

MINUTES



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

LOS ANGELES COUNTY TRANSPORTATION COMMISSION

JULY 27, 1988

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

Members in attendance were:

Supervisor Peter Schabarum
Supervisor Kenneth Hahn
Council Member Christine E. Reed
Mayor Pro-Tem Jacki Bacharach
Councilman Michael Woo
Councilman Ray Grabinski
Marcia Mednick
Walter King, alternate to Supervisor Hahn
Robert Geoghegan, alternate to Supervisor Edelman
Barna Szabo, alternate to Supervisor Dana
John La Follette, alternate to Supervisor Antonovich
Ray Remy, alternate to Mayor Bradley
Councilman Nate Holden, alternate to Councilman Woo

Staff members present:

Paul Taylor, Acting Executive Director
David Kelsey, Assistant County Counsel
Kathy Torigoe, Executive Secretary
Barbara Norris, Senior Secretary

JOINT SESSION WITH SCRTD BOARD OF DIRECTORS

Mr. Taylor indicated that he received a letter dated July 25, 1988 from RTD on Monday afternoon indicating that the Board of Directors would not be available for a joint session today with the Commission. The Secretary of the Board suggested that the Board could meet jointly in August and asked that we advise her of a date, time and location for a meeting.

CONSENT CALENDAR (Items 1 through 12)

Mrs. Reed moved that the Commission approve Consent Calendar Items 1 & 2 and 4 - 12 and hold Item 3 for discussion; seconded by Mrs. Bacharach. Hearing no objection, the motion was carried.

1. Minutes of June 22, 1988.
2. Government Relations & Finance Committee recommended the Commission seek legislation to amend Public Utilities Code Section 130554 to permit the LACTC to issue additional bonds for the Metro Rail project.
4. Government Relations & Finance Committee recommended the Commission adopt the following positions:
 - a. Support SB 2600 (Kopp/Garamendi) to raise the State gas tax from 9 cents to 15 cents and institute other related changes, if it is amended to include a county apportionment formula which ensures Los Angeles County will continue to receive funding in proportion to its current funding level.

Support SB 2712 (Garamendi/Kopp) to authorize a November ballot measure to raise the Gann appropriations limit for transportation programs by \$1 billion annually for a four-year period.
 - b. Oppose SB 407 (Campbell/Deddeh), which would submit to the voters on the November ballot two advisory questions regarding an increase in the state gas tax, unless the bill is amended to equitably address mass transit funding.

Support SCA 13 (Deddeh/Campbell), which would place on the November ballot a constitutional amendment to designate the state gas tax as a user fee.

- c. Monitor AB 3248 (Katz), which would authorize a \$3.3 billion revenue bond proposal for the November ballot and seek clarification from the author regarding payment of debt service and principal.
5. Government Relations & Finance Committee recommended the Commission support UMTA's proposed rulemaking which would allow grant recipients to provide charter services to government and private non-profit agencies which receive government subsidies or provide services to the elderly and disabled.
6. The Rail Construction Committee recommended the Acting Executive Director be authorized to award Contract No. R01-T01-PO851 (Hi-Rail Trucks) to Road Machinery & Supplies Co., the lowest responsive and responsible bidder. The contract award will be for a total contract price of \$805,576. A 5% contract reserve fund of \$40,284 is also recommended to cover the cost of changes and extra work, but will not be included in the contract award amount. Award is contingent upon resolution of any bid protest timely-filed.
7. The Rail Construction Committee recommended the Commission:
 - a. Accept Contract No. R01-T01-C425 (L.A. River Bridge) as complete as of December 19, 1987, and authorize the recording of the Notice of Completion.
 - b. Approve the transfer of funds in the amount of \$195,226 to the Program Reserve. This amount represents a surplus over the total obligated funds for Contract No. R01-T01-C425.
 - c. Authorize Final Payment and release of retention in the total amount of \$172,422.71.
8. The Rail Construction Committee recommended the Commission reject by operation of law the claims of Irma Medina, Rolando Medina, Henry Medina and Wendy Medina.
9. The Transit Committee reviewed and unanimously approved the findings and recommendations of the Article 8 Unmet Transit Needs Hearing Board, which included:

- a. A finding that there are unmet transit needs that can reasonably be met with an allocation of Proposition A Local Return funds;
 - b. Recommendations that certain specific actions be taken as a condition of receiving TDA Article 8 funds; and
 - c. A recommendation to release specific amounts of Article 8 funds to the cities of Avalon, Lancaster, Palmdale and Santa Clarita and to the County of Los Angeles.
10. The Transit Committee unanimously approved the staff recommendation that specific criteria regarding Transportation Demand Management be incorporated into the guidelines for eligibility for Local Return funding.
 11. The Transit Committee unanimously approved the City of Inglewood's request for Local Return funding in the amount of \$168,000 for their Transit Operations and Dispatch Facility with the provision that the City be able to use additional Proposition A Local Return funds, in an amount proportional to transit use, to make the second floor of the facility accessible.
 12. The Transit Committee approved the allocation of \$100,000 to the City of Los Angeles for independent consultants to work with the San Fernando Valley Citizens Advisory Panel. The funds would be transferred from a previous \$200,000 LACTC commitment to Gruen Associates for this work.

DISCUSSION OF CONSENT CALENDAR ITEM

3. Government Relations & Finance Committee recommended the Commission deny the City of Los Angeles' request to place a measure on the November ballot to modify the use of Proposition A Local Return funds.

The Committee directed staff to communicate the Commission's understanding that there is a shortfall in funds for meeting streets and roads needs, but that the issue must be addressed in a broader framework of long-term funding necessary to meet these problems.

Mr. Taylor explained that earlier this year, the Los Angeles City Council adopted a motion requesting that Los Angeles County Transportation Commission place a measure on the November 1988 ballot to modify the use of Proposition A Local Return funds.

Mr. Szabo explained the Proposition A guidelines and the disbursement of available funds.

Councilman Ernani Bernardi, City of Los Angeles, appeared before the Commission concerning this issue. He asked for a copy of the Commission's new policy so that he can review it. Staff was asked to give Mr. Bernardi a copy of the criteria that Mr. Szabo referenced in the discussion.

Discussion followed. Councilman Nate Holden, City of Los Angeles, participated in the discussion.

Mr. Szabo moved for approval of the GR&F's recommendation, seconded by Mrs. Reed.

Further discussion followed.

Mr. Szabo offered an amended motion to urge the cities of Los Angeles County to join with the City of Los Angeles in providing for some sort of program within which they can share Proposition A monies for reduction of fares as currently allowed in the guidelines under Proposition A.

Mrs. Mednick offered a substitute motion to defer this matter until another meeting and in the interim, have a chance to meet with the cities and discuss the changes in the guidelines, which was seconded by Mr. King.

Roll call on the substitute motion:

Yes: King, Geoghegan, La Follette, Bacharach, Reed,
Mednick

No: Szabo, Holden, Grabinski, Remy

Motion passed.

Mrs. Bacharach suggested that staff report on an estimate of how much money each city could contribute.

STAFF REPORTS

13. Realignment of rail transit responsibilities. Mr. Taylor presented several options for the Commission's consideration of his recommendation. He recommended that agreement be sought with the SCRTD Board of Directors for a joint exercise of powers to create a subsidiary for rail transit design and construction (Option 4). If such agreement is not reached today, the Commission should approve establishment of a subsidiary non-profit corporation for rail design and construction (Option 3). Furthermore, he requested authorization to engage a management consultant and RTD staff in development of a plan to implement consolidation of Metro Rail and light rail design and construction in whichever subsidiary corporation is approved.

Being that no joint session was held, Mr. Taylor recommended that the Commission move to establish a separate entity for the handling of design and construction of rail rapid transit in the county.

Mr. Woo asked staff if there was any reading from either Assemblyman Katz or Senator Robbins of their reactions to potential step by this Commission in terms of setting up a joint powers authority.

Mr. Taylor indicated that there has been no communications with Senator Robbins on the subject but that a meeting was held with Assemblyman Katz recently. Mr. Szabo summarized the discussion with Assemblyman Katz.

Mrs. Bacharach moved that the Commission adopt Option 3, which was seconded by Mr. La Follette.

Discussion followed.

Mr. Grabinski offered a substitute motion that the Commission adopt Option 4 and Option 3 as a fallback, seconded by Mr. Woo.

Further discussion followed.

Clarification was made on Mr. Grabinski's substitute motion: That agreement be sought with the SCRTD Board of Directors for a joint exercise of powers to proceed with the creation of a subsidiary for rail transit design and construction (Option 4). If such agreement is not reached by August 24, the Commission has approved establishment of a subsidiary non-profit corporation for rail design and construction (Option 3). Staff is authorized to engage a management consultant and RTD staff in development of a plan to implement consolidation of Metro Rail and light rail design and construction in whichever subsidiary corporation is approved.

Roll call vote on the substitute motion:

Yes: King, Szabo, La Follette, Woo, Reed,
Grabinski, Mednick

No: Geoghegan, Bacharach, Schabarum

Yes on Option 4; No on Option 3: Remy

Motion carried.

PUBLIC HEARING

17. Public Hearing regarding Finding of Necessity for acquisition of certain interests in Parcel No. AS073 (Kurtzman), consisting of the denial of all direct vehicular access between the 1122-1140 South Flower Street and Flower Street in downtown Los Angeles, California, in connection with the Long Beach-Los Angeles rail transit project.

Persons indicating a desire to testify at the public hearing were sworn in by Mr. Kelsey.

Mr. Taylor presented the staff report to the Commission which addresses the four findings which the Commission must make under the Eminent Domain Law in order to adopt a resolution of necessity to condemn the property. The Declaration of Paul C. Taylor and the staff report were entered into the record of hearing and received in evidence. A copy of the staff report and Declaration of Paul C. Taylor, Acting Executive Director and Deputy Executive Director for Transit Development of LACTC, are incorporated with these minutes and made a part hereof by this reference.

Mr. Jerrold Fadem, Attorney for Kurtzman, appeared before the Commission. He stated that there is no environmental impact report for the portal on the east end of this project and the issue of the least private injury has been given inadequate consideration by the staff report. He exhibited and explained an illustration of the property to the Commission. He asked the Commission to review its 1985 Environmental Impact Report and stated that they will find that there is no mention of putting a portal on the east margin between 11th and 12th Streets and that the Commission should consider whether they want to proceed in a fashion that is suggested as illegal.

Questions were asked by the Commissioners.

Mr. Schabarum asked County Counsel for his recommendation. Mr. Kelsey indicated that because of issues of the EIR and the alleged change in the placement of the portal are already the subject of litigation and since it was suggested by Mr. Fadem that more law suits would occur if the Commission proceeded with the adoption of the resolution today, he recommended that it would be appropriate for the Commission to hear from Special Counsel in executive session concerning the issues raised.

Mr. Fadem asked if he could be allowed to answer any questions following the closed session.

Mr. Kelsey indicated that eight affirmative votes are needed for this matter and the additional item to the agenda.

Mrs. Reed offered a motion on another matter, the Finding of Just Compensation for Parcel AS363 (Arakelian), the necessity for which arose subsequent to the 72-hour posting requested by the Brown Act. She moved that it be declared an emergency and pursuant to the Brown Act and added to the agenda. Motion was seconded by Mrs. Bacharach. Hearing no objection to the procedural motion, the motion was carried.

Mrs. Bacharach indicated that she will abstain from voting on the Kurtzman matter.

Chairman Schabarum suggested that the Commission go into closed session to handle the Kurtzman and Arakelian matters and return to continue the agenda.

At 3:45 p.m., the Commission recessed into closed session to discuss real property transaction under Government Code Section 54956.8 (Parcel No. R01-R21-AS363, Arakelian), as well as to discuss pending litigation in the Kurtzman matter and to confer with special counsel.

At 4:10 p.m., the Commission reconvened the regular meeting. Chairman Schabarum asked if there was any questions to ask Mr. Fadem or others. Hearing none, Mr. Schabarum asked to close the public hearing and vote on the resolution.

Mrs. Reed moved that the public hearing be closed, adopt the resolution and direct staff to incorporate the findings as set forth in the staff report. Mr. Kelsey indicated that he would like to set forth the findings that the Commission find that the public interest and necessity require the proposed project, that the proposed project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury, that the project interests sought to be acquired are necessary for the proposed project and that the offer to the property owner required by Section 7267.2 of the Government Code has been made. Motion was seconded by Mrs. Mednick. Noting abstention by Mrs. Bacharach. a roll call was taken.

Yes: King, Geoghegan, Szabo, La Follette, Woo, Reed,
Grabinski, Mednick, Remy, Schabarum

No: None

Abstain: Bacharach

Motion was carried.

Also discussed in closed session was to offer just compensation for property located on the south side of Imperial Highway between Hugo and Lou Dillon Streets, Parcel No. R01-R21-AS363; owner: Vazgen and Lenik Arakelian. Just compensation is recommended in the amount of \$77,000. Mrs. Bacharach moved approval of the staff recommendation and asked that staff be directed to send a bill to Caltrans for reimbursement by them, seconded by Mrs. Reed. Hearing no objection, the motion was carried.

(Continuation of Staff Reports)

15. The Transit Committee recommended that in preparation for considering approval of RTD's application to be submitted in August for funding of the second phase of the Metro Rail project:
- (1) The Commission affirm that its first priority for extending Metro Rail is to reach the San Fernando Valley, before extending west of Vermont Avenue and Wilshire Boulevard.
 - (2) The Commission indicate that a maximum of \$428 million from the Prop. A account is available to match currently available federal and state funds for Metro Rail with or without legislatively-applied bond constraints.
 - (3) Staff be directed to lead an effort by RTD and the City of Los Angeles to develop a schedule and financing plan for implementing the second phase of Metro Rail.

Mr. Taylor indicated that he had received a telegram from Congressman Julian Dixon requesting that the Commission defer consideration of any proposal to establish priorities for the second phase until such time as Mr. Dixon has had an opportunity to appear before the Commission to present his views. He also received a copy of a letter from Senator Alan Robbins to the chairman of the California Transportation Commission in which he expresses surprise that "some Los Angeles transit planners are attempting to raid funds set aside to protect San Fernando Valley Metro Rail construction to use the money to add an extra extension on Wilshire Boulevard...."

Mrs. Reed reported that the Committee's recommendation passed by a vote of 2 to 1 with 1 abstention. The discussion at the committee principally centered around the availability of federal funding for the Locally Preferred Alternative.

Mrs. Reed moved that the Commission adopt Points 2 and 3 of the committee recommendation and defer action on Point 1 so that Congressman Dixon can present his views, which was seconded by Mr. Remy.

Discussion followed. An amendment was made to the motion to make the following changes: Under Point 2, add "including trust funds" after \$428 million. And under Point 3, "Staff be directed to lead an effort with RTD"

Roll call was taken:

Yes: Geoghegan, Szabo, Woo, Bacharach, Reed,
Grabinski, Mednick, Remy

No: King, Schabarum

Abstain: La Follette

14. The Rail Construction Committee has arranged for the Commission to be briefed on the status and schedule for the Seventh-Flower Street rail station, which is being constructed by RTD.

Mr. Ed McSpedon, Director, Design and Construction of the Los Angeles-Long Beach rail transit project, gave a slide presentation of the 7th & Flower Street contract.

16. Evaluation of three-month experiment with monthly meetings was made.

Mr. King proposed having one meeting in August on the 24th.

Mr. Grabinski moved that the Commission go back to the twice-a-month format in September which was seconded. Mr. Schabarum shared his assessment on the experiment with the Commissioners. Mr. Remy suggested that the Commission continue holding once-a-month meetings and on an every other month basis, schedule a meeting for actions on only three or four agenda items where the Commission can get into in-depth discussions. Staff was asked to make a suggestion at the August 24 meeting on how the meetings can be structured in September or October.

Mr. Remy offered a substitute motion to ask staff to look at Mr. Grabinski's proposal and his proposal to have monthly meetings with six times a year scheduled in-depth discussion items and bring both proposals back to the meeting on August 24 for the Commission's action. Substitute motion was seconded by Mr. Szabo.

Roll call vote was taken:

Yes: King, Geoghegan, Szabo, La Follette, Woo,
Bacharach, Reed, Grabinski, Mednick, Remy,
Schabarum

No: None

Mr. Taylor asked the Commissioners to note regular Commission meetings for August 24 and September 28, and September 14 will be either the first regular meeting of that month or issue/action meeting as described in Mr. Remy's proposal.

INFORMATION ITEMS

18. The Government Relations and Finance Committee reviewed a report on efforts to develop the next Federal Surface Transportation Act.
19. The Government Relations and Finance Committee received an update on the Senate and House efforts on FY 1989 Federal Transportation Appropriations legislation.
20. The Rail Construction Committee received an update on the current status of Alternative MC-5 in the City of Compton.
21. The Transit Committee reviewed the Proposition A Discretionary Guidelines incorporating the policies adopted by the LACTC on April 27. The Committee directed staff to include a task in the upcoming Triennial Transit Operator Performance Audit which examines the financial impact of automatic COLA wage increases.
22. The Transit Committee received an update on the \$159 million funding shortfall for bus replacement needs identified in a draft Ten-Year Transit Capital Plan. The Committee directed staff to prepare an alternative plan indicating funding needs based on costs of measures in the Air Quality Management District's Draft Plan.
23. Staff has organized an internal inter-divisional task force to analyze the Southern California Air Quality Management District's proposed Transportation Control Measures. SCRTD and Caltrans have agreed to provide technical assistance.

Mr. Taylor noted that a letter was received from Air Quality Management District yesterday which indicates that August 15 is the deadline for commentary on these proposals. The Commission meeting is August 24 so staff will try to obtain an extension on that deadline.

24. The Commission asked staff to suggest a program to undertake a series of "near-term rail projects, focusing on services primarily commuter in nature using existing facilities and rights-of-way." No recommendation can be made at this time. Staff believes that not enough is known about policy issues surrounding commuter rail proposals, a discussion of which will be ready for the Commission in August, at which time initial recommendations could be made on specific technical studies of commuter rail services.

REPORT OF EXECUTIVE DIRECTOR

- A. The Commissioners were invited to the Transportation Occupations Program Achievements Luncheon scheduled for Thursday, August 25, 1988 at 11:30 a.m. at the Carson Community Center.

- B. The notice of meetings was noted. Since the Commission will hold only one meeting on August 24, the committee meetings will meet as follows:

Government Relations & Finance	-	August 12
Rail Construction Committee	-	August 15
Streets & Highways	-	August 19
Transit Committee	-	August 15

- C. Travel for the following Commissioners was requested for Commission approval:

Marcia Mednick and Walter King to attend the Highway Users' Congress on Transportation Future in Washington, D.C. on September 18-20, 1988.

Walter King and Barna Szabo to attend the American Public Transit Association's 1988 Annual Meeting to be held in Montreal, Quebec on October 2-6. 1988.

Mrs. Bacharach moved, seconded by Mrs. Reed, to approve the above travel requests. Hearing no objection, the motion was carried.

REPORTS FROM CHAIRMAN AND COMMISSIONERS

Chairman Schabarum indicated that in recent weeks each of the Commissioners as well as the members of the Board of Supervisors and other elected officials in this county, have received from RTD letters which outline vaguely the terms of RTD's recent labor settlements. If you will all recall, several months ago, this Commission amended the guidelines governing the eligibility for our Prop. A Discretionary Funds. Those guidelines have specific references to the Commission's expectation in terms of new labor contracts that includes such things as pay for performance, contracting services, and management rights. In order to expedite the determination as to whether or not RTD has those guidelines and to do so in a reasonable and thoughtful basis, Chairman Schabarum proposed that the Acting Executive Director be instructed to seek the assistance of a knowledgeable consultant to determine the degree to which the RTD labor settlement meets those Commission-adopted guidelines. Motion was seconded by Mr. Szabo.

Mr. Taylor explained that it is his understanding that the scope of this work would result in an engagement that is within his authority to act on behalf of the Commission so no formal contractual action is required by the Commission.

Mr. Geoghegan indicated that he does not believe that it is an appropriate role for this Commission.

NEW BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

Meeting was adjourned at 5:35 p.m.



PAUL C. TAYLOR
Acting Executive Director

PCT:kyt
Attachment