



LOS ANGELES METROPOLITAN TRANSIT AUTHORITY

Minutes of Regular Meeting of
the Members of the Authority

May 19, 1959

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Upon notice duly given, the Members of the Los Angeles Metropolitan Transit Authority met at a regular meeting at the Authority Board Room, 1060 South Broadway, Los Angeles 15, California, at 10:00 o'clock a.m. on May 19, 1959, at which time the Chairman called the meeting to order.

Chairman Carl P. Miller, Members Don Belding, Fred S. Dean, Hayden F. Jones, and Russell A. Quisenberry attended. Members Clarence A. Winder and Arthur J. Will were absent. Also present were General Attorney Gerald G. Kelly; General Manager Cone T. Bass; Director of Business Development and Information Division James H. Raport; Treasurer Wm. W. Wakelee; Administrative Assistant Edwin T. Bowler; Ernest R. Gerlach of Coverdale & Colpitts, Consulting Engineers; Secretary Virginia L. Rees; R. O. Christiansen and Guy G. Gifford of the Business Development and Information Division; representatives of the press; and the public.

The minutes of the regular meeting held on May 5, 1959 were approved.

Extension of P.E. Joint Trackage Agreement and Lease Agreement

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the Executive Director and Secretary be and they are hereby authorized to execute on behalf of the Authority the extension agreement with Pacific Electric Railway Company reviewed at this meeting.

Certificates of Compliance

After discussion, upon motion duly made, seconded and unanimously carried, the following resolution was adopted:

WHEREAS, D. C. Easterday, on behalf of the Bank of America National Trust and Savings Association, has requested that an Authorized Officer of the Authority execute a certificate stating that the Authority has at all times performed and fully observed any and all covenants and undertakings contained in the Trust Indenture dated as of January 1, 1958, and in each and every Bond and Coupon appertaining thereto, and that it has preserved and protected the security of the Bonds and the rights of the holders thereof; and

WHEREAS, said D. C. Easterday has also requested that an Authorized Officer of the Authority execute a certificate stating that the Authority is not in default in the performance or observance of any covenant, agreement or condition contained in the Equipment Trust Agreement dated as of March 1, 1958, as supplemented by the First Supplemental Equipment Trust Agreement dated as of December 1, 1958; and

WHEREAS, said D. C. Easterday has also requested that an Authorized Officer of the

Authority execute the certificate described in the second paragraph of section 4.08 of the Equipment Trust Agreement dated as of March 1, 1958, as supplemented by the First Supplemental Equipment Trust Agreement dated December 1, 1958;

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director be and he is hereby authorized to sign each of such certificates on behalf of the Authority; provided, however, that the form of certificate described in section 4.08 of the Equipment Trust Agreement dated as of March 1, 1958, is subject to the approval of the General Attorney.

Litigation - MTA v. PUC

The General Attorney reported on the unanimous California Supreme Court decision in the case of Los Angeles Metropolitan Transit Authority v. Public Utilities Commission, S. F. No. 20049, which decision sustained the Authority's position. A copy of the Supreme Court decision has been filed with the Secretary.

Authorization to Sign Checks

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that the Bank of America National Trust and Savings Association as a designated depository of this Authority be and it (including its correspondent banks) is hereby authorized, requested and directed to honor all checks, drafts or other orders for the payment of money drawn in the Authority's name on its accounts (including those drawn to the individual order of any person

or persons whose names appear thereon as signer or signers thereof) when bearing the facsimile signatures of the following, as indicated:

<u>Signed by</u>	<u>Countersigned by any one of the following</u>
Wm. W. Wakelee, Treasurer	Carl P. Miller, Chairman
S. Underwood, Assistant Treasurer	Clarence A. Winder, Vice Chairman
T. V. Collins, Assistant Treasurer	Fred S. Dean, Acting Executive Director
H. L. Black, Assistant Treasurer	

and the Bank of America National Trust and Savings Association (including its correspondent banks) shall be entitled to honor and to charge the Authority for all such checks, drafts or other orders for the payment of money, regardless of by whom or by what means the actual facsimile signature or signatures thereon may have been affixed thereto, if such facsimile signature or signatures resemble the facsimile specimens from time to time filed with the Bank of America National Trust and Savings Association by the Secretary or other officer of the Authority. That all previous authorizations for the signing and honoring of checks, drafts or other orders for the payment of money drawn on the said Bank of America National Trust and Savings Association by the Authority are hereby continued in full force and effect as amplified hereby.

RESOLVED FURTHER, that the Chairman and Secretary be and they are hereby authorized to execute a Certificate of Authority of Officers to the Bank of America National Trust and Savings Association certifying that the officers named therein have been duly elected and are now qualified to sign as such officers on behalf of the Authority; that the specimen signatures appearing opposite the names and titles on the Certificate of Authority of Officers are the genuine signatures of such officers and that the Bank of America National Trust and Savings Association, Corporate Trust Department, is authorized to

recognize these signatures until written notice to the contrary is given to said Bank.

Claims Procedure - Transit Casualty Company

After discussion, upon motion duly made, seconded and unanimously carried, the following resolution was adopted:

WHEREAS, Sec. 4.23 of the Los Angeles Metropolitan Transit Authority Act of 1957 provides that no civil action shall be commenced against the Authority for personal injuries or property damages resulting from the alleged negligence of the Authority or its agents unless a verified written claim for such damages has been filed with the Secretary of the Authority within 180 days after the damages have occurred; and

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NOV. 17, 1959

WHEREAS, instances have been brought to the attention of the Authority in which persons having alleged claims for damages against the Authority failed to file written claims for such damages within the 180-day period; and

WHEREAS, in a number of such instances the failure to file such claims has resulted from lack of knowledge of the requirements of the Act; and

WHEREAS, in at least two of these cases involving subrogation claims held by insurance companies, such failure was caused in part by actions of agents of Transit Casualty Company who requested such companies to hold their files open for a 90-day period to enable Transit Casualty to dispose of related personal injury cases; and

WHEREAS, in other instances such failure to file may have been caused by the fact that agents of Transit Casualty do not inform attorneys representing claimants of the 180-day filing requirement; and

WHEREAS, on February 24, 1959, the General

Attorney advised John G. Miller, local Manager of Transit Casualty, that a review of Transit Casualty's procedures in the processing of claims should be undertaken for the purposes of suggesting such changes as would insure, insofar as reasonably possible, that members of the public will not be prejudiced by lack of notice of the 180-day filing requirement, and that any such proposed changes in procedures be submitted to the General Attorney for approval; and

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WHEREAS, a letter dated February 26, 1959, summarizing the General Attorney's conference with John Miller was sent to Mr. Miller with copies to Preston Estep, President of Transit Casualty, and Lloyd Boas, Vice-President and General Counsel of Transit Casualty, and the Executive Director of the Authority; and

WHEREAS, by letter dated May 11, 1959, and during a conference held on the same date, Mr. Estep and Mr. Miller advised the Executive Director and the General Attorney that Transit Casualty had reviewed its procedures and that it would be willing to change its procedures to insure, insofar as reasonably possible, that members of the public will not be prejudiced by lack of notice of the 180-day filing requirement; and

WHEREAS, by the same letter of May 11, 1959, Mr. Miller advises that such changes may cause an increase in the Authority's insurance costs;

NOW, THEREFORE, IT IS RESOLVED, that the following procedure shall be followed by Transit Casualty Company:

- (1) Any insurance company that notifies the Authority of a subrogation interest shall be furnished with verified claim blanks and shall be notified of the 180-day filing requirement.
- (2) In cases where a claimant is represented by an attorney, a verified claim blank shall be furnished to such attorney upon receipt of a written notice of his representation, and such attorney

shall be notified of the 180-day filing requirement.

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(3) Transit Casualty shall not enter into negotiations with any attorney concerning a claim of damages until such written notice of representation has been received.

(4) If any claim, either asserted by a claimant acting on his own behalf or by his representative, remains unsettled after 120 days following the date of the alleged damages, Transit Casualty shall furnish immediately, on its own motion, such claimant or his representative with verified claim blanks and notify such person of the 180-day filing requirement.

(5) If any prospective claimant is prevented by illness or injuries from filing a claim for damages against the Authority, and if such condition is known to Transit Casualty, Transit Casualty shall furnish verified claim blanks to such person or his representative within 150 days following the occurrence of the supposed damages.

(6) Transit Casualty shall inform its agents of the foregoing procedures, and shall instruct them in particular to refrain from taking any action which may cause any claimant or his representative to disregard the 180-day filing requirement.

Rules and Regulations - Amendment re Meetings

After discussion, upon motion duly made, seconded and unanimously carried, it was

RESOLVED, that Article III, entitled "Action by the Authority; Meetings," of the Rules and Regulations be and the same is hereby deleted in its entirety and the following is substituted therefor:

"III. Action by the Authority; Meetings

"3.1 Regular Meetings. The Members of the Authority shall meet four times each month, on the first

"four Tuesdays, unless such a Tuesday is a holiday, in which case the meeting shall be held on the next business day. The first and third meeting of each month shall convene at the hour of 3:30 p.m., and the second and fourth meeting of each month shall convene at the hour of 10 a.m. These meetings shall be known as the regular meetings.

"3.2 Agenda. Matters to be placed on the agenda for any regular meeting may be filed with the Secretary of the Authority by the Executive Director, the General Manager, the Director of the Business Development and Information Division, the General Attorney, and/or any Member of the Authority, not later than the hour of 10 a.m. on the Thursday preceding such regular meeting. The agenda for each regular meeting shall be prepared by the Secretary of the Authority not later than the hour of 11 a.m. on each Thursday preceding such regular meeting, at which time the Secretary shall release copies of said agenda to the press, and shall cause copies of said agenda to be mailed or delivered to each Member, the Executive Director, and the General Attorney. Formal action, other than the appointment of a committee, will not ordinarily be taken with respect to any matter not included on the agenda unless special circumstances require otherwise and four Members consent to such consideration; provided, however, that no matters directly affecting fare increases, major permanent decreases in service, or major permanent changes of routes may be acted upon until they have been placed upon the agenda. Provided, further, that the foregoing proviso shall not be construed to limit discussion of any matter whatsoever.

"3.3 Special Meetings. A special meeting may be called at any time by the Chairman or any four Members, by delivering personally or by mail written notice to the Secretary, each Member, and to each local newspaper of general

