) - (1) trade \$2.0 million in Proposition A Discretionary funds for \$3.5 million UMTA Section 9 Capital funds with Baton Rouge, Louisiana.

(page 10 - under Amendment to Scope) add: The funding for MC-5 is to be split \$57 million through the project budget and \$10 million by the City of Compton, based on current estimates.

Hearing no other objections, the minutes were approved as amended.

**COMMITTEE REPORTS**

**FINANCE REVIEW COMMITTEE**

Report was made the latter part of the meeting.

**INTERGOVERNMENTAL RELATIONS COMMITTEE**

Mrs. Reed reported on the IRC meeting of December 2, as follows:

Consideration of Common LACTC and SCRTD State and Federal Legislative Goals for 1988

It was noted that the IRC met in a joint session with the SCRTD Government Relations Committee to consider ten common legislative goals. These approved goals will be included in the two agencies' respective 1988 legislative programs.

In addition, the committees discussed the status of SB 1068, a Commission-sponsored bill introduced by Senator Robert Beverly (R-Manhattan Beach). The committees will also consider the adoption of a statement regarding legislation to reorganize transportation agencies in Los Angeles County. Staff will submit the jointly prepared statement at the next IRC meeting on December 16.

RAIL CONSTRUCTION COMMITTEE

Mrs. Mednick reported on the RCC meeting of November 30, as follows:

Award Contract H812 - Overhead Contact System

The RCC recommended that the Commission authorize the Executive Director to award a contract to L.K. Comstock and Company, Inc. in a lump sum amount of \$12,474,300 for the Overhead Contact System, R01-T06-H812. The RCC also recommended exercising the contingency for MC-5. A 10% contract reserve fund of \$1,252,421 is also recommended to cover the cost of changes and/or extra work. The total is \$13,740,300. Award is contingent upon resolution of any bid protests timely-filed.

Mrs. Mednick moved approval of the recommendation which was seconded by Mr. King. Hearing no objection, the motion was carried.

Change Order #19 for Contract C2125 - Mid-Corridor Railroad Relocation and Related Work

The RCC recommended the Commission approve Change Order #19 in the amount of \$413,460 to increase the total contract amount to \$43,765,125. (Due to other negative change orders previously approved, this amount is \$130,262 less than the original contract amount.)

Mrs. Mednick moved approval which was seconded by Mr. Grabinski. Hearing no objection, the motion was carried.

Professional Service Contract for FY 1988 Project Management Oversight Services

The RCC recommended that the Commission authorize the Executive Director to executive Amendment No. 3 to the contract for the joint venture of Deloitte/Kellogg (DKJV) providing Project Management Oversight under Contract R01-S12-MQ01 for a not-to-exceed amount of \$1,330,302. The term of the contract is July 1, 1987 to June 30, 1988.

Mrs. Mednick moved for approval of the recommendation which was seconded by Mr. Grabinski. Hearing no objection, the motion was carried.

Incorporation of Long Beach Loop into Long Beach-Los Angeles Rail Transit Project

The RCC recommended that the Commission:

1. Consider the Negative Declaration and the comments received and approve the document. The Negative Declaration states that with the inclusion of mitigation measures there is no substantial evidence that the loop will have a significant adverse effect on the environment;
2. Authorize the Executive Director to file a Notice of Determination;
3. Adopt the "Long Beach loop" into the Long Beach-Los Angeles rail transit project, increasing the project cost by \$5,949,000 to provide funding for LACTC's share of the additional cost of the loop. (The City of Long Beach's share of the loop is another \$5.4 million in cost reductions, deferrals and long-term commitments.)

Approval at this time will enable staff to complete design and construction of the loop in time to have it operating by the July 1990 opening of the Long Beach-Los Angeles line.

Mrs. Mednick moved for approval which was seconded by Mr. Grabinski. Hearing no objection, the motion was carried.

Rejection of Claim for Damages

The RCC recommended that the Commission formally reject the claim of Norman Obrand.

Mrs. Mednick moved for approval of the rejection which was seconded by Mr. King. Hearing no objection, the motion was carried.

Closed Session: Real Estate Matters

This item was held over from the last meeting. The RCC had requested a closed session to consider the acquisition of Parcels AS087 - McCoy and AS073 - Kurtzman.

RAPID TRANSIT COMMITTEE

Metro Rail Engineering in the San Fernando Valley

The RTC recommended that the Commission authorize \$427,750, which constitutes 25% of the cost to initiate SCRTD's SB 1995 work plan (through FY '88), financing design and preparation of construction documents. The remainder of the engineering funding would come from the State (50%) and the City (25%).

Mrs. Mednick moved for approval which was seconded by Mrs. Reed. Hearing no objection, the motion was carried.

Status Report on Rail Transit Planning and Financing

Mr. Richmond summarized a Status Report on Rail Transit Planning and Finance which assesses our future financial capacity for rail transit construction. It estimates that beyond projects already committed (Los Angeles-Long Beach, Century-El Segundo, and all of Metro Rail), the LACTC has about \$785 million in remaining financial capacity between now and 2000.

Follow-up on San Fernando Valley Rail Transit Studies

Mr. Richmond summarized the RCC's recommendation that was made at its November 18, 1987 meeting. The Commission voted to postpone beginning the formal environmental impact review process on five San Fernando Valley rail transit alternatives and to request Valley elected officials to work with their constituents to develop a consensus on proceeding with further rail studies.

Staff believes that elected officials working with constituents should determine: (a) whether LACTC should pursue a rail transit project in the San Fernando Valley at this time; and (b) if so, what alternative routes should be considered. Such route alternatives should be feasible, affordable, cost-effective, and have at least some public support. At that point, LACTC would consider reactivating the formal environmental impact review process.

To support the work the Valley elected officials and citizens will be doing, staff recommended that the group have access to LACTC's consultant on the San Fernando Valley study, Gruen Associates, for technical support if they choose to use them. It was recommended that LACTC budget up to \$200,000 to support this effort. Staff will be available to assist, as requested by the elected officials, in obtaining the consultant's services.

Staff proposed to prepare a letter to all elected officials (city, county, state and federal) representing the San Fernando Valley soliciting their help.

Mr. Bradley suggested that when the letters are prepared outlining these elements, staff should spell out the fact that if they do not meet this 1988 or 1989 deadline, the next source of funding would be in 2000 or later. Mr. Richmond indicated that staff will communicate that as clearly as can be done.

Mrs. Mednick moved approval of the recommendations which was seconded by Mr. King.

The following persons appeared before the Commission:

1. Gerald A. Silver, President, Homeowners of Encino
2. Robert H. Silver, Eastern Sector Transit Coalition
3. Richard Smith, Encino Property System
4. Guy Weddington McCreary, United Chambers of Commerce
5. Clifton Rosett (individual)
6. Stephen A. Witkin, Western Sector Transit Coalition
7. Bryan Allen (individual)
8. Bonny Matheson, VICA & United Chambers of SFV
9. Jerome J. Blaz, Western Sector Transit Coalition
10. Nancy Barker, Homeowner & member of Western Sector Transit Coalition
11. Julie Fine, Western Sector Transit Coalition
12. Sheldon H. Walter, Consultant, L.A. Rail Transit (non-existent)
13. Bobbi Fiedler, Taxpayers & Residents Against Coastline
14. June E. McShane, Coalition Against the L.A. River Flood Control Route
15. Aliza Katz, representing Councilman Zev Yaroslavsky
16. Dolly Reed Wageman, Studio City Residents Association

Mr. Richmond was asked by Chairman Bradley to summarize again the Commission's position which was taken at the November 18 meeting. Mr. Richmond indicated that the action at its last meeting was to place further work on the EIR on the Valley line on hold and requested that, at this meeting, the Commission give consideration to specific steps toward seeking input from elected officials from the Valley on whether there are other routes or alternatives the Commission might consider that might have a better chance of achieving consensus. If so, the LACTC would consider reactivating the EIR at a later date. He also clarified that staff is not recommending for or against formation of any type of advisory or non-advisory committee, but is leaving the judgment and decision up to the group of elected officials representing the Valley. Staff is asking that they include in their efforts consultation with their constituents, but is not proposing any specific method for that to be done. Requests for different types of technical support can be honored within the ground rules that staff has proposed, but the request will have to be initiated by the elected officials group.

Discussion followed.

Mr. Ireland offered an amended motion that incorporates the recommendations that have been turned in in writing today from the different interested parties as well as the verbal comments that were made from those who testified today and incorporate that into the letter that Mr. Richmond would send to the elected officials, which was seconded by Mr. Silver.

Mrs. Reed commented on Mr. Ireland's amended motion and indicated her support for the Committee's recommendation.

Mr. King commented and supported the Committee's recommendation.

Mr. Geoghegan indicated that all correspondence should be made available to the elected officials. Mr. Ireland accepted that as an amended motion.

Further discussion followed.

All present voted in favor of Mr. Ireland's amended motion with the exception of a "no" vote by Mrs. Reed.

#### FINANCE REVIEW COMMITTEE

Mr. Sanborn reported on the FRC meeting of November 30, 1987 as follows:

Approval of SCRTD FY 1988 SRTP and Transportation Improvement Program

The FRC approved the staff recommendations with some changes:

1. Approve \$313 million in FY 1988 operating subsidies for SCRTD (Attachment A), and approve the FY 1988 capital program (Attachment B).
2. Approve the certification and findings related to UMTA 504 Regulation, Air Quality Conformance, and the UMTA Private Sector Participation Policy (Attachment C).
3. Approve \$6 million STA set-aside allocation for FY 1988 and FY 1988 resolution for \$10.8 million for the Metro Rail MOS-1 project.
4. Approve the Metro Rail MOS-1 financial plan for inclusion in the FY 1988-90 TIP (Attachment D).
5. Approve the SRTP follow-up issues (Attachment E).

The following Committee made the following changes to the above recommendations:

1. The Division 10 Fuel Island Drainage Project is designated Priority #3 in the event there is a shortfall in capital funding.
2. Staff is directed to administratively review and approve projects to be funded with 100% local funds, and bring to the Commission for approval any project which involves a future year obligation of funds.

Mr. Sanborn moved approval of the recommendations with the changes which was seconded by Mrs. Reed. Hearing no objection, the motion was approved.

San Gabriel Valley Transportation Zone - Revised Application

After extended discussion, the FRC approved by unanimous vote the recommendation and findings in the staff report. The application has been revised from the previous discussions.

Mr. Richmond summarized the zone as considered this past summer and the current proposal. The modifications are the reductions in both the geographic area included in the zone and the amount of service to be transferred in the zone, the estimated operating budget of the zone and also the estimated amount of savings of the zone.

Mr. Bill Forsythe of Foysythe & Associates, consultant for the County on the project, was asked to explain the application plan.

Mr. Sanborn moved approval of the recommendation and findings which was seconded by Mrs. Reed.

The following persons offered comments to the Commission:

1. Joseph Freitas, Jr., Attorney for Amalgamated Transit Union, Local 1277 - Opposed the motion and asked the Commission to postpone this action because the collective bargaining agreement has not been analyzed so the Commission's action would be premature.
2. Earl Clark, of United Transportation Union, represents the bus drivers of SCRTD - Asked the Commission to vote against the revised application.
3. Bryan Allen (individual) - Supports the Committee's recommendation.
4. Doug Shaw, Executive Director of Mid-Valley Manpower - Supported Committee's recommendation.

Chairman Bradley asked Mr. Forsythe a few questions: Both Mr. Freitas and Mr. Clark indicate that the law requires (1) that RTD do an assessment to what negative impact such a sale may on the employees and I want to know if such an assessment was done, and if so, what were the findings; (2) Mr. Clark raises the question of these provisions in the contract of the United Transportation and RTD which seems to say that if they dispose of these lines from RTD that the new agency must respect those contracts and those benefits that are contained in the law and the contract between RTD and its staff now. He also asked whether the new agency is prepared to assume those contracts.



Mr. Forsythe indicated that his firm has entered into a number of discussions with both the RTD staff and the Commission staff regarding the impact of the implementation of this zone on RTD's employees. He stated that the Commission staff had made a recommendation to the Commission in its report of finding that there should be no impact since the phasing of service would be over a rather lengthy two-year period at a rate which is much lower than the District's current attrition rate of drivers and mechanics. So the District should be able to have jobs within a reasonable distance from home. The number of buses that would be implemented at any one time is less than the City of Los Angeles just implemented with its portion of the bus continuation project. He noted that the zone is being very cautious and very careful not to implement service at a rate which would impact RTD employees. He responded to the second question about divestment of assets and noted that the zone is not asking the RTD to divest itself of its buses or its facilities. Those are the items covered under the District contract. A LACTC legal opinion has been obtained that would indicate that there is no requirement for this zone to assume those contracts. Lastly, he noted that the zone has covered SCRTD's concerns more than fairly with the slow rate in which it is progressing with the way the size of the zone has been downscaled and the impact of that zone.

Chairman Bradley also asked the Commission's special counsel, Mr. Jim Powers of Nossaman, Guther, Knox & Elliott for his legal opinion on the same questions.

Mr. Powers indicated that the District position as represented in the staff report is flatly wrong. He indicated that there is no question but that the LACTC has the power empowered by statute to set up a local transportation zone. SCRTD has referred to an act that was many years before the LACTC statutes were enacted and which empowered the LACTC to establish transportation zones. Those later statutes take precedence over any of these earlier statutes to the extent that there is a conflict between them though certainly as to Section 30754, referenced by Mr. Freitas, there is no conflict at all. What Section 30754 says is that the RTD shall not dispose of any transit system or part of the transit system unless it shows, first, it has made adequate provision to the District's employees who are and may be displaced or whose wages, hours, place or condition of employment are or may be adversely affected. He noted that the law doesn't say that someone has to go out and make a survey of the impacts but rather, it says that the RTD, not the LACTC, shall deal with its employees who are adversely affected. Consequently, there is no legal impediment to the LACTC setting up the transit zones. The law simply says that the RTD has to deal with its employees, and that does not bar the LACTC from doing anything. In conclusion, Section 30754 does not apply to the LACTC, and has nothing to do with the power of the LACTC to set up this zone. He responded to Mr. Clark's comment about the union contract and stated there is a basic legal principle that RTD cannot make a contract with the

union which somehow takes away from the statutory power of the LACTC to do anything. As far as the contract itself is concerned, the statement that giving up lines compels them to secure the agreement of the successor to some union contract is not true. The contract itself (Article 51) that Mr. Clark referred to specifically distinguishes between lines and assets and facilities. The zone proposes to take over certain lines, not taking over assets or facilities. Article 51 states a condition that before the sale transfer position of its facilities or assets or any part of them to one of the other agencies, firm, or corporation, the District shall require as a condition the sale, transfer or the disposition of the acquiring agency observe all existing labor contracts. He noted two points about this condition: first, it does not apply to the zone proposal and secondly, even if it did, it does not bind the LACTC to anything. The only legal rights of District employees which could be involved would be if the union sues the District saying you the District did not do what it should have done under the contract but that is not required to setting up the zone. He noted that there is an additional specific difference.: one part of Section One, Article 51 talks about a system, and that is what the LACTC is talking about; specifically about limiting the lines or services of an existing system. The second part of Article 51 then uses a different language and talks about assets and facilities when imposing a contract. This second part of Article 51 just does not apply in this situation. He noted that he has advised the LACTC that there is no statutory impediment to setting up the transportation zone. Lastly, he noted that it is possible that it might cause some cost to the RTD by reason of its labor contract and there is a provision in the zone proposal that if that situation occurs the LACTC would provide money to cover reasonable and necessary payments.

Chairman Bradley also asked Mr. Freitas to comment.

Mr. Freitas indicated that the LACTC Counsel reads the law in his way and Mr. Freitas reads the law in his way. He reiterated that the RTD must first meet and negotiate with these unions prior to any disposal of its system or part of its system and that in the event the District is unable to agree upon proper protective arrangement then that matter must go to arbitration and the arbitration decision is final and binding. The implications of creating the San Gabriel Valley transportation zone go beyond just the fact that people retire and through attrition, there will not be layoffs but the fact that there will be adversely affected people in their place of employment, who will no longer be able to work as close to their homes as they were. In addition, he noted there is a financial burden on the employees and there will be implications upon the retirement systems of the RTD which the Commission cannot in any way effect under the law. He clarified his point was that the LACTC analysis on the cost impact of Section 30754 of the PUC which is not in conflict with LACTC powers has not been analyzed and the cost has not been determined. 10

The unions have not been negotiated with by the RTD and that is a requirement of Section 30754. SCRTD will not be able to give you those lines until they reach agreement with the union or goes to arbitration. In addition, he pointed out that the two provisions in Mr. Clark's contract (the UTU), the first section of Article 51 which LACTC Counsels relies upon to indicate that that really restates Section 30754 and in addition to suggest that a line is not an asset of RTD, is folly. He believed that any court in the county for sure and in the state would find otherwise. He believed that the Commission "with all due respect" has much more work to do before it can reasonably vote on such an important matters that affects so many people in this county. He echoed Mr. Clark's statement that public transit should be public transit and that there is no way the zone is going to support itself out of the revenue box. He stated that, "We all know that this is a thinly veiled attempt to strike a blow at the organized working men and women in this county and that have fought for decent hours and wages and working conditions and benefits. If those benefits go down, someone is going to pick up the cost of providing health care, retirement benefits and long-term disability for these new employees."

Mr. Forsythe indicated that at the last Commission meeting when this issue was raised, LACTC had received a conflicting opinion from another member of the ATU, Mr. Christian Murray, who spoke in favor of the zone so he believes the ATU does not have a unified approach. In any event, if the zone was appealing to the RTD Board rather than the Commission, he believes perhaps some of these issues might have a different tone; however, the zone is not asking RTD to sell or dispose of its assets. The zone is asking the Commission to establish the operating authority for this zone in almost exactly the same way that LACTC established the authority for Santa Monica although the timing and circumstances are different. The zone is not asking the RTD Board to sell any equipment, to sell any facilities, to sell any lines but are asking the Commission for the authority to operate certain services. In addition, the staff of the Commission has imposed what we believe are fairly stringent requirements on the zone financially and if there are any impacts, that reasonably could not have been avoided by the RTD through its scheduling of bid process for jobs, etc., the zone will have to pick up the financial costs of that so the Commission would not be in a position of being liable financially for those costs. The zone believes that this implementation mirrors the City's process in the bus continuation project of 43 buses. He noted that the zone is not exclusively non-union jobs. Both the City and County in its bus continuation project have contracts with operators who have union representation. He stated that the application has adequately addressed the zone issue to the Commission and would ask the Commission to approve it.

Further discussion followed.

Mr. Grabinski expressed his frustration about receiving written comments from RTD but not hearing any public comments from them.

Mr. Gary Spivak, Director of Planning for SCRTD, indicated that he is not authorized to speak for the RTD Board. He said that while the RTD Board is in favor of some of the issues that have been raised here, they do not approve of the zone application in its present form. RTD did receive, as indicated in the report, a copy of the revised zone application on November 9. SCRTD asked for a two-week delay so that SCRTD could have an opportunity to re-review the application. They did provide staff comments to the FRC on Monday. He indicated that he did not have authorization from the Board to carry it further but outlined some of the staff issues. To date, the RTD Board has not reviewed the revised zone application.

Further discussion followed.

Mr. Richmond summarized the series of recommendations on page 32 to page 35 of the agenda and noted which recommendations require eight affirmative votes.

Vote was taken by show of hands.

Yes: Sanborn, King, Ireland, Silver, Croys, Reed,  
Grabinski, Mednick

No: Geoghegan, Bradley

Montion passed.

Information Items

Mr. Sanborn also reported on the following information items:

1. The FRC agreed to meet with the SCRTD Advance Planning Committee on December 11 to discuss items of mutual interest.
2. The FRC reviewed the Quarterly Financial Report and the preliminary draft of the 1988 LACTC Legislative Agenda.

#### EXECUTIVE DIRECTOR'S REPORT

There were no items to report.

EXECUTIVE SESSION

At 4:50 p.m., the Commission adjourned into a closed session to discuss real property acquisition under Government Code Section 54956.8. The parcels are as follows:

<u>Parcel No.</u>	<u>Owner</u>
R01-R21-AS087 (located along Tamarind Avenue and Alameda Street, City of Compton)	Delrick McCoy
R01-R21-AS73A (located at 1116 South Flower, Los Angeles)	Kurtzman

At 5:00 p.m., the Commission reconvened.

PUBLIC COMMENT

Sheldon Walter commented on the Clean Air Act and the extension of air quality standards beyond the December 31, 1987 deadline. He read an article from the Daily News and suggested that the Commission get together with the South Coast Air Quality Management District.


Bryan Allen continued his remarks made at the IRC meeting and asked the Commission to seek legislation allowing indexing of a local gas tax option to allow equal purchasing power.

NOTICE OF MEETINGS

Notice was received and filed.

ADJOURNMENT

Meeting was adjourned at 5:10 p.m.

  
RICK RICHMOND  
Executive Director

RR:kyt  
Attachments