

Agenda

Regular Board Meeting
Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Call to Order

Directors

Gloria Molina, Chair
Pam O'Connor, 1st Vice Chair
Antonio R. Villaraigosa, 2nd Vice Chair
Mike Antonovich
Yvonne B. Burke
John Fasana
David Fleming
Richard Katz
Don Knabe
Bonnie Lowenthal
Ara J. Najarian
Bernard Parks
Zev Yaroslavsky
Doug Failing, non-voting member

Officers

Roger Snoble, Chief Executive Officer
Michele Jackson, Board Secretary
Karen Gorman, Ethics Officer
William Waters, Inspector General
County Counsel, General Counsel



Metro

Los Angeles County
Metropolitan Transportation Authority

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

Upon request, sign language interpretation, materials in alternative formats and other accommodations are available to the public for MTA-sponsored meetings and events. All requests for reasonable accommodations must be made at least three working days (72 hours) in advance of the scheduled meeting date. Please telephone (213) 922-4600 between 8 a.m. and 5 p.m., Monday through Friday. Our TDD line is (800) 252-9040.

HELPFUL PHONE NUMBERS

Copies of Agendas/Record of Board Action/Cassette Tapes of Meetings - (213) 922-4880 (Records Management Department)

General Information/Rules of the Board - (213) 922-4600

Internet Access to Agendas - www.mta.net

TDD line (800) 252-9040

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

1. APPROVE **Consent Calendar** Items: 2, 5, 6, 9, 10, 11, 13, 17, 18, 19, 32, 33, and 34.

NOTE Committee Authority Item 35.

CONSENT CALENDAR

2. APPROVE **Minutes of Regular Board Meeting held June 22, 2006** and **Special Board Meeting held June 29, 2006**.
5. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0)
AND FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0):
 - A. approving methodologies and assumptions, including all changes and adjustments, used for the **fiscal year (FY) 2007 transit fund allocations**, as determined by staff in accordance with federal, state and local requirements, as well as metro policies and guidelines and prior board actions;
 - B. approving the procedure to eliminate the two-year lag between the data year and the allocation year, for operators adding service eliminated by another operator;
 - C. approving ~~\$1.8~~ **\$1.17** billion in FY 2007 Transit Fund Allocations for Los Angeles County jurisdictions, transit operators, and Metro Operations. These allocations include the following:
 1. ~~\$578.2~~ **\$568.2** million in Transportation Development Act (TDA) Article 4, TDA interest, State Transportation Assistance (STA), STA Interest and Proposition A 40% Discretionary fund allocations;
 2. \$30.7 million in Proposition C 40% Discretionary fund allocations for the Bus Service Improvement Program, Foothill Mitigation Program, the Transit Service Expansion Program and the Base Service Restructuring Program;
 3. \$17.4 million in Proposition C 40% Discretionary fund allocations for the Municipal Operator Service Improvement Program;

4. \$6 million in Proposition C 40% Discretionary fund allocations and administrative procedures to meet increase in operators' fuel costs;
 5. \$18.7 million in TDA Article 8 fund allocations;
 6. \$296.6 million in Proposition A and Proposition C Local Return and TDA Article 3 fund allocations;
 7. \$13.1 million in Proposition A Incentive Program fund allocations;
 8. \$30.7 million in Proposition C 5% Security fund allocations;
 9. \$183.8 million in Federal Transit Act Section 5307 Urban Formula capital fund allocations; and
 10. reprogramming \$3.9 million of 15% Capital Discretionary Section 5307 Funds;
- D. adopting a resolution designating TDA and STA fund allocation compliance to the terms and conditions of the allocation; and
 - E. authorizing the Chief Executive Officer, or his designee, to negotiate and execute all necessary agreements for funding approved.
6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
- A. recertifying \$171.89 million in existing Fiscal Year (FY) 2006-07 commitments from previous **Call for Projects** and authorizing the expenditure of funds to meet these commitments;
 - B. receiving and filing ~~\$79.84~~ **\$80.61** million worth of time extensions;
 - C. deobligating \$6.29 million of previously approved Call for Projects;

- D. authorizing the administrative reprogramming of approved project funding for California Department of Transportation (Caltrans) projects as required, to meet Caltrans design and construction time frames and for the Port of Long Beach Pier B Intermodal Rail Access Yard (Project #8094), and the City of Los Angeles San Fernando Mission Blvd.: Sepulveda Blvd. to 1-5 Freeway (Project # 8064) based on special circumstances;
 - E. approving a four-year extension for two House Resolution 5394 (Rogan, 2001) projects for the City of Los Angeles State Route (SR) 710 Access Road Extension from Valley Boulevard to Alhambra Road (Project #8068) and for the City of South Pasadena Fair Oaks Corridor Improvements (Project #8018); a three-year extension for Metro's Ramirez Flyover (Project #4302), and a two-year extension for the City of Santa Clarita Interstate 5/Magic Mountain Parkway (SR 126) Interchange (Project # 6363);
 - F. amending the administrative authority to add the provision to allow the extension of lapsing deadlines of Metro programmed funds that match Federal High Priority or Demonstration projects;
 - G. amending the FY 2006-07 budget, as necessary, to include the 2006 Call for Projects Recertification and Deobligation projects in the FY 2006-07 Regional Programs budget and Metro grantee projects in the appropriate cost center budgets; and
 - H. authorizing the Chief Executive Officer or his designee to negotiate and execute all necessary agreements for approved projects.
9. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0) approving a memorandum of understanding between Metro and the **Exposition Metro Line Construction Authority for funding of the project** through completion of the project to Santa Monica.
 10. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to negotiate and award **Excess Liability Insurance policies** not to exceed \$5.1 million for the 12-month period effective August 1, 2006 through July 31, 2007.

11. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) authorizing the CEO to:
 - A. award a 10-year, fixed-price Contract No. PS-5310-1807 to Hertz Claim Management (HCM) for **general liability claims administration services** for an amount not to exceed \$28,742,400, inclusive of seven one-year options, effective September 1, 2006. In addition, award a 25% incentive-based recovery fee for any liability claims expenditures recovered by Hertz; and
 - B. negotiate and amend the 10-year contract with HCM to replace the circa 1987 claims system with a new general liability claims system for a fully implemented cost not to exceed \$2,700,000 over the 10-year period of this contract.

13. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0-1) appointing UBS Securities LLC as senior managing underwriter with Morgan Stanley and Siebert Branford Shank & Co., LLC as co-managing underwriters for the **negotiated sale of forward delivery bonds**.

17. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving the **Deputy Executive Officer Rail Operations salary**.

18. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) granting authority to fill the **vacant Assistant Board Secretary position**.

19. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the following **position on State Legislation**:
 - A. SB 208 (Alquist) – **SUPPORT** – Would authorize the California Transportation Commission to enter into full funding grant agreements for Traffic Congestion Relief Program projects with outstanding allocations over \$100 million.

 - WITHDRAWN BY STAFF:
 - ~~B. AB 1699 (Frommer) – **OPPOSE UNLESS AMENDED** – Places restrictions on passenger seating in the operation of commuter rail services in the State of California until 2010, with the exception of Amtrak. After 2010, the bill would prohibit a specific operating configuration in commuter rail services.~~

32. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) approving MOLINA MOTION that the CEO report back to the Board with a policy that:
- 1) establishes guidelines for setting an appropriate contingency for every project;
 - 2) prohibits staff from exceeding the **life of project budget** without prior Board approval; and
 - 3) requires that when requesting an increase to the life of project budget staff provide realistic alternatives to increasing the budget.
33. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to execute Contract Modification No. 40 to contract OP-02-4610-10 with Cubic Transportation Systems, Inc. (CTS) to purchase **Universal Fare System equipment for fare collection use on the Exposition Light Rail Project** for an amount not to exceed \$5.2 million, increasing the total contract value from \$110,367,010 to \$115,567,010.
34. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) approving MOLINA MOTION that the Board of Directors request that the CEO report back within 60 days with a policy that would require staff to verify that any **landfill or recycling facility used by Metro or one of its contractors** has all necessary and valid permits in place.

APPROVED UNDER COMMITTEE AUTHORITY

35. CONSTRUCTION COMMITTEE APPROVED (4-0) Contract Modification Authority to Contract No. C0739, **Canoga Station/Park and Ride**, with Sulley-Miller Contracting Company to provide funding for pending changes that are within the Board-delegated authority, in the amount of \$600,000.

NON-CONSENT

3. Chair's Report
 - Presentation of hardhat by Director Failing

- 4. Chief Executive Officer's Report

- 12. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) authorizing the competitive sale and issuance of up to \$145 million of **Prop C refunding bonds** and approving documents, including the Authorizing Resolution, Notice Inviting Bids and Notice of Intention to Sell Bonds.

(REQUIRES SEPARATE, SIMPLE MAJORITY BOARD VOTE)

- 25. AUTHORIZE the Chief Executive Officer to award a firm fixed-unit rate Contract No. OP31201845 to Michelin North America, Inc. of Greenville, SC for **bus tire leasing and maintenance services** for an amount not to exceed \$25,229,803, including \$500,000 in estimated sales/use taxes, for a 4-year period, inclusive of a 1-year option, effective on or about September 1, 2006.

- 26. AUTHORIZE the Chief Executive Officer to execute contract modifications to Contract No. C0752 with W.E. O'Neil Construction Company of California for the design and construction of a **new 3-story Transportation Building at Metro's Division 9 facility** for a contract modification authority (CMA) amount not to exceed \$750,000, allowing a potential increase to the total contract value from \$12,941,813 to \$13,691,813. The additional CMA is within the Board-approved life of project budget. **(HANDOUT)**

- 27. AUTHORIZE the Chief Executive Officer to execute a Memorandum of Understanding with the **Palos Verdes Peninsula Transit Authority for the continued operation of Line 225/226.**

- 36. APPROVE the following nominee for membership on the **San Gabriel Valley Service Sector Governance Council:**

Joseph M. Mosca – New appointment
Appointed by: Pasadena, Sierra Madre and La Canada Flintridge City Cluster
Term ending: June 2009

37. AUTHORIZE the Chief Executive Officer to:
- A. execute a successor collective bargaining agreement with the United Transportation Union, effective July 1, 2006;
 - B. execute a successor collective bargaining agreement with the Amalgamated Transit Union Local 1277, effective July 1, 2006;
 - C. execute a successor collective bargaining agreement with the Transportation Clerks Union, effective July 1, 2006;
 - D. increase the labor budget for non-contract employees from 2% to 3% to provide for salary increases commensurate to the rates negotiated in the collective bargaining agreements for union employees; and
 - E. amend the FY07 budget in the amount of \$13.948 million for the implementation of the wage and benefit changes for the **approval of the final collective bargaining agreements and for the increase in salaries for non-contract employees.**

38. CONSIDER:

- A. holding a public hearing on the proposed resolution of necessity; and
- B. adopting the **Resolution of Necessity authorizing the commencement of an eminent domain action to acquire fee simple title to Parcel WE-616 for the Metro Exposition Light Rail Project.**

(REQUIRES 2/3 VOTE OF THE BOARD)

23. **CLOSED SESSION:**

- A. Conference with Legal Counsel – Existing Litigation – G.C. 54956.9 (a):
Stallings, et al. v. LACMTA, Case No. YC051486
- B. Personnel Matters – G.C. 54957:
Public Employee Performance Evaluation – Chief Executive Officer

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