

SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT

MINUTES/PROCEEDINGS

Regular Board Meeting
Board of Directors
Thursday, August 14, 1986
District Board Room
425 South Main Street
Los Angeles

Called to order at 1:00 p.m.

Directors Present:

Jan Hall, President
Carmen A. Estrada, Vice-President
John F. Day
Norman H. Emerson
Nate Holden
Marvin L. Holen (arr. 1:37 p.m.)

Leonard Panish
Nick Patsaouras
Jay B. Price
Charles H. Storing
Gordana Swanson

1. Recognition of retirees and presentation of certificates by Director Day.

2. Report of the President

President Hall presented her proposal regarding the organization and directions for the District during Fiscal Year 1987, including a revision of the Board committee structure. Director Patsaouras moved approval of the revised committee structure, which motion was seconded.

Director Day spoke to the motion, indicating he does not believe now is the time to drop the independent status of the Ad Hoc Committee on Accessible Transportation. Director Day then made a substitute motion to approve the revised committee structure, as recommended by the President, with the continuation of the Ad Hoc Committee on Accessible Transportation, which substitute motion was seconded.

2. Report of the President - Cont'd.

President Hall spoke to the substitute motion, noting that at some point in time it will be important that all the good work of the Ad Hoc Committee be mainstreamed into the regular committee structure. She concluded by stating that Director Day's concern for this committee is appropriate and she asked the Committee to consider the time frame for mainstreaming their activities. After discussion, Director Day indicated that he was not willing to place a time limit on the phasing out of the Committee.

Yvonne Nau, a member of CACAT, appeared before the Board, speaking in support of the continuation of the Ad Hoc Committee.

On a call for the question, the substitute motion was unanimously carried.

On another matter, President Hall announced that the next Committee of the Whole workshop session is scheduled for Saturday, September 20, 1986. On motion duly made, seconded and unanimously carried, the Board approved the workshop date and cancelled the Committee of the Whole meeting previously scheduled for September 4.

President Hall said the Board would recess to Closed Session at the conclusion of the agendaed items to discuss personnel matters.

3. Report of the General Manager

General Manager Dyer gave a brief update on federal legislative activities, indicating that HR 3129 may be voted on by the House of Representatives this week, or it may be delayed until after the Labor Day recess.

3. Report of the General Manager - Cont'd.

Mr. Dyer informed the Board on the status of action by the Los Angeles City Council and the Los Angeles County Transportation Commission on the Full Funding Contract. City Council is now scheduled to consider the subject on Friday, August 15, and the LACTC took action on one of the items relating to the Full Funding Agreement. They are scheduled to meet again on Friday.

The General Manager objected to the tenor of a recent report in a local newspaper concerning the District's statistics regarding accidents and safety issues. The Safety Review Panel, proposed under Agenda Item No. 14A, will be asked to review District's data and compare it to other major properties.

Mr. Dyer also informed the Directors that the District has been the recipient of a national award. Dr. Walter Norwood explained that the District received an award from the National Bar Association for the District's contribution in the use of black lawyers.

4. Director Special Items

Director Patsaouras commented on the District's image and media attention to recent accidents, the correlation of alcohol and drug abuse to these accidents, and the motion passed by the Board of Supervisors requesting that the District implement a mandatory random alcohol and drug testing program for all employees and review its hiring practices. Mr. Dyer said that a comprehensive policy on alcohol and drug abuse will be brought to the Board on August 28. Director Patsaouras inquired about the District's approach to mandatory random testing. Mr. Dyer indicated that he will include some elements of that approach, and noted it is appropriate that District strengthen its existing policy. Staff has been involved in detailed and comprehensive negotiations with the five unions on the property.

4. Director Special Items - Cont'd.

Director Patsouras inquired about the law and whether or not mandatory random testing would be allowed. General Counsel Powers commented that the prohibition, if there is one, is not legislative, but may be constitutionally prohibited. This prohibition would have to be weighed against certain factors, the most important factor being safety. Mr. Powers stated that there are no cases directly on this point.

After further discussion, Director Patsouras asked that the issue of mandatory random testing be included in the report to the Board on August 28.

Director Estrada said that she could not support random testing of drivers or any staff. Director Holden stated that it is not clear if the District can take a position on this subject; however, to do anything less than adopt a motion similar to the motion by the Board of Supervisors would be tantamount to refusing to take action.

Director Holden then made a motion to 1) direct management to accelerate the efforts to bring the drug problem under control, 2) include a recommendation for periodic, unannounced drug and alcohol tests for all employees because their job performance bears directly on the welfare and safety of the passengers, and 3) review the hiring and training policies to determine whether there are management breakdowns that result in the hiring of unqualified personnel and, if such breakdowns occur, to consider discipline or termination of responsible managers. This motion was seconded and discussed.

President Hall said that the motion has three actions: The first is to accelerate District's efforts, which is being done. She suggested that action today would be a reaffirmation of previous direction. The second is the item regarding the mandatory testing. Staff will be willing to address this issue in the forthcoming comprehensive policy. The third item regards hiring and training. The Board today plans to instruct the General Manager to convene a Safety Review Panel. President Hall concluded that perhaps the District is not communicating to the public and the Board of Supervisors as to what actions have been taken.

4. Director Special Items - Cont'd.

Director Holden said that the intent of his motion was to receive and respond to suggestions made by the Board of Supervisors. Director Estrada said she would agree to receiving the document.

Director Holen said that, given the statements made by the President of the Board, he would then move that the matter be tabled until the August 28 meeting. This motion was seconded and failed on a Roll Call vote as noted below:

Ayes:	Estrada, Holen
Noes:	Day, Emerson, Holden, Panish, Patsaouras, Price, Storing, Swanson, Hall
Abstain:	None
Absent:	None

Director Swanson asked the General Manager to explain how the Board of Supervisors' recommendations differ from the District's present Alcohol and Drug Policy. General Manager Dyer said that the first item is well under way, the second item is a significant departure from the District policy, and the third item is significantly under way in-house. Further, if the Board approves Agenda Item No. 14A, a Safety Review Panel will be established.

Mr. Dyer said that the policy to be considered on August 28 will deal with the total subject. If staff recommendations are not satisfactory, then staff will respond to further direction from the Board.

Director Emerson asked that the report to the Board include the cost for implementation of the policy and information of what policy the County of Los Angeles has instituted for its employees. Mr. Dyer responded that the County does not have a policy or a program.

Director Storing said the mandatory random testing is the heart and soul of the motion, coming at a time when the rights of the individual must be subordinated to the rights of the masses. Director Day said that all the Board is asking for is recommendations on the mandatory issue.

Director Panish said that it is important that the Board indicate its agreement with the thrust of the motion by the Board of Supervisors. Director Estrada said that the motion

4. Director Special Items - Cont'd.

by Director Holden is well taken, the Board has already acted on the Supervisors' request, and a report will be ready on August 28, at which time the Board of Directors will address the issue.

The question was called on the original motion by Director Holden and carried on a Roll Call vote as noted below:

Ayes:	Day, Emerson, Holden, Panish, Patsaouras, Price, Storing, Swanson, Hall
Noes:	Estrada, Holen
Abstain:	None
Absent:	None

Director Day then made a motion that the President relay this action to the Board of Supervisors, which motion was seconded and carried on a Roll Call vote as noted below:

Ayes:	Day, Emerson, Holden, Holen, Panish, Patsaouras, Price, Storing, Swanson, Hall
Noes:	None
Abstain:	Estrada
Absent:	None

Director Holen said it is worthy to note that the two attorney members of the Board made and seconded the motion to table action and discussion of this item. He then asked the General Manager if he felt he had the freedom, given the Board's action today, to make a recommendation that might differ from the sentiments expressed today. Mr. Dyer responded that he believed this was still possible; however, he would need to outline additional recommendations in his report.

Director Swanson commented that all eyes are on the District and it would be appropriate for District to request and suggest that the same yardstick be used for all transportation in the county.

Director Patsaouras concluded the discussion by stating that the Board is the policy maker, which asks the General Manager to implement policy, and today's action directs the General Manager with regard to the Board's desired policy.

5. Authorized the General Manager to set Federal Fiscal Year 1987 goals for participation of Disadvantaged and Women's Business Enterprises (DBEs and WBEs) in federally assisted contracts at 17% and 3%, respectively, and to submit these goals to UMTA for approval.

UNANIMOUS

RAPID TRANSIT COMMITTEE REPORT (Items 6-8)

6. Consider authorization of the General Manager to execute the Amended Grant Agreement with the City of Los Angeles covering Financing for the MOS-1 Segment of the Metro Rail System; form of agreement subject to approval of the General Counsel.

7. Consider authorization of the General Manager to execute the Administrative Agreement with the Los Angeles County Transportation Commission (LACTC) for financing of the MOS-1 Segment of the Metro Rail System; form of agreement subject to approval of the General Counsel.

8. Consider approval of Metro Rail MOS-1 Full Funding Contract, the Financial Contribution Agreement among the District, LACTC and UMTA, and Commitment to Provide Sufficient Funds to Complete the Project; form of contract subject to approval of General Counsel.

Director Holen, Chairman of the Rapid Transit Committee, reported the Committee's recommendation on Agenda Items 6, 7, and 8. He also reported that the Committee recommends the addition of Agenda Item 8A, which addition was unanimously agreed to.

Dr. Richard Proctor addressed the Board on the subject of earthquake safety and subways.

RAPID TRANSIT COMMITTEE REPORT - Cont'd.

- 8A. Consider adoption of a resolution to implement Benefit Assessment for MOS-1.

General Manager Dyer suggested that the Board delay consideration of these items until an adjourned session of the Board on Friday, August 15.

Director Holen then made a motion that the Board defer consideration of Agenda Items No. 6, 7, 8, and 8A to a reconvened session of this meeting to be held at 3:30 p.m. on Friday, August 15, 1986. This motion was seconded and unanimously carried.

FACILITIES & CONSTRUCTION COMMITTEE REPORT (Items 9-10)

9. Authorized the General Manager to enter into a Lease Amendment with Arrowhead Drinking Water Company covering an additional area adjacent to Division 16 for bus storage at a cost of \$1,500 per month; form of amendment subject to approval of the General Counsel.

UNANIMOUS

10. Authorized the General Manager to execute a contract with Hickman Mechanical Inc, Monrovia, the only bidder responding under Bid No. 07-8631 covering construction of overhead diesel fuel piping at Division 8 (Chatsworth) for a total bid price of \$36,900; form of contract subject to approval of the General Counsel.

UNANIMOUS

EQUIPMENT & MAINTENANCE COMMITTEE (Items 11-13)

11. Approved Requisition No. 6-3399-134 and rejected non-responsive bid submitted by Center City Ford, and authorized the General Manager to exercise an option with Downey Auto Center Ford, Downey, covering procurement of three pick up trucks at a total cost of \$34,727; form of contract subject to approval of the General Counsel.

This project funded in part by UMTA Grant No. CA-03-0154.

UNANIMOUS

12. Approved Requisition No. 6-3399-164 and authorized the General Manager to negotiate a contract with Neoplan USA, Lamar, Colorado, covering rewiring of electrical systems, replacement of air conditioning systems, and associated repairs of 18 double-deck buses at an estimated cost not to exceed \$700,000; form of contract subject to approval of the General Counsel.

UNANIMOUS

13. Director Storing moved approval of the Committee recommendation to reject staff recommendation concerning the issue of an addendum to the currently advertised specifications for 150 heavy duty transit buses, which motion was seconded.

Director Swanson offered a substitute motion to approve staff recommendation on this item, which substitute motion was seconded.

EQUIPMENT & MAINTENANCE COMMITTEE REPORT - Cont'd.

13. Cont'd.

Discussion ensued, followed by comments by Sue Ridenour, CACAT committee member, who spoke in support of the original motion.

On a Roll Call vote, the substitute motion was approved as noted below, and the following action was taken:

Ayes:	Emerson, Estrada, Holen, Panish, Patsouras, Price, Swanson, Hall
Noes:	Day, Holden, Storing
Abstain:	None
Absent:	None

APPROVED Requisition No. 6-3399-256 and authorized the General Manager to execute an addendum to the currently advertised specifications to Invitation for Bid No. CA-90-120-R covering the procurement of heavy duty transit buses as follows:

- a. Allow the bidder to supply either a front door or a rear door wheelchair lift system; and
- b. Increase the base order quantity from 150 buses to 267 buses;

form of addendum subject to approval of the General Counsel.

This procurement is funded in part by UMTA Grant No. CA-90-X120.

SURFACE OPERATIONS COMMITTEE

14. Approved rejection of non-responsive bid submitted by Mrs. D's Uniforms and alternate bid submitted by Becnel Uniforms and authorized the General Manager to execute a contract with Becnel Uniforms, Los Angeles, the lowest responsible bidder under Bid No. 7-1086 covering procurement of work clothing for an estimated cost of \$34,200; form of contract subject to approval of the General Counsel.

UNANIMOUS

- 14A. Approved the establishment of a Safety Review Panel to review the policies, procedures and practices related to training and safety of District operators. Also approved the suggestion that Jerome C. Long of the Amalgamated Transit Union be added as an ex-officio member of the panel.

UNANIMOUS

Venus De Milo appeared before the Board speaking to this issue.

ADVANCE PLANNING COMMITTEE (Items 15-16)

15. Approved minor route modification to LINE 208 in the Hollywood area of the City of Los Angeles.

UNANIMOUS

16. Authorized the General Manager to enter into a contractual agreement with the City of Pasadena for the provision of Rose Bowl shuttle service to UCLA home games for the 1986 season; form of agreement subject to approval of the General Counsel.

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ADVANCE PLANNING COMMITTEE - Cont'd.

16. Cont'd.

John Walsh expressed his dissatisfaction with the quality of service provided by the District.

Ms. Mishada expressed her opinions about the District's operations.

CONSENT CALENDAR (Items 17-25)

17. Approved Requisition No. 6-1100-22 and authorized the General Manager to execute a contract with The American Public Transit Association (APTA), Washington, D. C., covering annual membership dues for the period July 1, 1986 through June 30, 1987 at a total annual cost of \$25,867; form of contract subject to approval of the General Counsel.

UNANIMOUS

Greg Roberts and Howard Watts spoke against agenda item No. 17.

Director Day responded to some of the remarks made by members of the public, as did the General Manager Dyer, who said service cuts and modifications are the result of congressional action. Mr. Dyer noted the American Public Transit Association works very hard in behalf of public transit, and suggested it would be appropriate to commend rather than attack that organization.

Mr. Redding addressed the issue of passenger safety, and cited several incidents in which he alleges he was attacked. Mr. Redding was referred to staff for investigation of his claims. Director Panish's motion to investigate the incidents related by Mr. Redding was seconded and unanimously carried.

Sheldon Walters appeared before the Board on transit issues.

CONSENT CALENDAR - Cont'd.

18. Authorized the Purchasing Agent to release to insurance companies three buses which were destroyed by fire; subject to approval of the General Counsel. Disposal of these buses approved by UMTA.

UNANIMOUS

19. Authorized the Purchasing Agent to issue Invitations To Bid covering the sale of 99 surplus and obsolete buses and authorized the General Manager to execute contracts with the highest responsible bidders thereon for an estimated revenue of \$10,000; form of contracts subject to approval of the General Counsel.

A portion of the project will be credited to UMTA Grant No. CA-03-0178.

UNANIMOUS

20. Approved Requisition No. 6-8100-127 and authorized the General Manager to amend an existing contract with California Newspaper Service Bureau, Los Angeles, covering additional advertising services, increasing the total cost by an additional \$40,000 for a total cost of \$483,000; form of contract amendment subject to approval of the General Counsel.

UNANIMOUS

CONSENT CALENDAR - Cont'd.

21. Approved Requisition No. 6-9500-192 and authorized the General Manager to exercise an option for one additional year with BMH Clinical Laboratory, Tarzana, covering services to analyze blood and urine specimens at an additional estimated cost of \$170,000, for a total estimated cost of \$270,000; form of contract amendment subject to approval of the General Counsel.

UNANIMOUS

22. Approved Requisition No. 6-3398-24 and authorized the General Manager to execute Change Order No. 1 with Neoplan USA Corporation, Lamar, Colorado, covering installation of a Detroit Diesel Electronic Control device on 90 Neoplan suburban type buses and two spare power plants at an estimated cost of \$73,600; form of contract subject to approval of the General Counsel.

UNANIMOUS

23. Approved Requisition No. 6-3510-103 and authorized the General Manager to exercise an option for one additional year with Western Exterminator Company, Los Angeles, covering procurement of pest control services at an additional estimated cost of \$35,200, for a total estimated cost of \$67,200; form of option subject to approval of the General Counsel.

UNANIMOUS

CONSENT CALENDAR - Cont'd.

24. Approved:

- a. ratification of bus stop zone changes as filed with the Secretary;
- b. ratification of temporary route diversions as filed with the Secretary; and
- c. minutes of regular Board meeting held July 17, 1986.

UNANIMOUS

25. Approved Purchasing Agent's Statement of Purchases \$5,000 to \$25,000 - July 1986.

UNANIMOUS

GENERAL ITEMS

26. New Business

The Board, on motion duly made, seconded and carried, recessed to Closed Session at 3:20 p.m., and returned at 3:32 p.m. No report was made of matters discussed in Closed Session.

Greg Roberts appeared, speaking to a number of transit related issues.

Director Emerson requested approval of travel to Toronto to attend a transit symposium sponsored by the Toronto Transit Commission on October 2 and 3. On motion duly made, seconded and carried, the Board approved travel and authorized the Treasurer to pay related travel expenses.

On motion duly made, seconded and carried, the meeting was recessed at 3:39 p.m. until 2:30 p.m. on Friday, August 15, 1986.

Helen M. Bolan
District Secretary