

# Revised Agenda

## Regular Board Meeting Board of Directors

One Gateway Plaza  
3<sup>rd</sup> Floor Board Room

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### Call to Order

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### Directors

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Ara J. Najarian, Chair  
Don Knabe, 1<sup>st</sup> Vice Chair  
Antonio Villaraigosa, 2<sup>nd</sup> Vice Chair  
Michael Antonovich  
Diane DuBois  
John Fasana  
José Huizar  
Richard Katz  
Gloria Molina  
Pam O'Connor  
Rita Robinson  
Mark Ridley-Thomas  
Zev Yaroslavsky  
Doug Failing, non-voting member

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### Officers

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Arthur T. Leahy, Chief Executive Officer  
Michele Jackson, Board Secretary  
Karen Gorman, Ethics Officer  
Karen Gorman, Acting Inspector General  
County Counsel, General Counsel



Los Angeles County  
Metropolitan Transportation Authority

**Metro**

## METROPOLITAN TRANSPORTATION AUTHORITY BOARD RULES (ALSO APPLIES TO BOARD COMMITTEES)

### PUBLIC INPUT

The meetings of the Metropolitan Transportation Authority Board are open to the public. A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for up to 5 minutes per item, or at the discretion of the Chair. A request to address the Board should be submitted in person at the meeting to the Board Secretary prior to the start of the meeting.

The public may also address the MTA on non-agenda items within the subject matter jurisdiction of the MTA during the public comment period, which will be held at the end of each meeting. Each person will be allowed to speak for one minute and may speak no more than once during the Public Comment period. Public Comment will last a maximum of 30 minutes, or as otherwise indicated by the Chair. Speakers will be called according to the order in which the speaker request forms are received until the Public Comment period has expired. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.

**At the discretion of the Chair**, the Board may limit public input on any item, based on the number of people requesting to speak and the business of the Board.

**In the interest of hearing from as many members of the public as possible, if at the time your name is called, your issue has been addressed or your opinion expressed by a previous speaker, please simply state that fact and your name for the record.**

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, or when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

**CONDUCT IN THE BOARD ROOM** - The following rules pertain to conduct at Metropolitan Transportation Authority meetings:

**REMOVAL FROM THE BOARD ROOM** The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.  
A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.  
Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and  
Any other unlawful interference with the due and orderly course of said meeting.

### INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE BOARD

Agendas for the Regular MTA Board meetings are prepared by the Board Secretary and are available prior to the meeting in the MTA Records Management Department and on the Internet.

Every meeting of the MTA Board of Directors is recorded on cassette tapes, and duplicate tapes are available for a nominal charge. A Spanish language translator is available at all Board Meetings. Translators for other languages must be requested 72 hours in advance. After each Board meeting, a record is prepared which indicates the actions taken by the Board. This record is available on the second business day following the meeting.

### DISCLOSURE OF CONTRIBUTIONS

The State Political Reform Act (Government Code Section 84308) requires that a party to a proceeding before an agency involving a license, permit, or other entitlement for use, including all contracts (other than competitively bid, labor, or personal employment contracts), shall disclose on the record of the proceeding any contributions in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any officer of the agency, additionally PUC Code Sec. 130051.20 requires that no member accept a contribution of over ten dollars (\$10) in value or amount from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the authority in the preceding four years. Persons required to make this disclosure shall do so by filling out a "Disclosure of Contribution" form which is available at the LACMTA Board and Committee Meetings. Failure to comply with this requirement may result in the assessment of civil or criminal penalties.

### ADA REQUIREMENTS

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TDD line (800) 252-9040

**NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA**

**SUMMARY OF AGENDA ITEMS  
LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY**

**REGULAR BOARD MEETING  
THURSDAY, JULY 23, 2009**

CONSENT CALENDAR ITEMS	COMMITTEE AUTHORITY	NON-CONSENT ITEMS	CLOSED SESSION
2	NONE	3	66
5		4	
6		20	
7		44	
8		58	
9		59	
10		60	
11		61	
12		62	
13		63	
19		64	
21		65	
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49**			

**\*\*REQUIRES 2/3 VOTE OF THE BOARD**

1. APPROVE **Consent Calendar** Items: 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 21, 31, 32, 37, 38, 39, 42, 43, 45, 46, 47 and 49\*\*.

\*\*REQUIRES 2/3 VOTE.

## **CONSENT CALENDAR**

2. APPROVE **Minutes of Regular Board Meeting** held June 25, 2009.
  
5. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
  - A. approving programming of up to \$6.7 million that is available to Metro from **fiscal year (FY) 2008 U.S. Department of Homeland Security (DHS) - Transit Security Grant Program funds** for Metro's eligible transit projects;
  - B. adopting the required FY 2008 resolution authorizing the Chief Executive Officer to execute any actions necessary for the purpose of obtaining federal financial assistance that the DHS may provide; and
  - C. amending the FY10 budget to add \$6.7 million in revenues and expenditures to start implementing the recommended projects shown in Attachment A of the Board report.
  
6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) adopting:
  - A. findings and recommendations for using **fiscal year (FY) 2009-10 Transportation Development Act (TDA) Article 8 fund estimates** of \$17,032,447 as follows:
    1. In the City of Avalon there are unmet transit needs that are reasonable to meet, and the City of Avalon chooses to use \$98,663 of their Article 8 funds for their transit services; therefore, TDA Article 8 funds will be used to meet the unmet transit needs;

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2. In the Antelope Valley, which includes the Cities of Lancaster and Palmdale, and in the Los Angeles County Unincorporated areas of the Antelope Valley, transit needs are met using other funding sources, such as Proposition A and Proposition C Local Return; therefore, there are no unmet transit needs that are reasonable to meet, because other funding sources will be used to address these needs, and TDA Article 8 funds in the amount of \$4,057,217 and \$4,131,354 (Lancaster and Palmdale, respectively), may be used for transit and/or street and road purposes;
  3. In the Santa Clarita Valley, which includes the City of Santa Clarita and the Los Angeles County unincorporated areas of the Santa Clarita Valley, transit needs are met with TDA Article 8 funds; however, other funding sources, such as Proposition A and Proposition C Local Return, may be used to address their needs; therefore, there are no unmet transit needs that are reasonable to meet, and TDA Article 8 funds in the amount of \$4,945,574 for the City of Santa Clarita may be used for transit and/or street and road purposes, as long as their transit needs continue to be met;
  4. In the Los Angeles County Unincorporated areas of North County, the areas encompass both the Antelope Valley and the Santa Clarita Valley, the allocation is \$3,799,638; and
- B. adopt a resolution making a determination of unmet public transportation needs in the areas of Los Angeles County outside the Metro service area.
7. **PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):**
- A. establishing Proposition C Capital Reserve Account for the City of Lynwood for \$1,588,686 and amending the existing **Proposition A and Proposition C Capital Reserve Accounts** for the Cities of Arcadia, Calabasas, Pomona, San Gabriel, South Gate, Temple City and West Covina, to extend the term limit for three more years, the City of West Covina also requests to lower the original amount of the Capital Reserve; and
- (CONTINUED ON NEXT PAGE)

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- B. authorizing the Chief Executive Officer to negotiate and execute all necessary agreements between Los Angeles County Metropolitan Transportation Authority and the Cities for their Capital Reserve Accounts as approved.

8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0)  
**AS CORRECTED:**

- A. authorizing the Chief Executive Officer to exercise one of the following options, depending on the option that maximizes funding for the region:
  - 1. submit a multi-agency grant application for up to ~~\$300~~ **\$398** million in **Transportation Investment Generating Economic Recovery (“TIGER”) funds** for goods movement improvements through the State of California (Caltrans), as a part of a statewide application process utilizing the candidate projects in Attachment A of the Board report; or
  - 2. submit a multi-agency grant application to the Department of Transportation for up to ~~\$300~~ **\$398** million in TIGER funds utilizing the candidate projects in Attachment A of the Board report; and
- B. modifying the preliminary list of candidate projects recommended for TIGER funds in Attachment A of the Board report, if necessary, to maximize funding for the region.

9. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED  
(4-0) supporting:

- A. the development of **California High Speed Rail** with an emphasis on a first segment from Los Angeles' Union Station to Anaheim;
- B. general improvements to the Los Angeles-San Diego-San Luis Obispo Rail Corridor (LOSSAN) for more efficient and coordinated service; and

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- C. the preparation of a statewide application for American Recovery and Reinvestment Act funding in cooperation with Caltrans, California High Speed Rail Authority, Orange County Transportation Authority, San Diego Association of Governments, LOSSAN, Metrolink and other Southern California public agencies that include development of high speed rail in the greater Los Angeles area, positive train control and other improvements.

10. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED  
(4-0):

- A. recertifying \$129.49 million in existing **Fiscal Year (FY) 2009-10 commitments from previous Countywide Calls for Projects** and authorizing the expenditure of funds to meet these commitments;
- B. deobligating \$7.22 million of previously approved Countywide Call for Projects, and reprogramming these funds in the 2009 Call for Projects;
- C. authorizing the Chief Executive Officer to: 1) negotiate and execute all necessary agreements for approved projects; 2) grant more than one administrative extension to extend the lapsing deadline for projects that meet the extension criteria; and 3) amend the FY 2009-10 budget, as necessary, to include the 2009 Countywide Call for Projects Recertification and Extension funding in the Regional Programs budget and our programmed projects in the appropriate cost center budgets;
- D. receiving and filing time extensions for \$153.34 million in projects; and
- E. programming \$500,000 in funding previously approved by the Board in the FY 2008-09 budget to the High Desert Corridor Joint Powers Authority in FY 2009-10, with a lapse date ending FY 2010-11.

11. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED  
(4-0):
- A. authorizing the combining of two projects: 1) I-5 HOV Lane from SR-134 to SR-170 and 2) I-5 HOV Lane from SR-170 to SR-118 to become the **1-5 North High Occupancy Vehicle (HOV) Corridor from SR-134 to SR-118** consisting of five segments; and
  - B. delegating to the Chief Executive Officer the authority to make cost neutral fund transfers among the five 1-5 North HOV Corridor segments.
12. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED  
(4-0):
- A. programming \$42 million in Measure R Highway Capital funds for the **Alameda Corridor East project** in FY10; and
  - B. amending the FY10 budget to include \$42 million of expenditures and Measure R Highway Capital revenues for the Alameda Corridor East project.
13. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED  
(3-0-1):
- A. finding that it is in MTA's best interest to enter into a two-year exclusive negotiating agreement ("ENA"), with an option to extend for up to an additional one year, with Casden West LA, LLC ("Casden") and the Exposition Metro Line Construction Authority to explore, among other things:
    - Casden's utilization of a portion of the Exposition rail right of way lying between Sepulveda and Sawtelle Boulevards (the "Light Rail Property") for purposes of Casden's proposed mixed-use development project (the "Development Project") situated adjacent to the Light Rail Property.
    - MTA's use of 260 Development Project parking spaces for transit-related park and ride purposes.
    - Inclusion of a safe, convenient and attractive pedestrian connection through the Development Project between Pico Boulevard and the **Exposition light rail project's Sepulveda station**; and (CONTINUED ON NEXT PAGE)



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- B. authorizing the Chief Executive Officer to execute the ENA.
19. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a five-year, firm fixed unit rate Contract No. PS52102337 to U.S. Bank Institutional Trust and Custody (U.S. Bank) for **custody, compliance reporting and performance measurement services** for an amount not to exceed \$1,423,750, inclusive of two one-year options, effective on or about October 1, 2009.
21. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to join in the CALNET2 participating agreement, established by the State of California Department of Technology Services with AT&T for **telecommunications carrier services** for a five-year period, inclusive of two one-year options, effective August 1, 2009.
31. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the **revised Audit Charter for Management Audit Services**.
32. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0):
- A. receiving results of public hearings held June 13 – June 22, 2009 and additional written public comment received by July 14, 2009 concerning toll rates and toll policy for ExpressLanes;
  - B. adopting the following **Toll Rates for the I-10/I-110 ExpressLanes**:
    - Minimum Toll per Mile of \$0.25
    - Maximum Toll per Mile of \$1.40
  - C. adopting the ExpressLanes Toll Policy; and
  - D. authorizing the Chief Executive Officer to enter into necessary agreements to implement the ExpressLanes Toll Policy, including cooperative agreements, license agreements, user fee processing agreements and such other ancillary documents and agreements deemed necessary or appropriate to implement the adopted Toll Policy for the LA County Congestion Reduction Demonstration Project.

37. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) establishing a Life-of-Project budget for **Division 21 Rockfall Mitigation Project** - CP # 204112, in the amount of \$1,480,000.
38. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to negotiate and execute work order agreements with Qwest for the fiber optic modification work relating to the **Lassen/Railroad Overcrossing and the Chatsworth Station site as part of Metro Orange Line Extension Project** for an aggregate amount not to exceed \$500,000.
39. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to execute a Modification to Contract No. EN074 with CH2MHill Constructors, Inc. to fund **additional Environmental Hazardous Materials and Construction Services** for an amount not to exceed \$3,200,000, increasing the total contract value from \$10,400,000 to \$13,600,000.
42. OPERATIONS COMMITTEE RECOMMENDED (3-0):
  - A. exempting the Business Systems Analysis and Contract Management System Project Support Services contract from the consulting contracts services freeze because of its potential benefits to bus and rail operations; and
  - B. authorizing the Chief Executive Officer to award a firm fixed price Contract No. PS6350-2322 to Solec Enterprise Solutions for **business systems analysis and Contract Management System project support services** for an amount not to exceed \$113,900, plus a 15% contingency amount for unanticipated changes, for a total contract amount that is not to exceed \$130,985.
43. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a 36-month, firm fixed price contract under Bid Number 09-0019 to Schunk Graphite Technology, the lowest responsive and responsible bidder for **Light Rail Vehicle Carbon Strips** for an amount not to exceed \$378,162, inclusive of one-year option.

45. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a firm fixed price contract under Bid No. 09-0030 to Eaton Corp., the lowest responsive and responsible bidder, for **10 Line Breakers** for an amount not to exceed \$299,000.
46. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to execute Modification No. 1 to Contract No. PS06064105, with American Reclamation, Inc. to:
- A. **provide Integrated Waste Management Services for the Metro Gold Line Eastside Extension** facilities through the end of the contract period, for an amount not to exceed \$665,280; and
  - B. increase the authorized contract amount for existing facilities due to additional service requests, higher AB939 costs due to an increase in waste volume, increased dump fees and drop in market value of recycled paper, for an amount not to exceed \$2,837,919, increasing the total contract value by \$3,503,199, from \$5,322,229 to \$8,825,428.

Directed staff to report back to the Board on policies and procedures on how to engender more competition and participation in procurement processes.

47. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the publication of a Notice of Public Hearing to consider a **proposed fare for the Metro Silver Line**.
49. OPERATIONS COMMITTEE RECOMMENDED (3-0-1):
- A. finding that there is only a single source of procurement for **compressed natural gas (CNG) fuel within a 2 mile radius of Division 6** and purchase is for the sole purpose of replacing the CNG fuel already in use. The Board hereby authorizes the purchase of CNG fuel pursuant to Public Utilities Code section 130237; and
  - B. authorizing the Chief Executive Officer to:

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1. award a one-year, firm fixed price contract to Clean Energy Fuels Corp., for the procurement of CNG fuel for an amount not to exceed \$1,728,000, and exercise up to four one-year options for an amount not to exceed \$6,912,000; and
2. execute contract modifications for this procurement only in the amount not to exceed \$1,360,000 to offset any unanticipated increases in natural gas prices for a total contract value of \$10,000,000.

(REQUIRES 2/3 VOTE)

**NON-CONSENT:**

3. Chair's Report.

- Presentation of commendations to Transit Security Officers.

4. Chief Executive Officer's Report.

20. FINANCE AND BUDGET COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS authorizing the Chief Executive Officer to negotiate and award **Excess Liability Insurance policies** with \$200 million in limits at a cost not to exceed \$3.85 million for the 12-month period effective August 1, 2009 through July 31, 2010.

44. OPERATIONS COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION authorizing the Chief Executive Officer to:

- A. award a single source firm fixed price service contract to Eaton Corp. to recondition **74 Breda A650 (Option) heavy rail vehicle DC Line Breakers** for an amount not to exceed \$555,000; and
- B. execute future contract modifications for an amount not to exceed \$111,000 to offset unanticipated replacement of damaged or worn parts.

58. ADOPT the following **positions on State Legislation**:
- A. SB 535 (Yee) – Which would allow a new class of clean fuel/hybrid vehicles to use the High Occupancy Vehicle (HOV) lanes without meeting the minimum occupancy requirement. **WORK WITH AUTHOR**
  - B. AB 1500 (Lieu) – Which would extend the sunset provision authorizing existing alternative fuel vehicles, mainly compressed natural gas powered vehicles, to use the HOV lanes without meeting the minimum occupancy requirement. **WORK WITH AUTHOR**
59. ADOPT the following **position on Federal Legislation**:
- S. 1341 (Menendez) Close the SILO/LILO Loophole Act – that would attempt to remove the ability of banks to seek windfall profits on sale-in/lease out (SILO) and lease-in/lease out (LILO) agreements engaged in by our agency, Metrolink and other transportation agencies. **SUPPORT – WORK WITH AUTHOR**
60. AUTHORIZE the Chief Executive Officer, pending the review of MTA’s Federal Advocacy Interview Panel, to award a two-year, seven-month firm fixed price contract effective August 1, 2009 to their recommended firm for **federal legislative advocacy services** for an amount not to exceed \$1.1 million, inclusive of one one-year option.
61. CONSIDER the following actions for the **2009 Long Range Transportation Plan (LRTP) for Los Angeles County**:
- A. approving the assumptions and updated financial forecast in Attachment A of the Board report that supports the 2009 LRTP for Los Angeles County;
  - B. approving the Recommended Plan and Strategic Plan projects and programs as shown in Attachment B of the Board report for inclusion in the 2009 LRTP document;
  - C. approving the corrections/clarifications/revisions summarized in Attachment C for the 2009 LRTP document;
- (CONTINUED ON NEXT PAGE)

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- D. incorporating revisions adding a new two-page section to the 2009 LRTP document containing language for new options for generating additional funding such as public-private partnerships and the Congestion Reduction Demonstration Initiative; and
  - E. adopting the resolution shown in Attachment D of the Board report which adopts the 2009 LRTP for Los Angeles County.
62. AUTHORIZE the CEO to pursue a long-term federal funding agreement through the U.S. Department of Transportation to construct and link the Regional Connector and the Westside Subway projects in order to secure Los Angeles County's fair share of federal rail funding through the **New Starts program**. This recommendation is consistent with the proposed Long Range Transportation Plan and Measure R Project Delivery Committee discussions.
63. RECEIVE AND FILE status on the development and implementation of the **Local Hire Program Policy**.
64. RECEIVE report of the Chief Executive Officer on **status of gating project**.
- 65. CONSIDER exercising light rail vehicle options under Contract No. P2550.**
- 665. CLOSED SESSION:**
- A. Conference with Legal Counsel - Pending Litigation - G.C. 54956.9(a):  
Fogel v. LACMTA, Case No. BC 388998  
Aguayo v. LACMTA, Case No. TC 021693
  - B. Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(b):  
Significant Exposure to Litigation (5 cases)

C. Conference Regarding Potential Threats to Public Services and Facilities - G.C. 54957:

While there may be no immediate threat, this is to provide the Board with a confidential update by Jack Eckles, DEO Systems Safety and Security, and Ruth Holden, Chief Auditor, on security related matters.

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION

ADJOURNMENT