

## **Board Report**

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Agenda Number: 41.

**EXECUTIVE MANAGEMENT COMMITTEE**AUGUST 20, 2020

SUBJECT: RESPONSE TO BOARD MOTION REGARDING CEO CALL TO ACTION TO

**CONTROL COSTS** 

File #: 2020-0540, File Type: Motion / Motion Response

ACTION: RECEIVE AND FILE

#### RECOMMENDATION

RECEIVE AND FILE the response to Board Motion Item 34.2 (Attachment A) at the May 28, 2020 Board Meeting (Directors Hahn, Garcetti, Butts, Solis) related to Cost Control Pertaining to COVID-19 Board Box.

#### ISSUE

On May 26, 2020 the Chief Executive Officer issued a Board Box report outlining his "CEO's Call to Action to Control Costs" in response to financial shortfalls besetting the agency as a result of the COVID-19 pandemic (Attachment B). In this plan, all projects and programs were grouped into two buckets. Bucket 1 was defined as "Work to Continue" where existing funds would be prioritized for COVID-19 high priority tasks such as PPE and cleaning, bus and rail operations and maintenance, major infrastructure projects and projects under executed contracts, legally required payments as contractually obligated, ad federal and state regulatory required activities.

All other projects and programs not listed under Bucket 1 were considered to be part of Bucket 2, where they would be evaluated to be deferred three to six months with the objective of staying on the original Measure M schedule.

At the May 28, 2020 Board Meeting there was discussion involving ways to avoid a hard stop for the four Pillar Projects and ways that all projects could be advanced to bring them to shovel-ready status in accordance with Measure M schedules. The following motion was passed:

- A) Advance Bucket 2 projects towards shovel-ready, consistent with the Measure M expenditure plan, and within the parameters of the FY21 Budget Continuing Resolution;
- B) Report to the Executive Management Committee in August 2020 with an update on Metro's project acceleration program, including how Metro will ensure projects will be able to compete for any federal infrastructure funding; and

C) Projects listed in Bucket 2 shall be included in the proposed FY21 Budget to be presented to the Board in September. Any request for further deferral or recommendations on the acceleration of Bucket 2 projects will require justification as part of the Budget.

#### **DISCUSSION**

Status of Advancing Pillar Projects and Other Major Capital Projects to Shovel Readiness in accordance with Measure M schedules

The Bucket 2 list identified in the CEO's Call to Action includes all projects in the planning/preconstruction environmental phase including, among others, the following major capital rail projects:

- <u>Pillar Projects</u>
   West Santa Ana Branch
   Green Line to Torrance
   Eastside Extension
   Sepulveda Transit Corridor
- Other Rail
   East San Fernando Valley LRT
   Crenshaw Northern Extension
   Centinela Grade Separation
- Other Projects
   Vermont Transit Corridor
   No-Ho to Pasadena BRT
   North San Fernando Valley BRT
   I-5 North Capacity Enhancements
   LA River Path Central Gap
   Orange Line BRT Improvements
   Silver Line Electrification

In accordance with the Board Motion, staff have been working with the Office of Management and Budget on the allocation of reduced funding resources available to the Bucket 2 list of projects after the requirements for funding of the Bucket 1 list of essential projects have been met.

The FY21 Budget that is being prepared for presentation to the Board at its September meeting will include allocations for all of the Bucket 2 projects with a commitment to maintain work without hard stops by reprioritizing and proceeding with the most critical tasks during the initial 3-6 month period of anticipated maximum funding shortfalls in FY21, while allowing for acceleration of efforts following this period to minimize impacts to the overall project delivery and Measure M schedules. Funding reductions have had a short term impact of 3-6 months on project schedules, however, as stated above - prioritization of activities with available funding provided for Bucket 2 projects are being

directed toward completion of scheduled environmental clearances and overall revenue service goals.

Current schedules for the Pillar Projects as well as the East San Fernando Valley LRT Project will deliver environmental clearance in the period between FY21 and FY24 (Attachment C). This would provide the level of shovel readiness necessary to compete for state and federal stimulus and other funding sources. The FY21 Budget will keep these projects on this shovel-readiness schedule, subject to anticipated improvements in local revenue generation as we move out of the COVID period of financial constraint.

Anticipated key actions in the 3 to 6 month period of reduced FY21 budget spending regarding the above projects include:

- August 2020
  - Sepulveda Transit Corridor Environmental Contract Award Sepulveda Transit Corridor Receipt of PDA proposals Crenshaw Northern Extension Environmental Contract Award
- <u>September 2020</u>
   Long Range Transportation Plan adoption
   Arts District/6<sup>th</sup> Street Station Environmental Task Order
- October 2020
   East San Fernando Valley LRT Final EIS/EIR Certification (pending FTA approval)

<u>Update on Project Delivery Acceleration and Opportunities for Securing Federal Funds</u>

Project delivery acceleration is contingent on several factors, mainly statutory, regulatory and financial, including anticipated revenue due to impacts of COVID-19 and our agency's overall financial capacity. Relevant to these factors are also project cost, readiness, and evaluation criteria that have an impact on our eligibility and competitiveness for securing funds from federal and state discretionary and formula grant programs. While some of these factors are beyond Metro's control, others depend on our agency's processes, procedures, and timely actions.

In accordance with Board direction we are working on several strategies that may accelerate project delivery and ensure competing for any federal or other infrastructure recovery funding, including: i) state and federal environmental streamlining; ii) public-private partnerships; iii) engagement with the Federal Transit Administration (FTA) and other grantor agencies focused on positioning our projects for funding from existing and proposed competitive grant programs; iv) regulatory and statutory changes through state and federal legislation; v) assessment of projects eligibility and competitiveness for FTA's Capital Investment Grants (CIG) and Expedited Project Delivery (EPD) programs; and vi) identification of funding opportunities and constraints through the analysis of proposed legislation, including supplemental/emergency funding for transportation projects and programs to support economic recovery from the impacts of COVID-19 and multi-year reauthorization of the Fixing America's Surface Transportation (FAST) Act. The following sections summarize our efforts on several of these key strategies.

### State and Federal Environmental Streamlining

The State Legislature is currently considering two bills that would modify the California Environmental Quality Act (CEQA) and could help our projects. SB 757 (Allen) would establish a limited timeframe in which a CEQA lawsuit relating to transit projects would need to be resolved by the courts. This bill is sponsored by Metro and as of the writing of this report is still being negotiated with the committee. The bill would apply to only large projects such as Metro's Pillar Projects and would result in significant savings in legal costs. SB 288 (Weiner) would exempt larger active transportation projects, bus rapid transit projects, limited transit improvements and certain high occupancy toll projects from CEQA. This bill would result in significant time and cost savings to many of Metro's projects which are currently required to complete a full Environmental Impact Report.

#### Identification of Funding Opportunities and Constraints

As directed by our Chief Executive Officer and consistent with our Board-approved federal and state legislative agendas, our agency has been aggressively engaged in identifying additional sources of funding for our projects. Working closely with the Los Angeles County Congressional Delegation, Metro was able to ensure that the CARES Act delivered much-needed and substantial funding to assist our agency during the COVID-19 pandemic. Likewise, we have and are continuing to work closely with both the House and Senate to ensure that an expected new COVID-19 relief package delivers adequate funds to our agency -- over and above the amount of funding provided to our agency through the CARES Act.

As noted in the Board Motion 34.2, "Congress may consider an ambitious infrastructure package to stimulate and uplift the economy and help address the unprecedented unemployment level". Consistent with this reference to an "ambitious infrastructure package", Metro has been at the forefront nationally in advocating for a major infrastructure package and actively worked with the Chairman of the House Committee on Transportation and Infrastructure to ensure that policies favorable to our agency were embedded in H.R. 2 - the INVEST in America Act. A few highlights in the INVEST in America Act that reflect Metro's Rebuilding America Initiative include the return of the Projects of National and Regional Significance (PNRS) grant program - authorized at \$9 billion for goods movement and transit projects, the return of the successful Local Hire Pilot Program, reforms to Buy America that will incentivize domestic manufacturing of buses and railcars, streamlining reforms and a doubling of funding for the CIG Program (which funds New Starts projects, among other types of projects), a five-fold increase in investments for zero-emission bus programs, positive provisions regarding workforce development programs, and many other policy reforms and provisions that will benefit our agency. Should the INVEST in America Act be adopted into law, it would increase the flow of federal funds to our agency - both formula and discretionary funds - by hundreds of millions of dollars annually.

While the prospect of Congress adopting the INVEST in America Act is far from certain, Metro has -- in a parallel effort -- successfully worked with both House and Senate appropriators to ensure that the FY21 transportation spending bill includes roughly \$300 million for our New Starts Purple Line Westside Extension projects.

The State Legislature is also considering various economic stimulus proposals. These proposals largely rely on borrowing of future funds and therefore create no new revenues. These proposals are not expected to advance during the last month of the 2020 Legislative Session but may receive further consideration if the Legislature convenes in a Special Session later this year.

Staff is also developing an agency-wide survey of projects, with input from all Metro departments, to assess funding opportunities and constraints from the proposed federal and state legislation should they become law. Staff is targeting a presentation to the Board in September on the results of this survey along with a detailed update on the prospective federal funding opportunities.

#### Regulatory and Statutory Changes

Staff is actively working with national transit partners including the Capital Investment Grants Working Group, which comprises existing and potential CIG/EPD project sponsors and representatives of major consulting firms from the private sector, to support regulatory and statutory changes to better position Metro projects for federal funding. This includes the development of a "Surface Transportation Reauthorization Paper" that was submitted to Congress for consideration. This document supports the reauthorization of the CIG/EPD programs in the next surface transportation authorization bill and advocates for legislative and regulatory changes that benefit Metro's strategy for securing CIG/EPD funds for Metro's Pillar Projects and other potential projects (such as bus rapid transit), including streamlining the project application and selection process, increasing the funding authorized and appropriated for the programs, and increasing the CIG/EPD and overall federal funding share.

#### CIG/EPD Project Eligibility and Competitiveness Assessment

Staff is currently assessing the eligibility and competitiveness of the Pillar Projects and other Metro projects for grants from the CIG and/or EPD programs by following the FTA's justification criteria, estimating each project's rating, and evaluating how well each project may compete with other projects that have already been submitted to the FTA requesting for funding. This assessment takes into consideration project readiness and local financial commitment for each project, as well as our agency's assumed financial capacity. As part of this assessment staff is synthesizing the status of projects and timelines for completing the planning process, including selection of the locally preferred alternative and completion of the environmental process, to develop a timeline and strategy for the Board to authorize staff to engage FTA and start the CIG/EPD grant application process for the project(s) it approves. This strategy is targeted for presentation to the Board in September.

#### **NEXT STEPS**

Staff will continue to refine the scopes of service for technical and outreach services in accordance with the FY21 Budget, as it is approved by the Board at its September 2020 meeting. Work shall be prioritized in accordance with Measure M schedules for environmental clearance and shovel readiness and staff will report back to the Board on its ongoing efforts to advanced shovel-ready projects into construction. We will continue to pursue additional funding to support timely delivery of these projects in accordance with the Measure M schedules and timelines. We will also present the outcome of our CIG/EPD Project Eligibility and Competitiveness Assessment to the Board at its

September 2020 meeting and seek approval of the funding strategy and authorization to engage the FTA to secure CIG/EPD grants and other federal and state funds.

#### **ATTACHMENTS**

Attachment A - Metro Board Motion Item 34.2 (Legistar File 2020-0391)

Attachment B - Metro Board Box; CEO's Call to Action to Control Costs

Attachment C - Pillar Projects and ESFV Schedules

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# ATTACHMENT A

# Metro



# **Board Report**

Los Angeles County
Metropolitan Transportation
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One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

File #: 2020-0391, File Type: Motion / Motion Response Agenda Number: 34.2.

REGULAR BOARD MEETING MAY 28, 2020

## **Amending Motion by:**

#### DIRECTORS HAHN, GARCETTI, BUTTS, SOLIS, and GARCIA

Related to Item 34.1: Cost Control Pertaining to COVID-19 Board Box

The unprecedented COVID-19 outbreak required the implementation of the Los Angeles County Safer at Home Health Officer Order to help slow down the spread of the virus and protect the most vulnerable members of our community. As a result, all non-essential businesses and activities, including travel, were temporarily closed and/or discouraged for the last two months. Los Angeles County is now in Phase 2 of its five-stage COVID-19 Roadmap to Recovery Plan. Without a vaccine or proven treatment options, the recovery process will be gradual and will continue to have impacts on Metro's traditional sources of revenue such as local and state sales taxes and system generated revenues.

In an effort to help Metro financially manage through COVID-19, the Chief Executive Officer issued a Board Box report outlining his "CEO's Call to Action Plan." In this plan, all projects and programs are grouped into two buckets. Bucket 1 is defined as "Work to Continue" where existing funds would be prioritized for COVID-19 high priority tasks such as PPE and cleaning, bus and rail operations and maintenance, major infrastructure projects and projects under executed contracts, legally required payments as contractually obligated, and federal and state regulatory required activities.

All other projects and programs not listed under Bucket 1 are considered to be part of Bucket 2, where they will be evaluated to be deferred three to six months with the objective of staying on the original Measure M schedule.

While the Board recognizes the need to control costs, the division of projects could better recognize previously Board-approved and prioritized goals. For example, in 2017 the Board approved the Twenty-Eight by '28 Initiative to highlight projects for completion by the 2028 Olympic and Paralympic Games. Additionally, in 2019 the Board approved prioritizing four Pillar Projects for acceleration: the Gold Line Eastside Extension Phase 2, the Green Line Extension to Torrance, the Sepulveda Transit Corridor, and the West Santa Ana Branch. The four Pillar Projects are all in different stages of the required environmental processes and are currently placed in Bucket 2 of the CEO's proposed plan.

In the case of the four Pillar Projects, placement in Bucket 2 does not mean a hard stop. In fact, at

Agenda Number: 34.2.

the Executive Management Committee the CEO recognized that halting work on these projects would do more harm than good to the projects' planning and Public-Private Partnership processes. Additionally, staff have indicated that the four Pillar Projects have enough funding to prevent any significant delays over the next three to six months. However, Bucket 2 as defined pre-concludes that the Board is no longer interested in pursuing the acceleration of projects.

Additionally, there are several Measure M projects that are nearly shovel-ready. Any significant delay or deferral of bringing these projects to shovel-ready status could prevent Metro from being able to maintain Measure M timelines. As much as is possible, Metro must continue to bring Measure M projects to shovel-ready status. It is important to reassure the public and project stakeholders that the Board still supports projects in Bucket 2, and that any decisions on deferral may be discussed and decided by the Board at a later date.

Furthermore, to address nationwide economic impacts, Congress may consider an ambitious infrastructure package to stimulate and uplift the economy and help address the unprecedented unemployment level. Metro must position itself to take advantage of any federal infrastructure stimulus, or else funds will go to other, better-prepared regions. As such, it is prudent to continue planning and Public-Private Partnership activities to make projects shovel-ready. Should such an opportunity arise, additional funding could be leveraged to advance these long-awaited public transit infrastructure investments through an FTA expedited project delivery process.

The Measure M ordinance contains strict conditions that prevent projects from being leapfrogged or defunded. While Metro continues advancing projects towards shovel-ready status, the promises made to voters must be honored, and Measure M project timelines and sequence must be maintained as much as is possible.

#### SUBJECT: COST CONTROL PERTAINING TO COVID-19 BOARD BOX

#### RECOMMENDATION

APPROVE the CEO's Call to Action, with the following provisions:

- A. Advance Bucket 2 projects towards shovel-ready, consistent with the Measure M expenditure plan, and within the parameters of the FY 21 Budget Continuing Resolution;
- B. Report to the Executive Management Committee in August 2020 with an update on Metro's project acceleration program, including how Metro will ensure projects will be able to compete for any federal infrastructure recovery funding; and
- C. Projects listed in Bucket 2 shall be included in the proposed FY 21 Budget to be presented to the Board in September. Any request for further deferral or recommendations on the acceleration of Bucket 2 projects will require justification as part of the Budget.



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May 26, 2020

TO: BOARD OF DIRECTORS

FROM: PHILLIP A. WASHINGTON

**CHIEF EXECUTIVE OFFICER** 

SUBJECT: CEO'S CALL TO ACTION TO CONTROL COSTS

#### **ISSUE**

This memo outlines the CEO's Call to Action to immediately reduce costs as one of the mitigation strategies to help the agency financially manage through COVID-19. This is intended to be informational and will not require a Board Action, however, staff will consider any feedback as provided thereafter.

## **BACKGROUND**

With the implementation of the "Safer at Home" order in March, nonessential businesses closed, and all residents were directed to leave their homes only for essential activities. Consumer spending has plummeted. The revenues received from local and state derived sales tax measures, majority of Metro's resources, are estimated to decline by a total of \$1.060 billion over FY20 adopted budget and FY21 pre-COVID levels.

Transit ridership, fare revenues, tolls, advertising and other system generated revenues have dropped dramatically while Metro has incurred increased costs in response to the coronavirus. Combined with sales tax, this results in an estimated \$1.8 billion total loss affecting each one of Metro's programs.

While the CARES Act will provide relief funding it is not enough to offset the total losses. The timing of the reimbursement is also uncertain and in the coming months, presents a risk to cashflow.

#### **DISCUSSION**

More than ever, Metro is enforcing strong fiscal discipline in order to maintain financial stability through the COVID-19 crisis and specifically to ensure we retain enough cash

to keep operating, hence the saying, "cash is king." As a result, I have ordered a Call to Action to conserve resources and to immediately reduce expenses.

All projects and programs are grouped into two buckets. Bucket 1 is defined as "work to continue" and includes the following types of items:

- COVID-19 high priority tasks such as PPE and cleaning
- Operating and maintaining bus and rail service per Transit Operations Plan
- Major infrastructure projects and projects under executed contracts
- Legally required payments as contractually obligated
- Federal and State regulatory required activities

Bucket 2 is defined as all other projects and programs not listed under Bucket 1 and are being evaluated to be deferred three to six months with the objective of staying on the original Measure M schedule. This bucket includes projects that may have partial grant funding, projects in various phases of Planning, Construction and Operating, Measure M, Non-Measure M and Pillar projects. Attachment A provides a selective list of such projects for reference.

This project list is ever-changing and does not imply a permanent deferral of projects. Metro will be regularly assessing projects that have been temporarily deferred and continue to move projects expeditiously as the opportunities arise and as state or federal stimulus funds become available. There are many variables at play as we monitor the circumstances surrounding the revenue losses and the timing of reimbursement from the CARES Act. Over the next few months, staff will also be developing the FY21 Budget which will incorporate a thorough review and twelve-month outlook across all projects.

The projects that are proceeding also need to identify potential cost reductions to reduce cash needs and free up funds for other important needs at Metro. Consultants are an important part of our projects and a significant element of project costs.

Therefore, Metro has requested the following contributions from our consultants:

- A freeze on pay raises;
- An evaluation by Metro as to whether consultant staffing levels can be reduced;
- A voluntary reduction of 2% in the fee (profit)

Metro will be flexible in its approach and will only apply these measures temporarily until the financial outlook improves. We recognize that this is an extraordinary request, however, these are extraordinary times and we are looking at all opportunities. In addition to these measures, I have also instructed a freeze on all hiring of Metro employees at this time. Any changes will be managed on an individual basis in order to ensure proper cost savings from a labor perspective.

# **NEXT STEPS**

Staff will be monitoring the agency's expenditures and report to the board regularly between now and September leading up to the FY21 budget proposal.

## **ATTACHMENTS**

Attachment A – Bucket Project List

#### Attachment A



# **Bucket Project List**

#### **Bucket 1: Work to Continue**

#### Health and safety for customers and employees

- PPE
- · Cleaning services
- Additional expenses directly related to COVID-19

Operating and maintaining bus and rail services per Transit Operations Plan

Federal and State regulatory required activities

Legally required payments (contractual obligations)

- Debt service
- Subsidies
- · Licenses, utilities, rental, etc.

#### Major infrastructure and projects under executed contracts

- Airport Metro Connector (1)
- Crenshaw/LAX (1)
- Division 20 Portal Widening and Turnback
- Gold Line Foothill Extension (1)
- I-5 North HOV (along SR-134 to Buena Vista area) (1)
- I-5 South HOV (I-605 to Orange County line) (1)
- Light Rail Vehicle Acquisition Program
- Link US (Phase 1 only)
- Metro Bus Fleet Replacement (incl. electrification for buses and infrastructure for Orange Line)
- · Patsaouras Bus Station
- Purple Line Extension (1)
- Regional Connector (1)
- Soundwall Package 11 (1)
- SR-138 Corridor project in construction (1)
- Willowbrook/Rosa Parks Station Upgrade & Mezzanine

# **Bucket Project List**

# Bucket 2: Work Evaluated to Defer with the Objective of Staying on the Original Measure M Schedule (selective list)

#### Metro Transit Expansion

- · Arts District / 6th Street Station
- Center Street Facility / ESOC
- Countywide BRT Program (incl NSFV BRT, NoHo to Pasadena BRT) (1)
- Crenshaw Northern Extension (1)
- East San Fernando Vallev LRT (1)
- Eastside Extension Phase 2 (1) (2)
- Green Line to Torrance (1) (2)
- San Gabriel Valley Transit Feasibility Study (1)
- Sepulveda Transit Corridor (1) (2)
- Vermont South Bay Feasibility Study (1)
- West Santa Ana Branch (1) (2)

#### Metro Transit Capital Improvement

- Bus and Rail Facilities SGR program stations, vertical transportations, roofs, pavements, etc.
- Electrification of buses including infrastructure Silver Line
- Enterprise Asset Management System
- · Heavy rail vehicle acquisitions
- · Light and heavy railcar modernization and overhaul programs
- Orange Line grade separation (1)
- Rail and Bus Operations Center
- · Rail system improvements, yards, cars
- · Rio Hondo Confluence Station
- Rolling stock midlife and non-revenue equipment programs
- Wayside SGR program underway on Red and Green Lines radio, signals, communications, track, special work, OCS, power and the like

#### Regional Transit

- Antelope Valley Line Enhancements
- Doran Street ATP
- LAUS Esplanade / Forecourt
- McGinley to Roxford Double Track
- Union Station Master Plan (Phase 2)

#### Highway / Street Improvements

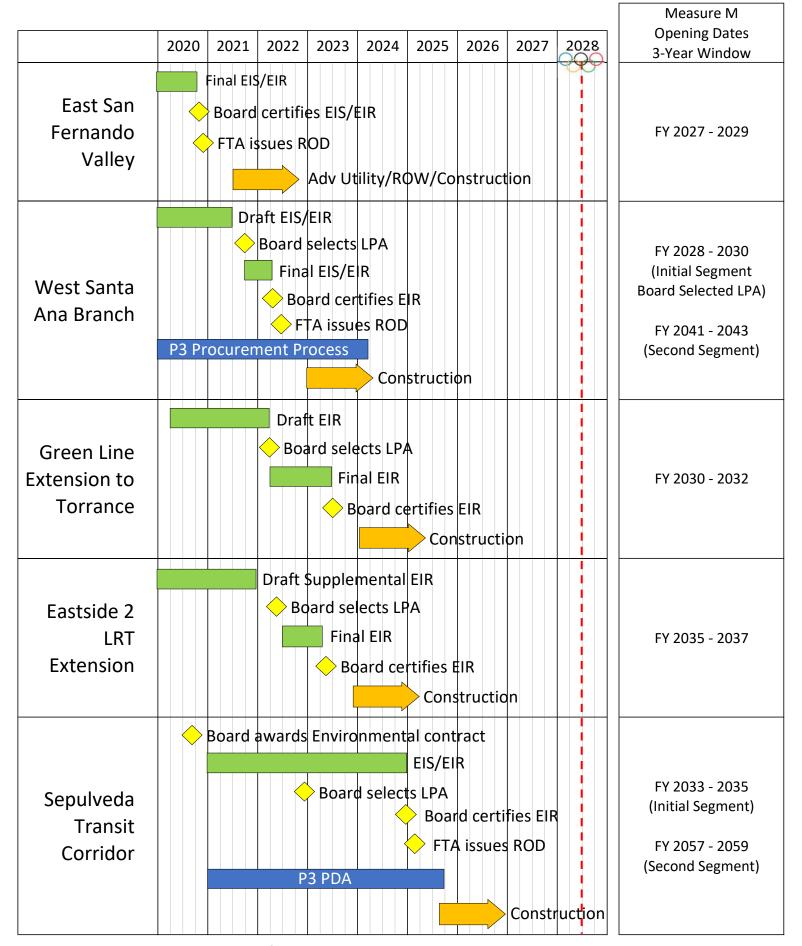
- Adams Flyover
- Alameda Corridor East grade separation phase 2 (1)
- Centinela grade separation
- Countywide Soundwall Noise Studies (1)
- Eastside Light Rail Access (1)
- First / Last Mile (PLE and others) (1)
- I-105 ExpressLanes (1)
- I-210 Barriers

# Bucket 2: Work Evaluated to Defer with the Objective of Staying on the Original Measure M Schedule cont. (selective list)

- I-5 Capacity Enhancements (SR14 to Parker Road) (1)
- I-5 Corridor Improvement I-605 to I-710 (1)
- I-605 Hotspots (incl SR-91 interchange) (1)
- I-710 South Corridor Project (1)
- · L.A. River (Bike) Path (1)
- · La Canada Soundwalls
- · Rail to Rail ATP
- Rail to River ATP
- Rosecrans/Marquardt Grade Separation (1)
- Soundwall Packages 12, 13, and 14 (1)
- South Bay Highway Operational Improvements (1)
- SR-138 new project initiation documents (1)
- SR-57 / SR-60 Interchange Improvements (1)
- SR-71 GAP Mission Blvd to San Bernardino County Line (1)
- (1) Measure R/M Project
- (2) Pillar Project

# **ESFV + Pillar Projects Measure M Baseline Schedules**

## Attachment C



Note: Schedules are subject to change based on funding and environmental review