

Agenda

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Call to Order

Directors

Pam O'Connor, Chair
Antonio Villaraigosa, 1st Vice Chair
Don Knabe, 2nd Vice Chair
Michael Antonovich
Yvonne B. Burke
John Fasana
David Fleming
Richard Katz
Bonnie Lowenthal
Gloria Molina
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
Karen Gorman, Acting 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

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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, JUNE 26, 2008**

CONSENT CALENDAR ITEMS	COMMITTEE AUTHORITY	NON-CONSENT ITEMS	CLOSED SESSION
2	NONE	3	60
5		4	
6		10	
7		13	
8		14	
9		17	
12		32	
15		33	
18		45	
24		51	
25		54	
26		56	
27		57	
36		58	
37		59	
38**			
39			
40			
50			
55			

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

1. APPROVE **Consent Calendar** Items: 2, 5, 6, 7, 8, 9, 12, 15, 18, 24, 25, 26, 27, 36, 37, 38**, 39, 40, 50, and 55.

****Note:** Item 38 requires 2/3 vote of the Board.

CONSENT CALENDAR

2. APPROVE **Minutes** of Regular Board Meeting held May 22, 2008.

5. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
 - A. receiving and filing the **Canoga Transportation Corridor Draft Environmental Impact Report**;
 - B. adopting the Locally Preferred Alternative for the project as follows:
 - The Canoga Extension of the Metro Orange Line on Metro-owned rail right-of-way from the existing Canoga park-and-ride lot to the Chatsworth Metrolink station;
 - New station platforms at the Canoga park-and-ride, Sherman Way (with park-and-ride), Roscoe, Nordhoff and the Chatsworth Metrolink Station;
 - A bikeway and transportation enhancements/greenway for the four mile length of the project; and
 - An overcrossing/grade-separation over active railway tracks and Lassen Street, providing direct access into the Chatsworth Metrolink Station
 - C. eliminating from further consideration the on-street, mixed flow extension to State Route 118; and
 - D. receiving and filing status report on City of Los Angeles, Department of Transportation study efforts to implement bus speed improvements in the eastern San Fernando Valley on Van Nuys, Sepulveda, Lankershim, and Reseda Boulevards.

6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0): approving the **final draft Congestion Mitigation Fee Feasibility Study Report** and authorizing staff to initiate Step 2 of the Congestion Mitigation Fee Work Plan consisting of project selection, estimating project costs, and confirming growth forecasts.

7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) AS CORRECTED:
- A. receiving and filing the white paper analyzing the **Public-Private Partnership (PPP) process** as it applies to Metro projects, discussing the use of PPPs by other transit and transportation agencies nationally and internationally, and identifying some of the “lessons learned” from PPP experts; and
 - B. **adopting the Framework outlining the criteria and process to evaluate the potential use of PPP** as a means for delivering specific projects listed in the Priority 1 Strategic Unfunded category of the Long Range Transportation Plan (LRTP) and identifying when projects should be included in the Constrained portion of the LRTP.

Correction: Attachment B, page 3, framework criteria, to read stakeholder support instead of consensus.

8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
- A. establishing a Proposition A **Capital Reserve Account** for the City of Santa Monica for \$1.5 million and Proposition C Capital Reserve Accounts for the City of Lawndale for \$650,000 and the City of Santa Monica for \$1 million;
 - B. amending the existing Memorandum of Understanding with the City of Malibu to extend the term limit by three more years for their Proposition C Capital Reserve Account of \$160,000; and
 - C. authorizing the Chief Executive Officer to negotiate and execute all necessary agreements between the Los Angeles County Metropolitan Transportation Authority and the Cities for their Capital Reserve Accounts as approved.
9. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to execute a **Financial Contribution Agreement between the City of Los Angeles and the Los Angeles County Metropolitan Transportation Authority** for Exposition Light Rail Transit Project – Phase I, where the City will provide \$35 million in non-federal funds towards the project.

12. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) adopting a finding, pursuant to Section 33445(a)(2) of the California Health and Safety Code, that Los Angeles County Metropolitan Transportation Authority (LACMTA) had no other reasonable means to finance the **construction of the new Pico/Rimpau Bus Terminal** except to require the new facility as part of the consideration for the sale of LACMTA's former Terminal 40 site to Etoile Holding (now CIM/PICO) in June 1999.

15. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to:
 - A. award a five-year firm, fixed, retainer-type contract, **Contract No. PSFY09052101, to Public Financial Management for financial advisory services** for retainer and task order services plus out-of-pocket expenses for a contract total of \$1,935,000, inclusive of two one-year options, effective August 1, 2008; and
 - B. execute future contract modifications to Contract No. PSFY09052101 up to an amount not to exceed \$193,500 for unanticipated work.

18. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) and OPERATIONS COMMITTEE RECOMMENDED (3-0) amending the FY 2009 Budget to **add ten additional transit operations supervisors** for vehicle operations support.

24. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the following positions on **State Legislation**:
 - A. **SB 1646 (Padilla)** – Would indefinitely extend the \$1 vehicle license fee surcharge for air pollution. **SUPPORT**
 - B. **AB 1221 (Ma)** – Would modify **existing law on Transit Village Development Districts** to increase the area around a transit station to one half-mile and require demonstrable public benefits. **SUPPORT**
 - C. **AB 2466 (Laird)** – Would authorize **electrical rate rebates for local government entities** that generate their own electricity. **SUPPORT**
 - D. **AB 2705 (Jones)** – Would **expand the services that may be financed with Mello-Roos special taxes** to include public transit services. **SUPPORT**

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- E. **AB 3021 (Nava)** – Would establish the **California Transportation Financing Authority** to facilitate construction of transportation projects including authority to approve tolling projects. **SUPPORT**
25. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the following position on **H.R. 6002 (Miller)** – Legislation that seeks to prohibit tolling high occupancy vehicles that were permitted to use a high occupancy vehicle facility at no cost before December 31, 2007. **OPPOSE**
26. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting a resolution that the Governor’s Office of Homeland Security (OHS) requires of agencies and transit operators for obtaining **financial assistance from OHS** under the FY 2007 Transit Security Grant Program.
27. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving an **amendment to the Metro Citizens’ Advisory Council Bylaws** restricting the number of members who also serve on one of the Metro Service Sector Governance Councils.
36. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to **execute Modification No. 2 to Contract No. PS087140606 with Heidelberg USA, Inc.** to make payment to Heidelberg for California sales tax of \$124,000, increasing the Total Contract Value from \$1,546,196 to \$1,670,196.
37. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award Contract PS39602143 to Jeskell, Inc. for the **design and implementation of a transit database upgrade**, including the provision of required hardware, software and associated labor, for the Advanced Transportation Management System for a firm fixed price in the amount of \$234,347.

38. OPERATIONS COMMITTEE RECOMMENDED (3-0):
- A. finding that there is only a **single source of procurement for repair of a Siemens P2000 Light Rail Vehicle** and purchase is for the sole purpose to repair Metro Gold Line Car 243 already in use. The Board hereby authorizes repair of Rail Car 243 pursuant to Public Utilities Code § 130237; and
 - B. authorizing the CEO to award a single source firm fixed price contract to Siemens Transportation Systems, Inc. to repair Metro Gold Line Car 243 for an amount not to exceed \$250,000, which represents Metro's insurance deductible portion.

(REQUIRES A 2/3 VOTE OF THE BOARD)

39. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a firm fixed price unit-rate contract under Bid No. 08-0011 with Wabtec Passenger Transit, the single responsive and responsible bidder, for the **overhaul of the Siemens P2000 light rail vehicle brake system** for an amount not-to-exceed \$1,808,560.
40. OPERATIONS COMMITTEE RECOMMENDED (3-0-1) authorizing the Chief Executive Office to **execute Modification No. 1 to Contract No. PS8310-1267, Rail Consulting Services with LTK Engineering Services**, to extend the period of performance by thirty months and increase the total not-to-exceed contract amount by \$3,919,571 from \$8,588,537 to \$12,508,108.
50. PLANNING AND PROGRAMMING COMMITTEE (4-0) AND FINANCE AND BUDGET COMMITTEE (4-0) RECOMMENDED approving:
- A. **methodologies and assumptions, including all changes and adjustments, used for Fiscal Year (FY) 2009 Transit Fund Allocations**, as determined in accordance with federal, state and local requirements, as well as Metro policies and guidelines and prior actions of the Board of Directors;
 - B. \$1.376 billion in FY 2009 Transit Fund Allocations for Los Angeles County jurisdictions, transit operators and Los Angeles County Metropolitan Transportation Authority operations. These allocations include the following:

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1. \$723.4 million in State Transportation Development Act (TDA) Article 4, TDA interest, State Transportation Assistance (STA), STA Interest, and local Proposition A 40% Discretionary and Proposition C 40% Discretionary fund allocations. These allocations have been determined according to the Formula Allocation Procedure (FAP), Zero-Fare Compensation for Commerce, Bus Service Improvement Program, Foothill Mitigation Program, Transit Service Expansion Program and the Base Restructuring Program. The FAP includes \$1.9 million in funding to six operators, as specified by a two-year lag policy that the Board has adopted;
2. \$18.4 million in local Proposition C 40% Discretionary fund allocations for the Municipal Operator Service Improvement Program;
3. \$31.9 million in local Proposition C 5% Security fund allocations;
4. \$6.8 million in local Proposition A 40% Discretionary Growth Over Consumer Price Index (CPI) and \$602,881 in local Proposition C 40% Discretionary funds for the City of Los Angeles Department of Transportation (LADOT) as an adjustment to their FY 2008 FAP and MOSIP allocations, respectively. This adjustment was made according to the FAP motion that the Board approved in November 2007.
5. \$15.8 million in local Proposition A 40% Discretionary Growth Over CPI funds to provide bridge funding between the State FY 2008 Proposition 1B Public Transportation, Modernization, Improvement and Service Enhancement Account funds allocated according to the STA Formulas and the current Los Angeles County FAP;
6. \$108,021 in local Proposition A 40% Discretionary Growth over CPI funds as additional FY 2008 Proposition 1B Transit Security bridge funding for LADOT. The original FY 2008 Proposition 1B Transit Security fund bridge funding that the Board approved in April 2008 has to be adjusted to reflect the new calculation methodology of LADOT's fare units;
7. \$13.7 million in local Proposition A Incentive Program fund allocations;

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8. \$20.6 million in TDA Article 8 fund allocations;
 9. \$166.4 million in Proposition A Local Return, \$138 million in Proposition C Local Return, and \$7 million in TDA Article 3 fund allocations;
 10. \$233.3 million in Federal Transit Act § 5307 Urban Formula capital fund allocations; and
 11. a summary of methodologies and assumptions used for the FY 2009 Transit Fund Allocations.
- C. a resolution designating TDA and STA fund allocation compliance to the terms and conditions of the allocation; and
- D. authorizing the Chief Executive Officer to negotiate and execute all necessary agreements for funding approved.
55. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to execute a **successor collective bargaining agreement with the American Federation of State, County and Municipal Employees Union** effective July 1, 2008.

NON-CONSENT:

3. Chair's Report
4. Chief Executive Officer's Report
10. PLANNING AND PROGRAMMING COMMITTEE FORWARDED TO THE FULL BOARD DUE TO ABSENCES AND CONFLICTS authorizing the Chief Executive Officer to enter into an Exclusive Negotiations Agreement with JPI West to develop a **residential project on the Metro Orange Line Sepulveda Station park-and-ride site.**

13. FINANCE COMMITTEE RECOMMENDED (4-0) adopting a resolution authorizing the negotiated sale and issuance of refunding bonds or mode conversion of the **Capital Grants Receipts Revenue Bonds**, Series 2005, including negotiation of terms and pricing to the existing or to new agreements; and AUTHORIZE related documents that are on file with the Board Secretary.

(REQUIRES A SEPARATE, SIMPLE MAJORITY VOTE OF THE BOARD)

14. FINANCE COMMITTEE RECOMMENDED (4-0) adopting a resolution **authorizing the negotiated sale and issuance of refunding bonds or mode conversion of the General Revenue 2004-A bonds**, including negotiation of terms and pricing to the existing or to new interest rate swaps and other agreements; and authorizing related documents that are on file with the Board Secretary.

(REQUIRES A SEPARATE, SIMPLE MAJORITY VOTE OF THE BOARD)

17. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) approving the FASANA MOTION that pending approval of federal legislation authorizing a congestion pricing program and securing of funds for the project, the FY 2009 Budget be amended to **add 1 full-time equivalent at an Executive Officer level to the New Business Development Department** to oversee the Congestion Pricing program and be responsible for coordinating related departmental activities, and to provide executive direction to project management staff and consultants.

32. CONSTRUCTION COMMITTEE FORWARDED TO THE FULL BOARD DUE TO ABSENCES AND CONFLICTS authorizing the Chief Executive Officer to **execute a First Amendment to add the Interstate 405 freeway widening project and any future freeway projects to the existing Amended and Restated Utility Cooperative Agreement** between Pacific Bell Telephone Company dba SBC California and the Los Angeles County Metropolitan Transportation Authority dated May 10, 2005.

33. CONSTRUCTION COMMITTEE FORWARDED TO THE FULL BOARD DUE TO ABSENCES AND CONFLICTS (3-0) authorizing the Chief Executive Officer to **execute a First Amendment to add the Interstate 405 freeway widening project and any future freeway projects to the existing Utility Agreement** between TCG Los Angeles, Inc. and the Los Angeles County Metropolitan Transportation Authority dated April 11, 2008.

45. AD-HOC SUSTAINABILITY COMMITTEE RECOMMENDED APPROVAL **as amended** (5-0):

- A. adopting the **Metro Sustainability Implementation Plan** (MSIP) outlining Fiscal Year (FY) 2009 projects; and
- B. authorizing the Chief Executive Officer to develop a Long-Term MSIP for projects that need to be implemented beginning in FY 2010.

O'Connor Amendment requesting that:

- A. the incoming Metro Board Chair continue Ad-Hoc Sustainability Committee meetings on a quarterly basis; and
- B. the Sustainability Committee mission statement be amended to read as follows:

“We will provide leadership in sustainability within Los Angeles County ~~without compromising~~ **through** our core mission of moving people efficiently and effectively.”

51. PLANNING AND PROGRAMMING FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION the following actions for the 2008 **Long Range Transportation Plan (LRTP)** for Los Angeles County:

- A. approve the corrections/clarifications summary for the 2008 LRTP for Los Angeles County;
- B. incorporate revisions adding a new two-page spread to the LRTP document containing language for new options for generating new or increased funding such as public-private partnerships, tolls/congestion pricing; and
- C. adopt the resolution which adopts the 2008 LRTP for Los Angeles County

54. INTRODUCE:

- A. Draft ordinance to implement a **transportation sales tax measure**; and
- B. Draft expenditure plan. **(Attachment1) (Attachment2) (Attachment3)**

56. RECEIVE oral update on **Request for Proposals (RFP) process for new security contract**, including presentations on and suggestions for the RFP document.

ANTONOVICH MOTION that the Metro Board **postpones the release of the Request for Proposals for the Transit Policing Contract** until after the full Board can deliberate the proposal and framework for Metro Transit Policing at the July 2008 regular Board meeting.

57. ELECT **Board Officers** for Fiscal Year 2008-2009

58. APPROVE the following nominees for membership on **Service Sector Governance Councils**:

A. Gateway Cities Service Sector Governance Council Nominees

George Bass – Reappointment

Appointed by: Gateway Cities Council of Governments

Term ending: June 2011

Cheri Kelley – Reappointment

Appointed by: Gateway Cities Council of Governments

Term ending: June 2011

Larry Nelson – Reappointment

Appointed by: Gateway Cities Council of Governments

Term ending: June 2011

Wally Shidler – Reappointment

Appointed by: Gateway Cities Council of Governments

Term ending: June 2011

Cynde Soto – Reappointment

Appointed by: Gateway Cities Council of Governments

Term ending: June 2011

B. San Fernando Valley Service Sector Governance Council Nominee

Michael Cano – New appointment to fill vacant seat.

Appointed by: Supervisor Michael Antonovich, Board of Supervisors
District 5, County of Los Angeles

Term ending: June 2011

59. ADOPT the following position on **State Legislation**:
- A. **SB 1350 (Cedillo)** – Would use a specified design-build procurement process for the construction of a high occupancy vehicle lane in Los Angeles County.
SUPPORT

60. **CLOSED SESSION:**

- A. Conference with Legal Counsel - Pending Litigation - G.C. 54956.9(a)
1. Lisa Crup, et al. (Deborah Vanderberg) v. LACMTA, Case No. BC366604
 2. Rick Boggs et al v. LACMTA, Case No.. BC336334

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