

MINUTES



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

LOS ANGELES COUNTY TRANSPORTATION COMMISSION

DECEMBER 13, 1989

The regular Commission meeting was called to order by Chair Reed at 1:45 p.m. in the Board of Supervisors' Hearing Room at the Hall of Administration.

Chair Reed indicated that Supervisor Schabarum had designated Blake Sanborn as his alternate in the absence of Mike Lewis and Supervisor Antonovich has designated Rosa Kortizija as his alternate in the absence of John La Follette for the meeting.

Members in attendance were:

Councilmember Christine E. Reed
Councilwoman Jacki Bacharach
Councilman Ray Grabinski
Councilman Nate Holden
Carole Stevens
Blake Sanborn, alternate for Supervisor Schabarum
Walter King, alternate for Supervisor Hahn
Rich Callahan, alternate for Supervisor Edelman
Barna Szabo, alternate for Supervisor Dana
Rosa Kortizija, alternate for Supervisor Antonovich
Ray Remy, alternate for Mayor Bradley
Jerry Baxter, Ex-Officio for State of California

Staff members present:

Neil Peterson, Executive Director
David Kelsey, Assistant County Counsel
Kathy Torigoe, Executive Secretary
Yolanda Rosales, Office Assistant

Mr. Wiley explained that this particular parcel was brought before the Commission at its August 29, 1989 meeting and was approved for the filing of the condemnation action. Upon filing, it was discovered that the engineering certification for the land required was not adequate to conduct the work as proposed. It is requested that a modification of the area to be taken include a strip of land, which is 10 feet wide, adjacent to the area already authorized to be acquired for a construction easement. Five feet of that would be a permanent easement to allow LACTC staff to receive access to maintain the structure that would be constructed on the original proposed fee that is being taken.

Mr. Kelsey asked the following jurisdictional questions:

Did you prepare the staff report which appears in the agenda starting at page 4 and also the attachments which are provided to the Commission?

Wiley: Yes, I did.

Kelsey: Are the matters contained in the report true and correct?

Wiley: To the best of my knowledge, they are.

Kelsey: Does the public interest and necessity require the subject project.

Wiley: Yes, the project was studied thoroughly and proper environmental work was carried out. There were public meetings held in the various constituencies before the Commission acted to approve this project.

Kelsey: Is the project planned or located in a manner that will be most compatible with the greatest public good and the least private injury?

Wiley: Yes, it is. As part of the environmental work, a number of different alternatives were studied and meetings were held with public officials and with the public in general. A conclusion was reached and the project was approved as being in the appropriate place.

Kelsey: Is the property to be acquired necessary for the project?

Wiley: Yes, it is. This is the touchdown point for pedestrian access as part of the bridge structure and is needed in order to construct the bridge.

- b. Allow knowledgeable staff from these agencies to serve on AQMP committees regarding the implementation of the plan.
3. Transportation Development Act (TDA) Article 3 Funds for Bicycle and Pedestrian Facilities - Streets & Highways Committee (SHC) recommended the Commission approve the allocation of \$2,436,600, or 60% of FY 1989-90 TDA Article 3 funds for bicycle and pedestrian facilities to local agencies based on their population.
4. Call Box Expenditure Plan Financing and Policy Issues - SHC recommended the Commission approve the call box expenditure plan financing and policy issues with modifications. The Committee also directed staff to develop a brief outline comparing and explaining the use of fiber optics, copper/hard wire cable, and cellular service of call boxes.
5. Combined Road Plan (CRP) Policies - SHC recommended the Commission:
 - a. Require local jurisdictions to make a commitment to obligate their local FAU apportionments, with the stipulation that the difference between the commitment and actual obligation will lapse at a date to be recommended at the next Technical Advisory Committee meeting on January 10, 1990.
 - b. Allow local jurisdictions to loan any excess FAU apportionments which they are unable to commit to obligating with the understanding that borrowers will pay the funds back on a dollar-for-dollar basis out of future Surface Transportation Assistance Act (STAA) funds if the LACTC is the STAA authority in Los Angeles County.
 - c. Establish the Combined Road Plan Additional Fund Criteria as the method for granting loans and awarding discretionary Regional FAU funds.
 - d. Pursue State funding for Project Loan Funds for local jurisdictions who are unable to advance projects because of the cash flow problems presented by the FAU reimbursement procedures.
 - e. Pursue a six-month extension of the April 1, 1991 lapsing deadline at the Statewide CRP meeting on December 1, 1989 in Sacramento, to allow the LACTC to reallocate funds inside the County prior to the funds lapsing to other parts of the State.

- f. Direct staff to return at the next TAC meeting with policies which would affirm local agency's good faith commitment to expend funds by the deadline recommended by TAC.
6. Proposed Handicapped Accessibility Policy for Proposition A Local Return Program - Transit Committee (TC) recommended the Commission approve the Proposed Handicapped Accessibility Policy.
9. Adoption of FY 1991-93 Short Range Transit Plan Guidelines - TC recommended the Commission approve the FY 1991-93 SKIRT Guidelines.
10. Amendment #3 to Contract No. T00-D0001, Contractor: FAI, Inc. - TC recommended the Commission authorize the Executive Director to approve Amendment #3 in the amount of \$50,000; and that FAI, Incorporated perform the necessary research, gather relevant material to develop drafts of Project Management Plans in the form required by UMTA for LACTC's submittal to UMTA within 60 days of Full Funding Contract Award (execution) by UMTA.
11. Final FY 1989-90 Transportation Development Act, State Transit Assistance Fund and Proposition A Apportionments - TC recommended the Commission approve two reconciling adjustments to be made as follows:
 - a. STAF reconciling item for FY 1988-89:

Transfer Proposition A Discretionary bus funds to STAF purposes as follows: \$450,060 to the STAF unrestricted account, to keep the LACTC allocations to the operators whole and to reconcile the allocations to the STAF Rail Account. Of this \$450,060, \$402,182 will be transferred to the STAF Rail Account. This will leave a net gain to the STAF Unrestricted Account of \$47,878.
 - b. FY 1989-90 TDA Adjustment:

Apportion the FY 1988-89 unapportioned TDA carry-over balance to the Article 3, 4 and 8 accounts to make up the increased FY 1989-90 Article 8 apportionment to the North County Area.

12. Approval of Contracts for Environmental Due Diligence Work for Railroad Branch Lines and Yard Area of SPTC and One Railroad Branch Line of Santa Fe Railroad - TC recommended the Commission approve and authorize the Executive Director to award to three firms a contract to perform Phase I of the Environmental Due Diligence work on the five railroad properties subject to the execution of an agreement with the SPTC and the AT&SF to fund one-half of the expenses.

**RAIL CONSTRUCTION CORPORATION
CONSENT CALENDAR**

13. Government Code Claims - Recommended the Commission formally reject the following claims:
 - a. Virginia M. Curran
 - b. Shona Stevens
14. Metro Green Line - Cooperative Agreement - Recommended the Commission authorize the Executive Director to execute the master/utility cooperative agreements with Four Corners Pipe Line Company and begin to issue work orders for necessary activities including design work, which should be done by LACTC-controlled forces to the maximum extent possible. The budget for compensation has been provided in the Program Plan, Line Item No. 23 (Force Accounts) for the Metro Green Line.
- *15. Transit Insurance Administrators - Contract Amendment - Recommended Commission approve Contract Amendment No. 5 (Contract No. R01-S14-MR01) to Transit Insurance Administrators in the amount of \$749,267 for Risk Management Services.
17. Contract C2125 - Herzog Construction Corp. Contract Closeout - Recommended the Commission:
 - a. Approve the acceptance of Contract R01-T01-C2125 (Satellite Yard to L.A. River Bridge) complete as of September 13, 1989, and authorize the recording of the Notice of Completion.
 - b. Authorize the release of retention in the amount of \$387,459.15 thirty (30) calendar days after the filing of the Notice of Completion.

c. Approve the transfer of funds in the amount of \$535,717 to the Project Reserve. This amount represents a surplus over the total obligated funds for Contract No. R01-T01-C2125.

18. Metro Blue Line - Marketing Program - Recommended the Commission approve the \$1,052,150 budget for the marketing program for the Blue Line, for now until opening day in July, 1990.

FURTHER DISCUSSION ON CONSENT ITEMS

1. Approval of November 15, 1989 Minutes.

A correction was made on page 9 of the minutes (second paragraph)...that these project cost overruns were on subunits of the whole Route 105 project.

Mrs. Bacharach moved approval of the minutes which was seconded by Mr. Grabinski. Hearing no objection, the minutes were approved as amended.

7. SCRTD Park-n-Ride Planning Application - TC recommended the Commission support the SCRTD grant application and approve the local match of \$68,678.00 less LACTC in-kind services which is to come from the Proposition A Rail Account. The work will be charged to the Metro Rail MOS project account.

Mrs. Bacharach asked which fund is the money coming from for the local match to support this project. Mrs. Reed indicated that this is an RTD park-n-ride project at a future Metro Rail station at Universal City. Mr. Peterson answered that funding is coming out of LACTC's projected contribution of Phase 2.

Mrs. Bacharach moved approval of the recommendation with the addition that the local match for the grant for the park-n-ride lot for Metro Rail station will come out of the Commission's contribution on that project, which was seconded. Hearing no objection, motion was carried.

8. Readoption of Proposition A 40% Discretionary Guidelines - TC recommended the Commission approve staff's revised recommendation to drop Attachment I and approve Attachment II based upon the Bus Operations Subcommittee recommendation. Staff was directed to incorporate the changes in Attachment II into the guidelines.

Mrs. Reed moved approval of the recommendation. She explained that the reason Attachment I was not addressed in Committee is because further discussions between the bus operators, RTD, and staff are being held. Motion was seconded by Mrs. Bacharach.

Mr. Callahan requested for an explanation of what action the approval of Attachment II would do. It was explained that Attachment II is a revision to the guidelines adopted by UMTA to require random mandatory drug testing for public employees in safety sensitive projects. If this program is not adopted by the Commission, all operators will not qualify for future funding.

Mr. Callahan indicated that he is concerned about the safety of bus operators but feels there are many different ways to go about it and is unsure about random drug testing, and cannot support this action at this time .

Motion was carried with a dissenting vote by Mr. Callahan.

16. Change Orders H840 (#020 & #021), H812 (#021), C495 (#003) -
The RCC recommended the Commission approve the following Change Orders:
- a. Contract H840, #020 and #021 for General Farebox
 - b. Contract H812, #021 for Overhead Contact System
 - c. Contract C495, #003 for Fencing

Mr. Callahan asked that whenever action needs to be taken on change orders that the amount of money and the name of each project be listed on the agenda.

Mrs. Bacharach moved approval, seconded by Mr. Grabinski. Hearing no objection, motion was carried.

STAFF/COMMITTEE REPORT

19. Adoption of 1990 LACTC Legislative Agenda - Government Relations & Finance Committee (GRFC) recommended the Commission approve the legislative agenda with amendments.

Mr. Szabo reported that the 1990 LACTC Legislative agenda has been submitted to the various standing and advisory committees. The draft agenda was been sent to a number of interested agencies such as AQMD and the City and County of

Los Angeles. On December 1, the GRFC reviewed the various comments and responses from these agencies and made a number of substantive changes as a result of these comments. There are a number of items that he brought to the Commission's attention which highlight the LACTC's program, both at the state and federal level, which the Commission may sponsor or support:

- o The passage of SCA 1 which would amend the Gann limit and implement the state fuel tax increases;
- o Reorganization of transportation entities in Los Angeles County;
- o Reauthorization of federal transportation programs;
- o Legislation to provide LACTC with the authority to assess Benefit Assessment District fees;
- o Legislation to remove current restrictions on the operation of commuter rail;
- o Legislation to amend the current restriction on issuing bonds for Metro Rail construction;
- o Federal funding for the Metro Rail project;
- o Air quality regulations and legislation;
- o Legislation to provide additional funding for the SMART Corridor Demonstration project on the Santa Monica Freeway;
- o Possible clean-up legislation regarding licensing for general public paratransit drivers.

Motion was made and seconded to approve the GRFC recommendation.

Mr. Baxter expressed some concerns re. additional funding for the SMART Corridor Demonstration project.

Mr. Callahan suggested that given Commission's concerns about problems with contractor compliance and that sort of leverage or sanctions the Commission can take, staff should pursue some appropriate changes in legislation to be included in this year's legislative package. The changes would give the Commission the flexibility it needs to adequately address any problems that happen subsequent to a contract being awarded. He asked staff to take note of this and pursue appropriate language with the appropriate committees or remedies.

Mr. Barna indicated that a new category would need to be added in the legislative package to include Mr. Callahan's recommendation. He was not sure if the Commission can proceed at this point or send this recommendation back to the committee for review.

Mr. Callahan offered an amendment to the legislative package to add a new legislative effort with direction initially to have the staff bring back to the GRFC the legislative language in this regard. The legislative effort would be to look at the contracting law as it exists today with regard to the penalties available to the Commission when a contractor is found to be not in compliance. The amended motion was seconded by Mr. Szabo. Hearing no objection, the amendment was adopted into the main motion.

Mr. Remy asked County Counsel about the legal constraints of SCA 1.

Mr. Kelsey indicated that the law says that a public entity cannot use public money on what the courts determine to be a partisan activity. Strictly educational-type materials can be distributed by public agencies on a ballot measure but the agency cannot get into the area of advocacy as in the Commission spending public money. There is nothing that would prevent anybody in an individual capacity, of course, from making speeches and networking in support of SCA 1.

Mr. Remy asked from staff a list of things that can be done as staff, but not as Commissioners, to support the SCA 1 effort in getting the word out, materials prepared and informational brochures and other similar material.

Mrs. Reed indicated that there are several transportation measures on the June ballot and this agency will become an information source. It was suggested that staff collect information in one place on these transportation measures.

Mr. Kelsey was asked to provide an opinion on the Levine Act. He indicated that he will distribute some guidelines and give advice on a case-by-case basis.

INFORMATION ITEMS

20. Comparison of PCL and Legislative Rail Bond Proposals
21. Update on Federal Activities
22. Draft HOV Lane Violation Fund Allocation Objectives and Criteria

23. Ventura/Victory Corridor ATSAC Project
24. Patronage Modelling Process
25. Congestion Management Plan
26. Bus Capital Replacement Policy
27. Analysis of TDA vs. Proposition A Revenues
28. County-wide Assessment of Los Angeles Transportation Facilities for Earthquake Safety

REPORT OF EXECUTIVE DIRECTOR

29. Report on Blue Line Safety Record

Mr. Ed McSpedon of staff gave a brief report on the safety record that the Commission experienced on the Blue Line project. He recognized several project managers who are responsible for the project.

Mr. Peterson introduced Mr. Wally Ryland of Transit Insurance Administrators (TIA) who presented a check in the amount of \$2,153,207 which represents a return of almost 42% of the standard premium for the workers comp and general liability through the 1988 policy year. This premium return was earned by LACTC for its outstanding construction safety record on the Blue Line. It was indicated that this check will be credited to the Blue Line budget.

30. Update on Full Funding Grant Agreement

Mr. Peterson gave a status report on the full funding grant agreement on MOS-2. He indicated that a letter was sent to the Commissioners on December 8 and another letter was hand-delivered today which is about where things are with UMTA. Basically, the bottom line is that UMTA is awaiting the awarding of the full funding grant agreement until they hear from LACTC on whether or not the utilization of RTD's services is planned under a contract for MOS-2 or whether or not we plan to use our own personnel for the design and construction of the project. The single most important thing to getting the full funding grant agreement signed is a decision one way or another on how this Commission plans to manage this project in the months or years ahead.

Mrs. Reed indicated that she hopes the decision of this Commission will be joined tomorrow by the RTD. The RTD Board is having a meeting tomorrow and they have the Rail Construction Corporation on their agenda. It is hoped that RTD will join in the Commission's efforts to get the project moving forward.

Mr. Remy indicated that this Commission cannot predict what the RTD may do tomorrow but if an action is taken that coincides or is consistent with a positive step of cooperation with the Commission, some mechanism by which we too can respond is needed. He asked if any thought has been given either to continuing this Commission meeting to a specific date or the mechanism by which a response can be made quickly to some overture from the RTD if they should take action. He asked if the Chair or the Executive Director could give some guidance as to how to quickly accommodate any potential positive action of the RTD.

Mrs. Reed indicated that she understands Mr. Remy's concern that he would like to make sure that Commissioners are available if a special meeting is needed to consider positive action taken by the RTD. In anticipation of that, Mrs. Reed asked the Commissioners to let her know of their availability on Friday or Monday so she can call for a special meeting.

Mr. Callahan indicated that he supports Remy's point. He thinks that the Commission should schedule a date now to indicate to RTD that the LACTC is willing to continue to work together and not foreclosing any options.

Seven Commissioners indicated that they are available on Monday between 12 noon and 3:00 p.m. This would be a single item agenda to be discussed. It is Mrs. Reed's hope that the RTD Board agrees with Mr. Patsouras who is bringing a recommendation to join the Rail Construction Corporation with some small adjustments to the constitution of the board of directors. She suggested that the Commission can adjourn to a specific time. It was decided that a motion will be required for the Commission to continue this meeting to Monday, December 18, at 12:00 noon.

The purpose of the meeting on Monday will be to consider the actions of the RTD Board if the RTD Board takes action to join the Rail Construction Corporation. If they don't take any action tomorrow, then there won't be a need for a meeting on Monday.

Mr. Callahan felt that since RTD is discussing this matter, this Commission should schedule a meeting.

PERFORMANCE EVALUATION OF EXECUTIVE DIRECTOR

Chair Reed asked Mr. Szabo, who chaired the the Executive Director's performance evaluation effort, to make the report. Mr. Szabo indicated that that the Commission went through a two-step process in evaluating Mr. Peterson's performance. The first step involves the evaluation of his basic responsibilities per his contract. The second step is a performance evaluation on his bonus schedule which is also dependent upon meeting certain criteria which the Commission specifically set out in agreement with Mr. Peterson at the beginning of his contract period. Mr. Szabo requested from all the Commissioners and alternates an evaluation response form that was sent out and returned. The Commissioners discussed the contents of those forms at length and the Commission has concluded that Mr. Peterson has met his responsibilities appropriately with respect to the basic provisions of the contract and, therefore, he would become eligible for bonus consideration. In turn, the Commissioners have evaluated his performance under the criteria set forth in the bonus category and the Commission would like to recommend that Mr. Peterson be given a bonus.

Mr. Szabo read a part of the contract agreement: On the six-month's anniversary date of this agreement, August 31, and each year thereafter, the Commission may in its discretion provide the employee with an annual merit bonus in the amount equal to 0 to 15% of the employee's base salary, based upon employee meeting or exceeding mutually agreed performance standards.

Based on this language, Mr. Szabo said, we have determined and made the recommendation to the full Commission that Mr. Peterson has met and did exceed his performance standard and we recommend a 10% bonus equivalent of 10% of his current salary, which will be an annual merit bonus and it will amount to 10% of his current annual salary.

Mr. Szabo moved approval which was seconded by Mrs. Bacharach.

Mr. Szabo explained that the agreement consists of three major categories: Satisfactory progress toward the full funding agreement, establishment of the Rail Construction Corporation, and the legislative goals for reorganization of the two agencies.

The motion was carried unanimously.

31. Notice of Meetings

Notice was received and filed.

A list of the Commission meetings for the first-half of 1990 was included with the agenda.

A list of the APTA Conferences for 1990 was distributed to the Commissioners.

REPORTS FROM CHAIR AND COMMISSIONERS

Mrs. Reed noted that Mr. Peterson has been asked to chair the Strategic Planning Committee at APTA.

NEW BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

A motion was made by Mr. Szabo, seconded by Mr. Grabinski, to continue the Commission meeting on Monday, December 18, at 12:00 noon in the Hall of Administration for the purpose of the continuance of those items on the agenda that are relevant to the Rail Construction Corporation and the RTD participation in the Rail Construction Corporation, the contract between the LACTC and the RTD with regard to MOS-2 of the Metro Rail Project. Hearing no objection, motion was carried.

Meeting was adjourned at 3:10 p.m.

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NOTE: The Special Adjourned meeting of the LACTC which was scheduled for 12:00 noon on Monday, December 18, 1989, at the Hall of Administration, was canceled by Chair Reed since no action was taken by the SCRTD on December 14.



NEIL PETERSON
Executive Director

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