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**Agenda - Final Revised**

**Thursday, December 2, 2021**

**10:00 AM**

To give written or live public comment, please see the top of page 4

**Board of Directors - Regular Board Meeting**

*Hilda L. Solis, Chair*

*Ara Najarian, 1st Vice Chair*

*Jacquelyn Dupont-Walker, 2nd Vice Chair*

*Kathryn Barger*

*Mike Bonin*

*James Butts*

*Fernando Dutra*

*Eric Garcetti*

*Janice Hahn*

*Paul Krekorian*

*Sheila Kuehl*

*Holly Mitchell*

*Tim Sandoval*

*Tony Tavares, non-voting member*

*Stephanie Wiggins, Chief Executive Officer*

## **METROPOLITAN TRANSPORTATION AUTHORITY BOARD RULES**

### **(ALSO APPLIES TO BOARD COMMITTEES)**

#### **PUBLIC INPUT**

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 one (1) minute per item, or at the discretion of the Chair. A request to address the Board must be submitted electronically using the tablets available in the Board Room lobby. Individuals requesting to speak will be allowed to speak for a total of three (3) minutes per meeting on agenda items in one minute increments per item. For individuals requiring translation service, time allowed will be doubled. The Board shall reserve the right to limit redundant or repetitive comment.

The public may also address the Board on non agenda items within the subject matter jurisdiction of the Board during the public comment period, which will be held at the beginning and/or end of each meeting. Each person will be allowed to speak for one (1) minute during this Public Comment period or at the discretion of the Chair. Speakers will be called according to the order in which their requests are submitted. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.

Notwithstanding the foregoing, and in accordance with the Brown Act, this agenda does not provide an opportunity for members of the public to address the Board on any Consent Calendar agenda item that has already been considered by a Committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the Committee on the item, before or during the Committee's consideration of the item, and which has not been substantially changed since the Committee heard the item.

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:

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

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

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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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## LIMITED ENGLISH PROFICIENCY

A Spanish language interpreter is available at all Committee and Board Meetings. All other languages must be requested 72 hours in advance of the meeting by calling (213) 922-4600 or (323) 466-3876. Live Public Comment Instructions can also be translated if requested 72 hours in advance.



**323.466.3876**

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x3 *中文 (Chinese)*

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

### **Live Public Comment Instructions:**

Live public comment can only be given by telephone.

The Board Meeting begins at 10:00 AM Pacific Time on December 2, 2021; you may join the call 5 minutes prior to the start of the meeting.

Dial-in: 888-251-2949 and enter  
English Access Code: 8231160#  
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***Public comment will be taken as the Board takes up each item. To give public comment on an item, enter #2 (pound-two) when prompted. Please note that the live video feed lags about 30 seconds behind the actual meeting. There is no lag on the public comment dial-in line.***

### **Instrucciones para comentarios publicos en vivo:**

Los comentarios publicos en vivo solo se pueden dar por telefono.

La Reunion de la Junta comienza a las 10:00 AM, hora del Pacifico, el 2 de Diciembre de 2021. Puedes unirse a la llamada 5 minutos antes del comienzo de la junta.

Marque: 888-251-2949 y ingrese el codigo  
Codigo de acceso en ingles: 8231160#  
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***Los comentarios del público se tomaran cuando se toma cada tema. Para dar un comentario público sobre una tema ingrese # 2 (Tecla de numero y dos) cuando se le solicite. Tenga en cuenta que la transmisión de video en vivo se retrasa unos 30 segundos con respecto a la reunión real. No hay retraso en la línea de acceso telefónico para comentarios públicos.***

### **Written Public Comment Instruction:**

Written public comments must be received by 5PM the day before the meeting.  
Please include the Item # in your comment and your position of "FOR," "AGAINST," "GENERAL COMMENT," or "ITEM NEEDS MORE CONSIDERATION."  
Email: BoardClerk@metro.net  
Post Office Mail:  
Board Administration  
One Gateway Plaza  
MS: 99-3-1  
Los Angeles, CA 90012

## CALL TO ORDER

## ROLL CALL

1. APPROVE Consent Calendar Items: 2, 5, 6, 7, 8, 10, 13, 17, 18, 23, 27, 28, 29, 32, 34, 41, and 47.

Consent Calendar items are approved by one vote unless held by a Director for discussion and/or separate action.

All Consent Calendar items are listed at the end of the agenda, beginning on page 15.

## NON-CONSENT

3. **SUBJECT: REMARKS BY THE CHAIR** [2021-0720](#)

### RECOMMENDATION

RECEIVE remarks by the Chair.

4. **SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER** [2021-0721](#)

### RECOMMENDATION

RECEIVE report by the Chief Executive Officer.

## PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

9. **SUBJECT: OPEN AND SLOW STREETS GRANT PROGRAM CYCLE  
FOUR** [2021-0630](#)

### RECOMMENDATION

CONSIDER:

- A. AWARDING \$5 million to 13 new Open and Slow Streets events scheduled through December 2023 (Attachment B-1); and
- B. REPROGRAMMING of any Cycle Three and FY 2020 Mini-Cycle Funding not expended by December 31, 2021 towards the next highest scored event(s) applied for in Cycle Four (Attachment B-1).

Attachments: [Attachment A - June 2013 Metro Board Motion 72](#)  
[Attachment B-1 – Open Streets Cycle Four Scoring and Funding](#)  
[Attachment B-2 - Open Street Cycle 4 Map](#)  
[Attachment C – Open Streets Cycle Four Application Package & Guidelines](#)

**9.1. SUBJECT: OPEN AND SLOW STREETS GRANT PROGRAM CYCLE  
FOUR MOTION**

[2021-0771](#)

**RECOMMENDATION**

APPROVE Motion by Directors Hahn, Solis, Garcetti, Sandoval, and Dutra that the Board direct the Chief Executive Officer to:

- A. Program an additional up to \$2 million toward the Open and Slow Streets Grant Program Cycle Four, to be awarded to events in accordance with their scores, and
- B. Identify and program funding sources, including Prop C 25%, for the additional funds to be provided in Cycle Four.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE FORWARDED THE FOLLOWING WITHOUT RECOMMENDATION:**

**19. SUBJECT: OPERATION AND MAINTENANCE OF COMPRESSED  
NATURAL GAS FUELING STATIONS AT DIVISIONS 1, 3, 5,  
7, 10 & 18**

[2021-0659](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP749030003367 with Clean Energy, for Operation and Maintenance (O&M) of Compressed Natural Gas (CNG) fueling stations at divisions 1, 3, 5, 7, 10 & 18, for a not-to-exceed amount of \$5,285,439 for the five-year base period, and \$5,623,284 for the five (5), one-year option terms, for a combined not-to-exceed amount of \$10,908,723, effective March 1, 2022, subject to resolution of all properly submitted protest(s), if any.

**Attachments:**      [Attachment A - Procurement Summary](#)  
                                 [Attachment B - DEOD Summary](#)

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE FORWARDED THE FOLLOWING WITHOUT RECOMMENDATION:**

**24. SUBJECT: INFRASTRUCTURE PROTECTION SERVICES**

[2021-0665](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE scope modifications (Attachment A) to align with the move towards reimagining public safety;
- B. EXECUTE Contract Modification No. 9 to Contract No. PS560810024798

with RMI International, Inc. for a six (6) month (April -September 2022) extension to the period of performance inclusive of scope modifications, for an amount not-to-exceed \$19M, increasing the total contract price from \$120,453,758 to \$139,453,758; and extend the period of performance from April 1, 2022, to September 30, 2022; and

- C. EXERCISE one (1) six-month option (October 2022 - March 2023), for an additional amount not-to-exceed \$19M, increasing the total contract price from \$139,453,758 to \$158,453,758, only if necessary to complete the procurement process of a new contract award.

**Attachments:**      [Attachment A - IPS Recommendations-1](#)  
[Attachment B - Procurement Summary](#)  
[Attachment C - Contract ModificationChange Order Log](#)  
[Attachment D - DEOD Summary](#)  
[Attachment E - Staff Recommendations](#)  
[Attachment F - PSAC November 3rd Meeting Votes](#)  
[Presentation](#)

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE FORWARDED  
THE FOLLOWING WITHOUT RECOMMENDATION AS AMENDED:**

**25. SUBJECT: TRANSIT LAW ENFORCEMENT SERVICES**

[2021-0672](#)

**RECOMMENDATION**

CONSIDER:

- A. SEEKING scope of work modifications (Attachment D) to align with the move towards reimagining public safety;
- B. AUTHORIZING up to \$75.2M for the remaining six months of the original contract inclusive of scope of work modifications;
- C. EXTENDING the contract for an additional six months (Jul-Dec 2022) with a 6-month option (Jan-Jun 2023) to allow PSAC recommendations to come forward to support the new procurement and timeline and award of the contract; and
- D. FUNDS for the extension will be requested during the FY23 budget process.

**HAHN AMENDMENT:** The extension of a contract with any law enforcement agency shall be conditioned on that agency having an enforced COVID vaccination mandate.

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**Attachments:**      [Attachment A - Procurement Summary](#)  
                                 [Attachment B - Contract Modification/Change Order Log](#)  
                                 [Attachment C - DEOD Summary](#)  
                                 [Attachment D - SOW Modifications](#)  
                                 [Attachment E - Public Safety Survey](#)  
                                 [Attachment F - Multi-Agency Police Contract SOW Matrix](#)  
                                 [Attachment G - Staff Recommendations](#)  
                                 [Attachment H - PSAC Alternative Recommendations](#)  
                                 [Attachment I - PSAC November 3rd Meeting Vote](#)  
                                 [Attachment J - Safety Services provided by Law Enforcement Contractors](#)

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION AS AMENDED (5-0):**

**25.1. SUBJECT:      COMMITMENT TO REIMAGINING PUBLIC SAFETY**

[2021-0745](#)

**RECOMMENDATION**

APPROVE Motion by Directors Bonin, Mitchell, Hahn, Solis, and Dupont-Walker that the Board direct the Chief Executive Officer to:

- A. In February 2022, report on the status of the initiatives funded by Motion 26.2 (March 2021), including projected launch dates, program elements, input received from PSAC, and projected funding needs in FY23.
- B. During the development of the FY23 budget, ensure a continued minimum commitment of \$40 million for the public safety alternatives outlined in Motion 26.2, in addition to rolling over unspent funding from FY22.
- C. In April 2022, report to the Operations, Safety, and Customer Experience Committee with a recommended public safety budget for FY23, including proposed funding levels for police services and public safety alternatives, with consideration of the Board's directive to realign resources.
- D. Consult with PSAC throughout the FY23 budget development process.

WE FURTHER MOVE that the Board direct the Chief Executive Officer to:

- E. Develop a place-based implementation strategy that identifies station locations that are good candidates for piloting a reimagined public safety approach consistent with the new Mission and Values statement, including the deployment of some or all of the public safety alternatives identified in Motion 26.2 and modifying law enforcement deployment at these pilot locations while continuing to ensure fast emergency response times.

- F. Consult with PSAC on the design, implementation, and evaluation-including quantitative and qualitative metrics-of this pilot.
- G. Explore partnerships with academia, medical schools, promotores, and community-based organizations on the design, implementation, and evaluation of this pilot.
- H. Report periodically on the pilot implementation and evaluation as part of the regular system security report.

**DUPONT-WALKER AMENDMENT:** Develop key performance indicators that reflect how the pilot influences rider experience.

**EXECUTIVE MANAGEMENT COMMITTEE MADE THE FOLLOWING RECOMMENDATION  
AS AMENDED (6-0):**

**33. SUBJECT: CUSTOMER CODE OF CONDUCT AMENDMENTS -  
TRANSIT COURT**

[2021-0680](#)

**RECOMMENDATION**

CONSIDER approving in Title 6, Chapter 6-05 of the Los Angeles County Metropolitan Transportation Authority ("Metro") Administrative Code (the "Code"), otherwise known as the Metro Customer Code of Conduct ("Code"), effective January 1, 2022 ~~either A through D or only E~~, as follows:

- A. In the Penalty Schedule, replace section "6-05-050.A-I" with "6-05-050.A-E, H, I";
- B. In the Schedule concerning Violations of the Customer Code That Will Be Addressed Through Ejection, replace section "6-05-050.E-G" with "6-05-050.E";
- C. In the Schedule insert a new section "Violations of the Customer Code That Will Be Addressed through Alternative Means," and insert thereunder "6.05 -050.F, G Obstruction and occupying more than one seat. First Offense or Greater, Warning, referral placement preconditioned removal, and/or other remedy Placement or Other Remedy"; and
- D. In the Code insert a new section "6-05-010.C. Metro and its representatives shall enforce the Code of Conduct with fairness, equity, civility, compassion and without bias." ~~Or~~

**SOLIS AMENDMENT:** Directed the Chief Executive Officer to review the recommendation in E (below) and the current Code of Conduct and return in February 2022 with recommended changes.

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- E. In the Code delete sections "6-05-050.F and G" in their entirety and conform the Schedule to the Code concerning deletions of those sections.

**Attachments:**      [Attachment A - Code of Conduct data](#)  
                              [Attachment B - Code Amendments](#)  
                              [Presentation](#)

**EXECUTIVE MANAGEMENT COMMITTEE FORWARDED THE FOLLOWING WITHOUT RECOMMENDATION:**

- 35. SUBJECT:      RESPONSE TO JUNE 2021 BOARD MOTION 49: LA RIVER BIKE PATH PROJECT DELIVERY**      [2021-0556](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to:

- A. NEGOTIATE and enter into a funding agreement between Metro and the City of Los Angeles in the amount not to exceed \$60 million for design and construction of the LA Riverway in the San Fernando Valley.
- B. NEGOTIATE and conditionally enter into a Cooperative Agreement with Los Angeles County Department of Public Works (LACDPW), City of Los Angeles and City of Vernon for Metro to manage and coordinate on final design and construction of the LA River Path through downtown Los Angeles. The conditions to be negotiated include:
1. Accessibility to right of way owned by each entity for construction permits
  2. Commitment from each entity on cooperative engagement on securing additional funding when needed;
  3. Metro will partner with the City, County, and Federal agencies with ownership and responsibility in the LA River corridor in regards to the overall management structure of the completed project, but will not assume any financial responsibility for operating and maintaining the completed project. ~~Cities and County with ownership in the LA River corridor to partner and assume responsibility for operating and maintaining the completed project~~
- C. ENTER into a Funding Agreement with LACDPW in the amount not to exceed \$773,870 to support LACDPW to perform and lead the environmental clearance for the Lower LA River Bike Path.

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**Attachments:**      [Attachment A - Legistar File 2021-0436](#)  
                                 [Attachment B - LA River Bike Path Projects](#)  
                                 [Attachment C - Legistar File 2015-1595](#)  
                                 [Attachment D - Proposed Measure M Expenditure](#)  
                                 [Attachment E - Legistar File 2019-0443](#)  
                                 [Attachment F - Legistar File 2017-0270](#)  
                                 [Attachment G – Legistar File 2015-1656](#)

42.    **SUBJECT:      WEST SANTA ANA BRANCH FUNDING PLAN AND P3 ASSESSMENT UPDATE**      [2021-0698](#)

**RECOMMENDATION**

RECEIVE AND FILE the:

- A. West Santa Ana Branch (WSAB) Funding Plan; and
- B. WSAB P3 Assessment Update.

**Attachments:**      [Attachment A - Funding Plan.pdf](#)  
                                 [Attachment B - Value Capture Assessment.pdf](#)  
                                 [Attachment C - WSAB P3 Assessment Update](#)

43.    **SUBJECT:      48 BY '28: INCREASING SMALL AND DISADVANTAGED BUSINESS PARTICIPATION**      [2021-0766](#)

**RECOMMENDATION**

APPROVE Motion by Directors Solis, Hahn, Dupont-Walker, Sandoval, and Butts that the Board of Directors direct the Chief Executive Officer to establish an aspirational policy objective for Metro to reach 48% participation by small and disadvantaged businesses on contracts and procurements by 2028, and to report back in March 2022 with recommendations to achieve the goal.

44.    **SUBJECT:      ALAMEDA CORRIDOR-EAST PROJECTS**      [2021-0767](#)

**RECOMMENDATION**

APPROVE Motion by Directors Solis, Hahn, Barger, Sandoval, and Butts that the Board of Directors direct the Chief Executive Officer to:

- A. Collaborate with the SGVCOG to evaluate the cost increases for the three projects and potential strategies such as value engineering to close the funding gap;
- B. Explore funding streams such as grant funding and other sources to help the SGVCOG secure sufficient funding to complete all three projects, with priority placed on securing full funding for the grade separation projects

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prior to the CTC funding allocation vote by no later than June 2022;

C. Assist and collaborate with SGVCOG in developing Project Labor Agreements for the two grade separation projects to prioritize partnerships with labor in expeditiously advancing construction of the grade separation projects and the employment of Los Angeles County workers;

D. Report back on all directives in March ~~2024~~ 2022.

**45. SUBJECT: ADDRESSING CLIMATE CHANGE THROUGH VEHICLE  
MILES TRAVELED REDUCTION: ALIGNING WITH STATE  
OF CALIFORNIA CLIMATE GOALS**

[2021-0769](#)

**RECOMMENDATION**

APPROVE Motion by Directors Garcetti, Solis, Kuehl, Bonin, and Mitchell that Metro develop VMT reduction and mode shift targets consistent with and supportive of those in the OurCounty Plan and SCAG RTP/SCS for Board adoption as part of the annual Sustainability Plan update in September 2022.

WE FURTHER DIRECT the CEO to:

- A. Include in the Long Range Transportation Plan, Sustainability Plan, and regular reports on the progress of each, financially unconstrained analysis providing options to meet the above goals; and,
- B. Include, and present to the Board for consideration, VMT reduction and mode shift projections in project alternatives, operations budgets, program performance, or similar actions that allocate resources toward climate change reduction.

WE FURTHER DIRECT the CEO to use the VMT reduction and mode shift targets of the 2019 OurCounty Plan, as follows, for interim planning and forecasting purposes:

- 2025 Targets:
  - Reduce average daily VMT per capita to 20 miles
  - Increase to at least 15% all trips by foot, bike, micromobility, or public transit
- 2035 Targets:
  - Reduce average daily VMT per capita to 15 miles
  - Increase to at least 30% all trips by foot, bike, micromobility, or public transit
- 2045 Targets:
  - Reduce average daily VMT per capita to 10 miles

- Increase to at least 50% all trips by foot, bike, micromobility, or public transit

**46. SUBJECT: IMPROVED MOBILITY THROUGH STRATEGIC HIGH  
SPEED RAIL PROJECTS IN L.A. COUNTY**

[2021-0768](#)

**RECOMMENDATION**

APPROVE Motion by Directors Barger, Najarian, and Solis that the Board of Directors:

- A. Reaffirm the importance of the partnership with the California High Speed Rail Authority for the delivery of the Link Union Station project and urge continued dialogue for release of the \$423 million in state funding;
- B. Establish a new agency policy that prioritizes the early delivery of additional, strategic, California High Speed Rail (CHSR) capital projects in Los Angeles County rail corridors that currently serve and/or will one day serve regional and inter-city rail, consistent with the State Rail Plan, if and when new sources of state and federal funding become available, and so long as pursuit of those funding sources would not create competition with established Board transit priorities;
- C. Amend the Board's state legislative program to include advocacy and support for a new dedicated funding program for the early delivery of strategic CHSR capital projects in Los Angeles County that would help realize the goals of the State Rail Plan and Metrolink's SCORE program, facilitating improved efficiency, speed, frequency and safety for existing and future inter-city and regional rail service;

We further move that the CEO:

- D. Work with agencies who provided lists of projects in the May 2019 report back on the Board's Readiness for High-Speed Rail motion to update the status and estimated costs of those projects;
- E. Identify a strategic list of CHSR capital projects, including but not limited to the updates above, that would benefit regional and inter-city rail in L.A. County by realizing immediate and transformative efficiency, speed, frequency and safety improvements and that are consistent with the State Rail Plan and Metrolink's SCORE Program;
- F. Lead an advocacy effort with the L.A. County state legislative delegation and appropriate state and local agencies, to align with upcoming state budget deliberations, that includes:
  - 1. Promotion of the strategic list of CHSR projects and the need for a new

source of funds for these efforts, separate from Prop 1A, and not competitive with other statewide funding programs for transit;

2. A state commitment to rapidly fund advanced engineering and design of the Palmdale-to-Burbank, Burbank-to-LAUS, and LAUS-to-Anaheim CHSR segments, and inclusion therein of options for early implementation of the strategic CHSR projects list identified in response to this motion; and,

G. Report back to the Board in 60 days with a progress update.

**49. SUBJECT: LONG-TERM ADVERTISING - CULVER CITY STATION**

[2021-0536](#)

**RECOMMENDATION**

APPROVE a long-term advertising purchase, up to 12 months, at Culver City Station from HBO, generating up to \$400,000 plus, estimated net revenues for Metro. This is not a title sponsorship, and will not affect Culver City Station's title nor the adjacent private property's title, Ivy Station.

**Attachments:**      [Attachment A - Commercial Sponsorship and Adoption Policy](#)  
                                 [Attachment B - HBO Advertising - Culver City](#)

**END OF NON-CONSENT**

**48. SUBJECT: CLOSED SESSION**

[2021-0763](#)

- A. Conference with Legal Counsel - Existing Litigation - G.C. 54956.9(d)  
(1)
  1. Fernando E. Gomez v. LACMTA, Case No. 18STCV08696
  2. John Kim, et al. v. LACMTA, Case No. 20STCV16478
  3. Cesar Machado v. LACMTA, Case No. 19STCV27374
  4. Gisela Del Carmen Sanchez v. LACMTA, Case No. 19STCV18832
  5. Jennifer E. Loew v. LACMTA, et al, Case No. 20STCV07756
- B. Conference with Legal Counsel-Anticipated Litigation-G.C. 54956.9(d)  
(4)

Initiation of Litigation (One Case)
- C. Public Employee Performance Evaluation - Government Code Section 54957(b)(1)  
Titles: Chief Executive Officer, General Counsel, Board Clerk, Chief Ethics Officer, Inspector General

## CONSENT CALENDAR

### 2. SUBJECT: MINUTES

[2021-0752](#)

#### RECOMMENDATION

APPROVE Minutes of the Regular Board Meeting held October 28, 2021.

Attachments: [Regular Board Meeting MINUTES - October 28, 2021](#)

## PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):

### 5. SUBJECT: METRO RIDESHARE PROGRAM SUPPORT

[2021-0601](#)

#### RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Modification No. 4 to the Metro Rideshare Program Support Contract No. PS42183000 with Innovative TDM Solutions (ITS) to exercise the second, one-year option in the amount of \$630,555, increasing the total contract value from \$2,462,863 to \$3,093,418 and extending the period of performance from February 1, 2022 to January 31, 2023.

Attachments: [Attachment A - Procurement Summary](#)  
[Attachment B - Contract Modification Change Order Log](#)  
[Attachment C - DEOD Summary](#)

## PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):

### 6. SUBJECT: METRO FREEWAY SERVICE PATROL

[2021-0684](#)

#### RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a firm fixed unit rate Contract No. FS73888-2000 to Navarro's Towing, the lowest responsive & responsible bidder, for Metro Freeway Service Patrol (FSP) towing services in the amount of \$7,530,460 for Beat 3 & Beat 43 for 56 months, subject to resolution of protest(s), if any;
- B. AWARD a firm fixed unit rate Contract No. FS73888-2001 to Classic Tow, dba Tip Top Tow, the lowest responsive & responsible bidder, for FSP towing services in the amount of \$7,581,984.20 for Beat 5 & Beat 17 for 56 months, subject to resolution of protest(s), if any;
- C. AWARD a firm fixed unit rate Contract No. FS73888-2002 to Neighborhood Towing 4U, the lowest responsive & responsible bidder, for

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FSP towing services in the amount of \$7,926,007.32 for Beat 6 & Beat 39 for 56 months, subject to resolution of protest(s), if any;

- D. AWARD a firm fixed unit rate Contract No. FS73888-2004 to Bob & Dave's Towing, the lowest responsive & responsible bidder, for FSP towing services in the amount of \$8,243,687.38 for Beat 18 & Beat 38 for 56 months, subject to resolution of protest(s), if any;
- E. AWARD a firm fixed unit rate Contract No. FS73888-2005 to Safeway Towing Services, Inc., dba Bob's Towing, the lowest responsive & responsible bidder, for FSP towing services in the amount of \$6,949,125 for Beat 20 & Beat 37 for 56 months, subject to resolution of protest(s), if any;
- F. AWARD a firm fixed unit rate Contract No. FS73888-2006 to Hovanwil, Inc., dba Jon's Towing, the lowest responsive & responsible bidder, for FSP towing services in the amount of \$5,418,511.17 for Beat 31 for 56 months, subject to resolution of protest(s), if any; and,
- G. INCREASE Contract Modification Authority (CMA) to 19 existing FSP contracts for an aggregate amount of \$7,250,000 thereby increasing the CMA amount from \$21,750,632 to \$29,000,632 and extend periods of performance for the following contracts to assure no gap in service as follows:
- Beat 3: Hollywood Car Carrier Contract No. FSP3469400B3/43, for \$565,000 for up to 5 months
  - Beat 5: Sonic Towing, Inc. Contract No. FSP3469500B5/17, for \$365,000 for up to 5 months
  - Beat 6: Neighborhood Towing 4 U Contract No. FSP3469600B6, for \$670,000 for up to 5 months
  - Beat 17: Sonic Towing, Inc. Contract No. FSP3469500B5/17, for \$505,000 for up to 5 months
  - Beat 18: Bob & Dave's Towing, Inc. Contract No. FSP2690300FSP1418, for \$605,000 for up to 5 months
  - Beat 20: Bob's Towing Contract No. FSP2836600FSP1420, for \$480,000 for up to 5 months
  - Beat 24: T.G. Towing, Inc. Contract No. FSP2833200FSP1424, for \$460,000 for up to 5 months
  - Beat 27: Hovanwil, Inc. dba Jon's Towing Contract No. FSP3470400B27/39, for \$195,000 for up to 5 months
  - Beat 29: Platinum Tow & Transport, Inc. Contract No. FSP3470600B29, for \$350,000 for up to 5 months
  - Beat 31: Navarro's Towing Contract No. FSP3470700B31/50, for \$300,000 for up to 5 months
  - Beat 33: Mid Valley Towing Contract No. FSP2851900FSP1433,

- for \$320,000 for up to 5 months
- Beat 37: Reliable Delivery Service Contract No. FSP3696000FSP1437, for \$600,000 for up to 5 months
- Beat 38: Steve's Towing Contract No. FSP38468001438, for \$245,000 for up to 5 months
- Beat 39: Hovanwil, Inc. dba Jon's Towing Contract No. FSP5966400FSPB39, for \$325,000 for up to 5 months
- Beat 42: Platinum Tow & Transport Contract No. FSP2842100FSP1442, for \$350,000 for up to 5 months
- Beat 43: Hollywood Car Carrier Contract No. FSP3469400B3/43, for \$635,000 for up to 5 months
- Beat 50: Navarro's Towing Contract No. FSP3470700B31/50, for \$280,000 for up to 5 months
- Beat 60: Freeway Towing, Inc. Contract No. FSP5768900B60, for up to 16 months
- Beat 61: All City Tow Service Contract No. FSP5769100B61, for up to 16 months.

Attachments:      [Attachment A - Procurement Summary](#)  
                              [Attachment B - Procurement Summary](#)  
                              [Attachment C - Contract Modification Authority Summary](#)  
                              [Attachment D - Contract Modification-Change Order Log](#)  
                              [Attachment E - DEOD Summary](#)  
                              [Attachment F - FSP Beat Map](#)

**PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING  
RECOMMENDATION (3-0):**

**7. SUBJECT: 2022 REGIONAL TRANSPORTATION IMPROVEMENT  
PROGRAM**

[2021-0666](#)

**RECOMMENDATION**

**APPROVE:**

- A. PROGRAMMING of up to \$60,514,000 in Regional Transportation Improvement Program funds to the proposed projects and the program amendments shown in Attachment A; and
- B. SUBMITTAL of the 2022 Los Angeles County Regional Transportation Improvement Program (RTIP) to the California Transportation Commission (CTC).

Attachments:      [Attachment A - 2022 LA County RTIP Summary and Program](#)  
                              [Attachment B - 2022 LA RTIP Project Descriptions](#)  
                              [Presentation](#)

**PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING  
RECOMMENDATION (3-0):**

- 8. SUBJECT: WEST SANTA ANA BRANCH TRANSIT CORRIDOR  
PROJECT**

[2021-0521](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 13 to Contract No. AE5999300 with WSP USA Inc. to provide additional environmental technical work during the completion of the Draft Environmental Impact Statement / Environmental Impact Report (EIS/EIR) in the amount of \$1,302,845, increasing the Total Contract Value from \$28,484,036 to \$29,786,881, and extend the period of performance through June 30, 2022.

**Attachments:**      [Attachment A - WSAB Build Alternatives Map](#)  
                                 [Attachment B - Procurement Summary](#)  
                                 [Attachment C - Contract Modification Log](#)  
                                 [Attachment D - DEOD Summary](#)  
                                 [Presentation](#)

**PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING  
RECOMMENDATION (4-0):**

- 10. SUBJECT: ANTELOPE VALLEY LINE SERVICE AND CAPACITY  
IMPROVEMENT PROJECT FINAL ENVIRONMENTAL  
IMPACT REPORT**

[2021-0667](#)

**RECOMMENDATION**

CONSIDER:

- A. CERTIFYING the Final Environmental Impact Report for the Antelope Valley Line Service and Capacity Improvement Project, in accordance with the California Environmental Quality Act (CEQA) and file the Notice of Determination for the Project with the Los Angeles County Clerk and the State of California Clearinghouse;
- B. ADOPTING, in accordance with CEQA, the:
  - 1. Findings of Fact and Statement of Overriding Considerations, and
  - 2. Mitigation Monitoring and Reporting Plan; and
- C. FINDING that the Project meets all Public Resources Code Section 21080 (b)(10) requirements and is declared statutorily exempt under CEQA, and AUTHORIZING Metro staff to file the Notice of Exemption for the Project with Los Angeles County Clerk and the State of California Clearinghouse.

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Attachments:      [Attachment A - Findings of Fact and Statement of Overriding Considerations](#)  
                                 [Attachment B - Mitigation Monitoring and Reporting Plan](#)  
                                 [Attachment C - Board Motion 5.1](#)

**FINANCE, BUDGET, AND AUDIT COMMITTEE MADE THE FOLLOWING  
RECOMMENDATION (5-0):**

**13. SUBJECT: HEALTH BENEFITS CONSULTING SERVICES** [2021-0673](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a seven-year, firm fixed price Contract No. PS41236000, to The Unisource Group, Inc. to provide employee health benefits consulting and actuarial services in the amount of \$781,000 for the three-year base period, \$265,950 for option year one, \$240,600 for option year two, \$265,950 for option year three and \$240,600 for option year four, for a combined amount of \$1,794,100, effective February 1, 2022, subject to resolution of protest(s), if any.

Attachments:      [Attachment A - Procurement Summary](#)  
                                 [Attachment B - DEOD Summary](#)

**FINANCE, BUDGET, AND AUDIT COMMITTEE MADE THE FOLLOWING  
RECOMMENDATION (5-0):**

**17. SUBJECT: PROGRAM FUNDS FOR METROLINK SERVICE  
RESTORATION** [2021-0685](#)

**RECOMMENDATION**

APPROVE up to \$1,526,932 in additional funding to the Southern California Regional Rail Authority (SCRRA) FY-2021-22 budget to pay for Metro's share to partially restore Metrolink commuter rail service, effective December 2021.

Attachments:      [Attachment A - SCRRA Service Restoration Board Report](#)

**FINANCE, BUDGET, AND AUDIT COMMITTEE MADE THE FOLLOWING  
RECOMMENDATION (5-0):**

**18. SUBJECT: LEASE AGREEMENT WITH THE CITY OF AZUSA FOR THE  
SYSTEM SECURITY OFFICE LOCATED AT 890 THE  
PROMENADE IN AZUSA** [2021-0461](#)

**RECOMMENDATION**

CONSIDER:

A. AUTHORIZING the Chief Executive Officer (CEO) or their designee to execute a ten (10)-year lease agreement with four (4) five-year options

commencing May 1, 2022 with the City of Azusa ("Lessor"), for the System Security and Law Enforcement (SSLE) office for 8,206 rentable square feet located at 890 The Promenade in Azusa at a rate of \$20,555 per month with escalations of three percent (3%) annually and approximately \$2,865,318 in tenant improvements for a total of \$5,443,930 over the initial term with four 5-year options, if needed.

- B. AMENDING the FY22 budget to include an additional \$1,920,878 for FY2022 and one-time tenant improvements (initial lease costs).

Attachments:      [Attachment A - Lease Location and Plan Draft](#)  
                             [Attachment B - Deal Points](#)  
                             [Attachment C - Rent Comparison](#)  
                             [Attachment D - Tenant Improvements](#)

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (5-0):**

- 23. SUBJECT: PUBLIC SAFETY MISSION AND VALUE STATEMENTS** [2021-0731](#)

**RECOMMENDATION**

ADOPT the Public Safety Mission and Value Statements (Attachment A).

Attachments:      [Attachment A - Public Safety Mission and Values Statements](#)  
                             [Attachment B - Board Motion 37.1 \(June 2020\)](#)  
                             [Attachment C - Public Responses to the Google Form for Mission & Values](#)  
                             [Attachment D - PSAC November 3rd Meeting Votes](#)

**CONSTRUCTION COMMITTEE MADE THE FOLLOWING RECOMMENDATION (5-0):**

- 27. SUBJECT: ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT** [2021-0675](#)

**RECOMMENDATION**

CONSIDER:

- A. ESTABLISHING a Life of Project (LOP) budget in the amount of \$156,437,550 million for the Rosecrans/Marquardt Grade Separation Project; and
- B. AUTHORIZING the Chief Executive Officer to approve the award of and execute all contracts and agreements within the LOP budget for the Rosecrans/Marquardt Grade Separation Project.

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Attachments:      [Attachment A - Life of Project Budget Cash Flow](#)  
                                 [Attachment B - Project Funding Plan](#)

**CONSTRUCTION COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):**

- 28. SUBJECT:      EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT -      [2021-0677](#)**  
                                 **ADVANCED UTILITY RELOCATION DESIGN FOR DWP**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to execute Modification No. 26 to Contract No. AE58083E0129 with Gannett Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for the final design of advanced utility relocation for DWP Design Package 2&3, in the amount of \$1,926,053, increasing the total Contract amount from \$74,851,987 to \$76,778,040.

Attachments:      [Attachment A - Procurement Summary](#)  
                                 [Attachment B - Contract Modification Change Order Log](#)  
                                 [Attachment C - DEOD Summary](#)

**CONSTRUCTION COMMITTEE MADE THE FOLLOWING RECOMMENDATION (5-0):**

- 29. SUBJECT:      PROGRAM MANAGEMENT SUPPORT SERVICES      [2021-0670](#)**

**RECOMMENDATION**

AUTHORIZE:

- A. The exercise of the two-year option for Contract No. AE35279 with Kal Krishnan Consulting Services/Triunity Engineering and Management Joint Venture (KTJV), a small business prime, in the amount not-to-exceed \$27,461,365 for FY23 and FY24, increasing the authorized total funding limit from \$73,644,591 to \$101,105,956; and
- B. The CEO or designee to execute individual Contract Work Orders (CWOs) and Contract Modifications within the Board authorized contract funding amount.

Attachments:      [Attachment A - Procurement Summary - PMSS - BR File 2021-0670](#)  
                                 [Attachment B - CWO Mod Log](#)  
                                 [Attachment C - DEOD Summary](#)  
                                 [Attachment D - Current Support Provided by Project Category Chart](#)  
                                 [Attachment E - PMSS Current Anticipated List of Projects 10-5-21](#)

**EXECUTIVE MANAGEMENT COMMITTEE MADE THE FOLLOWING RECOMMENDATION  
(5-0):**

**32. SUBJECT: COMMUNICATIONS SUPPORT SERVICES BENCH**

[2021-0596](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 5 to Bench Contract Nos. PS44432001 through PS44432010 to:

- A. INCREASE the contract value by \$3,000,000, increasing the contract value from \$18,955,568 to \$21,955,568; and
- B. AWARD AND EXECUTE task orders for a not-to-exceed total authorized amount of \$21,955,568.

**Attachments:**      [Attachment A - Procurement Summary](#)  
                                 [Attachment B - Contract Modification Change Order Log](#)  
                                 [Attachment C - Firms on Communications Support Services Bench](#)  
                                 [Attachment D - List of Task Order and Values](#)  
                                 [Attachment E - DEOD Summary](#)

**EXECUTIVE MANAGEMENT COMMITTEE MADE THE FOLLOWING RECOMMENDATION  
(6-0):**

**34. SUBJECT: 2022 LEGISLATIVE PROGRAM**

[2021-0694](#)

**RECOMMENDATION**

CONSIDER:

- A. RECEIVING the State and Federal Legislative Report;
- B. ADOPTING the proposed 2022 Federal Legislative Program as outlined in Attachment A; and
- C. ADOPTING the proposed 2022 State Legislative Program as outlined in Attachment B.

**Attachments:**      [Attachment A - 2022 Federal Legislative Program Goals](#)  
                                 [Attachment B - 2022 State Legislative Program Goals](#)

**EXECUTIVE MANAGEMENT COMMITTEE MADE THE FOLLOWING RECOMMENDATION  
(6-0):**

**41. SUBJECT: IMPROVING THE EFFECTIVENESS AND SUSTAINABILITY  
OF METRO BIKE SHARE**

[2021-0743](#)

**RECOMMENDATION**

APPROVE Motion by Directors Krekorian, Garcetti, Kuehl, and Sandoval that the Board direct the Chief Executive Officer to report back in 90 days on:

- A. An action plan to stabilize the current fleet size including actions for how to identify, prioritize, and address new mechanisms of theft as they arise.
- B. An action plan to address equitable access in the current program and in any future form of the program. This plan shall include recommendations on issues such as serving people who may be unbanked, addressing the digital divide, and keeping fare cost low.
- C. A plan to provide uninterrupted service as the next iteration of the program is determined and executed.
- D. A plan to convene an industry forum (as was performed for Metro Micro) to bring together academics, cities with existing bike share programs, community stakeholders, and industry experts to provide recommendations on advancing Metro Bike Share beyond the current contract in one of several forms including but not limited to:
  - 1. Continuing Metro Bike Share as a contracted service,
  - 2. Operating the program In-house with Metro employees,
  - 3. A private-sector model with financial subsidy provided by Metro.
- E. Performing a market survey to identify best practices and business models among existing bike-share systems in the US, and comparable global systems (e.g., Paris, London, Barcelona, Madrid, and Mexico City), and to develop comparative data on subsidy cost per ride, total ridership, size of fleet, vehicle technology, theft and damage loss and prevention, and alternative financing sources like sponsorship and advertising.
- F. Recommendations for continuing and evolving the Metro Bike Share program to meet the goals of the agency, with countywide stakeholder engagement and consideration of cost-sharing, with the goal of expanding service area and local participation to all subregions in the County. These recommendations should include eligible local, state, and federal funding sources for capital and operations budgets, as well as legislative opportunities to expand such funding eligibility.

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47. **SUBJECT: FINDINGS REQUIRED TO CONTINUE TO MEET VIA  
TELECONFERENCE IN COMPLIANCE WITH AB 361  
WHILE UNDER A STATE OF EMERGENCY AND WHILE  
STATE AND LOCAL OFFICIALS CONTINUE TO  
PROMOTE SOCIAL DISTANCING**

[2021-0742](#)

**RECOMMENDATION**

CONSIDER making the following findings:

Pursuant to AB 361, the Metro Board, on behalf of itself and other bodies created by the Board and subject to the Ralph M. Brown Act, including Metro's standing Board committees, advisory bodies, and councils, finds:

The Metro Board has reconsidered the circumstances of the state of emergency, and that:

- A. The state of emergency continues to directly impact the ability of the members to meet safely in person, and
- B. State or local officials continue to impose or recommend measures to promote social distancing.

Therefore, all such bodies will continue to meet via teleconference subject to the requirements of AB 361.

**END OF CONSENT CALENDAR**

**SUBJECT: GENERAL PUBLIC COMMENT**

[2021-0722](#)

RECEIVE General Public Comment

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**



## Board Report

File #: 2021-0630, File Type: Program

Agenda Number: 9.

### PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 17, 2021

**SUBJECT: OPEN AND SLOW STREETS GRANT PROGRAM CYCLE FOUR**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

CONSIDER:

- A. AWARDING \$5 million to 13 new Open and Slow Streets events scheduled through December 2023 (Attachment B-1); and
- B. REPROGRAMMING of any Cycle Three and FY 2020 Mini-Cycle Funding not expended by December 31, 2021 towards the next highest scored event(s) applied for in Cycle Four (Attachment B-1).

#### **ISSUE**

In September 2013, the Metro Board approved the Open Streets Competitive Grant Program framework to fund a series of regional car-free events in response to the June 2013 Board Motion 72. The approved framework includes the following:

- An annual allocation up to \$2.5 million.
- Competitive process and program.
- Technical process to collect data and evaluate the events.

In June 2021, the Metro Board approved the initiation of Cycle Four of the Open and Slow Streets Grant Program (Attachment C) and increased the annual funding allocation to \$2.5 million. The Cycle Four recommendation includes funding for 13 new events and supplemental programmatic elements, for a total of \$5 million over 2 calendar years. This funding recommendation is within the approved framework of an annual allocation of up to \$2.5 million. Board approval is necessary to program the funds to 13 Cycle Four events and authorize reprogramming of any Cycle Three and FY2020 Mini-Cycle funding towards the next highest scored Cycle Four event(s).

#### **BACKGROUND**

Open and Slow Street events are temporary occurrences funded by grants that close public streets to

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automobile traffic and open them for bicyclists and pedestrians to provide opportunities to experience walking, riding a bike, and riding transit possibly for the first time. In addition, the program encourages future mode shift to walking, bicycling and public transportation, and promotes civic engagement to foster the development of multi-modal policies and infrastructure at the local level.

#### Open Streets Cycle One, Two, Three, and FY2020 Mini-Cycle Summary

Staff created a comprehensive framework and competitive grant process to solicit and evaluate applications for Open Street events throughout Los Angeles County. At the June 2014 meeting, the Board awarded \$3.7 million to 12 events for Cycle One of the Open Streets Grant Program. At the September 2016 meeting, the Board awarded \$4.14 million to 17 events for Cycle Two. At the September 2018 meeting, the Board awarded \$4.53 million to 15 events and passed a motion for staff to create a \$1 million dollar Mini-Cycle in FY2020 to account for the large number of unfunded Cycle Three applications received. At the May 2019 meeting, the Board awarded \$1.05 million to 5 additional events for the FY2020 Mini-Cycle. To date 35 Open Street events awarded funding in Cycle One, Two, Three and the FY2020 Mini-Cycle have been implemented totaling nearly 218 miles of car-free streets. Nine (9) additional Cycle Three and FY2020 events repurposed their grant funding toward the Slow Streets concept.

#### COVID-19 Impact and Slow Streets Concept

In response to the COVID-19 Pandemic, Los Angeles County entered in to the “Safer at Home Order” on March 20, 2020. As a result, all Cycle Three and Mini-Cycle events were postponed to later dates indefinitely.

During the Regular Board meeting held May 28, 2020, the Metro Board of Directors approved Motion 2020-0375 authorizing the CEO to negotiate administrative scope changes to awarded Cycle Three and Mini-Cycle events, at the written request of the grantee, such that funds may be used for COVID-19 response Slow Streets or similar programs including:

- Expanding one-day events to longer-term temporary traffic interventions,
- Replacing a large, single-corridor event intended for regional audiences with many smaller, neighborhood-scale interventions catering to local audiences,
- Creating spaces within the public right-of-way to support economic activity such as dining and vending, and
- Providing education, encouragement, and monitoring for safe physical distancing in accordance with the Safer at Home Order in partnership with and supporting community-based leadership.

In November 2020, staff submitted a Board Box report outlining the plan to extend Cycle Three and the Mini-Cycle through December 31, 2021 allowing awarded grantees to produce their events after the pandemic related restrictions on large gatherings had been lessened or consider reprogramming the awarded funding for the new Slow Street concept. As of November 2021, all but two (2) of the remaining Cycle Three and 2020 Mini-cycle grantees have executed an amendment to their previously executed MOU to produce their previously approved Open Street with slight modifications or reprogram their funding toward Slow Streets.

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Based on the Board Motion at the June 2021 Board meeting, staff recommended allowing applicants to propose Slow Streets events, traditional Open Street events or a combination of multi-day and extended route events in Cycle Four. Three such Cycle Four applications were received.

## **DISCUSSION**

### **Outreach**

Following June 2021 Board authorization to release the Cycle Four Application and Guidelines, staff conducted extensive outreach, presenting the program to the Councils of Governments (COG), and the Technical Advisory Committee (TAC). Staff released the Cycle Four Open and Slow Streets Grant Application and Guidelines online on July 27, 2021 and subsequently hosted a virtual Open Streets Program Workshop on August 18, 2021. The workshop included information on the program and a review of the Cycle Four Guidelines, a question-by-question review of the Cycle Four Application and provided step-by-step instructions on how to apply for grant funding. Over 150 people representing cities and agencies across the Los Angeles region were in attendance at the events that Metro attended and/or hosted. Additional grant writing assistance was provided to resource challenged jurisdictions.

### **Application Review and Recommendation**

Event applications have become more standardized in length and scope as the program has matured. Additional scoring criteria were added to applications for innovative scope, multi-jurisdictional events, and routes in disadvantaged communities as determined by the CalEnviroScreen Score and Metro Equity Focused Communities. Separate criteria were added for new and existing applicants. The application evaluation was conducted by an internal and external technical team with experience in multi-modal transportation, including representatives from Metro Office of Equity and Race, Metro Operations, and the Southern California Association of Governments (SCAG). The events were evaluated based on their ability to meet the project feasibility and route setting guidelines approved by the Board that stressed readiness, partnership expertise and connections to transit and existing active transportation infrastructure.

A total of 27 project applications were received on September 15, 2021 for a total of \$9.6 million of funding requests. Of the 27 applications received, 21 were for routes along Equity Focused Communities, and 15 applications received were for multi-jurisdictional events. All applications submitted received passing scores and the top 13 are recommended based on funding allocation (Attachment B-1). The total recommended events account for \$5,000,000 million of funding requests. We recommend that the top 12 applicants receive their full funding request, and that the 13th applicant receive an amended reduced award in order to use all available funding. Any of the remaining \$346,205 funding in Cycle Three and the FY 2020 Mini-Cycle not expended by December 31, 2021 will be reprogrammed towards the next highest scored event(s) applied for in Cycle Four (Attachment B-1). 11 of the 13 recommended events are along new routes, 5 recommended grantees are first time applicants, 3 recommended funding awards are for slow streets, and all 13 recommended events include routes along the Board adopted Equity Focused Communities Map. These recommended events are regionally diverse, connected to transit stations, regional bikeways,

and major activity centers.

Cycle Four includes 2 years of Open Street programming, with the first event being proposed for January 2022 and the final event being proposed for fall/winter 2023. The 2-year timeline will allow for the staging of events within the December 2023 deadline and ensure that events will maximize regional access and participation by not being held on consecutive dates.

Staff will utilize funds from the FY 21/22, 22/23 and 23/24 budget allocation to cover expenses for Metro Rail Operations, Marketing and Community Relations support for Open Streets events through December 2023. Operations are required to support the events with increased rail supervisors at grade crossings, at stations for crowd control, and to provide a bus and operator for community outreach on the day of events. Community Relations and Marketing are needed for day-of-event support, management and procurement of marketing materials, transport of marketing and outreach goods, staff training and TAP outreach and sales.

#### Cycle Four Evaluation Reporting

During Cycle Four, jurisdictions will be provided with a standardized data collection template developed after Cycle One and Two. Additional reporting criteria will be added to the MOU and standardized data collection template to better evaluate the progress of the program toward achieving equity outcomes and the objectives of the program goals presented in Board Motion 72, including providing post-implementation reports that include plans for new active transportation infrastructure and what the jurisdictions will do to increase bicycle and pedestrian mode shares post event.

#### **DETERMINATION OF SAFETY IMPACT**

The Open Streets Grant Program Cycle Four will not have any adverse safety impacts on employees and patrons.

#### **FINANCIAL IMPACT**

The funding of \$2.5 million for the first year of the program is included in the FY 21/22 budget in cost center number 4320, under project number 410077, Open Street Grant Program. We expect \$2.5 million to cover anticipated invoices for events (including Cycle Three and FY2020 Mini-Cycle) in this fiscal year. Since this is a multi-year program, the cost center manager and Chief Planning Officer will be responsible for budget the costs in future years.

#### Impact to Budget

A local funding source, Proposition C 25%, will be utilized for Open Streets. These funds are not eligible for Bus and Rail Operating and Capital expenses. Proposition C 25% funds are eligible for transportation system management/demand management (TSM/TDM) programs such as Open Streets events. SCAG identifies Open Street Events as Transportation System Management / Transportation Demand Management (TSM/TDM) programs in the 2012 RTP Congestion Management Appendix in the section titled Congestion Management Toolbox - Motor Vehicle

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Restriction Zones. Should other eligible funding sources become available, they may be used in place of the identified funds.

### **EQUITY PLATFORM**

Metro Open Streets and Slow Streets Grant Program Cycle Four will continue to provide open roadways for County Residents, including those from historically underserved communities, and opportunities to walk in their community and ride a bike in their neighborhood, possibly for the first time. Staff will work directly with Metro Operations and any impacted municipal operators to mitigate disruptions to local bus service on closed streets and ensure that grantees perform adequate outreach to impacted communities along event routes. All grantees will be required to distribute a Data Collection Template developed by an outside consultant to event participants and adjacent businesses to better understand the impacts and benefits of Open Streets. Data collected in the survey will include gender, age, and zip code.

By providing additional scoring points during the competitive application review process for events held in historically marginalized and vulnerable communities, open streets events are more likely to be held in areas where there is higher need for open space and opportunities to experience alternative modes of transportation. Open and Slow Streets events also give Metro the opportunity to provide informational resources on a variety of transportation options and ongoing and planned initiatives to community members in the communities where they live.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Metro Open Streets Cycle Four aligns well with Strategic Plan Goal 3. By introducing local communities and stakeholders to the value of car-free and car-light mobility and providing opportunities to experience this mobility firsthand and possibly for the first time, Metro is leveraging its investment through the Open Streets Grant Program to promote the development of communities that are not reliant on personal automobile. Metro outreach participation in Open Streets events, many of which are in Equity Focused Communities, provides opportunities for Metro staff to discuss and answer questions about ongoing and planned initiatives with community members in the communities where they live.

### **ALTERNATIVES CONSIDERED**

The Board may choose not to approve the recommended funding of Cycle Four of the Open Streets Grant Program. This alternative is not recommended as it is not in line with the June 2013 Board Motion 72 establishing the Metro Open Streets Grant Program.

### **NEXT STEPS**

Upon approval, staff will notify project sponsors of the final funding award and proceed to initiate a Memorandum of Understanding (MOU).

Staff will also follow up with grantees on post-event implementation, including enhancement efforts to invest in bicycle and pedestrian infrastructure and promote public transportation mode shift.

**ATTACHMENTS**

Attachment A - June 2013 Metro Board Motion 72

Attachment B-1 - Open Streets Cycle Four Scoring and Funding Recommendations

Attachment B-2 - Open Streets Cycle Four Recommended Events (Map)

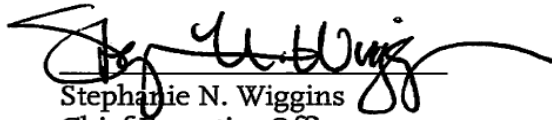
Attachment C - Open Streets Cycle Four Application Package & Guidelines

Prepared by: Brett Atencio Thomas, Principal Transportation Planner, Countywide Planning & Development, (213) 922-7535

Frank Ching, DEO, Countywide Planning & Development, (213) 922-3033

Holly Rockwell, SEO, Countywide Planning & Development, (213) 922-5585

Reviewed by: James De la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins  
Chief Executive Officer

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**MOTION BY  
MAYOR ANTONIO R. VILLARAIGOSA,  
SUPERVISOR GLORIA MOLINA,  
DIRECTOR ARA NAJARIAN, DIRECTOR MEL WILSON**

Planning and Programming Committee  
June 19, 2013

**Los Angeles County “Open Streets” Program**

Across the nation, cities have begun hosting “open streets” events, which seek to close down streets to vehicular traffic so that residents can gather, exercise, and participate in pedestrian, bicycling, skating and other related activities.

These events are modeled after the “*Ciclovías*” started in Bogota, Colombia over thirty years ago in response to congestion and pollution in the city.

In 2010, Los Angeles held its first “open streets” event, called CicLAvia.

After six very successful events, CicLAvia has become a signature event for the Los Angeles region.

With over 100,000 in attendance at each event, CicLAvia continues to successfully bring participants of all demographics out to the streets.

This event offers LA County residents an opportunity to experience active transportation in a safe and more protected environment, and familiarizes them with MTA transit options and destinations along routes that can be accessed without an automobile.

The event also takes thousands of cars off the streets, thereby decreasing carbon emissions.

Bicycling, as a mode share, has increased dramatically within LA County in the last years, boosted largely by the awareness brought about by these “open streets” programs.

Over the past decade, LA County has seen a 90% increase in all bicycle trips.

CONTINUED

In response to this growing demand, many local jurisdictions have begun implementing robust bike infrastructure and operational programs that enhance the safety and convenience of bicycling as a mode of travel.

Seeing the success of CicLAvia in Los Angeles, these jurisdictions have expressed a desire to pursue their own “open streets” events to increase awareness for active transportation and reduced reliance on the private automobile.

MTA should partner alongside a regional “open streets” type program in order to coordinate, assist, and promote transit related options.

These events will become a significant contributor to MTA’s overall strategy to increase mobility and expand multi-modal infrastructure throughout the region.

They will also promote first-mile/last-mile solutions and fulfill the Sustainable Communities Strategy Plan, as proposed by the Southern California Association of Governments.

**WE THEREFORE MOVE THAT** the MTA Board of Directors direct the CEO to use the following framework in order to create an “open streets” program:

1. Identify an eligible source of funds to allocate annually up to \$2 million to support the planning, coordination, promotion and other related organizational costs.
2. Report back at the September 2013 Board meeting a recommended competitive process and program, working with the County Council of Governments and other interested cities, to implement and fund a series of regional “open streets” events throughout Los Angeles County.
3. Develop a technical process to collect data and evaluate the cost and benefits (e.g. transit use increases, reduction of air emissions, etc.) of these events.

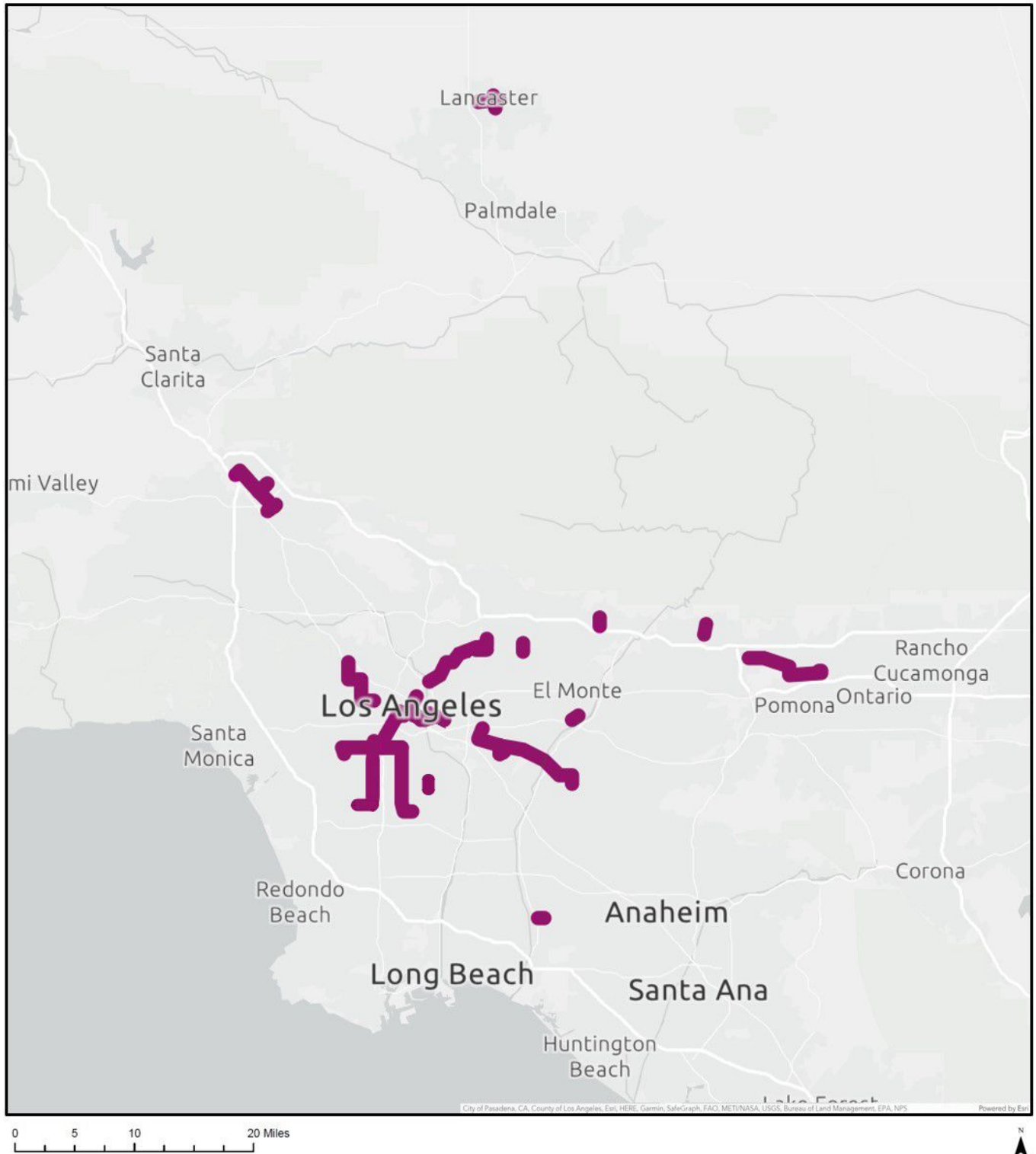
###

	Date	Event Title	Applicant	Length in Miles	New Route	1st time app	EFC	Multi- city	Open Streets	Slow Streets	Average Score	Grant Request	Grant Award
1	Sunday September 17, 2023	Eastside Open Street Event	Commerce	10	X	X	X	X	X		91.3	\$500,000	\$500,000
2	Saturday, May 13, 2023	Northeast Valley Community Street Festival	San Fernando	7.5	X		X	X	X		91.0	\$500,000	\$500,000
3	Sunday in February 2023	Open Streets South LA: Expo Meets Jesse Owens (Park2Park)	South LA	6	X	X	X		X		90.7	\$400,000	\$400,000
4	December, 2022	South LA to Watts Open Street Event— 2022	Los Angeles City	6.3	X		X	X	X		88.7	\$325,000	\$325,000
5	September, 2023	Walk & Roll Fest in conjunction with Slow Streets September	Lancaster	5+	X	X	X		X	X	87.7	\$480,000	\$480,000
6	April, 2023	Heart of the Foothills	SGV COG	6.5			X	X	X		87.0	\$500,000	\$500,000
7	December, 2023	South LA to Crenshaw Open Street Event— 2023	Los Angeles City	6	X		X	X	X		86.7	\$400,000	\$400,000
8	October, 2022	Hawaiian Gardens Fun Walk, Run and Bike Open Street Event	Hawaiian Gardens	1	X	X	X		X	X	86.0	\$40,000	\$40,000
9	October, 2023	Heart of LA Open Street Event— 2023	Los Angeles City	6.5			X	X	X		84.7	\$400,000	\$400,000
10	January, 2022 - December, 2023	SGV Slow Street Demonstration Initiative	SGV COG	N/A	X		X	X		X	84.7	\$500,000	\$500,000
11	5 Sundays in October 2022	Camina en Walnut Park: Domingos en Octubre	Walnut Park	0.5	X	X	X		X		84.0	\$400,000	\$400,000
12	Sunday, October 30, 2022	626 Golden Streets   ArroyoFest	SGV COG	7	X		X	X	X		84.0	\$496,000	\$496,000
13	June, 2023	Koreatown to Hollywood Open Street Event	Los Angeles City	5	X		X	X	X		83.3	\$350,000	\$59,000
14	Sunday, May 1, 2022	626 Golden Streets   Mission-to-Mission	SGV COG	5				X	X		83.0	\$396,000	\$0
15	February, 2023	Mid City to Pico Union Open Street Event	Los Angeles City	4	X		X		X		82.3	\$325,000	\$0
16	October, 2022	Heart of LA Open Street Event— 2022	Los Angeles City	6			X	X	X		81.0	\$400,000	\$0
17	May, 2023	Watts Neighborhood Open Street Event	Los Angeles City	1	X		X		X		81.0	\$150,000	\$0
18	Saturday May 20, 2023	Beach Streets Downtown	Long Beach	4					X		80.7	\$216,000	\$0
19	May, 2022	South LA (Western Ave) Neighborhood Open Street Event	Los Angeles City	2.5	X		X		X		80.7	\$250,000	\$0
20	Sunday, June 26, 2022	CicLAvia - Glendale Meets Atwater Village	Glendale	3.5					X		78.7	\$249,051	\$0
21	Sunday, February 27, 2022	Culver City Meets Venice 2022	Culver City	6.75				X	X		78.3	\$480,000	\$0
22	September, 2023	6th St: Arts District to Boyle Heights Neighborhood Open Street	Los Angeles City	1.25	X		X	X	X		77.7	\$100,000	\$0
23	April, 2023	West Valley: Sherman Way to Reseda Open Street Event	Los Angeles City	6	X		X		X		77.3	\$350,000	\$0
24	August, 2023	Mid City to the Sea Open Street Event— 2023	Los Angeles City	7			X	X	X		77.3	\$500,000	\$0
25	A Sunday in April 2022	CicLAvia: The Hollywoods Meet Beverly Hills	West Hollywood	7.5	X			X	X		77.0	\$500,000	\$0
26	Saturday May 21, 2022	Beach Streets University	Long Beach	4.1					X		75.0	\$216,000	\$0
27	September, 2022	North Hollywood Open Street Event	Los Angeles City	1	X		X		X		72.0	\$125,000	\$0

Total Grant Request	\$9,548,051
Total Grant Award	\$5,000,000

# Open Streets Cycle Four Events

ATTACHMENT B-2




**Metro**

 Los Angeles County  
 Metropolitan Transportation Authority

 One Gateway Plaza  
 Los Angeles, CA 90012-2952

 213.922.2000 Tel  
 metro.net

## Open and Slow Streets Cycle Four Application Package & Guidelines

*All fields are required for application submission unless noted.*

### Program Guidelines

#### **Program Objectives**

Open and Slow Streets are events which temporarily close the streets to automobiles and open them up to people to re-imagine their streets while walking, riding a bicycle, rollerblading or pushing a stroller in a car-free environment. The goals of the program are to encourage sustainable modes of transportation (bicycling, walking and transit), provide an opportunity to take transit for the first time, and provide an opportunity for civic engagement that can foster the development of a city's multi-modal policies.

#### **Equity Approach**

Applicants are encouraged to propose events with a strong focus on equity, and additional points are awarded to events proposed in resource challenged communities as defined by the CalEnviroScreen and Metro Equity Focused Communities Map.

#### **Eligibility**

With a focus on regional equity, Cycle Four applications are open to Los Angeles County city and county jurisdictions as well as Council of Government offices. Funding may be distributed to more than one event per city/jurisdiction until the maximum funding allocation is reached. Applicants shall rank applications for 2 or more events in order of priority with 1 being the most important, 2 being the second most important, etc.

#### **Funding**

There is up to \$5 million available for grants for the Open and Slow Streets Grant Program Cycle Four. There are no minimum funding guarantees per applicant jurisdiction or event. Any city/jurisdiction, or a combined multi-jurisdictional team, can apply for a maximum of \$500,000 per single event. Any agreement on funding distributions among jurisdictions participating in a multi-jurisdictional event must be negotiated directly between the applicant and all other jurisdictions that are participating in the event. There is no guarantee that applicant will receive full funding request. If grant applicant is unable to accept amended award amount and commit to producing the event as scoped, award will be available to next highest scored application. Funds will be available starting in January 2022, pending Metro Board approval and events must be staged by December 31, 2023. Funding sources may be federal and cities/jurisdictions will be required to comply with all federal funding procedures and requirements.

#### **Scoring**

Project will be evaluated on the following criteria on a 100-point score. An event must receive a minimum of 70 points to be eligible for funding. Innovative events that

differentiate themselves from past Los Angeles County Open Street events are highly favored in the scoring process.

## General Event Information – 10 points

### Project Feasibility – 20 points

Proposed partnerships and demonstration of potential for event success*	5
Event readiness (Funds will be required to be expended by December 31, 2022)	4
Agency's existing active transportation programs and policies	4
Community support	4
Matching funds committed	3

\* Partners may include but are not limited to COGs, community groups, event producers and non-profits. Previous grantees must demonstrate success with previous events and lessons learned. New applicants must demonstrate that they have the capacity to produce an Open Street event.

### Route Setting – 49 points

Route is innovative and helps to encourage social distancing (Examples include evening events, weekday events, holiday events, multi-day events, themed events, events that encourage increased local retail/stakeholder participation, extended routes, and events that differentiate themselves from previous LA County Open and Slow Street events)	12
Route includes disadvantaged communities*	10
Proximity and access to commercial and retail corridors	5
Connections to cultural, architectural, historical and/or important destinations in the community	5
Event cost per mile	5
Route is along or intersects with existing bicycle infrastructure**	3
Route adheres to Social Distancing guidance	3
Topography - The route minimizes hilly terrain***	3
Route length (longer routes are encouraged)	3

\*Based on average of 70th percentile CalEnviroScreen Score for census tracts directly adjacent to the proposed route (<http://oehha.maps.arcgis.com/apps/Viewer/index.html?appid=112d915348834263ab8ecd5c6da67f68>)

\*\*Will the route be on or intersect any existing bicycle infrastructure? Will the route encourage first time riders to modify their travel behavior in the future?

\*\*\* As an example, see San Francisco's "Wiggle" - [http://en.wikipedia.org/wiki/The\\_Wiggle](http://en.wikipedia.org/wiki/The_Wiggle)

### Transit and Community Connectivity - 21 points

Route includes multiple jurisdictions	5
Applicant jurisdiction has not had a previous Open Street event in their community	5
Connections between multiple central business districts or retail corridors	5
Plan to attract participants from throughout the surrounding community	4
Accessibility to Metro Rail	2

### **Funding Eligibility**

Funding may be used for pre-event planning & outreach costs in conjunction with implementing an Open Street event or Slow Street corridor. Funding may be used for any operational or capital cost associated with the day-of event excluding activation/routing held off-street unless approved in writing by the Open Streets Grant Program Manager. Funding may not be used for alcohol-related activities. Funds awarded will not exceed the event cost in the original application and may be less if the key objectives can be achieved at lower costs. Non material scope and event changes shall be handled administratively and be approved by Program Manager. Any cost overruns shall be the responsibility of the applicant. Both third party consulting costs and internal staff costs for directly providing services with respect to the project will be eligible for funding. Funding may be used for treatments, outreach, and associated planning and implementation costs to restrict or completely limit automobile use for any number of days throughout the grant cycle. Eligible street closure treatments include way finding, signage, delineators, A-frames, K-rail, and other street closure infrastructure. Street furniture or other programming will be the sole responsibility of the Grantee.

### **Data Collection and Reporting Requirements**

Grantee shall collect data that should be provided to Metro in a post-implementation spreadsheet no later than three months after the event is executed. Metro will withhold ten percent (10%) of eligible expenditures per invoice as retainage. Metro will release retainage after Metro has evaluated Grantee's post-implementation report and data collection performance according to the criteria specified by Metro. Data collection will include at a minimum but not be limited to: participation counts of pedestrians and cyclists along the route; and economic quantitative and qualitative impact on local retailers such as anecdotes and event change in sales compared to pre-event sales. Additional reporting criteria will be added to the Memorandum of Understanding to better evaluate how the event contributes toward achieving the program goals presented in Board Motion 72, including providing plans for any new permanent active transportation infrastructure in the community and plans for increasing bicycle and pedestrian mode shares post project.

### **General and Administrative Conditions Lapsing Policy**

Open Streets Cycle Four events must be staged by December 31, 2023. Funds not expended by this date will lapse. Lapsed funding will go towards the next grant cycle of the Open and Slow Streets Program. Applicants who have their funds lapse may reapply for funding in the next cycle, however new applicants and applicants from previously successful events will be prioritized.

### **Grant Agreement**

Each awarded applicant must execute a grant agreement with Metro before the event. The agreement will include the event scope and a financial plan reflecting the grant amount, event partners and the local match. Funding will be disbursed on a reimbursement basis subject to satisfactory compliance with the original application cost and schedule as demonstrated in a quarterly report supported by a detailed invoice showing the staff and hours billed to the project, any consultant hours, etc. Final

scheduled payment will be withheld until the event is staged and approved by Metro and all post-implementation requirements have been satisfied.

### **Audits and Event Scheduling**

All grant programs may be audited for conformance to their original application. Metro shall review event schedule and final date of the event to ensure regional and scheduling distribution. At Metro's Program Manager's request events may be rescheduled to avoid overlapping events and to increase participant safety.

### **Application**

#### **General Information**

1. City/Government Agency Name:

2. Project Manager Name:

3. Project Manager Title and Department:

4. Project Manager Phone Number:

5. Project Manager E-mail Address:

6. City Manager Name:

7. City Manager Phone Number:

8. City Manager E-mail Address:

#### **General Open Street Event Information**

9. Open or Slow Street Event Name

(Example: Sunnyside Sunday Parkways Open Street Event.)

*Maximum Allowed: 150 characters.*

10. Event Description

(Example: Main Street, Flower Street, Spring Street, 7<sup>th</sup> Street, 1<sup>st</sup> Street and Broadway Avenue in downtown Sunnyside will be closed to cars for the months of August through November from downtown to mid-town to invite people on foot and on bikes to rediscover the streets of their community in a car-free environment while maintaining social distancing. Local retailers and restaurants will be invited to expand their operation in to the street.

*Maximum Allowed: 500 characters.*

11. Estimated Route Length (in miles):

*Maximum Allowed: 4 digits.*

12. Estimated Number of Signalized Intersections:

*Maximum Allowed: 3 digits*

13. Estimated Number of Hard and Soft Closures:

*Maximum Allowed: 4 digits*

14. Attach a map of the proposed route including a clear demarcation of event bounds by street name. If the proposal is for outside retail operations, indicate where treatments will be implemented along the corridor. A digital map made in Google maps or ArcGIS is preferred

15. Describe the pavement quality along the route and any considerations that will be made for poor quality pavement.

*Maximum Allowed: 150 characters.*

16. Does the event route cross any freeway on or off ramps? (Y/N)

If "YES" for Question 16

16a. How many freeway crossings exist along the proposed route and what are their locations? (NOTE: Additional coordination with CalTrans will be required for each freeway ramp crossing at the cost of grantee).

*Maximum Allowed: 150 characters*

17. Does the event include rail grade crossings? (Y/N)

If "YES" for Question 17

17A. How many rail grade crossings exist along the proposed route and what are their locations? (NOTE: Additional staff resources will be required for each grade crossing at the cost of grantee).

*Maximum Allowed: 150 characters*

18. If vehicles will remain on your event route, list how your jurisdiction will ensure a safe interface between motorized and non-motorized modes of transportation, and or retail uses.

*Maximum Allowed: 300 characters*

### **Project Feasibility**

19. Estimated month & year of Event (Funds will be available starting in January 2022, pending Metro Board approval. Event must be staged by December 31, 2023)

*Maximum Allowed: 6 digits*

20. Describe how your City's General Plan or other planning program documents and procedures support open and slow street events and/or active transportation?

(Examples include: previous slow street implementation, adopted Complete Streets Policy or updated Circulation Element to include Complete Streets, adopted a Bike Plan, adopted a Pedestrian Plan, developing or implementing Bike Share Programs, adopted Climate Action Plans, implementation of local Transportation Demand Management ordinances and implementation of Parking Management Programs to encourage more efficient use of parking resources and curbside management)

*Maximum Allowed: 500 characters*

21. Would your jurisdiction be amenable to scope change or increased route length in order to encourage social distancing? (Y/N)

**Demonstration of Ability to Produce Successful Event**

22. Does your city/jurisdiction plan to partner with any non-profits, event production companies, city departments, and/or community partners to assist in event implementation and planning? (Y/N)

If "YES" for question 22

22a. List your proposed partners and their role in the event planning and implementation.

*Maximum Allowed: 600 Characters*

If "NO" for question 22

22b. What is your city/jurisdiction doing in lieu of partnerships with outside agencies (including non-profits and other community partners) to engage the community and make the event successful? *Maximum Allowed: 800 Characters*

23. Does your city have previous experience organizing open and slow street events or other large public events that require street closures (such as street fairs, large city-wide or region-wide events related to transportation, athletics, cultural celebrations)? List and describe.

*Maximum Allowed: 800 Characters*

If "YES" for question 23

23a. What lessons has your city learned from previous open and slow street events (or similar events that closed streets to auto traffic) that will increase the success of the proposed event? *Maximum Allowed: 800 Characters*

**Event Budget**

24. What is the total estimated cost of the event?

*Maximum Allowed: 10 characters.*

25. What is the requested grant amount? *Maximum Allowed: 10 characters*

26. What is the proposed local match amount? (min 20% in-kind required)

*Maximum Allowed: 10 characters.*

27. What are the estimated outreach costs?

*Maximum Allowed: 10 characters.*

28. What are the estimated pre-event planning costs?

*Maximum Allowed: 10 characters.*

29. What are the estimated event staging costs (including staffing, rentals, permits, etc.)?

*Maximum Allowed: 7 characters.*

30. Agencies are required to provide a 20% match: Will you provide an in-kind or a local fund match?

31. What is the event cost per mile (Answer to #24 / Answer #11)?

32. Attach completed Financial Plan and event Scope of Work templates provided at <https://www.metro.net/projects/active-transportation/metro-open-streets-grant-program/>

### **Route Setting**

33. Will the route connect multiple cities? Y/N  
List all partner cities.

If "YES" to question 33

33a. How will your city ensure connectivity throughout the route, coordination between multiple agencies and a sense of one contiguous event?

*Maximum Allowed: 1000 characters.*

34. Will the route be along or connect various commercial corridors? Y/N Explain.

*Maximum Allowed: 1000 characters.*

35. Will the route be along any residential corridors? (Y/N)

*Maximum Allowed: 1000 characters*

36. Will the route be along or connect to cultural, architectural, recreational and/or historical destinations and events? Y/N Explain.

*Maximum Allowed: 1000 characters.*

37. List and describe the bicycle and off-street pedestrian infrastructure along or adjacent to the route. *Maximum Allowed: 1000 characters.*

38. List ways that the event will differentiate itself from previous LA County Open and Slow Street events and how it will attract new participants (examples include afternoon or evening events, weekday events, events that celebrate holidays, events that encourage increased local retail/stakeholder participation, multi-day events, etc.).

*Maximum Allowed: 1000 characters.*

39. Provide an outline of how the route will be activated.

*Maximum Allowed: 1000 characters.*

40. Use CalEnviroScreen score to determine the average score of the combined census tracts that the route traverses.

<http://oehha.maps.arcgis.com/apps/Viewer/index.html?appid=112d915348834263ab8ecd5c6da67f68>

*Maximum Allowed: 4 digits*

### **Marketing and Outreach**

41. Upload a letter of support from the city/county applicant and if applicable each city/non-profit/other partner. (Please include all letters in one PDF).
42. Describe how your city will satisfy Metro's data collection requirements (i.e. agency staff, volunteers, consultant, etc.) and any additional data the agency may request.
43. If your agency plans to submit more than one application, please rank this application in order of priority with 1 being the most important and 2 the second most important, etc.

### **Route Accessibility**

44. List all rail stations within a ½ mile radius of the event route.  
*Maximum Allowed: 250 characters*
45. For those rail stations within a ½ mile radius of the event that do not connect directly to the route, please provide explanation for the lack of connection, and describe how you will ensure safe transport of participants from those stations to the route (including coordination with the station operators, local transit operators and other means).  
*Maximum Allowed: 1000 characters*
46. How will your city encourage people to access the event other than by personal automobile?  
*Maximum Allowed: 1000 characters*

### **Covid-19 Response and Event Safety**

47. What measures will be taken to encourage increased social distancing along the route.
48. What other measures will you use to increase event safety including focusing on providing event design, equipment, and devices to increase safety of participants

### **Post Event Significance**

49. Closing the roadway is often one of the most expensive elements of implementing on-street bicycle and pedestrian infrastructure. Do you have any plans to utilize your open or slow street event related road closures to implement any pilot or permanent infrastructure.  
*Maximum Allowed: 500 characters*
50. What measures will your city take to increase bicycle and pedestrian mode shares post event?  
*Maximum Allowed: 500 characters*



# Metro Open Streets Grant Program Cycle Four Funding Recommendations

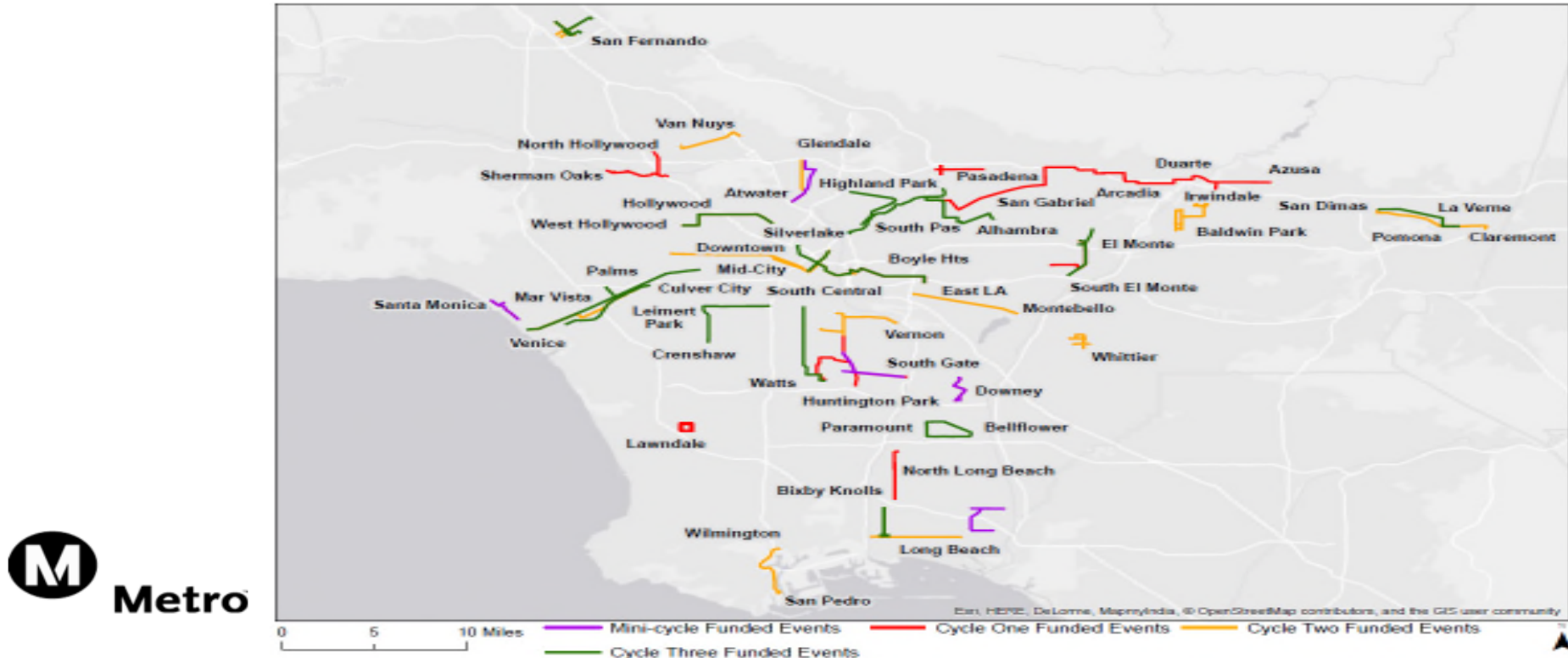
# Recommendation

- Award and program a total of \$5 million for Cycle Four (4) of the Open Streets Grant Program (through December 2023) per the Metro Board Motion 72 in 2013 and programmatic support as follows.
- Authorize reprogramming of any Cycle Three and FY2020 funding not expended by December 31, 2021, towards the next highest scored event in Cycle Four (up to \$346,205 remaining)
- Provide reduced funding award of \$59,000 to bottom scored application



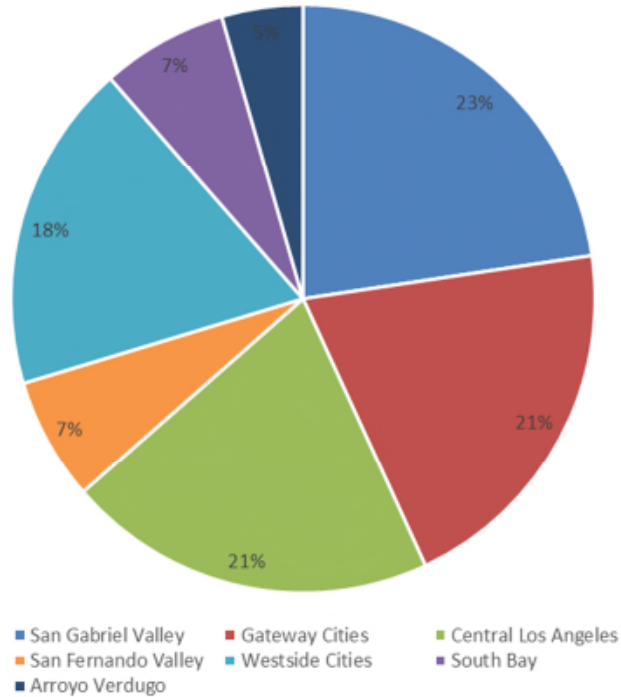
# Program Implementation to Date

- In June 2013, the Metro Board directed staff to award up to \$2 million annually to support Open Street events.
- On Cycle 3, a mini-cycle and additional \$1 million, was added to the program cycle.
- In result, the total amount of Cycle 3 has increased from \$4 million to \$5 million.
- To date, \$12.74 million has been awarded to 46 events in 34 jurisdictions.
- Of these, 33 events totaling over 206 miles have been implemented.

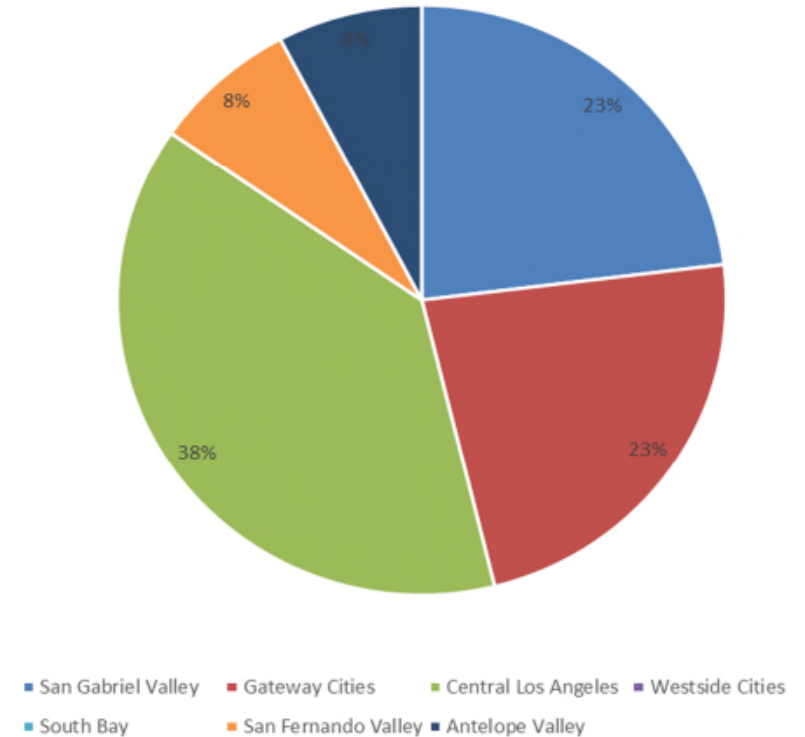


# Regional Distribution of Events

Funding Received All Cycles to Date



Cycle Four Funding Recommendations



# Open Streets Cycle Four

- In the June 2021, the Board authorized the release of the Cycle Four Application and Guidelines and approved increasing Cycle Four funding availability from \$2 million to \$2.5 million annually.
- Per the May Board Motion 2020-0375, Cycle Four continues to allow for “Slow Streets” that encourage social distancing and multi-day events.
- The competitive Cycle Four application process was scored by a review panel that consisted of members from the Metro Office of Equity and Race (OER), Metro Operations, and Southern California Association of Governments (SCAG)
- A total of 27 applications were received for a total of \$9.6 million in funding request.

The panel recommends funding 13 events within the \$5 million budget including:

- All 13 events include routes along Equity Focused Communities
- 11 new routes
- 5 first time applicants
- 3 Slow Streets applications

# Cycle Four Funding Recommendations

Date	Event Title	Applicant	Length in Miles	New Route	1st time app	EFC	Multi-city	Open Streets	Slow Streets	Average Score	Grant Request	Grant Award
1 Sunday September 17, 2023	Eastside Open Street Event	Commerce	10	X	X	X	X	X		91.3	\$500,000	\$500,000
2 Saturday, May 13, 2023	Northeast Valley Community Street Festival	San Fernando	7.5	X		X	X	X		91.0	\$500,000	\$500,000
3 Sunday in February 2023	Open Streets South LA: Expo Meets Jesse Owens (Park2Park)	South LA	6	X	X	X		X		90.7	\$400,000	\$400,000
4 December, 2022	South LA to Watts Open Street Event— 2022	Los Angeles City	6.3	X		X	X	X		88.7	\$325,000	\$325,000
5 September, 2023	Walk & Roll Fest in conjunction with Slow Streets September	Lancaster	5+	X	X	X		X	X	87.7	\$480,000	\$480,000
6 April, 2023	Heart of the Foothills	SGV COG	6.5			X	X	X		87.0	\$500,000	\$500,000
7 December, 2023	South LA to Crenshaw Open Street Event— 2023	Los Angeles City	6	X		X	X	X		86.7	\$400,000	\$400,000
8 October, 2022	Hawaiian Gardens Fun Walk, Run and Bike Open Street Event	Hawaiian Gardens	1	X	X	X		X	X	86.0	\$40,000	\$40,000
9 October, 2023	Heart of LA Open Street Event— 2023	Los Angeles City	6.5			X	X	X		84.7	\$400,000	\$400,000
10 January, 2022 - December, 2023	SGV Slow Street Demonstration Initiative	SGV COG	N/A	X		X	X		X	84.7	\$500,000	\$500,000
11 5 Sundays in October 2022	Camina en Walnut Park: Domingos en Octubre	Walnut Park	0.5	X	X	X		X		84.0	\$400,000	\$400,000
12 Sunday, October 30, 2022	626 Golden Streets   ArroyoFest	SGV COG	7	X		X	X	X		84.0	\$496,000	\$496,000
13 June, 2023	Koreatown to Hollywood Open Street Event	Los Angeles City	5	X		X	X	X		83.3	\$350,000	\$59,000
14 Sunday, May 1, 2022	626 Golden Streets   Mission-to-Mission	SGV COG	5				X	X		83.0	\$396,000	\$0
15 February, 2023	Mid City to Pico Union Open Street Event	Los Angeles City	4	X		X		X		82.3	\$325,000	\$0
16 October, 2022	Heart of LA Open Street Event— 2022	Los Angeles City	6			X	X	X		81.0	\$400,000	\$0
17 May, 2023	Watts Neighborhood Open Street Event	Los Angeles City	1	X		X		X		81.0	\$150,000	\$0
18 Saturday May 20, 2023	Beach Streets Downtown	Long Beach	4					X		80.7	\$216,000	\$0
19 May, 2022	South LA (Western Ave) Neighborhood Open Street Event	Los Angeles City	2.5	X		X		X		80.7	\$250,000	\$0
20 Sunday, June 26, 2022	CicLAvia - Glendale Meets Atwater Village	Glendale	3.5					X		78.7	\$249,051	\$0
21 Sunday, February 27, 2022	Culver City Meets Venice 2022	Culver City	6.75				X	X		78.3	\$480,000	\$0
22 September, 2023	6th St: Arts District to Boyle Heights Neighborhood Open Street	Los Angeles City	1.25	X		X	X	X		77.7	\$100,000	\$0
23 April, 2023	West Valley: Sherman Way to Reseda Open Street Event	Los Angeles City	6	X		X		X		77.3	\$350,000	\$0
24 August, 2023	Mid City to the Sea Open Street Event— 2023	Los Angeles City	7			X	X	X		77.3	\$500,000	\$0
25 A Sunday in April 2022	CicLAvia: The Hollywoods Meet Beverly Hills	West Hollywood	7.5	X			X	X		77.0	\$500,000	\$0
26 Saturday May 21, 2022	Beach Streets University	Long Beach	4.1					X		75.0	\$216,000	\$0
27 September, 2022	North Hollywood Open Street Event	Los Angeles City	1	X		X		X		72.0	\$125,000	\$0

Total Grant Request	\$9,548,051
Total Grant Award	\$5,000,000

# Cycle Four Funding Recommendations

## General Event Information – 10 points

### Project Feasibility – 20 points

Proposed partnerships and demonstration of potential for event success*	5
Event readiness (Funds will be required to be expended by December 31, 2022)	4
Agency's existing active transportation programs and policies	4
Community support	4
Matching funds committed	3

\* Partners may include but are not limited to COGs, community groups, event producers and non-profits. Previous grantees must demonstrate success with previous events and lessons learned. New applicants must demonstrate that they have the capacity to produce an Open Street event.

### Route Setting – 49 points

Route is innovative and helps to encourage social distancing (Examples include evening events, weekday events, holiday events, multi-day events, themed events, events that encourage increased local retail/stakeholder participation, extended routes, and events that differentiate themselves from previous LA County Open and Slow Street events)	12
Route includes disadvantaged (Equity Focus) communities*	10
Proximity and access to commercial and retail corridors	5
Connections to cultural, architectural, historical and/or important destinations in the community	5
Event cost per mile	5
Route is along or intersects with existing bicycle infrastructure**	3
Route adheres to Social Distancing guidance	3
Topography - The route minimizes hilly terrain***	3
Route length (longer routes are encouraged)	3

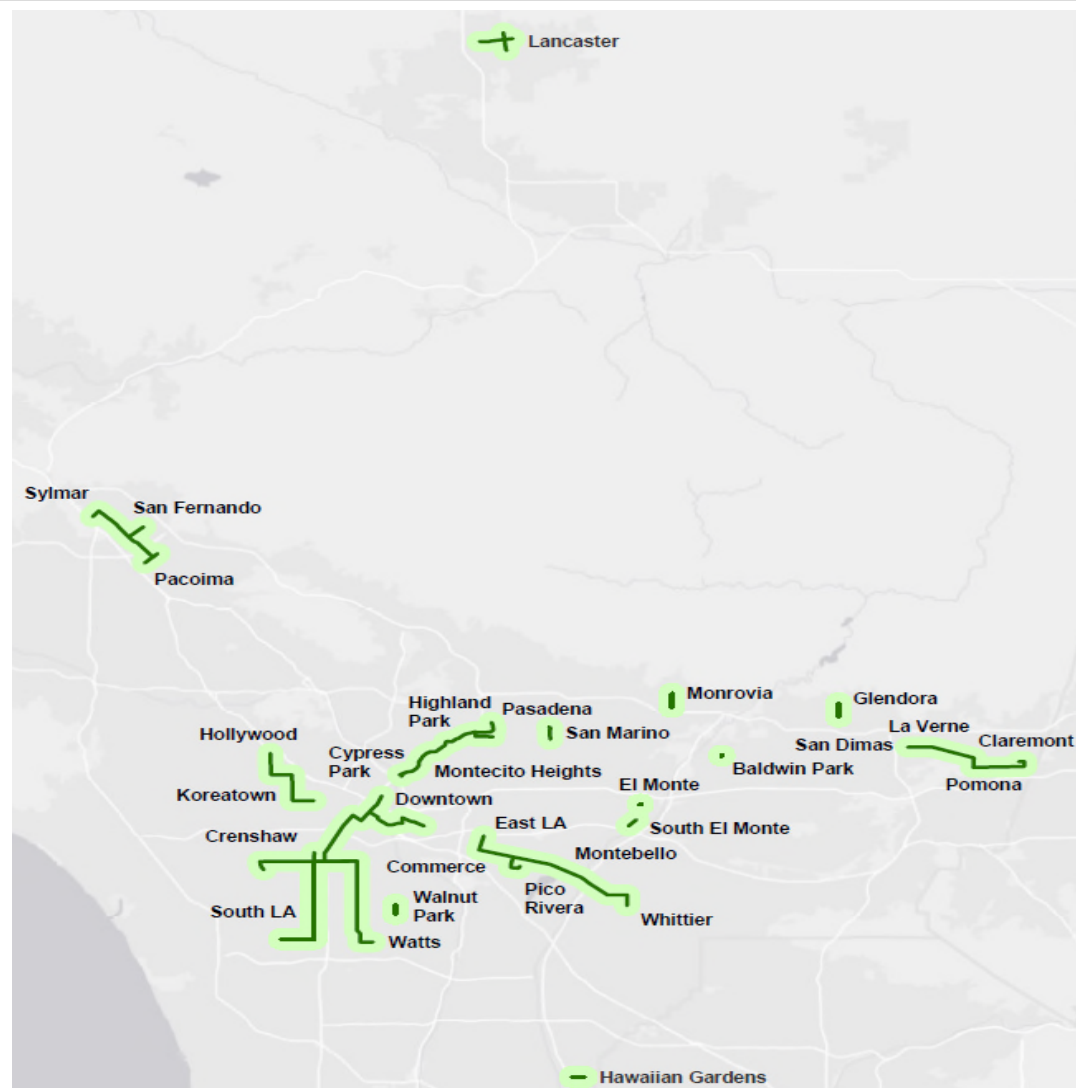
\*Based on average of 70th percentile CalEnviroScreen Score for census tracts directly adjacent to the proposed route (<http://oehha.maps.arcgis.com/apps/Viewer/index.html?appid=112d915348834263ab8ecd5c8da67f68>)

\*\*Will the route be on or intersect any existing bicycle infrastructure? Will the route encourage first time riders to modify their travel behavior in the future?

\*\*\* As an example, see San Francisco's "Wiggle" - [http://en.wikipedia.org/wiki/The\\_Wiggle](http://en.wikipedia.org/wiki/The_Wiggle)

### Transit and Community Connectivity - 21 points

Route includes multiple jurisdictions	5
Applicant jurisdiction has not had a previous Open Street event in their community	5
Connections between multiple central business districts or retail corridors	5
Plan to attract participants from throughout the surrounding community	4
Accessibility to Metro Rail	2



# Cycle Four Next Steps

## Pending Board Approval:

- Notify and develop funding agreements with all applicants of awards.
- Reprogram any Cycle Three funds left unexpended.
- First event in January 2022.





## Board Report

**File #:** 2021-0659, **File Type:** Contract

**Agenda Number:** 19.

### **OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE NOVEMBER 18, 2021**

**SUBJECT: OPERATION AND MAINTENANCE OF COMPRESSED NATURAL GAS FUELING STATIONS AT DIVISIONS 1, 3, 5, 7, 10 & 18**

**ACTION: APPROVE CONTRACT AWARD**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP749030003367 with Clean Energy, for Operation and Maintenance (O&M) of Compressed Natural Gas (CNG) fueling stations at divisions 1, 3, 5, 7, 10 & 18, for a not-to-exceed amount of \$5,285,439 for the five-year base period, and \$5,623,284 for the five (5), one-year option terms, for a combined not-to-exceed amount of \$10,908,723, effective March 1, 2022, subject to resolution of all properly submitted protest(s), if any.

#### **ISSUE**

The existing contracts for CNG fueling stations O&M services at divisions 1, 3, 5, 7, 10 & 18 expire on February 28, 2022. To ensure service continuity along with safe and timely operations, a new contract award is required effective March 1, 2022.

#### **BACKGROUND**

On June 24, 2010 Metro Board of Directors awarded a 10-year, firm fixed unit rate Contract No. OP33432475 to Clean Energy, for Divisions 10 and 18 CNG fueling facility electrification upgrades, including O&M services agreement. On October 28, 2010, Metro Board of Directors awarded a 10-year, firm fixed unit rate Contract No. OP33432555 to Clean Energy, for CNG fueling stations O&M services at Divisions 1, 3, 5, & 7.

Under the existing contracts, the contractor is responsible for conducting preventative maintenance, as-needed repairs, training of staff, maintaining records, and complying with regulations of the authorities having jurisdiction.

While partial roll-out of the zero-emission electric bus services were deployed for revenue service on Metro's G Line (Orange), Metro's existing CNG fueling stations require service continuity of the systematic preventive maintenance program and repair of associated equipment. This action is necessary to support the existing fleet of CNG buses currently in service, ensure timely bus roll-out at

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each Division and provide a safe and reliable bus transportation system for our patrons.

## **DISCUSSION**

Under this new contract, the contractor is required to perform comprehensive O&M services of the CNG equipment at Metro Bus Divisions 1, 3, 5, 7, 10 and 18. This includes all related electrical systems, fuel hoses and nozzles, and the gas monitoring system. The Contractor is also required to provide all repair parts, overhaul services, and consumables to include compressor oils, all other lubricants, dryer desiccants, as well as all scheduled and unscheduled replacements for compressors, motors, valves and all other equipment and appurtenances necessary to efficiently operate Metro's CNG fueling facilities.

Per contract requirements, the contractor shall provide Metro personnel with the necessary training to perform routine maintenance work. Metro will charge the contractor for the O&M work performed by Metro personnel, and the contractor shall pay for all associated labor costs.

The contract includes terms and liquidated damages designed to minimize equipment downtime and bus roll-out interruption. Liquidated damages may be imposed if bus roll-out schedule is not met, buses are directed to alternate locations for fueling to meet scheduled roll-out due to lack of fueling capacity or fueling performance, or if more than one (1) CNG compressor is not available to operate between 5:00 PM and 5:00 AM daily.

The contract also includes requirements for CNG facility de-commissioning during the life of the contract, to accommodate Metro's electric bus fleet deployment and phase out of the CNG busses.

## **DETERMINATION OF SAFETY IMPACT**

The approval of this item will ensure safe, timely, and quality preventive maintenance, operation, and repair services for the CNG fueling stations throughout Metro bus Divisions 1, 3, 5, 7, 10 and 18.

## **FINANCIAL IMPACT**

Under FY22 Budget, funding of \$1,200,000 is included under cost center 3367 - Facilities Maintenance, account 50308, Service Contract Maintenance, under project 306002.

Please note that this new contract term not-to-exceed amount reflects more than 60% cost savings when compared to the existing contract. This is mainly due to updating the contract schedule of quantities to reflect actual CNG usage historical data, and the projected roll-out schedule of the zero-emission electric buses for the upcoming years.

Since this is a multi-year contract, the cost center manager and Deputy Chief of Maintenance & Engineering (Acting) will be accountable for budgeting the cost in future years.

## **Impact to Budget**

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The current sources of funds for this action include Proposition A/C, Measure R/M, Transportation Development Act and State Transit Assistance. Use of these funding sources currently maximizes project funding allocations given approved funding provisions and guidelines.

### **EQUITY PLATFORM**

The Diversity and Economic Opportunity Department (DEOD) did not recommend a Small/Disabled Veteran Business Enterprise (SBE/DVBE) participation goal for this procurement due to the lack of subcontracting opportunities. The purpose of this procurement is to provide comprehensive O&M services for the existing CNG Fueling Stations. Per the Amalgamated Transit Union (ATU) labor agreement, all labor under this contract will be performed by Metro ATU union employees.

Strategies to mitigate any potential negative consequences would be to partner with Vendor/Contract Management (V/CM) to perform outreach events to and assist small businesses within the targeted groups to become Metro certified and encouraged to participate with new contract solicitations.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

This Board action supports Strategic Goal 5; Provide responsive, accountable, and trustworthy governance within the Metro organization. Performing preventive maintenance, inspections and as-needed repairs will ensure timely bus roll-outs and provide safe and reliable operation of CNG fueling stations at Metro bus Divisions 1, 3, 5, 7, 10 and 18.

### **ALTERNATIVES CONSIDERED**

Staff considered providing this service with in-house staff. This would require the hiring and training of additional certified personnel, purchase of additional tools, equipment, vehicles, supplies, training, expertise and the assumption of extra responsibility and liability. Staff's assessment indicates this is not a cost-effective option for Metro as the expertise and operational knowledge required are highly specialized and costly. There is also value in utilizing professionals with knowledge of and experience with best practices throughout the country.

### **NEXT STEPS**

Upon approval by the Board, staff will execute a firm fixed unit rate Contract No. OP749030003367 with Clean Energy, for Operation and Maintenance (O&M) of Compressed Natural Gas (CNG) fueling stations at divisions 1, 3, 5, 7, 10 & 18, effective March 1, 2022.

### **ATTACHMENTS**

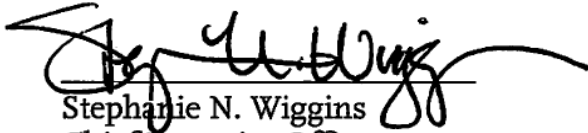
Attachment A - Procurement Summary  
Attachment B - DEOD Summary

Prepared by: Errol Taylor, Deputy Chief Operations Officer, Maintenance & Engineering (Acting),  
(213) 922-3227  
Lena Babayan, Deputy Executive Officer, Facilities Contracted Maintenance

Services, (213) 922-6765

Carlos Martinez, Sr. Manager, Facilities Contracted Maintenance Services, (213)  
922-6761

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 922-4424  
Debra Avila, Deputy Chief, Vendor/Contract Management, (213) 418-3051



Stephanie N. Wiggins  
Chief Executive Officer

**PROCUREMENT SUMMARY**  
**OPERATION AND MAINTENANCE OF COMPRESSED NATURAL GAS FUELING**  
**STATIONS AT DIVISIONS 1, 3, 5, 7, 10 & 18/OP749030003367**

1.	<b>Contract Number:</b> OP749030003367	
2.	<b>Recommended Vendor:</b> Clean Energy	
3.	<b>Type of Procurement (check one):</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> IFB <input type="checkbox"/> IFB-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> April 7, 2021	
	<b>B. Advertised/Publicized:</b> April 7, 2021	
	<b>C. Pre-proposal/Pre-Bid Conference:</b> April 19, 2021	
	<b>D. Proposals/Bids Due:</b> June 1, 2021	
	<b>E. Pre-Qualification Completed:</b> July 14, 2021	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> June 8, 2021	
	<b>G. Protest Period End Date:</b> November 22, 2021	
5.	<b>Solicitations Picked up/Downloaded:</b> 11	<b>Bids Received:</b> 2
6.	<b>Contract Administrator:</b> Aielyn Dumaua	<b>Telephone Number:</b> (213) 922-7320
7.	<b>Project Manager:</b> Christopher Limon	<b>Telephone Number:</b> (213) 922-6637

**A. Procurement Background**

This Board Action is to approve the award of OP749030003367 to Clean Energy, to provide comprehensive operations and maintenance services for compressed natural gas (CNG) fueling stations at Divisions 1, 3, 5, 7, 10 and 18. Board approval of contract award is subject to resolution of all properly submitted protest(s).

On April 7, 2021, Request for Proposals (RFP) No. OP74903 was issued as a competitive procurement in accordance with Metro's Acquisition Policy. The proposed contract type is firm fixed unit rate. The Diversity and Economic Opportunity Department (DEOD) did not recommend a Small Business Enterprise (SBE) and Disabled Veteran Business Enterprise (DVBE) participation goal due to lack of subcontracting opportunities.

Two amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on May 19, 2021, extended the proposal due date.
- Amendment No. 2, issued on May 24, 2021, clarified the scope of services and replaced the schedule of quantities and prices form.

A virtual pre-proposal conference was held on April 19, 2021. Worksite visits were also conducted on April 20 and 21, 2021. There were no questions received prior to the proposal due date.

A total of eleven firms downloaded the RFP and were included on the planholders' list. Two proposals were received by the due date of June 1, 2021 and are listed below in alphabetical order:

1. Clean Energy
2. Trillium Transportation Fuels, LLC

## **B. Evaluation of Proposals**

A Proposal Evaluation Team (PET) consisting of staff from Facilities Contracted Maintenance Services, Environmental Compliance/Sustainability and Facilities/Property Maintenance Departments were convened and conducted a comprehensive technical evaluation of the proposals received.

Proposals were evaluated based on the following evaluation criteria stated in the RFP:

- |  |            |
|--|------------|
| • Qualifications of the Firm/Team                | 15 percent |
| • Qualifications and Experience of Key Personnel | 20 percent |
| • Management Plan/Approach                       | 35 percent |
| • Cost Proposal                                  | 30 percent |

The evaluation criteria are appropriate and consistent with criteria developed for similar operations and maintenance services procurements. Several factors were considered in developing these weights, giving the greatest importance to the management plan/approach.

On June 2, 2021, the PET met to review the evaluation criteria package, process confidentiality and conflict of interest forms and take receipt of the two proposals to initiate the evaluation phase. Evaluations were conducted from June 2, 2021 through June 18, 2021.

On June 18, 2021, the PET reconvened and determined that both proposals were technically acceptable and fell within the competitive range.

On June 25, 2021, oral presentations were held with both firms. The project managers and key team members from each firm were invited to present their firm's respective qualifications and respond to the PET's questions. At the conclusion of the oral presentations, Clean Energy was determined to be the highest rated firm.

### **Qualifications Summary of Firms Within the Competitive Range:**

#### **Clean Energy**

Clean Energy has provided CNG station maintenance services for high volume transit agencies since 1996. It currently operates 80 natural gas fueling stations for transit agencies. Existing customers include LACMTA, New York MTA, Foothill

Transit, Orange County Transit Authority, Santa Monica Big Blue Bus, Dallas Area Rapid Transit, Phoenix Transit, New Jersey Transit, Jacksonville Transportation Authority, NICE Bus (Nassau County, New York) and Washington Metro Area Transportation Authority.

### **Trillium Transportation Fuels, LLC**

Trillium Transportation Fuels, LLC is headquartered in Houston, Texas and has over 27 years of experience designing, building, operating, and maintaining high volume, public transit CNG fueling facilities. Existing clients include Orange County Transportation Authority (OCTA), San Diego Metropolitan Transit System (MTS), Massachusetts Bay Transportation Authority (MBTA), New York City Transit (MTA), Pennsylvania Department of Transportation (PennDOT), North County Transit District (NCTD), Regional Transportation Commission of Southern Nevada (RTC) and Miami-Dade County.

The following is a summary of the PET scores:

<b>1</b>	<b>Firm</b>	<b>Average Score</b>	<b>Factor Weight</b>	<b>Weighted Average Score</b>	<b>Rank</b>
<b>2</b>	<b>Clean Energy</b>				
<b>3</b>	Qualifications of the Firm/Team	81.53	15.00%	12.23	
<b>4</b>	Qualifications and Experience of Key Personnel	81.90	20.00%	16.38	
<b>5</b>	Management Plan/Approach	79.00	35.00%	27.65	
<b>6</b>	Cost Proposal	100.00	30.00%	30.00	
<b>7</b>	<b>Total</b>		<b>100.00%</b>	<b>86.26</b>	<b>1</b>
<b>8</b>	<b>Trillium Transportation Fuels, LLC</b>				
<b>9</b>	Qualifications of the Firm/Team	78.00	15.00%	11.70	
<b>10</b>	Qualifications and Experience of Key Personnel	77.50	20.00%	15.50	
<b>11</b>	Management Plan/Approach	76.51	35.00%	26.78	
<b>12</b>	Cost Proposal	96.47	30.00%	28.94	
<b>13</b>	<b>Total</b>		<b>100.00%</b>	<b>82.92</b>	<b>2</b>

### **C. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based on adequate price competition, price analysis, technical analysis, and fact-finding. The recommended price is lower than Metro's independent cost estimate (ICE).

PROPOSER	AMOUNT	METRO ICE	AWARD AMOUNT
1. Clean Energy	\$10,908,723	\$16,539,927	\$10,908,723
2. Trillium Transportation Fuels, LLC	\$11,307,445		

**D. Background on Recommended Contractor**

The recommended firm, Clean Energy, located in Newport Beach, CA, was established in 1996. It is a renewable natural gas distribution company that also designs, builds, operates, and maintains fueling stations; sells and services compressors and other equipment that are used in fueling stations; and provides assessment, design, and modification solutions to offer operators with code-compliant service and maintenance facilities for natural gas vehicle fleets.

Clean Energy currently employs over 190 trained, and certified service technicians on call 24/7/365, including 30 in Southern California.

Clean Energy has been providing comprehensive operations and maintenance services for compressed natural gas (CNG) fueling stations to Metro since 2010 and performance has been satisfactory.

Clean Energy's proposed Project Manager has more than 35 years of experience leading teams that operate and maintain specialized industrial equipment. He is the project manager of the current contract.

DEOD SUMMARY

OPERATION AND MAINTENANCE OF COMPRESSED NATURAL GAS FUELING  
STATIONS AT DIVISIONS 1, 3, 5, 7, 10 & 18 / OP749030003367

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) did not establish a goal for this solicitation due to the lack of subcontracting opportunities. The purpose of this procurement is to provide comprehensive operations and maintenance (O&M) services for the existing Compressed Natural Gas (CNG) Fueling Stations. Per the Amalgamated Transit Union labor agreement, Metro ATU union employees will perform all labor under this contract.

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.



## Board Report

**File #:** 2021-0665, **File Type:** Contract

**Agenda Number:** 24.

### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE NOVEMBER 18, 2021

**SUBJECT: INFRASTRUCTURE PROTECTION SERVICES**

**ACTION: APPROVE CONTRACT MODIFICATIONS**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE scope modifications (Attachment A) to align with the move towards reimagining public safety;
- B. EXECUTE Contract Modification No. 9 to Contract No. PS560810024798 with RMI International, Inc. for a six (6) month (April -September 2022) extension to the period of performance inclusive of scope modifications, for an amount not-to-exceed \$19M, increasing the total contract price from \$120,453,758 to \$139,453,758; and extend the period of performance from April 1, 2022, to September 30, 2022; and
- C. EXERCISE one (1) six-month option (October 2022 - March 2023), for an additional amount not-to-exceed \$19M, increasing the total contract price from \$139,453,758 to \$158,453,758, only if necessary to complete the procurement process of a new contract award.

#### **ISSUE**

The current overall Metro Security Program consists of three main elements to support the safety strategy:

- Contract Security Guard (RMI International Inc.)
- In-House Metro Security (Transit Security)
- Contract Law Enforcement (LAPD, LASD, LBPD)

The contracted security guard component is designed and deployed as a fully integrated and mutually supportive part of the overall security program by providing dedicated fixed-post security protections to Metro properties, including employee parking facilities, Metro Rail and Metro Bus System parking lots, Metro support facilities, and for short-term assignments and special security operations, as necessary. Security guard services are deployed at Metro facilities and properties based on our analysis of overall risks, vulnerability assessments, area crime rates, the configuration

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of facilities, and special identified needs.

The existing contract will expire on March 31, 2022. An extension will allow Metro staff sufficient time to finalize the scope of work (SOW) that will incorporate Public Safety Advisory Committee (PSAC) input for the new solicitation, launch a new competitive solicitation process to procure infrastructure protection services and award a new contract.

## **BACKGROUND**

RMI provides infrastructure protection services at selected locations of the regional Metro system to protect Metro assets, staff, and prevent unlawful entry into secured areas.

Since the Metro Board approved the award of a five-year, firm-fixed unit price contract to RMI for security guard services in September 2016, additional costs have been incurred to provide additional coverage for special events and new services and to support the increasing demand for visible security presence, system-wide, to deter crime and address homelessness.

To support the increasing demand for a visible security presence, in April 2018 Metro increased security guard presence in the underground stations on the Red and Purple Rail Lines.

In February 2019 an increase in staffing levels was also required to support the opening of the Southwest Yard facility and Location 64, as well as an increase in 24-hour security guard presence at the following locations: Soto, Mariachi Plaza, and North Hollywood Stations, and the new Rosa Parks Customer Service area.

In addition, Contract No. PS560810024798 was impacted by the unforeseen higher living wage increases during the FY17/18 and FY18/19 budget cycles. These rates are subject to an annual increase every July 1. These rate increases have exceeded the originally anticipated annual rate of increase Metro advised proposing firms to use in determining their price proposals for multi-year contracts.

In October 2018, the Board approved the staff's recommendation to cap the annual living increases for both active and future contracts to 3% effective July 1, 2019. However, additional funding was required to cover the unanticipated living wage rate increases from prior years.

June 2021, Metro board approved a six (6) month extension to the allow time for System Security and Law Enforcement (SSLE) to conduct a comprehensive evaluation of Metro's existing infrastructure protection service requirements and consult with the newly formed Public Safety Advisory Committee (PSAC) in the development of a revised scope of services resulting in a new solicitation focused on reimaging safety for our ridership.

Contract Modification No. 9 is required in order to continue to provide preventative physical security at Metro stations, parking lots/structures, and critical infrastructures and increase visible protection presence at bus/rail maintenance facilities and systems. This modification will also allow continued

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engagement with PSAC regarding recommendations to future infrastructure protection services contract.

PSAC meetings commenced in April 2021, with the introduction of the IPS ad-hoc subcommittee in June. Since then, the ad-hoc subcommittee has held 10 meetings. Members have engaged in discussions regarding the existing contract, reviewed data on calls for service and use of force, and had an opportunity to hear directly from front-line RMI security staff.

Based on the hard work and feedback received through the ad-hoc subcommittee meetings, Metro staff developed the proposed recommendations to the existing contract SOW.

### **DISCUSSION**

Providing a visible security presence is an effective deterrent to crime and disorder and mitigating acts of terrorism. Toward that end, Metro's private sector security contract plays an important role in safeguarding patrons, employees, and facilities. This contracted function has been a key enhancement to existing staffing levels and assigning guards to areas previously understaffed.

The extension of the contract supports the following priorities:

1. Increasing physical security at stations and parking lots/structures;
2. Safeguarding critical infrastructure;
3. Improving security at bus/rail maintenance facilities.

Under this contract, RMI provides infrastructure protection services at selected locations of the regional Metro system including rail and bus lines, stations, transit facilities, parking lots, construction sites, bus and rail operating divisions, and maintenance facilities. It also provides preventative physical security by inspecting station ancillary structures and hatches, which deters damage to critical infrastructure. This contract also provides additional protection services on an as-needed basis for emergencies. The extra security visibility positively impacts the perception of security felt by customers and employees.

The \$19M funding request for each six (6) month extension is based on the following factors:

1. Year 5 Actual Service Hours: 390,500, (\$11.5M)
2. Planned restoration of temporally suspended hours during CY 2020 due to COVID: 91,500, (\$3.0M);
3. Expansion for CLAX which includes seven (7) rail stations: 90,000 Hours (\$3.0M);
4. New expansion of three (3) rail stations for the Regional Connector: 26,208 Hours (\$800K); and
5. Implementation of recommendations for reimaging public safety (\$300K)

It is important to recognize the direction from our Board of Directors and sentiments from the communities we serve to do a complete and thorough reenvisioning of public safety on the Metro

system ensuring an environment where everyone feels safe and respected. The following recommendations represent the first step forward in reimagining policing on the Metro system.

Metro staff's recommendations (Attachment A) are as follows:

- To align with the Public Safety Mission and Values Statement, Acknowledging Context, it is recommended that security contractors be required to exclude security guards that a law enforcement agency has previously terminated from working on the Metro contract and,
- Expand background checks to include psychological testing, and
- Utilize an early warning software system that flags multiple complaints and/or use of force incidences.
- To align with the Public Safety Mission and Values Statement, Emphasizing Compassion, it is recommended the contractor enhance training to include Implicit Bias, How to Better Serve Persons with Disabilities, including Mental and Development Disabilities, How to Assist Persons Who are Unsheltered, and Excellence in Customer Service.
- To align with the Public Safety Mission and Values Statement, Implement a Community-Centered Approach, it is recommended contractors have new uniforms to promote a more approachable, less militaristic appearance and assist the visually impaired for easier identification.
- To align with the Public Safety Mission and Values Statement, Transparency, it is recommended contractors utilize technology to provide for instant incident reporting and video recording.
- To align with the Public Safety Mission and Values Statement, Committing to Openness, it is recommended contractors be consistent with the principles of Campaign Zero "Eight Can't Wait".

As we reimagine our public safety efforts and continue to embrace the expansion of community engagement opportunities, this contract extension will provide immediate short-term actions through modifications to the existing contract that promotes safety, enhances and improves transparency,

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and strengthens accountability.

## **PSAC**

On October 5<sup>th</sup>, Metro staff issued a memo (see attachment E) to the ad-hoc subcommittee detailing staff recommendations in response to the ideas heard from members since June. The ad-hoc subcommittee met on October 12<sup>th</sup> to discuss the memo and provide feedback. Overall, there was alignment with most of the recommended categories. However, additional revisions were made based on the feedback received, and a supplemental memo (see attachment E) was provided to the full PSAC, with the concurrence of the ad hoc committee on October 20<sup>th</sup>.

On November 3<sup>rd</sup>, the committee was asked to consider staff's proposal to incorporate recommendations informed by the ad-hoc subcommittee, excluding staff's recommendation for a body-worn camera alternative. With 9 "no" votes, 3 "yes" votes, and 2 abstentions, the item did not pass (see attachment F).

## **DETERMINATION OF SAFETY IMPACT**

This Board action will not have any negative impact on safety.

## **FINANCIAL IMPACT**

The increase of up to \$19,000,000 will be added to the contract value in the System Security and Law Enforcement Department budget, in Cost Center 2612. The FY22 Budget includes \$23.7 million in Cost Center 2612, Account 50399 in multiple Bus and Rail projects. The Chief System Security and Law Enforcement Officer and the Project Manager will be responsible for the future budgets for exercising the option of an additional six (6) month extension of up to \$19,000,000 for a total additional contract value of up to \$38,000,000.

## **IMPACT TO BUDGET**

The source of funds for these Projects will be local operating funds including Proposition A, C, TDA, Measure R and Measure M taxes. These funds are eligible for Bus and Rail Operations.

## **EQUITY PLATFORM**

RMI made a 33.20% Disadvantaged Business Enterprise (DBE) commitment exceeding the established 30% goal for the solicitation. Based on payments reported, the contract is 82.19% complete and the current DBE participation is 30.42%, representing a 2.78% shortfall.

The RMI team includes four DBE subcontractors: Allied Protection Services, Inc., North American Security and Investigations, Inc. American Eagle Protective Services and Absolute International Security. Collectively, the DBE subcontractors provided 35.4 % of armed security personnel required by the contract. RMI is currently working with Metro staff to add three additional subcontractors to address the 2.78% DBE shortfall.

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### **ALTERNATIVES CONSIDERED**

The Board may decline to approve the contract modification, consistent with the PSAC recommendation. This alternative is not recommended because:

- the contract modification will increase accountability, transparency, and cultural sensitivity through the enhanced trainings and updated uniforms. These enhancements are all important factors in building trust and legitimacy with the public we serve; and
- Metro currently does not have internal resources to provide the necessary staffing level needed system-wide, to safeguard infrastructure, employees, and patrons.

Staff will continue to partner with the PSAC and seek their feedback on how to improve accountability and transparency in the new Infrastructure Protection Services contract.

### **NEXT STEPS**

Upon Board approval, staff will execute Modification No. 9 to Contract No. PS560810024798 with RMI International, Inc., to continue to provide infrastructure protection services to the end of the extended contract term.

### **ATTACHMENTS**

Attachment A - Infrastructure Protection Services Contract Recommendations

Attachment B - Procurement Summary

Attachment C - Contract Modification/Change Order Log

Attachment D - DEOD Summary

Attachment E - Staff Recommendations

Attachment F - PSAC November 3<sup>rd</sup> Meeting Votes

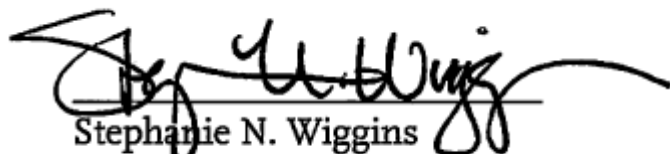
Prepared by: Cathryn Banuelos, Chief Administrative Analyst, System Security and Law Enforcement, (213) 922-7650

Jose Ortiz, Director, Transit Security, System Security and Law Enforcement, (213) 922-3631

Reviewed by: Judy Gerhardt, Chief System Security and Law Enforcement Officer, (213) 922-4811

Debra Avila, Chief Vendor/ Contract Management Officer,

(213) 418-3051



Stephanie N. Wiggins  
Chief Executive Officer



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

One Gateway Plaza  
Los Angeles, CA 90012-2952

213.922.2000 Tel  
metro.net

**September 29, 2021**

**TO: AD-HOC INFRASTRUCTURE PROTECTION SERVICES  
PUBLIC SAFETY ADVISORY COMMITTEE (PSAC)**

**THROUGH: OFFICE OF CHIEF EXECUTIVE OFFICER (OCEO)**

**FROM: SYSTEM SECURITY & LAW ENFORCEMENT (SSLE)**

**SUBJECT: INFRASTRUCTURE PROTECTION SERVICES  
CONTRACT RECOMMENDATIONS**

**ISSUE**

The purpose of this correspondence is to follow up on the status of the concepts discussed by the ad-hoc subcommittee related explicitly to the Infrastructure Protection Services (IPS) contract. Since the initial meeting on June 14, 2021, we have listened to your thoughtful and creative ideas for improving the service we provide under this contract. Metro's recommendations are grouped into general topics based on the IPS Ad-hoc Subcommittee's six categories.

Metro will ask its Board of Directors to extend the existing security contract by up to 12 months, from April 1, 2022 up until March 31, 2023. This extension will allow the PSAC and SSLE to finalize the next Scope of Work (SOW) and launch the procurement process for a new contract to be awarded.

**DISCUSSION**

After a thorough analysis of the discussions heard during the ad-hoc subcommittee, SSLE supports several amendments to the existing contract and proposes implementing them promptly through an agreement with the current contractor (RMI International). Other recommendations would need to be implemented in a new procurement due to time constraints and cost. The next steps would be to present to the full PSAC membership for review and approval, followed by submittal to Metro's CEO, Stephanie Wiggins.

The six (6) general categories being considered are:

1. Background checks
2. Training
3. Uniforms
4. Transparency
5. Accountability
6. Weapons/Firearms (pending)

## **1. Background Checks**

**PSAC Ad-hoc Subcommittee Discussion:** Security contractors shall be required to exclude security guards that a law enforcement agency has previously terminated from working on the Metro contract.

**SSLE Response:** SSLE supports this recommendation and can implement it in the contract extension with modification to the current contract and the SOW for the new contract.

**There is no increase in cost to implement this recommendation.**

**This recommendation supports the draft PSAC values of Committing to Openness and Transparency and Acknowledging Context**

**PSAC Ad-hoc Subcommittee Discussion:** Security contractors shall be required to provide satisfactory proof that employees have passed all stages of the background process, including completed applications, background checks, live scan, drug testing, psychological testing, guard card and firearm permits from the Bureau of Security and Investigative Services (BSIS). Refer to Attachment A for Metro Transit Security and contract security's hiring processes.

**SSLE Response:** SSLE supports this recommendation in part. SSLE supports adding a psychological testing component as a final phase for security officers working on the Metro contract. However, SSLE does not recommend an expanded background check which would include vetting an applicant with relatives and neighbors due to legal concerns raised by our contractor.

Armed security officers are licensed by the state, including a background (criminal history) check and required training. See [Security Guard Registration - Bureau of Security and Investigative Services \(ca.gov\)](#) and [Firearms Permit FACT SHEET - Bureau of Security and Investigative Services \(ca.gov\)](#). The responsibility of the quality and associated risks of the applicant lies with the contractor. RMI utilizes a vendor to conduct background checks for them.

RMI's Legal Counsel has advised the contractor that expanding the background check by interviewing relatives and neighbors is not recommended for private

employers due to the potential legal implications of exposure to complaints and claims.

Based on a review of Metro's contract security officers' past performance, there were 31 use of force incidents during 22,936 calls for service from January 2018 through June 25, 2021. There were 67 complaints made from November 2018 until June 2021, and 15 of these had sustained misconduct allegations.

SSLE recommends that Applicants undergo and pass a standard psychological exam as an added safeguard to ensure sound judgment and decision making. The test would be performed in the final phase of the hiring process, limiting the number of psychological exams necessary. SSLE can implement this recommendation in the contract extension with modification to the current contract and the SOW for the new contract. Psychological testing will apply to any newly hired security officer assigned to the Metro contract.

**There is an increase in cost to implement this recommendation:** The approximate cost of performing the additional psychological testing as proposed by SSLE is \$500 per applicant.

**This recommendation supports the draft PSAC values of Committing to Openness and Transparency and Acknowledging Context**

## **2. Training**

**PSAC Ad-hoc Subcommittee Discussion:** Security contractors shall be required to ensure that all security officers working on Metro's contract have completed specific training classes. Security contractors shall be required to provide verified completion of the training from an approved source. The training classes are implicit bias, de-escalation, how to interact with those with disabilities, those in cognitive crisis, those who suffer from homelessness, customer service skills, constitutional policing, and racial profiling. Refer to Attachment C for a definition of each of the training categories.

**SSLE Response:** This recommendation is supported in part by SSLE. From the PSAC recommended training classes, SSLE believes the following four (4) classes are the most beneficial to Metro's contract security officers based on their SOW:

- Implicit Bias (4 hours)
- Response to Persons with Mental and Development Disabilities (4 hours)
- How to Interact with those Who Suffer from Homelessness (2 hours)
- Customer Service (2 hours)

The new training courses will supplement the existing training on use of force, firearms, and laws of arrest. This recommendation can be implemented in the contract extension with modification to the current contract and the SOW for the

new contract. Report of completion of training for contract employees would be required for all security personnel assigned to the Metro contract with renewal every two years. SSLE considers this additional training beneficial to the contracted employees on the system. See Attachment B for further information on each training.

**There is an increase in cost to implement this recommendation:**

The approximate cost of offering all the training recommended by PSAC is \$600,000. The approximate cost of providing the four courses recommended by SSLE is \$120,000.

**This recommendation supports the draft PSAC values of Implementing a Community-Centered Approach, Emphasizing Compassion, and Recognizing Diversity.**

### **3. Uniform**

**PSAC Ad-hoc Subcommittee Discussion:** Security contractors shall be required to have uniforms consisting of a light grey polo shirt with an embroidered badge on the chest, wear a utility belt with a flashlight, and an outer safety vest with the Metro logo on the front and back. A name tag on the uniform shirt and the outer vest shall be considered.

**SSLE Response:** SSLE supports this recommendation and can implement it in the contract extension with modification to the contract and the SOW for the new contract.

**There is an increase in cost to implement this recommendation:**

The approximate cost is \$100 per employee per year for a total annual cost of \$40,000.

**This recommendation supports the draft PSAC values of Emphasizing Compassion and Acknowledging Context.**

### **4. Transparency**

**PSAC Ad-hoc Subcommittee Discussion:** Security contractors shall be required to utilize Body Worn Video (BWV) cameras while working on the Metro system. Policies, procedures, and training shall be developed to address activation/deactivation, storage and viewing of the BWV cameras, retention/access to recorded footage, and needs to address privacy and surveillance concerns.

**SSLE Response:** SSLE supports this recommendation. However, after a risk-benefit analysis, SSLE recommends an alternative to BWV cameras. Security contractors have limited public contact and there is no evidence to suggest the

need for this level of equipment. Instead, SSLE recommends working with the contractor to utilize an application similar to TrackTik, which allows instant incident reporting and video recording. This can be implemented in the contract extension with modification to the current contract and in the SOW for the new contract.

Metro would prepare the relevant policies and procedures relating to the use of an instant video recording system.

**There is an increase in cost to implement this recommendation:**

The approximate cost to implement BWV cameras as recommended by PSAC is estimated to be more than \$1 million annually.

The approximate cost to implement each mobile application license is estimated to be \$240 per year. Each post assignment/smartphone would need one license. Assuming there are 200 post assignments, the approximate cost would be \$48,000.

**This recommendation supports the draft PSAC value of Committing to Openness and Transparency.**

## **5. Accountability**

**PSAC Ad-hoc Subcommittee Discussion:** Security contractors shall be required to be consistent with the principles of Campaign Zero “Eight Can’t Wait.”

**SSLE Response:** SSLE supports this recommendation. It can be implemented in the contract extension with modification to the contract and the SOW for the new contract. One exception is when a vehicle is utilized to cause mass casualties to pedestrians in a crowd, shooting at the driver to stop the threat is justifiable by law. This exception is consistent with law enforcement partners and supported by SSLE.

**There is no potential increase in cost to implement this recommendation.**

**This recommendation supports the draft PSAC value of Acknowledging Context and Committing to Openness and Transparency.**

**PSAC Ad-hoc Subcommittee Discussion:** Security contractors shall be required to have an early warning software system that flags multiple complaints and/or use of force incidents by individual security officers.

**SSLE Response:** SSLE supports this recommendation. It can be implemented in the contract extension with modification to the contract and the SOW for the new contract. The software is a risk management tool used by many police agencies and provides tracking of training, traffic accidents, commendations,

awards, and equipment. Metro Transit Security is currently in the procurement process to obtain the software for internal use.

**There is an increase in cost to implement this recommendation:**

The approximate cost for this software would be \$20,000-\$30,000 annually.

**This recommendation supports the draft PSAC values of Acknowledging Context and Committing to Openness and Transparency.**

**NEXT STEPS**

Thank you for your continued commitment to reimagining public safety. We look forward to our continued collaboration to improve safety and security for all on the Metro system.

Attachment A – Hiring Processes  
Attachment B – Training Descriptions  
Attachment C – Response Matrix

**ATTACHMENT B**

**PROCUREMENT SUMMARY  
SECURITY GUARD SERVICES/PS560810024798**

<b>1</b>	<b>Contract Number:</b> PS560810024798			
<b>2</b>	<b>Contractor:</b> RMI International, Inc.			
<b>3</b>	<b>Mod. Work Description:</b> Increase contract authority and up to 12-month extension			
<b>4</b>	<b>Contract Work Description:</b> Security Guard Services			
<b>5</b>	<b>The following data is current as of:</b> October 4, 2021			
<b>6</b>	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>	9/27/2016	<b>Contract Award Amount:</b>	\$81,944,840
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b>	\$38,508,918
	<b>Original Complete Date:</b>	9/30/2021	<b>Pending Modifications (including this action):</b>	\$19,000,000
	<b>Current Est. Complete Date:</b>	3/31/23	<b>Current Contract Value (with this action):</b>	\$139,453,758
<b>7</b>	<b>Contract Administrator:</b> Aielyn Dumaua		<b>Telephone Number:</b> (213) 922-7320	
<b>8</b>	<b>Project Manager:</b> Jose Ortiz		<b>Telephone Number:</b> (213) 922-3631	

**A. Procurement Background**

This Board Action is to approve Modification No. 9 to Contract No. PS560810024798 to RMI International, Inc. for infrastructure protection services at selected locations of the regional Metro System which includes rail and bus lines, stations, transit facilities, parking lots, construction sites, bus and rail operating divisions and maintenance facilities.

This contract modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate.

In September 2016, the Board approved a five-year contract to RMI International, Inc. to provide infrastructure protection services.

Refer to Attachment B –Contract Modification/Change Order Log for modifications issued to date.

**B. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based on price analysis and are subject to Metro's living wage rates.

.

<b>Proposed Amount</b>	<b>Metro ICE</b>	<b>Modification Amount</b>
\$19,000,000	\$19,000,000	\$19,000,000

**ATTACHMENT C****CONTRACT MODIFICATION/CHANGE ORDER LOG  
SECURITY GUARD SERVICES/PS560810024798**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
<b>1</b>	Clarified basis for payment of billable overtime work and holiday hours	Approved	9/27/2016	\$ 0
<b>2</b>	Increase contract value due to unanticipated living wage adjustment for FY17/18	Approved	7/1/2017	\$ 5,108,918
<b>3</b>	Revised fully burdened hourly labor as a result of unanticipated living wage rate adjustments for FY18/19	Approved	7/1/2018	\$ 0
<b>4</b>	Change in deployment	Approved	1/25/2019	\$ 0
<b>5</b>	Updated list of subcontractors and issued applicable living wage rates for FT 19/20	Approved	7/1/2019	\$ 0
<b>6</b>	Increased contract value to cover increased security guard presence and living wage rate adjustments	Approved	2/1/2020	\$ 18,400,000
<b>7</b>	Updated list of subcontractors	Approved	10/12/2020	\$ 0
<b>8</b>	Increase contract authority and extend period of performance by six months	Approved	8/16/21	\$ 15,000,000

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
<b>9</b>	Increase contract authority and extend period of performance by six months	<b>Pending</b>	<b>Pending</b>	<b>\$ 19,000,000</b>
	<b>Modification Total:</b>			<b>\$57,508,918</b>
	<b>Original Contract:</b>		<b>9/27/2016</b>	<b>\$ 81,944,840</b>
	<b>Total:</b>			<b>\$139,453,758</b>

## DEOD SUMMARY

## SECURITY GUARD SERVICES/PS560810024798

**A. Small Business Participation**

RMI International, Inc (RMI) made a 33.20% Disadvantaged Business Enterprise (DBE) commitment. Based on payments reported, the contract is 82.19% complete and the current DBE participation is 30.42%, representing a 2.78% shortfall, a slight 0.15%-point reduction from the June 2021 report to the Board.

DEOD staff participated in the July and September monthly project meetings with the Metro Project Manager and RMI staff. According to RMI, the Prime has worked diligently with DBE subcontractors to increase their subcontractors' deployment. RMI provided an update reflecting the actual weekly contract hours from June 2021 to date in October, and a 90-day projection through December 31, 2021, demonstrating incremental gains of 2.3% (to date) and 15.6% (projection). RMI further explained that DBE firms American Eagle and Absolute International Security will take over posts at Divisions 2, 3, and 4, effectively transferring 800 hours to these firms.

RMI reported declines in DBE participation for Allied Protection Services, Inc. (APSI) and North American Security Investigations, Inc. (NASI) since June 2021. While both firms faced business challenges including staff recruitment and COVID-related issues that prevented the addition of service hours in the past, APSI has made progress, accepting an additional 280 hours in August 2021, and continuing to work with RMI to increase capacity. An incremental uptick in the level of participation is anticipated once payments are reported for the additional service hours. RMI further contends that due to persistent business issues throughout 2021, NASI requested to forgo some service hours and not take on any new assignments, which RMI reasonably accommodated, working with NASI and Metro Operations.

Staff will continue to engage with RMI and the Metro project team monthly to discuss strategies to increase their level of staffing to meet their commitments.

Small Business Commitment		33.20% DBE	Small Business Participation	30.42% DBE
	DBE/SBE Subcontractors	Ethnicity (Only Applicable for DBE Contract)	% Committed	Current Participation <sup>1</sup>
1.	Allied Protection Services, Inc.	African American	13.44%	1.59%
2.	North American	Hispanic American	5.96%	16.35%

Security and Investigations, Inc. Security America, Inc. <i>(substituted due to voluntary withdrawal)</i>	Hispanic American	13.80%	8.22%
American Eagle Protective Services	African American Female	Added	3.76%
Absolute International Security, Inc.	Asian Pacific American Female	Added	0.50%
<b>Total</b>		<b>33.20%</b>	<b>30.42%</b>

<sup>1</sup>Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.

#### **B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is applicable to this modification. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of \$22.67 per hour (\$17.00 base + \$5.67 health benefits), including yearly increases. The increase may be up to 3% of the total wage, annually. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.

#### **C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

#### **D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.

**Metro**Los Angeles County  
Metropolitan Transportation AuthorityOne Gateway Plaza  
Los Angeles, CA 90012-2952213.922.2000 Tel  
metro.net

October 5, 2021

**TO: AD-HOC INFRASTRUCTURE PROTECTION SERVICES  
PUBLIC SAFETY ADVISORY COMMITTEE (PSAC)**

**THROUGH: OFFICE OF CHIEF EXECUTIVE OFFICER (OCEO)**

**FROM: SYSTEM SECURITY & LAW ENFORCEMENT (SSLE)**

**SUBJECT: INFRASTRUCTURE PROTECTION SERVICES  
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4. Transparency
5. Accountability
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**SSLE Response:** This recommendation is supported in part by SSLE. From the PSAC recommended training classes, SSLE believes the following four (4) classes are the most beneficial to Metro's contract security officers based on their SOW:

- Implicit Bias (4 hours)
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- Customer Service (2 hours)

The new training courses will supplement the existing training on use of force, firearms, and laws of arrest. This recommendation can be implemented in the contract extension with modification to the current contract and the SOW for the new contract. Report of completion of training for contract employees would be required for all security personnel assigned to the Metro contract with renewal every two years. SSLE considers this additional training beneficial to the contracted employees on the system. See Attachment B for further information on each training.

**There is an increase in cost to implement this recommendation:**

The approximate cost of offering all the training recommended by PSAC is \$600,000. The approximate cost of providing the four courses recommended by SSLE is \$120,000.

**This recommendation supports the draft PSAC values of Implementing a Community-Centered Approach, Emphasizing Compassion, and Recognizing Diversity.**

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**This recommendation supports the draft PSAC values of Emphasizing Compassion and Acknowledging Context.**

### **4. Transparency**

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**SSLE Response:** SSLE supports this recommendation. However, after a risk-benefit analysis, SSLE recommends an alternative to BWV cameras. Security contractors have limited public contact and there is no evidence to suggest the need for this level of equipment. Instead, SSLE recommends working with the contractor to utilize an application similar to TrackTik, which allows instant incident reporting and video recording. This can be implemented in the contract extension with modification to the current contract and in the SOW for the new contract.

Metro would prepare the relevant policies and procedures relating to the use of an instant video recording system.

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The approximate cost to implement each mobile application license is estimated to be \$240 per year. Each post assignment/smartphone would need one license. Assuming there are 200 post assignments, the approximate cost would be \$48,000.

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**There is an increase in cost to implement this recommendation:**

The approximate cost for this software would be \$20,000-\$30,000 annually.

**This recommendation supports the draft PSAC values of Acknowledging Context and Committing to Openness and Transparency.**

**NEXT STEPS**

Thank you for your continued commitment to reimagining public safety. We look forward to our continued collaboration to improve safety and security for all on the Metro system.

Attachment A – Hiring Processes  
Attachment B – Training Descriptions  
Attachment C – Response Matrix



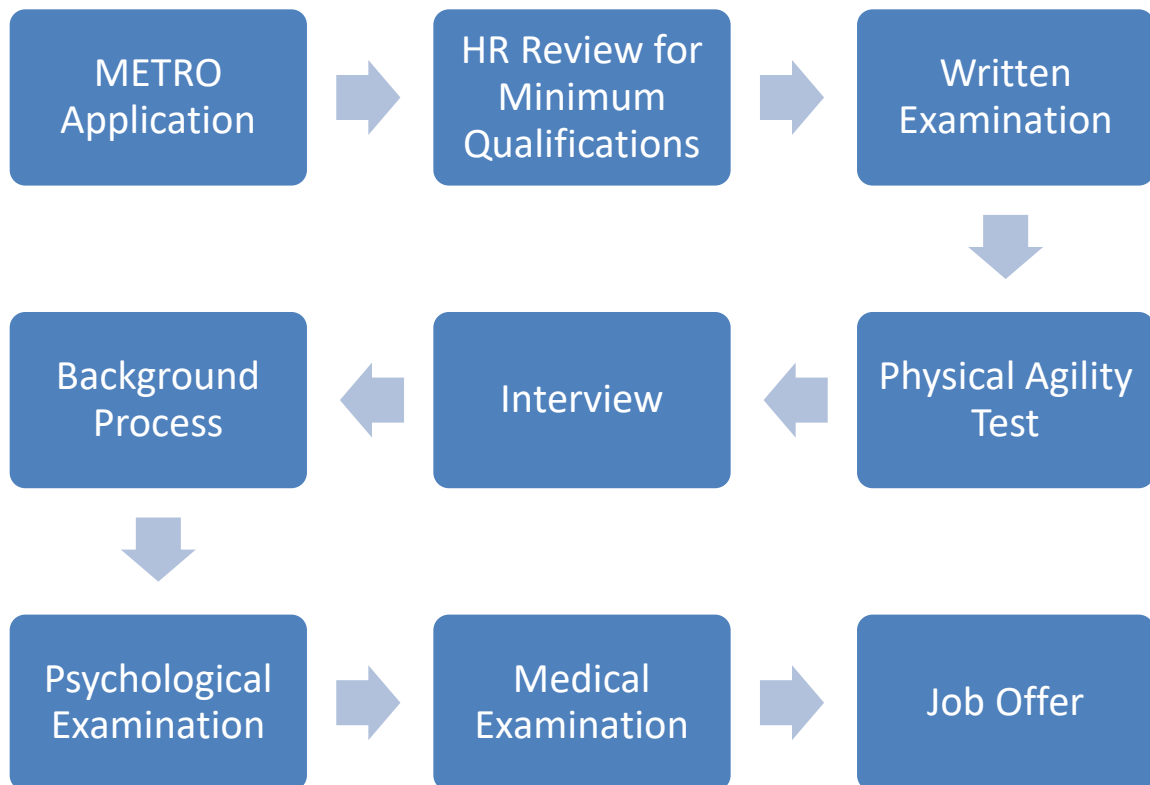
**Metro™**

# Interoffice Memo

<b>Date</b>	August 25, 2021
<b>To</b>	Jose Ortiz Transit Security Director
<b>From</b>	Lt. Cliff Ladage Admin/Training Division
<b>Subject</b>	MTS & RMI Hiring Processes

Attached are the hiring process Metro Transit Security and Contract Security (RMI & subcontractors)

## **METRO TRANSIT SECURITY HIRING PROCESS FLOWCHART**



- **RECRUITMENT**

Metro advertises open Transit Security positions which include job description, minimum qualifications, recruitment process.

- **HR Application Review**

HR Department analyst reviews submitted application to determine if minimum qualifications for the position are met. Once it is determined if minimum qualifications are met, applicants are invited to the written examination portion of the selection process.

- **Written Examination**

Applicants take a written examination which consists of spelling, grammar, sentence completion. Written test is a pass/fail. Applicant who receives a passing score shall be invited to participate in the Physical Agility Test.

- **Physical Agility Test**

Test includes 240-yard run and obstacle course. (pass/fail)

- 240-yard run male – Male – 60 seconds or less  
Female – 90 seconds or less
- Obstacle Course – 60 seconds or less

- **Interview**

Applicants who pass the Physical Agility Test shall be invited to participate in an oral interview panel consisting of department representative and HR representative. Questions include scenarios and critical thinking. Pass/Fail

- **Background Process**

Applicants who pass the interview process shall be invited to submit to the department background process which includes

- Live Scan fingerprint process (HR Dept)
- Personal history statement
  - Copies of CDL, BSIS Certifications, Military Records, Birth Certificate, Driving Record
  - Previous employers
  - Relatives & references
  - Once PHS is completed, background package is forwarded to Metro Transit Security contract background company for criminal checks, reference checks, neighbor checks and employment verification.
  - Completed background check is returned to Transit Security and screened for any disqualifying discrepancies.
  - Pass/Fail

- **Psychological Examination**

Applicants who pass the background portion of the selection process are sent to a Metro contracted physiological facility to complete a written and oral psychological evaluation to determine suitability for the position in Transit Security. Pass/Fail.

- **Medical Examination**

Applicants who successfully pass the psychological portion of the selection process are scheduled for a medical examination to determine if the applicant meets the physical standards for the Transit Security position. Applicants also submit to a drug screening process which includes breath and urine screening.

- **Job Offer**

Applicants who are successful in the selection process shall be placed on the Qualified Candidate Pool for the position. HR shall notify department of QCP and department will contact HR to offer position to applicants on the QCP.

## **RMI CONTRACT SECURITY & SUBCONTRACTOR HIRING PROCESS**

**Employee Selection:** Upon acceptance and subsequent confirmation that a prospective or current client will utilize and retain our services, we begin a process of identifying the appropriate officers for every assignment. RMI has experience in the types of employees who will be successful. Our current successful operation at client sites indicates our level of competence and support from different corporate and public communities.

- **Recruitment/Outreach**

We know the Armed Security Officer profile that will work for all our clients. We expect to recruit from a multitude of resources we have used in the past to supply this type of Armed Security Officer. These methods of sources include advertising on multiple social media platforms, billboards, and on our security vehicles. We advertise on job sites such as, Glassdoor, Zip Recruiter, Indeed, CareerBuilder, Monster, Veteran, and security specific just to name a few. Our job opening announcements are also placed in local newspapers in addition to us working closely with security training schools and colleges/universities. We also participate in multiple job fairs and have implemented an Employee Referral Program in which employees receive a monetary amount for referring those we hire. All applicants can apply for RMI jobs in person and/or online.

- **Initial Phone Screen/Interview**

Our dedicated Recruiter/Hiring Managers screen all resumes/online applications to ensure that applicants meet all requirements of the Armed Security Officer position in which they are applying for. Such requirements are consistent with those mentioned in the LA Metro Armed Security Services contract. Standards defined in our contract are minimum entry-level requirements for all Officers and are factored into the hiring decision. Once an applicant has been checked and cleared, our Recruiter contacts them and conducts an initial phone screening. If the applicant clears, they are invited to an in-person interview with the Hiring Manager.

- **In-Person Interview**

In this interview, our Hiring Managers attempt to devise the best potential match between a candidate's personality, qualifications, and the specifications of the job. Strong focus is placed on verbal, written skills and overall armed security experience. If the applicant clears, they are sent to a pre-employment drug screen and a criminal background request is submitted. Once the applicant clears both the drug screen and background process, they are invited to a new hire orientation.

- **Drug Screening**

RMI adheres to the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the United States Department of Transportation Federal Transit Authority. Every employee is required to pass a pre-employment drug screening and agree to provide random drug screen samples through a program administered under the guidelines like those of the Department of Transportation (DOT). Urine

samples are collected at designated clinics and are tested by certified laboratory personnel with results provided within 2 business days. Any candidate or employee testing positive for any controlled substance will NOT be allowed to enter or maintain a place of employment with RMI International.

- **Criminal History Background Checks**

For all state Armed Security Officer licensing and training standards, RMI follows the LA Metro Armed Security Services contract requirement to complete criminal history background checks. Applicant background information is taken from applicant application and forwarded to 3<sup>rd</sup> party background contractor who conducts criminal records are checked at the national, state, and local level. No Live Scan fingerprint completed.

***\*Applicants for armed security guards are required to have a BSIS Exposed Firearm and Guard Card. BSIS require Live Scan fingerprints of applicants prior to issuing Exposed Firearms Permit\****

- **New Hire Orientation**

The new hire orientation consists of several training modules which includes tests of RMI's employee handbook and other company and LA Metro policies, procedures, and practices in which the applicant would be required to know.

- **Onboarding**

Once new hires successfully complete their orientation, they are issued uniforms and equipment in addition to completing new hire paperwork. At this time, conditional job offer letters are presented to new hires. Once the letters are signed, new hires officially hired with RMI International.

## **Training Course Overview**

### **Implicit Bias**

#### **Los Angeles County Training Center 4 & 8 hours**

This course was developed to satisfy the mandated training for PAM 1081, Racial Profiling Part II Refresher Training. The format is facilitated discussions and student-centered learning activities that allow attendees to safely understand their own biases with a scientific approach. The curriculum design avoids an accusatory tone and focuses on objective facts revealed directly to each student by their own in-class discovery. Students learn in a safe environment with exercises that reveal deep personal preferences (biases) on things that are not at all controversial. It is an easier way to see things we prefer based on how we were socialized. Ultimately, students identify how racial profiling occurs. They discuss the legal background and how racial profiling affects all aspects of community and law enforcement. Students leave with the knowledge and skills learned to recognize their own implicit biases and how to mitigate them to eradicate racially based policing practices.

### **De-escalation**

#### **Handling Difficult People 4 Hours**

The course provides training skills in Communications, Conflict Management, Speaking Constructively, Valuing Diversity, Negotiating, and Verbal Diffusion.

#### **How to interact with those with disabilities 8 Hours**

#### **Response to Persons with Mental and Developmental Disabilities**

The curriculum is designed to provide law enforcement/security with an insight into recognizing different developmental and mental disabilities. It focuses on providing officers with valuable tools to safely managing critical incidents, as well as enhance positive interaction with persons who have these special needs.

#### **How to interact with those in cognitive crisis**

#### **Behavioral Observation Training 8 Hours**

Behavioral Observation Training is a scientifically based curriculum focused on characteristics of human behavior: what they are and how they are manifested, how to identify them.

Also, Cognitive Command (C2) training uses classroom learning paired with distance learning technology to increase officer and public safety, promote officer wellness, enhance procedural justice in police/security, citizen encounters, and improve the application of appropriate de-escalation measures. Students who successfully complete C2 training will be able to: 1) Differentiate and explain human conscious and subconscious thought and action. 2) Articulate,

with examples, how stress impacts thought, perceptions, and behaviors. 3) Model effective techniques of controlled breathing. 4) Demonstrate a method of tactical self-talk using code language. 5) Exhibit digital artifacts from the practical training exercises

### **How to interact with those who suffer from homelessness 2 Hours**

This course provides peace officers/Security with information on best practices for interacting with and assisting homeless civilians in their community by examining applicable laws regarding enforcement and regulation of our unhoused neighbors, including laws on trespassing, property rights, anti-camping ordinances, and encampments. This course will also examine how peace officers can interact with homeless civilians who could have mental health issues and the related services that can be used to help them.

### **Customer service skills**

#### **Public Relations (Community & Customer) 4 hours**

This course aids in recognizing Gender & Racial Harassment & Discrimination, respect, stereotyping, attitude, verbal skills / crisis intervention, introduction to diversity, substance abuse & mental illness, ethics & professionalism, appearance, command presence, proper conduct.

#### **Constitutional policing (Procedural Justice) for security guards 8 Hours**

The purpose of this course is to provide officers with the tools to respond safely and effectively to the community's needs by implementing the strategies of "Procedural Justice," "Implicit Bias," and "De-escalation" before, during, and after contacting members of the community they serve. This will increase officer safety, community support, and quality decision-making.

### **Racial Profiling**

#### **Racial Profiling: Issues and Impact 5 hours**

This training provides students with an understanding of the conceptual and legal definitions of racial profiling. The course also supports law enforcement / security's continued effort to maintain a relationship of trust and respect with the communities they serve.

	PSAC IPS Ad-Hoc Subcommittee Recommendations	SSLE Response	Current Contract Extension	Future Contract SOW	Preliminary Cost Impact
1	Security contractors shall be required to exclude security guards that have been previously terminated by a law enforcement agency from working on the Metro contract.	This recommendation is supported by SSLE.	X	X	No cost.
2	Security contractors shall be required to provide satisfactory proof that all security contractors have passed all stages of the background process.	This recommendation is supported in part by SSLE.		X	Approximate cost of performing the extensive background checks being described by the PSAC is approximately \$1,550 per applicant.  Approximate cost of performing the additional psychological testing as proposed by SSLE is \$500 per applicant.
3	Security contractors shall be required to ensure that all security guards working on Metro's contract have completed specific training classes.	This recommendation is supported in part by SSLE.	X	X	Approximate cost of offering all the trainings recommended by PSAC is \$600,000.  The approximate cost of offering the four (4) trainings recommended by SSLE is \$120,000.
4	Security contractors shall be required to have uniforms consisting of a light grey polo shirt with an embroidered badge, wear a utility belt with a flashlight, and an outer safety vest with the Metro logo. A name tag on the uniform shirt and the outer vest shall be considered.	This recommendation is supported by SSLE.	X	X	Approximate cost is \$100 per employee per year for a total annual cost of \$40,000.
5	Security contractors shall be required to utilize Body Worn Video (BWV) cameras while working on the Metro system.	This recommendation is supported by SSLE, however, recommends an alternative such as	X	X	Approximate cost to implement BWV cameras as recommended by PSAC is estimated at

PSAC IPS Ad-Hoc Subcommittee Recommendations		SSLE Response	Current Contract Extension	Future Contract SOW	Preliminary Cost Impact
		an application similar to TrackTik.			more than \$1 million annually.  Approximate cost to implement each mobile application license is estimated at \$240 per year. One license would be required per post assignment/smartphone. Assuming there are 200 post assignments, the approximate cost would be \$48,000.
6	Security contractors shall be required to be consistent with the principles of Campaign Zero "Eight Can't Wait."	This recommendation is supported by SSLE.	X	X	No cost.
7	Security contractors shall be required to have an early warning software system that flags multiple complaints and/or use of force incidents by individual security officers.	This recommendation is supported by SSLE.	X	X	It is estimated the cost for this software would be \$20,000-\$30,000 annually.



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

One Gateway Plaza  
Los Angeles, CA 90012-2952

213.922.2000 Tel  
metro.net

## **Supplemental Memorandum October 20, 2021**

During the October 12<sup>th</sup> IPS ad-hoc subcommittee meeting, Metro staff and members of the ad-hoc subcommittee discussed Metro's October 5<sup>th</sup> IPS contract modification recommendation memo.

Ad hoc members were in alignment with staff's recommendations on the background checks, uniforms, and accountability categories. When it came to the training, members provided feedback on reframing the training classes and revisions to the recommendation on trainings will be made as indicated below:

### **Original:**

- Implicit Bias (4 hours)
- Response to Persons with Mental and Development Disabilities (4 hours)
- How to Interact with those Who Suffer from Homelessness (2 hours)
- Customer Service (2 hours)

### **Revisions to training:**

- Implicit Bias (4 hours)
- How to Better Serve Persons with Disabilities, including Mental and Development Disabilities (4 hours)
- How to Assist Persons Who are Unsheltered (2 hours)
- Excellence in Customer Service (2 hours)

Additional feedback was provided for the transparency category, particularly on the TrackTik tool, which allows instant incident reporting and video recording. This tool would be used to supplement the CCTV camera system currently in place on Metro's properties. TrackTik was provided as an example as it's the software the current contractor has available, however, staff will commit to researching alternatives per the feedback received from the ad-hoc committee.

Attachment A – Training Conducted by RMI

Attachment B – BSIS 40-Hour an Annual Course Training

**Training Provided by Current Contractor (RMI)**

**Orientation (3 – 6 hrs)**

Heat-Related Illness  
Injury & Illness  
Conflict Resolution  
Bloodborne Pathogens  
Sexual Harassment  
Workplace Violence  
Fire Extinguisher  
Drug and Alcohol Policy

**New Hire Process w/ Managers (1 – 3 hrs)**

Metro 101  
Firearm Safety  
Use of Force

**Rail Safety Class (2 – 4 hrs)**

Required by Metro

**On the Job Training (1 -2 hrs)**

Site set-up  
Contact numbers for all managers/supervisors  
Access control  
Tag locations  
Proper notifications  
DARs and incident reports  
Post orders

**Continuous Training / BSIS (All Modules: B, C. & D) (minimum of 8 hrs)**

Refresher training throughout the year (customer relations, customer service, etc)  
Monthly bulletin on specific circumstantial training (i.e.- Summer-heat injury training)  
“What if?” Scenario Training

**Note:** BSIS requires that each officer received 8 hours of refresher training annually to maintain their guard card and to maintain/renew their exposed firearm permit each officer is required to conduct weapons requalification every 6 months (twice annually). This training can be conducted/obtained at any state approved BSIS training facility. Attached you will find the list of the training topics approved by BSIS that count towards the annual refresher and detail the states requirement for training.

**Supervisors/Managers (2 – 4 hrs)**

Sexual Harassment  
Discrimination  
Reasonable Suspicion  
Post-Accident Procedures

**UPDATED VERSION – MAY 9, 2007**

**BUREAU OF SECURITY AND INVESTIGATIVE SERVICES**  
**Title 16, Division 7 of the California Code of Regulations**

**ARTICLE 9. SKILLS TRAINING COURSE FOR SECURITY GUARDS**

**§643. SKILLS TRAINING COURSE FOR SECURITY GUARDS**

(a) The course of skills training for registered security guards shall follow the standards prescribed by section 7583.6(b) of the Business and Professions Code. The attached Appendix sets forth the subjects that shall be taught and the maximum number of hours that shall be allowed towards meeting required training.

(b) For each course, or series of courses, the institution or company providing the training shall issue a Certificate of Completion to the individual completing the course.

The certificate shall identify the course(s) taken, the number of hours of training provided, identification of the issuing entity, name of the individual and instructor and a date, and state that the course(s) comply with the Department of Consumer Affairs' Skills Training Course for Security Guards. The certificate shall be serially numbered for tracking.

Note: Authority cited: Section 7581, Business and Professions Code. Reference: Sections 7583.6 and 7583.7, Business and Professions Code.

**I. POWER TO ARREST COURSE OUTLINE**

The Power to Arrest Course consists of four (4) hours of training in both of the following two (2) subjects:

**A. Powers to Arrest**

**4 hours**

Objective: To familiarize and instruct the individual on the training topics delineated at Business and Professions Code section 7583.7, including, without limitation, legal aspects, techniques, liability, and company requirements relating to the arrest of an individual. The training will utilize the Department of Consumer Affairs' Power to Arrest Training Manual and may include lecture, discussion, exercises and role-playing.

1. Overview of Power to Arrest Manual and subject matter.
2. Definition of arrest and discussion on the implications to the subject, the guard and the company.
3. Lecture/discussion on escalation and de-escalation techniques in the use of force.
4. Lecture/discussion in the use of restraint techniques and their implications.
5. Discussion of trespass laws and implications of enforcement.
6. Completion of the Power to Arrest Training Manual Test with 100% score in accordance with the Manual's Administering Instructions.

## **B. Weapons of Mass Destruction (WMD) & Terrorism Awareness      4 hours**

Objective: To familiarize and instruct the individual on the subject matter and observation skills required to identify and report precursor activities to a terrorist event, react appropriately, report the occurrence of a terrorist event, and remain safe while helping control the scene after a terrorist event. The training will utilize the Department of Consumer Affairs' Weapons of Mass Destruction & Terrorism Awareness for Security Professionals course consisting of a Digital Video Disk (DVD), Student Workbook and Facilitator Manual.

1. Introduction and overview of the training.
2. The Role of a Security Officer.
3. The Nature of Terrorism.
4. Weapons of Mass Destruction.
5. Coordinating and Sharing of Critical Information.

## **II. MANDATORY COURSES OUTLINE OF COURSES**

Objective: To familiarize and instruct the individual in basic skills and provide a common body of knowledge in the performance of security guard work. All courses shall include information and subject matter pertaining to the outline provided. Additionally, all courses shall include written material, lecture or exercises to assure that the individual comprehends the subject matter presented. Every newly licensed or employed security guard shall complete two of the mandatory courses within thirty (30) days from the day the guard's registration card is issued (8 hours) or the day the guard begins employment. The remaining two mandatory courses each consisting of four (4) hours of instruction, shall be completed within the first six (6) months from the day the guard registration card is issued or the day the guard begins employment as a security guard. Pursuant to Business and Professions Code Section 7583.6 (b) the following outline includes subjects that shall be taught and the maximum number of hours that will be allowed for completion of the Mandatory Courses.

### **A. Public Relations (Community & Customer)      4 hours**

1. Recognizing Gender & Racial Harassment & Discrimination
2. Respect:
  - Stereotyping
  - Attitude
3. Verbal Skills / Crisis Intervention
4. Introduction to Diversity
5. Substance Abuse & Mental Illness
6. Ethics & Professionalism
  - Appearance
  - Command Presence
  - Proper Conduct

**B. Observation & Documentation****4 hours**

1. Report Writing
2. English as a Second Language
3. Observation and Patrol Techniques
4. Asking Appropriate Questions
5. Observing Suspects / Suspicious Activity

**C. Communication and its Significance****4 hours**

1. Internal
  - Protocols Pursuant to Contract (Who to Contact & When)
  - Radio / Monitors
  - Other Technology
2. External
  - Emergency / First Responders
  - Medical Personnel
  - Police / Sheriff / Other Enforcement
  - City Services / Government Services

**D. Liability / Legal Aspects****4 hours**

1. Personal / Contractor / Employer
2. Criminal, Civil, Administrative
3. BSIS Code & Regulations
4. Role of a Security Guard

**III. ELECTIVE COURSE OUTLINES**

Objective: To familiarize and instruct the individual in basic employer requirements relating to the performance of guard duties. Additionally, to provide the employer and the individual with the opportunity to select additional course work to improve the skills and knowledge of the individual. The listed courses should include a mixture of written materials, lecture and exercises. The hours listed are the maximum number of hours that will be accepted as part of the 16 hours of elective training mandated by the Business and Professions Code section 7583.6. Every newly licensed security guard shall complete a minimum of eight (8) hours of elective courses within thirty (30) days from the day the security guard's registration card is issued or the day the guard begins employment. An additional eight (8) hours of elective courses shall be completed within the first six (6) months from the day the security guard's registration card is issued or the day the guard begins employment. Pursuant to Business and Professions Code Section 7583.6 (b), the following outline includes subjects that shall be taught and the maximum number of hours that will be allowed for completion of the elective courses.

**A. Post Orders & Assignments****4 Hrs. Maximum**

1. Site Specific Training
2. Equipment
  - Monitoring
  - Communication
  - Alarms
  - Elevators, Etc.
3. Emergency Response Issues
4. Liability Implications
5. Lost / Found Articles

**B. Employer Policies / Orientation****4 Hrs. Maximum**

1. Employer Reports / Paperwork
2. Reporting Processes / Procedures
3. Tax Forms, Health Forms, Etc.
4. Uniforms
5. Work Schedules
6. Other Internal Policies, Processes or Procedures
7. Employer Use of Force Policy

**C. Evacuation Procedures****2 Hrs. Maximum**

1. Emergency Procedures Related to Life / Safety and Acts of Nature
2. Working Knowledge of Evacuation Routes
  - Stairs
  - Elevators
  - Doors
3. Power Outage
4. Specific Points of Contact

**D. Officer Safety****4 Hrs. Maximum**

1. Threat Assessment
2. Subject Contact
3. Safety Awareness
4. Blood Born Pathogens
5. Environmental /Hazardous Materials

**E. Arrests, Search & Seizure  
(more advanced than PTA course)****4 Hrs. Maximum**

1. PC 836, 837 & the Differences
2. US Constitution & Amendments Impacting Guard Responsibilities
3. Loss Prevention
4. Merchant Law
5. Use of Force

**F. Access Control** **2 Hrs. Maximum**

1. Identification Procedures
2. Electronic Use/CCTV
3. Non-electronic procedures

**G. Trespass** **4 Hrs. Maximum**

1. Open Land
2. Private Property
3. Private Building
4. Public Property
5. Places of Public Accommodation/Public Access

**H. Laws, Codes, Regulations and Ordinances** **2 Hrs. Maximum**

1. Specific to Post Assignment

**I. First Aid / CPR** **4 Hrs. Maximum**

1. American Red Cross Courses
2. American Heart Association Courses
3. Automatic Defibrillator Devices (AED's)

**J. Handling Difficult People** **4 Hrs. Maximum**

1. Communications
2. Conflict Management
3. Speaking Constructively
4. Valuing Diversity
5. Negotiating
6. Verbal Diffusion

**K. Work Place Violence** **4 Hrs. Maximum**

1. Detecting Unusual Behavior / Warning Signs
  - Worker to Worker
  - Client to Customer
  - Supervisor to Subordinate
2. Anger Management
3. Valuing Diversity
4. Personal Security
5. Reporting

<b>L. Chemical Agents</b>	<b>4 Hrs. Maximum</b>
1. Tear Gas Use and Effects 2. Pepper Spray Use and Effects 3. Air Borne Chemical Agents 4. Water Borne Chemical Agents	
<b>M. Preserving the Incident Scene</b>	<b>4 Hrs. Maximum</b>
1. Identifying Evidence 2. Care and Handling of Evidence 3. Securing the Immediate Area 4. Legal Issues to Evidence Tampering and/or Removal 5. Witness/Participant Identification	
<b>N. Crowd Control</b>	<b>4 Hrs. Maximum</b>
1. Controlling Boisterous Celebrations 2. Handling Disputes 3. Confronting Conflicts Constructively 4. Planning for Civil Disobedience / Disturbances 5. Labor Actions, Disputes, Workplace Stoppages	
<b>O. Driver Safety</b>	<b>4 Hrs. Maximum</b>
1. Cars 2. Bicycles 3. Golf Carts	
<b>P. Supervision</b>	<b>4 Hrs. Maximum</b>
1. Roles and Responsibilities 2. Legal Liability	
<b>Q. Courtroom Demeanor</b>	<b>4 Hrs. Maximum</b>
<b>R. Parking / Traffic Control</b>	<b>2 Hrs. Maximum</b>
<b>S. Radio Procedures</b>	<b>2 Hrs. Maximum</b>
<b>T. BSIS's Certified Course in Firearms Training</b>	<b>8 Hrs Maximum</b>
<b>U. BSIS's Certified Course in Baton Training</b>	<b>4 Hrs. Maximum</b>
<b>V. School Security Guard Training</b> (In compliance with Bureau developed Training Syllabus)	<b>8 Hrs. Maximum</b>

<b>W. Introduction to Executive Protection</b>	<b>4 Hrs. Maximum</b>
<b>X. Annual Firearms Requalification</b>	<b>4 Hrs. Maximum</b>
<b>Y. Fire Safety Course</b>	<b>4 Hrs. Maximum</b>
<b>Z. Course in the Use of a Stun Gun or Air Taser</b>	<b>4 Hrs. Maximum</b>

#### **IV. Continuing Education**

Objective: To provide additional or remedial instruction in private security subject matter. The continuing education requirement, of an additional 8 hours annually pursuant to Business and Professions Code Section 7583.6(f) (1), commenced on January 5, 2005.

The annual training may be provided by an independent training entity or may be provided by the employer. Employer provided training should be supported by evaluation of the licensed guards' skills. The annual training may repeat previous course(s), or may provide additional course(s) on topics applicable to private security work.

The Mandatory and Elective courses with 4 hour maximum time limitations for the initial Skills Training Course For Security Guards may be expanded in depth to 8 hour courses, with the exception of the WMD and Terrorism Awareness, to meet the annual training hours.

Additionally, training in use of specific types of batons or a four (4) hour refresher course every other year may also be utilized to meet the continuing education requirements.

For each course completed, the training entity or company providing the training shall issue a Certificate of Completion to the individual completing the course in compliance with the appearance requirements stated in Title 16, California Code of Regulations, section 643 (b).

## Public Safety Advisory Committee

Prepared by the PSAC Facilitator Team

# MEMO

**Date:** November 5, 2021

**To:** Metro Office of the Chief Executive Officer

**From:** Public Safety Advisory Committee (PSAC)

**Re:** Outcomes from the November 3, 2021 PSAC Meeting -- Infrastructure Protection Services Contract Extension Proposal


During the November 3, 2021 Public Safety Advisory Committee (PSAC) meeting, the advisory body voted on a proposal to approve Metro staff recommendations for the Infrastructure Protection Services (IPS) contract extension.

Below is a summary of the committee's action:

- The committee did not approve Metro staff recommendations for the IPS contract extension. The vote was 3 "yes," 9 "no," and 2 "abstain." (Link: [Metro staff recommendations for the IPS contract extension: memo and attachments](#))

## Proposal to Approve Metro Staff Recommendations for the IPS Contract Extension

Committee members did not approve Metro staff recommendations related to the IPS contract extension. The committee was asked to consider staff's proposal to incorporate recommendations informed by PSAC's Infrastructure Protection Services ad-hoc committee, excluding staff's recommendation related to a body-worn camera alternative. With 9 "no" votes, 3 "yes" votes, and 2 abstentions, the item did not pass.



# Infrastructure Protection Services (IPS)

SYSTEM SECURITY & LAW ENFORCEMENT IS PURSUING IMMEDIATE SHORT-TERM ACTIONS THROUGH MODIFICATIONS TO OUR EXISTING IPS CONTRACT THAT PROMOTE SAFETY, COMPASSION AND RESPECT FOR OUR RIDERS AND EMPLOYEES.

# Security Contract Extension

- ▶ SSLE is requesting a six (6) month extension-(with a six (6) month extension option) for the time period of April 1, 2022, to March 31, 2023, for our current security contract with RMI.
- ▶ This extension will allow the implementation of SSLE recommendations. In addition, this extension will ensure sufficient time to finalize the scope of work for a new solicitation and launch a new competitive solicitation for Infrastructure Protection Services that are aligned with Metro's new model for public safety.
- ▶ The cost for the total twelve (12) month extension: \$38,000,000
  - ▶ Each six (6) month extension option: \$19,000,000

# Potential IPS Modifications

There are six general categories being considered for modification:

- ▶ Background Checks
- ▶ Training
- ▶ Uniforms
- ▶ Transparency
- ▶ Accountability
- ▶ Use of Force

# SSLE Recommended Modifications

Recommendations	Preliminary Cost Impact
<p>Background Checks</p> <ul style="list-style-type: none"><li>• Security contractors shall be required to exclude security guards that have been previously terminated by a law enforcement agency from working on the Metro contract.</li><li>• Expanded background checks to include psychological testing.</li></ul>	<ul style="list-style-type: none"><li>• There is no increase in cost to implement this recommendation.</li><li>• The approximate cost of performing the additional psychological testing as proposed by SSLE is \$500 per applicant, approximately \$62,000 annually.</li></ul>
<p>Training</p> <ul style="list-style-type: none"><li>• Enhanced training to include Implicit Bias, How to Better Serve Persons with Disabilities, including Mental and Development Disabilities, How to Assist Persons who are Unsheltered, and Customer Service.</li></ul>	<ul style="list-style-type: none"><li>• The approximate cost of providing the four courses recommended by SSLE is \$120,000.</li></ul>
<p>Uniforms</p> <ul style="list-style-type: none"><li>• New uniforms to promote a more approachable, less militaristic appearance and assist the visually impaired for easier identification.</li></ul>	<ul style="list-style-type: none"><li>• The approximate cost per year for a total annual cost of \$40,000.</li></ul>

# SSLE Recommended Modifications

Recommendations	Preliminary Cost Impact
<p>Transparency</p> <ul style="list-style-type: none"><li>Utilization of technology to provide for instant incident reporting and video recording.</li></ul>	<ul style="list-style-type: none"><li>The approximate cost to implement a mobile application license is estimated to be \$48,000 annually.</li></ul>
<p>Accountability</p> <ul style="list-style-type: none"><li>Security contractors shall be required to be consistent with the principles of Campaign Zero "Eight Can't Wait".</li></ul>	<ul style="list-style-type: none"><li>There is no potential increase in cost to implement this recommendation.</li></ul>
<p>Complaints and Use of Force incidents</p> <ul style="list-style-type: none"><li>Use of early warning software system that flags multiple complaints and/or use of force incidents.</li></ul>	<ul style="list-style-type: none"><li>The approximate cost for this software would be \$30,000 annually.</li></ul>



## Board Report

File #: 2021-0672, File Type: Contract

Agenda Number: 25.

**REVISED**  
**OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE**  
**NOVEMBER 18, 2021**

**SUBJECT: TRANSIT LAW ENFORCEMENT SERVICES**

**ACTION: APPROVE CONTRACT VALUE INCREASE AND EXTENSION**

**RECOMMENDATION**

CONSIDER:

- A. SEEKING scope of work modifications (Attachment D) to align with the move towards reimagining public safety;
- B. AUTHORIZING up to \$75.2M for the remaining six months of the original contract inclusive of scope of work modifications;
- C. EXTENDING the contract for an additional six months (Jul-Dec 2022) with a 6-month option (Jan-Jun 2023) to allow PSAC recommendations to come forward to support the new procurement and timeline and award of the contract; and
- D. FUNDS for the extension will be requested during the FY23 budget process.

**HAHN AMENDMENT:** The extension of a contract with any law enforcement agency shall be conditioned on that agency having an enforced COVID vaccination mandate.

Report back in January 2022 on how to enforce the vaccine amendment and come back with a plan on how to move forward with the vaccination requirement. Additionally, report back in March 2022 regarding whether we can continue to contract with the Sheriff's Department.

**ISSUE**

To continue maintaining a consistent and reliable law enforcement presence and to ensure a safe and secure transit system for Metro passengers and employees, the multi-agency law enforcement services contracts need to be funded for the remaining six (6) months of the term of the contracts, January to June 2022.

The additional funds being requested are to replenish contract value available for general law

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enforcement services absorbed by unplanned expenses, which occurred in the early years of the contract. The additional \$75,201,973 will fund services for the remaining six (6) months (January to June 2022) of the multi-agency law enforcement services contracts inclusive of a revised scope of work (Attachment D).

Given that the work with the Public Safety Advisory Committee (PSAC) is not yet complete, and a procurement process for a new policing contract may consist of approximately a 14-month period, staff is recommending extending the period of performance for up to an additional six (6) months, with a 6-month option. This will allow sufficient time for PSAC to submit its recommendations for a new model of public safety reflecting alternative community-based approaches to policing and staff to return to the Board to recommend awarding a new contracts. The budget for the extension will be requested during the FY23 budget process.

By approving these recommendations, Metro can 1) continue multi-agency law enforcement services through June 30, 2022, and 2) provide the Public Safety Advisory Committee (PSAC) the opportunity to complete final recommendations on reimagining public safety on Metro's system for staff to consider incorporating into the future law enforcement services contract, including the approach to better aligned resources under the Department of Mental Health; and implementation of the proposed revisions to the existing multi-agency contract SOW to incorporate lessons learned, employ solutions, and identify costs.

## **BACKGROUND**

In February 2017, the Board approved the award of three individual five-year, firm-fixed unit rate contracts to the City of Long Beach (LBPD), City of Los Angeles (LAPD), and County of Los Angeles (LASD) for multi-agency law enforcement services to support its day-to-day bus and rail operations across Metro's entire service area, as these are not services provided by local jurisdictions. The total five-year contract award amount for multi-agency law enforcement services was \$645,675,758.

The specific tasks that contractors are responsible for include:

1. Responding to calls needing law enforcement intervention including safety emergencies;
2. Conducting joint anti-terrorism drills, training sessions, and intelligence sharing with other local, state and federal law enforcement agencies;
3. Riding Metro buses and trains, patrolling bus and rail stations/corridors, and maintaining high visibility at key Metro critical infrastructure locations;
4. Conducting proactive anti-crime operations when not handling a dispatched call;
5. Participating in Metro emergency and disaster preparedness planning and drills; and
6. Collaborating with social service agencies to address the impact of homelessness on the transit system.

In February 2021, Metro staff informed the Board that unplanned expenses for (1) augmented outreach services to the unhoused population, addressing increasing crime trends, sexual harassment; and (2) enhanced deployments to cover special events, surge operations- employee and customer complaints, and other unforeseen circumstances, which occurred in the early years of the contract, had reduced the remaining contract value available for general law enforcement

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services. As a result, more than \$100 million was requested to fully fund the contracts for the remaining twelve (12) months of the contract term (ending June 2022). In March 2021, the Board approved an increase of \$36M, which was sufficient only for law enforcement services to cover costs through December 2021, and to engage the Public Safety Advisory Committee (PSAC). Since then, staff has been engaging PSAC to re-imagine transit safety and develop recommendations for a new model that reflects community-based approaches to policing. Staff's intent was to seek Board approval of these recommendations before the end of this calendar year, leading up to and as part of the procurement process for a new policing contract.

Staff's request to extend the period of performance for up to an additional six (6) months, July to December 2022, with a 6-month option, January to June 2023, will allow sufficient time for PSAC to submit its recommendations to Metro for a new model of public safety, the opportunity for PSAC and/or the public to weigh in on the SOW during the posting time allotted for public comment on the new policing SOW, and award a new policing contract.

## **DISCUSSION**

Providing a safe transit system is imperative to Metro in order to provide a world-class transportation system that enhances quality of life for all who use our system. Metro understands the various levels of safety concerns from the public and employees and the responsibility we have to ensure a safe and comfortable experience for all users of the Metro system. Through the PSAC, public safety survey of our ridership (see Attachment E), surveys of our employees, surveys of the unsheltered, and public comment, we have heard the many and varied voices of our community. Many respondents support both armed and unarmed staff on the system. Over 60% of public respondents want law enforcement and armed security staff to be a priority, and this support spans all race/ethnicity categories. Even more, over 70%, want unarmed security staff to be a priority. Employee surveys indicated 86% of employees want policing to be somewhat more or much more of a priority.

Some riders have heard of, witnessed, or have been a victim of crime that leaves them feeling vulnerable and unsafe. Some riders have heard of, witnessed, or have been a victim of disparate or unfair treatment by those in positions of authority, which leaves them harmed, or feeling disrespected and unsafe. Everyone is looking for prevention of and protection from harm, whether that be from harassment, violence, crime, or other threats. It's important to identify why people have these feelings, to determine if we can better address those core issues. Metro seeks for all to enjoy a safe and comfortable experience on the system.

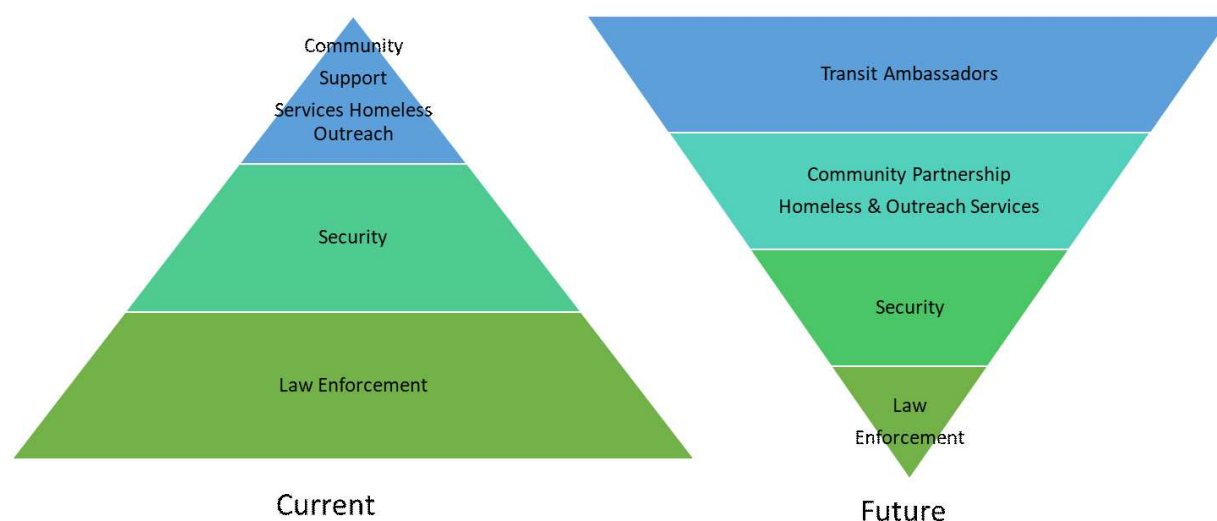
Public safety is a complex topic and we are just at the beginning of our efforts to reimagine safety on our system. Safety by definition means "being free from harm or risk" and we understand that safety means different things to different people. This is a unique time, and we have an opportunity to approach public safety differently. Metro is taking a holistic approach to public safety that promotes safety, compassion and respect for our riders and employees. Key themes to this approach:

- Building better support for vulnerable riders
- Leading with compassion
- Respecting diversity

- Recognizing context
- Community-centered approach
- Reducing the risk of biased outcomes
- Increased transparency and accountability

Based on the work of the Center for Policing Equity, staff will apply key questions to guide and focus internal decisions to support advancing a reimagined transit public safety program. 1. What services could replace law enforcement to reduce their footprint on riders? 2. How can we reduce law enforcement's footprint on over policed riders? 3. What riders and/or employees need more resources and what mechanisms can deliver them? 4. How can we measure our response to change? 5. How can we respond to rider violence with a lighter law enforcement footprint?

We want to focus resources to address root issues to some safety issues. As well as redirecting resources so that the right response is deployed to the safety concern.



### Scope of Work (SOW) Modification

Staff is proposing revisions to the existing contract SOW to increase transparency and continue engaging with the community and passengers to improve trust.

The proposed revisions, which align with the recently PSAC approved Mission and Values for Transit Policy -- *Implementing a Community-Centered Approach, Emphasizing Compassion, Acknowledging Context, and Committing to Openness and Transparency*, include:

- Removal of fare enforcement and code of conduct responsibilities
- Revised language dealing with proactive enforcement
- Redirecting \$1.6M from LASD contract to the Los Angeles County Department of Mental

Health (DMH) to engage more effectively with the unhoused seeking shelter on the system

- Improved consistency with Campaign Zero's Eight Can't Wait; and
- Increased data collection, transparency, and accountability.

Additionally, staff has been in discussions with the Los Angeles County Department of Mental Health (DMH) to enter into an agreement with Metro, to engage more effectively with persons who are in cognitive crisis or under the influence, or those who turn to the Metro system and property seeking shelter. Staff hopes to reach agreement with the DMH by the end of this calendar year. This will allow Metro to shift resources of approximately \$1.6M for the remaining 6 months of the existing LASD contract. Expansion on the DMH contract to include Long Beach Police Department and Los Angeles Police Department is expected with the additional options requested.

- Law enforcement contractors will host up to one (1) community engagement event per month to re-build trust with community members.

To further enhance public safety across the system, campaigns such as Children Travel Safe, Bystander Training, Clean and Safe, Anti-Hate, Sexual Harassment Prevention & Correction, Implicit Bias, ADA Sensitivity, Overdose Intervention and Prevention, and Victim Advocacy will continue to be developed in coordination with community-based organizations, and Office of Civil Rights & Inclusion, and our law enforcement and security contractors.

### *Accountability*

In light of the Office of the Inspector General (OIG) reports, staff continues to monitor and review current contract utilization in efforts to control expenditures; maintain current staff levels; reallocate current resources to where surge operations are needed and continue to shift law enforcement resources previously supporting Metro Rail Operation's special events to Metro Transit Security.

### **PSAC**

To support PSAC with providing recommendations to the existing contract and on a future contract, Metro staff provided members with a copy of the executed contracts with LAPD, LASD, and LBPD, in addition to various public data sets as requested by members. Complimenting copies of the contracts, staff provided a comprehensive SOW matrix (Attachment F) to members of the Policing Practices ad-hoc subcommittee for review. This matrix was used as a baseline to capture member feedback and potential recommendations. Metro staff issued a memo (see Attachment G) on October 26th to the ad-hoc subcommittee with recommendations for modifying the existing contract. On October 27<sup>th</sup>, the ad-hoc subcommittee met to discuss staff's recommendations and expressed they would like to draft a response. The committee drafted a set of alternative recommendations in a memo (see Attachment H) dated October 29<sup>th</sup>. The recommendations included the following:

- Allocating \$0 in additional funding to the existing public agency policing contracts
- Metro returning to a non-contracted law enforcement model to ensure public safety on its transit system
- Reallocating the \$75.2 million that would have been spent on the amended law enforcement contract to support non-law enforcement alternatives to public safety, including: mental health

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services, homeless outreach services, transit ambassadors and funding safety initiatives outlined in Metro's Customer Experience plan.

On November 3<sup>rd</sup>, PSAC members voted on the ad-hoc subcommittee's recommendations. Although some members expressed concern about the security impacts of not funding, the committee members unanimously approved the ad-hoc committee's recommendations, with a vote of 14 "yes," 0 "no," and 0 "abstain" (see Attachment I).

Staff has listened to PSAC's feedback and reviewed their comments provided on a Multi-Agency Police Contract Scope of Work (SOW) matrix (Attachment F) for improving policing services currently provided under the multi-agency law enforcement contracts and proposed to incorporate several recommendations through revisions to the existing contract SOW. Due to time constraints, other recommendations would need to be considered in the new procurement consistent with the long-term vision of reimagining public safety.

Metro staff is fully committed to an ambassador program. We recognize the proven benefits of a Transit Ambassador Program and our goal is to implement effective alternative policing strategies as soon as possible. If Metro utilizes contracted services to staff the ambassador program, Metro could be ready to advertise a scope of work for those services by February 2022 with a contract award in the summer. The scope of work could be advertised to Community Based Organizations with expertise in homeless outreach, disability services, and/or hiring, training, and overseeing formerly incarcerated members of our community. Metro's goal is to move forward with a model that best delivers a Transit Ambassador Program in a timely way that is responsive to the sense of urgency that our Board members and public have expressed for this program.

### **DETERMINATION OF SAFETY IMPACT**

The authorization of the contract amendments to each of the law enforcement contracts will ensure continued safety and security of passengers and employees and improve Metro's ability to safeguard critical transportation infrastructures. See Attachment J for a list of positive safety services that are provided by our law enforcement contractors.

### **FINANCIAL IMPACT**

The total funding increase of \$75,201,973 is already included in the adopted FY22 budget, cost center 2010. The cost center manager and Executive Officer, System Security & Law Enforcement will be responsible for budgeting in FY23.

#### **Impact to Budget**

The source of funds for this effort will be local operating funds, including fares, sales tax Proposition A, C, TDA, and Measure R. These funds are eligible for bus and rail operations.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports strategic plan goal 2.1 of committing to improving security. To achieve

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this goal, Metro will rely on a multi-layered, integrated security program that comprises technology, people, and partnerships.

### **ALTERNATIVES CONSIDERED**

The Board may decline to approve the contract amendment as recommended by PSAC. This alternative is not recommended as Metro currently does not have an internal police force to combat incidents of crime on Metro system. Furthermore, Metro does not have existing contracts in place to provide an ambassador program, sufficient social services and mental health alternatives as outlined by PSAC.

- Metro will be responsible for costs reasonably incurred by the police agency as a result of the early termination of the contract, which would include reasonable demobilization costs.
- An effort to not approve funds for the law enforcement contracts may be only a shortsighted approach and a missed opportunity to achieving the long-term change that we all seek. With violent crime on the rise on our system, in our communities and across the country, now is not the most appropriate time to limit the capacity of our law enforcement partners to connect with our communities without having any available alternatives to deploy, Metro, as a common carrier, is under a duty to provide the utmost care to its passengers, and recommends investing in this capacity, investing in partnerships, and investing in services that supplement safety and security efforts to better serve those who are most in need.
- PSAC continues its work to advancing a reimagined transit public safety program on Metro. Staff will continue to engage with and support its efforts to enhance safety across all aspects of the system.

### **EQUITY PLATFORM**

The first recommendation allows for continued law enforcement services on the system for the remaining six months of the original period of performance. This action, although as voted on November 3<sup>rd</sup> is not supported by PSAC, will allow the riders to see interim changes rather than continue with the status quo. For example, fare enforcement will be contractually removed from law enforcement's duties and include abiding by the 8 Can't Wait policies.

The second recommendation under consideration to extend the existing contract by six months with a six-month option would allow PSAC to provide feedback on the scope of work for a future contract. These extensions would be necessary due to the 12-14-month procurement process. PSAC would have an opportunity to provide feedback as staff develops the SOW and when it's posted for public viewing and input. In addition, while the new SOW is developed, it does not preclude future PSAC recommendations or other SOW modifications from being implemented into the extension period.

### **NEXT STEPS**

Upon Board approval, staff will execute contract modifications to each of the law enforcement contracts to continue to provide law enforcement services.

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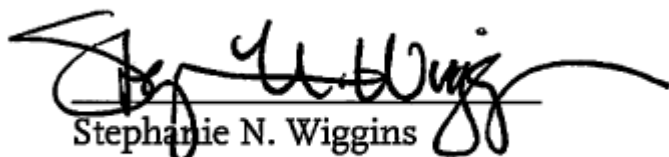
Continue engaging PSAC to provide final recommendations on how to reimagine public safety and begin developing the future scope of services, budget, and other provisions in preparation for the solicitation process of the new law enforcement services contract.

## **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - DEOD Summary  
Attachment D - SOW Modifications  
Attachment E - Public Safety Survey  
Attachment F - Multi-Agency Police Contract SOW Matrix  
Attachment G - Staff Recommendations  
Attachment H - PSAC's Alternative Recommendations  
Attachment I - PSAC November 3<sup>rd</sup> Meeting Vote  
Attachment J - Safety Services provided by Law Enforcement Contractors

Prepared by: Ronald Dickerson, Deputy Executive Officer, System Security & Law Enforcement, (213) 922-4948

Reviewed by: Judy Gerhardt, Chief System Security & Law Enforcement Officer  
(213) 922-4811  
Debra Avila, Chief Vendor/Contract Management Officer  
(213) 418-3051  
Nalini Ahuja, Chief Financial Officer, (213) 922-3088

  
Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

**TRANSIT LAW ENFORCEMENT SERVICES/PS5862100LAPD24750/  
PS5863200LASD24750 and PS95866000LBPD24750**

1.	<b>Contract Number:</b> (1) PS5862100LAPD24750, (2) PS5863200LASD24750 and (3) PS95866000LBPD24750			
2.	<b>Contractor:</b> (1) City of Los Angeles (2) County of Los Angeles (3) City of Long Beach			
3.	<b>Mod. Work Description:</b> Increase contract authority			
4.	<b>Contract Work Description:</b> Transit Law Enforcement Services			
5.	<b>The following data is current as of:</b> October 11, 2021			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>	LAPD: 2/23/17 LBPD: 2/23/17 LASD: 2/23/17	<b>Contract Award Amount:</b>	LAPD: \$369,330,499 LASD: \$246,270,631 LBPD: \$ 30,074,628
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b>	LAPD: \$21,526,518 LASD: \$11,325,520 LBPD: \$ 3,147,962
	<b>Original Complete Date:</b>	6/30/22	<b>Pending Modifications (including this action):</b>	LAPD: \$38,628,480 LASD: \$32,842,679 LBPD: \$ 3,730,814
	<b>Current Est. Complete Date:</b>	6/30/22	<b>Current Contract Value (with this action):</b>	LAPD: \$429,485,497 LASD: \$290,438,830 LBPD: \$36,953,404
7.	<b>Contract Administrator:</b> Aielyn Dumaua		<b>Telephone Number:</b> (213) 922-7320	
8.	<b>Project Manager:</b> Ron Dickerson		<b>Telephone Number:</b> (213) 922-4948	

**A. Procurement Background**

This Board Action is to approve modifications to Contract No. PS95866000LBPD24750 with the City of Long Beach, Contract No. PS5862100LAPD24750 with the City of Los Angeles, and Contract No. PS5863200LASD24750 with the County of Los Angeles to continue to provide law enforcement services to support bus and rail operations throughout the entire Metro transit system through the remaining six (6) months of the multi-agency law enforcement services contracts.

The contract modifications will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate.

On February 23, 2017, the Board approved the award of contracts to the City of Long Beach, City of Los Angeles and County of Los Angeles to provide transit law enforcement services for a period of five years.

Refer to Attachment B – Contract Modification/Change Order Log for modifications issued to date.

**B. Price Analysis**

The recommended price has been determined to be fair and reasonable based on price analysis. Labor rates are subject to each law enforcement agencies' collective respective bargaining agreement.

<b>Contractor</b>	<b>Modification Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>
City of Long Beach	\$ 3,730,814	\$ 3,730,814	\$ 3,730,814
City of Los Angeles	\$ 38,628,480	\$ 38,628,480	\$ 38,628,480
County of Los Angeles	\$ 32,842,679	\$ 32,842,679	\$ 32,842,679

**ATTACHMENT B****CONTRACT MODIFICATION/CHANGE ORDER LOG****TRANSIT LAW ENFORCEMENT SERVICES/PS95866000LBPD24750**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
<b>1</b>	Revised Contract No. to PS95866000LBPD24750	Approved	1/8/18	\$ 0
<b>2</b>	Revised Exhibit B – Memorandum of Cost	Approved	10/1/19	\$ 0
<b>3</b>	Increase in contract authority	Approved	3/25/21	\$ 3,147,962
<b>4</b>	Increase in contract authority	<b>Pending</b>	<b>Pending</b>	<b>\$ 3,730,814</b>
	<b>Modification Total:</b>			<b>\$ 6,878,776</b>
	<b>Original Contract:</b>			<b>\$30,074,628</b>
	<b>Total:</b>			<b>\$36,953,404</b>

**TRANSIT LAW ENFORCEMENT SERVICES/PS5862100LAPD24750**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
<b>1</b>	Revised provisions of GC14-Termination	Approved	7/1/18	\$ 0
<b>2</b>	Increase in contract authority	Approved	3/25/21	\$ 21,526,518
<b>3</b>	Increase in contract authority	<b>Pending</b>	<b>Pending</b>	<b>\$ 38,628,480</b>
	<b>Modification Total:</b>			<b>\$ 60,154,998</b>
	<b>Original Contract:</b>			<b>\$369,330,499</b>
	<b>Total:</b>			<b>\$429,485,497</b>

**TRANSIT LAW ENFORCEMENT SERVICES/PS5863200LASD24750**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
<b>1</b>	Revised Exhibit A - Statement of work and updated Exhibit B – SH-AD 575	Approved	7/1/20	\$ 0
<b>2</b>	Increase in contract authority	Approved	3/25/21	<b>\$ 11,325,520</b>
<b>3</b>	Increase in contract authority	<b>Pending</b>	<b>Pending</b>	<b>\$ 32,842,679</b>
	<b>Modification Total:</b>			<b>\$ 44,168,199</b>
	<b>Original Contract:</b>			<b>\$246,270,631</b>
	<b>Total:</b>			<b>\$290,438,830</b>

**DEOD SUMMARY**

**TRANSIT LAW ENFORCEMENT SERVICES/PS5862100LAPD24750/  
PS5863200LASD24750 and PS95866000LBPD24750**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) did not recommend a Disadvantaged Business Enterprise (DBE) goal for this solicitation due to a lack of subcontracting opportunities. As confirmed by the Project Manager, the law enforcement agencies will perform the work with their own workforces.

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

A review of the current service contract indicates that the Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) was not applicable at the time of award. Therefore, the LW/SCWRP is not applicable to this modification.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this modification.

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.

## EXHIBIT A – STATEMENT OF WORK

As of June 27, -2017

### **Background**

The Los Angeles County Metropolitan Transportation Authority (LACMTA) was established in 1992 and is the region's principal agency for Multi-modal transit operations. LACMTA seeks law enforcement services to support its day-to-day operations across its entire service area. **See Attachment No. 1.** LACMTA averages more than 1.4 million trips on its bus and rail systems daily.

Based upon business need, LACMTA resolved to award three (3) separate contracts to: City of Long Beach, City of Los Angeles and County of Los Angeles to provide law enforcement services within specified territorial coverage. LACMTA shall remain the lead agency for coordination. Contractor shall report directly to LACMTA's System Security and Law Enforcement Department and collaborate on the following priorities:

- **Crime deterrence- to include vandalism and graffiti**
- ~~Decrease response times to emergency, priority and routine calls for service~~
- ~~Increase law enforcement and security v~~ **Visibility across the transit system**
- ~~Deter crime - to include vandalism and graffiti~~
- ~~Reduce v~~ **Vulnerability to terrorism**
- **Prompt response times to emergency, priority, and routine calls for service**
- **Awareness and education regarding public safety**
- ~~Enforce LACMTA's Customer Code of Conduct~~
- ~~Reduce fare evasion~~

LACMTA will not provide compensation for basic services like 911 response, criminal investigations, accident investigations and major incident response, LACMTA will provide compensation for enhanced visibility staffing in order to reduce LACMTA's vulnerability to crime and terrorism.

LACMTA operates transit service from eleven (11) geographically distinct bus divisions and four (4) rail divisions servicing six (6) train lines. In addition to the rail lines, enhanced critical infrastructure staffing shall be provided at Union Station, 7<sup>th</sup> & Metro Station and Willowbrook/Rosa Parks Station. Bus locations requiring enhanced critical infrastructure staffing include the Harbor/Gateway Station and El Monte Transit Center.

In addition, the Contractor shall provide staffing for work shifts between the hours of 6:00 a.m. and 2:00 a.m. daily, with reasonable reductions upon mutual agreement between LACMTA and Contractor, -during periods of limited service or low demand. Any such agreement shall be confirmed in writing by LACMTA to the Contractor.

### **1.0 Scope of Work**

The Contractor must provide staff with extensive law enforcement experience and provide only POST certified or POST-eligible personnel to this contract. "POST-eligible" means that personnel have successfully met all requirements for POST certification and Contractor will, upon request, provide written evidence that all such requirements have

been met by any personnel. The Contractor must provide staffing and deployment models consistent with LACMTA's existing division-based configuration. Contractor shall include the specific number of resources assigned to ride LACMTA's trains and rail corridors, and attempt to reduce LACMTA's vulnerability to terrorism at its key critical infrastructures. As the LACMTA system expands for rail, LACMTA may amend the contract with mutual agreement of Contractor in accordance with the terms and conditions of this Contract.

## 1.1 Specific Responsibilities

Contractor shall be responsible to complete the following tasks, to the maximum extent permitted by Contractor's lawful authority:

- a) Augmented Contractor or regional response to 911 emergency, priority and routine calls for service within Contractor's jurisdiction;
- b) Crime analysis and reporting;
- c) Augment Contractor or regional criminal investigations, accident investigations and law enforcement response to major incidents within Contractor's jurisdiction;
- d) Reduce system-wide vulnerability to terrorism;
- e) Conduct joint anti-terrorism drills, training sessions, and intelligence sharing with other local, state and federal law enforcement agencies;
- f) Provide access to K9 explosive detection on an on-call overtime basis;
- g) Ride Metro trains, and rail stations/corridors, and maintain high visibility at key LACMTA critical infrastructure locations;
- h) Provide **directive** law enforcement presence **at** during the periodic fare enforcement and passenger screening operations, **request of from LACMTA**;
- i) **Remove Escort** persons **from LACMTA property at the request of LACMTA** without a valid transit fare from trains, buildings, and stations;
- j) Conduct mutually agreed upon grade crossing enforcement operations;
- k) Respond to and resolve incoming calls for service from LACMTA rail and security dispatch centers;
- l) Respond to and resolve incoming complaints from LACMTA 's Transit Watch program;
- m) Respond to and resolve citizen complaints related to criminal activity;
- n) Conduct ~~proactive anti-crime operations~~ **community focus law enforcement activities** when not handling a dispatched call;
- o) Participate in LACMTA emergency and disaster preparedness planning and drills;
- p) **At the request of LACMTA** collaborate with social service agencies, **community and faith-based organizations** to address the impact of homelessness on the transit system
- q) Enforce ~~LACMTA's Code of Conduct~~ **local, state and federal laws and regulations**;
- r) Attend weekly coordination meetings or other meetings as required;
- s) **Tap issued Metro Badge at all TAP machines when boarding buses, riding trains, and accessing rail stations/corridors while patrolling;**
- t) **Body-Worn Cameras will be deployed consistent with departmental policy;**

- h) **Be consistent with the principles of Campaign Zero “Eight Can’t Wait”**; and
- s) **v) Provide additional law enforcement services to address unforeseen events/requirements.**

## 1.2 Personnel and Training Requirements

Each sworn law enforcement officer/supervisor assigned to LACMTA must have or be eligible to receive a Basic, Intermediate, Advanced or Supervisory California POST Peace Officer’s Certificate. Upon LACMTA request, Contractor will provide written evidence that any officer/supervisor that is not formally POST-certified has successfully met all requirements for such certification. Command level officers must hold an active Management or Executive POST Peace Officer’s Certificate. LACMTA may consider Reserve Officer POST Certificates on a case-by-case basis. Only POST certified personnel are authorized to provide law enforcement services. The Contractor’s personnel must have completed their probationary period, have a minimum of eighteen (18) months of law enforcement experience, and shall not have current duty restrictions, whether due to medical or performance based issues, in order to be assigned to the Contract.

All LACMTA-mandated training will be conducted by LACMTA and will be considered a reimbursable cost(s) by LACMTA under this Contract.

All Contractor personnel assigned to LACMTA must attend a Four- hour LACMTA safety training immediately following the issuance of a Notice to Proceed. After the Notice to Proceed, any new personnel of the Contractor will be required to attend this LACMTA safety training.

Within the first six (6) months of assignment, all law enforcement personnel must also complete a separate four (4) hour training course in “Transit Policing.” The curriculum will be developed by LACMTA and cover the topics of:

- a) Overview of LACMTA’s Org Chart, Bus and Rail Operations
- b) Mitigating Terrorism in the Transit Environment
- c) Impact of Crime and Disorder on Transit Ridership
- d) Transit Watch App
- e) LACMTA’s Customer Service Expectations
- f) Partnering with LACMTA’s Security Team
- g) ~~Fare Collection and Fare Evasion~~
- h) **g) Grade Crossing Enforcement**
- i) **h) LACMTA Customer Code of Conduct**

The Chief of Police of the Long Beach Police Department shall have the sole authority for assignment of key personnel on a routine basis. Contractor will make best efforts to ensure key leadership personnel positions identified in its technical proposal are highly qualified personnel that meet all LACMTA requirements. The Parties agree that in the event either Party recommends any changes to key leadership personnel assignments, it will, with a reasonable amount of advance notice, provide written notice to the other Party. The Parties

will meet and consult to a mutual satisfaction on any changes to key leadership personnel and Contractor will provide LACMTA with documentation of the qualifications for any person proposed for a key leadership position.

### 1.3 Service Coverage

Contractor shall provide law enforcement services to Metro's areas within the Long Beach city limits as provided in Attachment 2.

### 1.4 Management and Administrative Duties of Contractor's Personnel

**The Contractor will monitor complaint allegations against Contractor Personnel assigned to the Contract, including those specifically related to racial discrimination, excessive force, and sexual harassment during the course of their duties as a law enforcement officer, whether assigned to LACMTA or other assignments. Contractor Personnel with two or more conclusive allegations, over the most recent three years, related to racial discrimination, excessive force or sexual harassment will be identified, communicated to LACMTA, and managed as required by law enforcement departmental policy.**

## 2.0 REPORTING REQUIREMENTS

### 2.1 Reports

The Contractor shall submit to LACMTA, the following reports and documents as required:

- a) Weekly schedule for each watch or shift. Must include each employee's name, badge number, actual hours worked, assignment and rank. This report shall be submitted within 30 days of the date the schedule is created;
- b) Watch Commander Summary of Major Events of the Day
- c) Monthly summary of crime activity, citations issued, arrests made;
- d) Monthly summary of commendations and complaints;**
- e) Monthly summary and general nature of personnel complaints;**
- ~~e)f~~ Monthly Report on the number of Part 1 crime cases referred for follow-up investigation and the subsequent disposition;
- ~~f)g~~ After-Action Reports following special operations, emphasis details and/or major incidents;
- ~~g)h~~ Annual Community Policing Plan;
- ~~h)i~~ Monthly summary of Problem-Oriented Policing projects;
- ~~i)j~~ Executive Summary of Major Events/Incidents on the Metro System (distribution to LACMTA's CEO, DCEO, COO, Chief of Risk Safety and Asset Management and Chief of System, Security and Law Enforcement); and
- k)** Data must be provided in a format which allows LACMTA to determine the calculation of all reported figures, separate from any general written report format that may be provided. Should it be mutually agreed upon to use a third party format or subscription based service to transmit data, LACMTA will pay all costs associated with facilitating data transmission.

- l) Body worn camera data will be provided to LACMTA upon request and in accordance with state laws. LACMTA will work with the Contractor to develop specific protocols for access and delivery of data, as appropriate.
- m) Contractor will collect and report data consistent with local, state, and federal laws and regulations. Data must be provided upon LACMTA's request.

LACMTA requires read-only access to law enforcement agency's crime statistics database(s) with ability to pull the required data elements for import into LACMTA's systems.

The Contractor shall provide LACMTA with data to measure:

- a) How assets are assigned and tracked using LACMTA-provided systems and/or equipment
- b) The time/date/category/disposition of calls for service
- c) Incident response times
- d) Ratio of proactive versus dispatched activity
- e) Number of criminal citations/infractions/violations issued
- f) Number of misdemeanor and felony arrests
- g) Real Time Crime Analysis Data
- h) Provide the following GIS data (Raw or API format) and services:
  - i. Spatial (Location-Based): Location of crimes attended, time and location stamped
  - ii. Ability to identify, track, and log mobile assets in real time: Vehicles, radios, mobile phone, and other GPS enabled, Metro-provided equipment

Contractor must come equipped with all of the necessary tools to communicate with other police/fire agencies, investigate crimes and accidents, prepare reports, and use existing crime analysis tools and/or predictive analysis of crime trends. Under no circumstances shall Contractor share confidential data or information obtained from the California Law Enforcement Telecommunications System (CLETS) with non-law enforcement personnel.

LACMTA will work with the Contractor to develop specific protocols for dispatching non-emergency service calls that are not appropriate for the 911 system. LACMTA will provide the Contractor with Mobile Phone Validators, LA Metro Transit Watch tools, Mobile Video Surveillance Tools and access to video feeds where possible.

If LACMTA directs dispatchers or dispatch operations to make minor changes or significant changes to their operations that have a technology, software, staffing, or financial impact, no such changes shall be implemented until LACMTA has contacted the City of Long Beach, Department of Disaster Preparedness and Emergency Communications ("DPEC"), and entered any necessary agreements as required by DPEC.

## 2.2 Monthly Key Performance Indicators

LACMTA and the Contractor(s) will jointly develop baseline performance metrics to capture:

- a) **The percentage of time spent on bus stops, transit centers, train platforms, plazas, stations, buses, trains, and performing other LACMTA related activities while on** ~~Number of foot, and vehicle and motor patrols of transit centers and train platforms/plazas/stations~~
- b) Ratio of staffing levels and vacant assignments
- c) Ratio of proactive versus dispatched activity
- d) Number of train boardings
- e) Incident response times
- f) Number of fare enforcement operations
- g) Decreases/Increases in crime
- h) Number of Grade crossings operations

LACMTA will provide details of each required KPI, including definitions, raw data required and calculations. LACMTA will use these KPIs as part of the contract monitoring and evaluation process.

## 3.0 Community Policing

The Contractor shall update **and submit** annually **for the LACMTA's review and approval** **the** Community Policing Plan. Building and sustaining community partnerships is central to LACMTA's goal of reducing vulnerability to crime. This will require periodic attendance at community meetings and other events designed to foster LACMTA's relationship with the community. Contractor's staff shall be provided specific training in Problem Oriented Policing in order to assist LACMTA in addressing longstanding challenges related to crime, blight and disorder. The cost of such training and/or exercises are eligible for reimbursement by LACMTA under this Contract.

As part of the Community Policing Plan, it is important for the Contractor to incorporate feedback from rail managers into the overall policing strategy. Maintaining a continuous dialogue will foster operational understanding of the unique challenges associated with policing in a transit environment. The primary goal of these collaborative efforts is to ensure that each of the Divisions are given appropriate coverage and foster the safety of the operators.

## 4.0 Homeland Security and Emergency Preparedness

The Contractor must be able to conduct detailed threat analysis and identify strategies to address security threats. The Contractor shall collaborate with LACMTA on intelligence sharing, anti-terrorism operations, drills, planning activities and coordination with other agencies. The cost of such training and/or exercises are eligible for reimbursement by LACMTA under this Contract.

## 5.0 Contractor Resources

The Contractor shall provide:

- a) All vehicles and associated operating costs;
- b) Police radios and communications equipment;
- c) Mobile data terminal laptops;
- d) Uniforms, weapons and other personal equipment;
- e) Investigative tools and equipment; and
- f) Traffic enforcement devices and equipment.

## **6.0 LACMTA Resources**

Metro may provide a limited amount of resources to key law enforcement staff assigned to the contract. In some cases these resources may have to be negotiated until a mutually acceptable agreement is reached. These resources include:

- a) Office space and official vehicle parking spaces at One Gateway Plaza;
- b) Office desks, computers and printers;
- c) Access to security kiosks, break rooms and restroom facilities, specifically access to the 200 W 27th Street breakroom area, if available;
- d) Access to limited shower and locker room facilities;
- e) Access to conference rooms;
- f) Photocopiers, telephones, network access and email;
- g) Transit passes for official use;
- h) Office space and official vehicle parking at the Rail Operations Center;
- i) Office space and official vehicle parking spaces at select Bus & Rail Divisions (Division 11, if available);
- j) Mobile phone fare validators for each law enforcement official assigned to the contract;
- k) Safety vest and hardhat;
- l) Access to LACMTA video surveillance feeds; and
- m) Access to LACMTA radio frequencies (Operations and Security).

## **7.0 BILLING**

The Contractor's monthly invoice shall be based upon and reflect the actual services provided under the terms of this Contract. The billings must be accompanied by supporting documentation, to include but shall not be limited to, daily summary of assignments and hours worked and payroll records. The Contractor's invoices are subject to periodic audits at the sole discretion of LACMTA.

1. The Contractor shall not bill LACMTA for any vacant shift assignment
2. All billing expenditures shall be submitted for payment to LACMTA no later than sixty (60) days after the closing of the Contractor Deployment Period.

## **8.0 DISPOSITION OF EQUIPMENT**

Unless otherwise agreed upon by the Parties, all LACMTA-funded and LACMTA-provided equipment shall be returned by Contractor to LACMTA upon termination of this Contract in the same condition in which it was provided to Contractor, less regular wear and tear.

## **9.0 TRANSITION/MOBILIZATION PERIOD**

LACMTA acknowledges that Contractor will incur significant costs associated with the Transition/Mobilization Period from March 23, 2017, through June 30, 2017. Scope of services to be provided by Contractor during the Transition/Mobilization Period shall be in accordance with the Limited Notice to Proceed (LNTP - Exhibit E) and shall be paid for by LACMTA by written contract amendment, if needed. For clarification purposes, LACMTA agrees to pay for all costs associated with transition/mobilization in addition to the services outlined in this Exhibit A for the duration of the Contract. If the total cost of services articulated within the Contract exceeds \$30,074,628, LACMTA agrees to execute a written contract amendment to increase funding appropriation, and to take any other steps necessary, to ensure adequate funding is available to pay all costs associated with Contractor services.

Scope of services is a material term to this Contract, and Contractor reserves the right to terminate this contract if adequate funding is not provided by LACMTA to pay for such services.



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

One Gateway Plaza  
Los Angeles, CA 90012-2952

213.922.2000 Tel  
metro.net

September 27, 2021

**TO:** BOARD OF DIRECTORS

**THROUGH:** STEPHANIE N. WIGGINS *SNW*  
CHIEF EXECUTIVE OFFICER

**FROM:** NICOLE ENGLUND *NE*  
CHIEF OF STAFF

**SUBJECT:** PUBLIC SAFETY SURVEY RESULTS

## ISSUE

This report provides the Board with Public Safety Survey results (attached) that are available to inform Metro's future approach to public safety.

## BACKGROUND

Board Report 2020-0572 (September 2020) indicated that Metro would launch a Public Safety Survey of customers and Metro employees. Metro engaged an independent research firm to conduct the customer research, which included current riders as well as recently lapsed riders. The research firm also conducted a survey of persons experiencing homelessness on Metro, and one-on-one interviews of community leaders who have experience with marginalized communities. Staff is conducting a Public Safety Survey of Metro employees as well.

This Board box shares the results of the survey of customers and the survey of people experiencing homelessness on Metro. The results from the employee survey and community leader interviews will be shared with the Board in October, after the information becomes available.

These surveys of multiple populations were conducted to get a full 360-degree perspective on public safety issues. Initial methodologies and survey instruments were reviewed by the Public Safety Advisory Committee (PSAC) Ad Hoc Survey Subcommittee. As a result of the PSAC subcommittee review, multiple changes were made to the questionnaires, and steps taken to ensure diverse participants were engaged, including:

- The rider survey was made available in eight languages.

- Metro reached out to rider survey respondents at different times of the day and different days of the week to reach lower income respondents who work varying schedules or multiple jobs.
- Metro supplemented the rider survey with an address-based sample to ensure the survey is representative and inclusive of Equity Focused Communities (EFC).
- People experiencing homelessness were provided with incentives to thank them for their participation in the survey of people experiencing homelessness.

## **DISCUSSION**

The research consultants fielded two surveys:

- 1) A dual-mode (telephone and online) survey of a random sample of current and lapsed Metro riders.
- 2) Interviews of Metro riders who are experiencing homelessness.

Results from these two surveys are attached. Findings include:

- Most riders, including people experiencing homelessness, usually feel safe on Metro except at night
- Women and nonbinary individuals tend to feel less safe than men
- Top rider priorities include:
  - Lighting and emergency call buttons at stations and bus stops
  - Staff who can assist people with disabilities
  - Social workers and mental health professionals
  - Transit Ambassadors
- Many respondents support both armed and unarmed staff on the system. Over 60% want law enforcement and armed security staff to be a priority, and this support spans all race/ethnicity categories. Even more, over 70%, want unarmed security staff to be a priority.
- A slim majority wants Metro to allow people experiencing homelessness to ride just like anyone else, while a third wants Metro to be “tougher” about removing them from buses and trains.

## **NEXT STEPS**

Survey results will be made available to the Public Safety Advisory Committee and Metro staff to help inform recommendations to the Board regarding reimagination of public safety on Metro.

## **ATTACHMENT**

Attachment A – Public Safety Survey Results



# Perceptions of METRO Safety and Security

*Results of Survey of METRO Riders and Survey of People Experiencing  
Homelessness on METRO*








OPINION  
RESEARCH  
& STRATEGY





# **Survey of METRO Riders**

# Survey Specifics and Methodology

Dates	July 27-August 19, 2021		
Survey Type	Dual-mode Customer Survey		
Research Population	Current and Lapsed Metro Rail and Bus Riders		
Total Interviews	2,070		
Margin of Sampling Error	(Full Sample) ±2.2% at the 95% Confidence Level (Half Sample) ±3.0% at the 95% Confidence Level		
Contact Methods	 Telephone Calls	 Email Invitations	 Text Invitations
Data Collection Modes	 Telephone Interviews	 Online Survey	
Languages	Survey available in English, Spanish, Armenian, Chinese, Japanese, Korean, Russian, Vietnamese		

## **Many efforts were made to ensure that the survey was designed and administered objectively and that respondents reflect the demographics of current and lapsed METRO riders.**

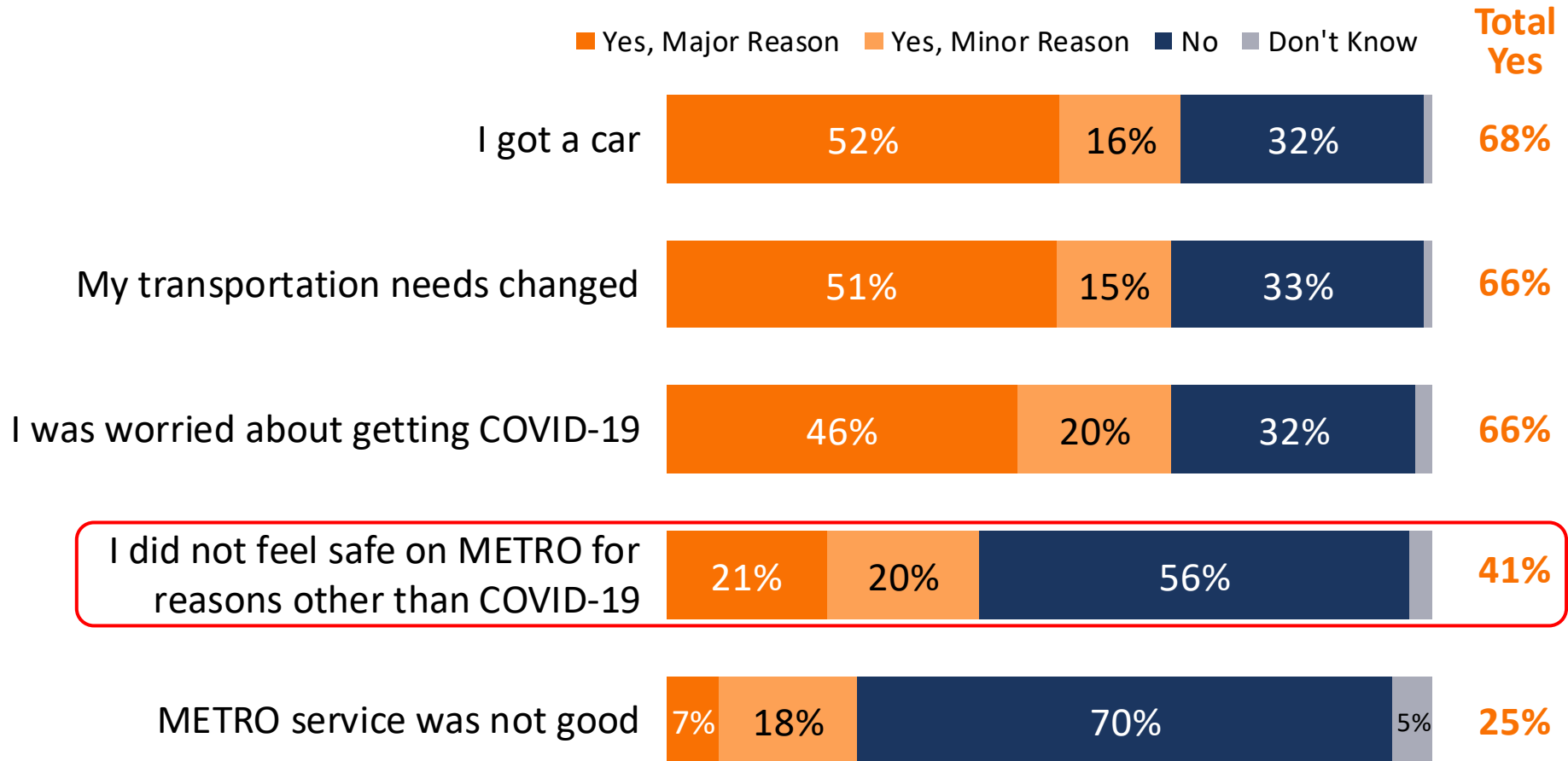
- Adjustments to survey questionnaire and methods based on input from PSAC Ad Hoc Committee
- Several steps taken to ensure the survey was representative and inclusive of as many riders as possible including those without regular access to the internet, with disabilities that make hearing or reading difficult, who are more comfortable speaking languages other than English, who work during “normal” evening survey hours, etc.:
  - Survey made available in multiple modes (cell phones, landlines, and online)
  - Potential respondents reached with several contact methods (phone calls, text messages and email messages)
  - Contacted potential respondents at different times of day and different days of the week
  - Survey available in eight languages
  - Expanded the pool of potential respondents by supplementing the on-board rider survey database with randomized contacts of residents who have recently ridden METRO
- Independent research company led by the data, without a pre-existing agenda

## **Weighted demographic profile of respondents is in line with METRO's pre-COVID ridership.**

- 53% identify as Latinx/Hispanic; 18% Black/African American; 9% Asian/Pacific Islander
- 19% interviews conducted in languages other than English
- 17% identify as having a disability
- 20% identify as not heterosexual
- 2% identify as gender non-conforming or non-binary
- 53% household income below \$25,000
- 24% ages 18-24; 22% ages 25-34; 45% for ages 35-64; 9% ages 65+

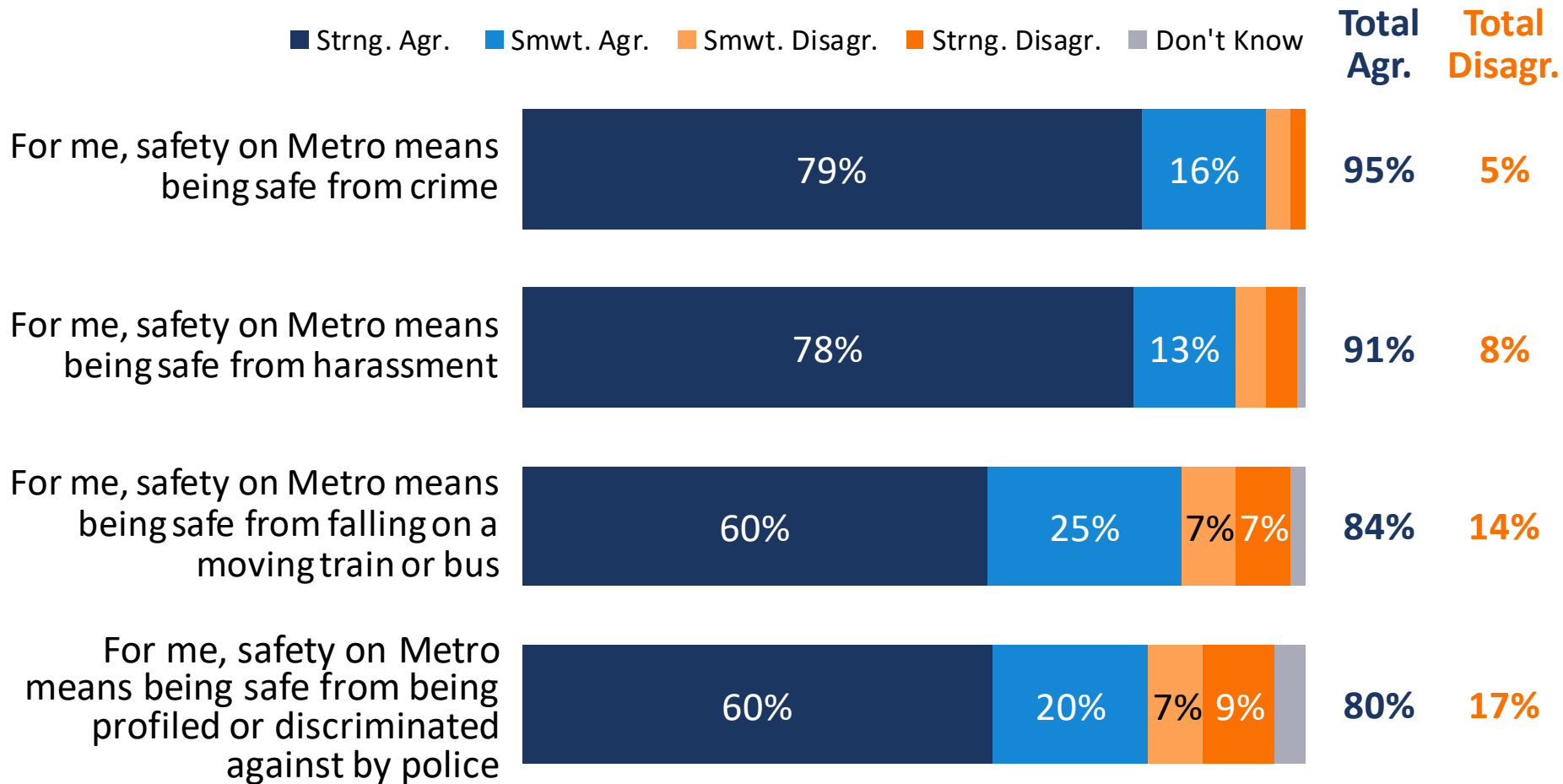
# About four-in-ten respondents who have reduced their Metro ridership cited their safety (not related to COVID) as a reason.

(Ranked by Yes, Major Reason; Asked of Those Who Do Not Currently Ride METRO; n=631)



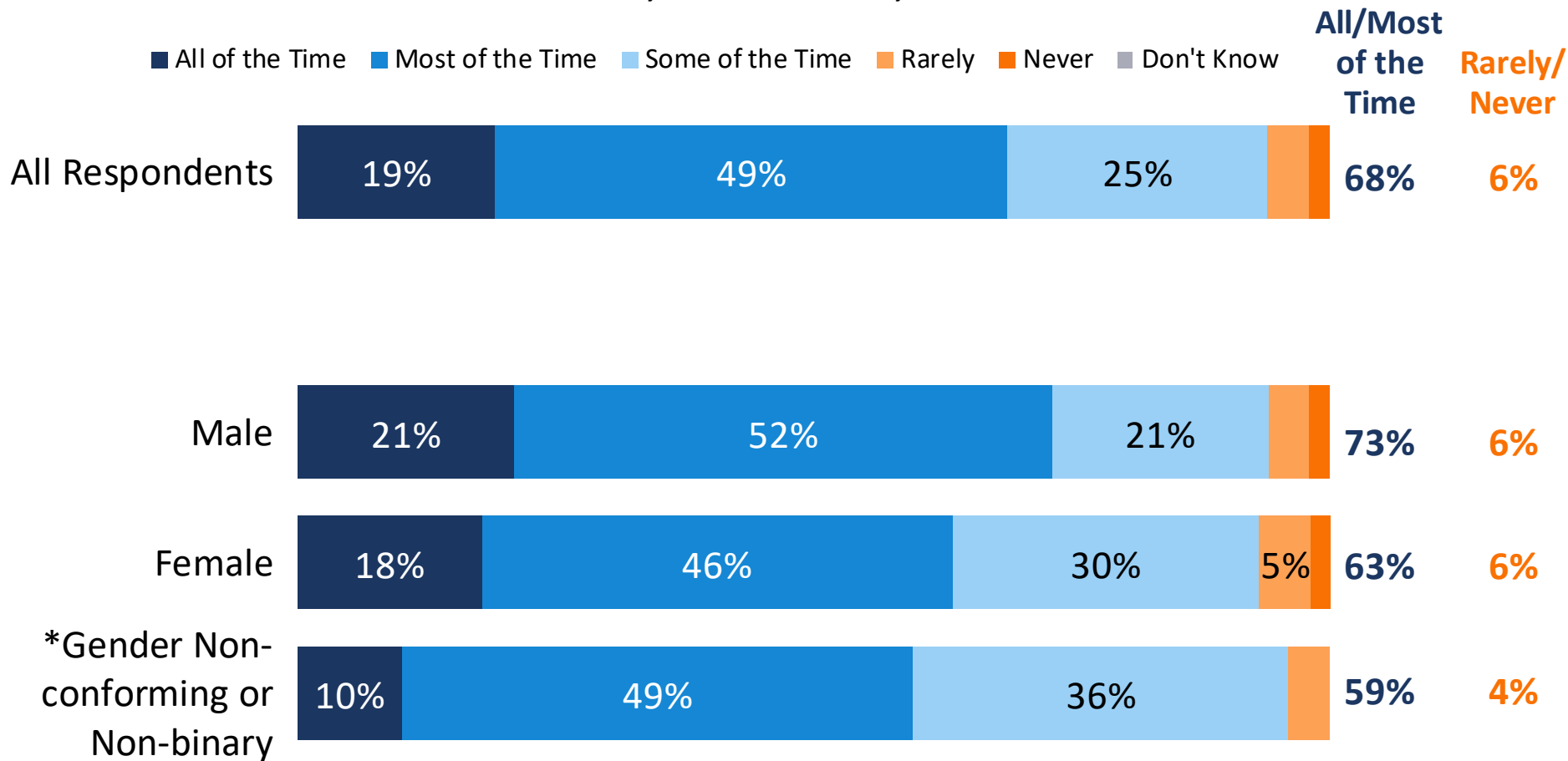
# The large majority of respondents have a broad definition of safety.

*(Ranked by Strongly Agree)*



# In all age groups women felt less safe than men when riding METRO.

## By Gender Identity

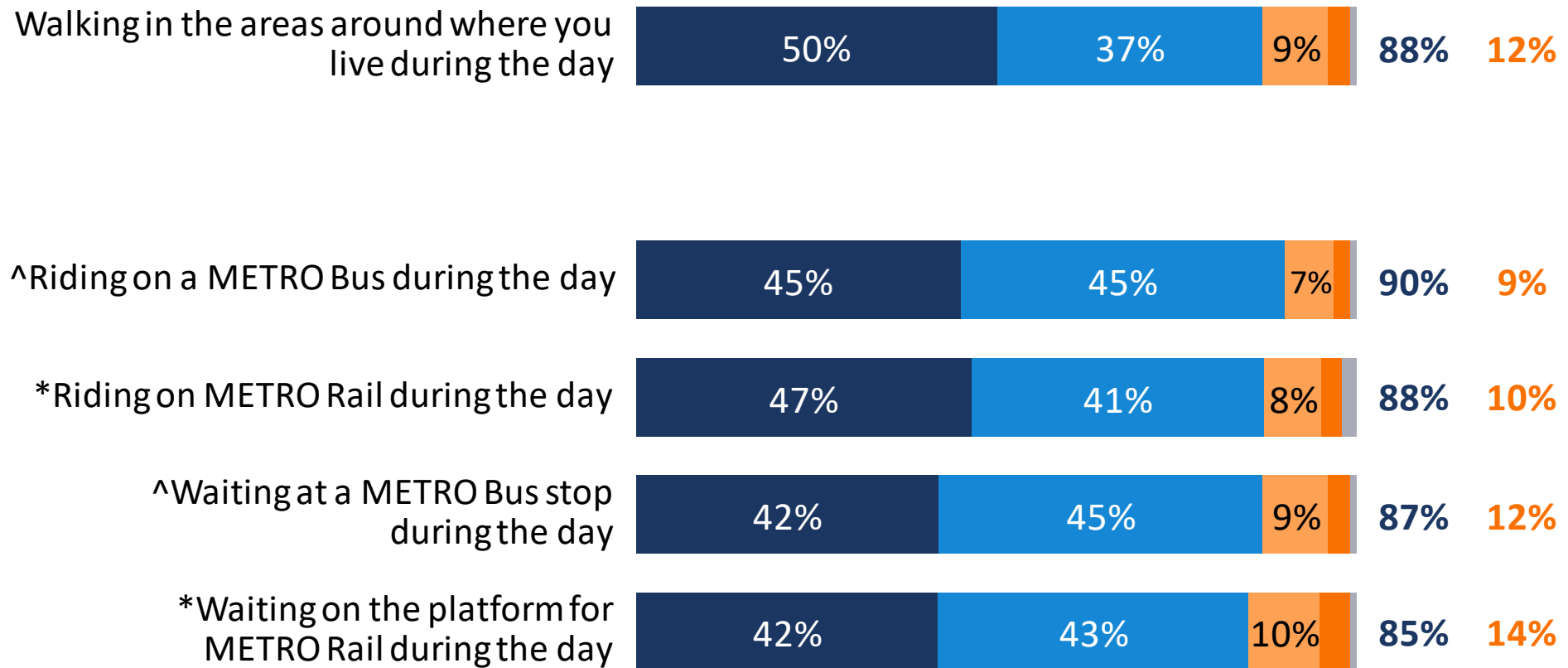


# Metro riders generally feel safe during the day.

(Ranked by Total Safe)

■ Very Safe ■ Smwt. Safe ■ Smwt. Unsafe ■ Very Unsafe ■ Don't Know

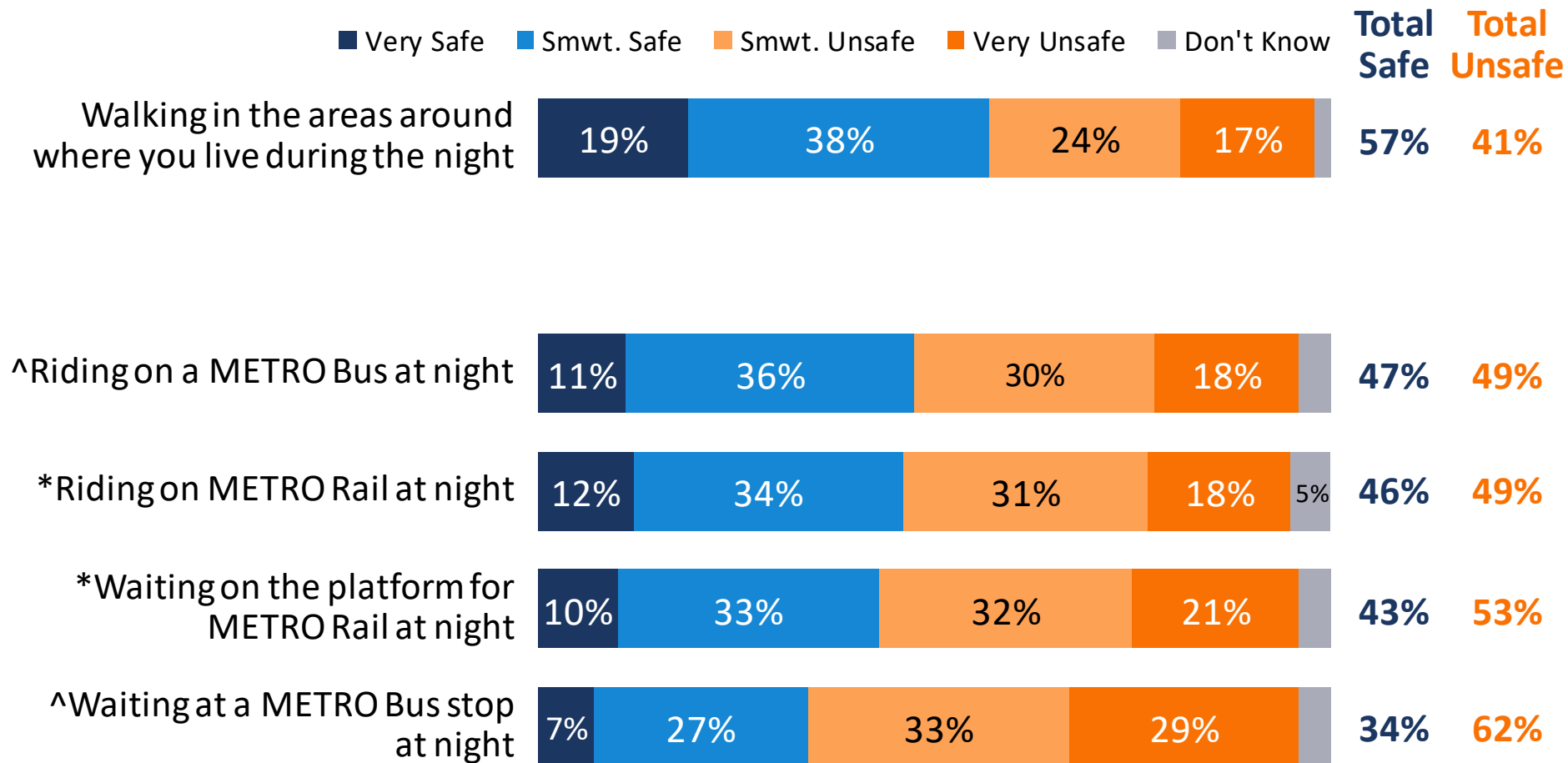
**Total Safe** **Total Unsafe**



Q10a, c, g, i & k. I would now like to mention different situations, and after each one please tell me if you generally feel (very safe, somewhat safe, somewhat unsafe, or very unsafe; very unsafe, somewhat unsafe, somewhat safe, or very safe) in those situations. If the situation has never applied to you, you can tell me that instead. \*Asked of METRO Rail Rider's Only; n=1,845; ^Asked of METRO Bus Rider's Only; n=1,878

# Riders have much stronger concerns about their safety in the METRO system at night.

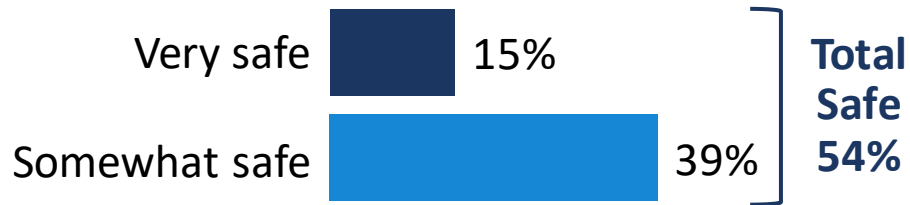
(Ranked by Total Safe)



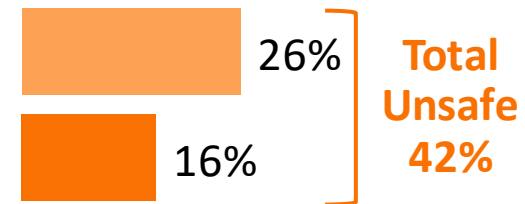
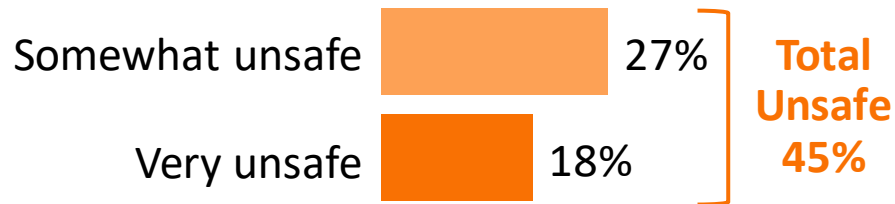
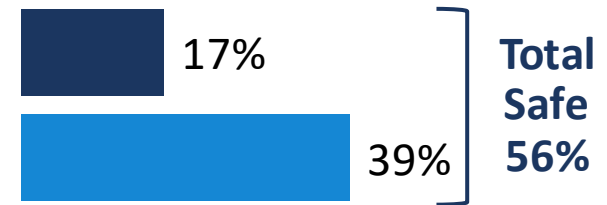
Q10b, d, h, j & l. I would now like to mention different situations, and after each one please tell me if you generally feel (very safe, somewhat safe, somewhat unsafe, or very unsafe; very unsafe, somewhat unsafe, somewhat safe, or very safe) in those situations. If the situation has never applied to you, you can tell me that instead. \*Asked of METRO Rail Rider's Only; n=1,845; ^Asked of METRO Bus Rider's Only; n=1,878

# Riders tend to feel less safe on crowded buses and trains.

Riding on METRO Bus  
when it is very crowded  
(Asked of METRO Bus  
Rider's Only; n=1,878)



Riding on METRO Rail  
when it is very crowded  
(Asked of METRO Rail  
Rider's Only; n=1,845)



Don't know 1%

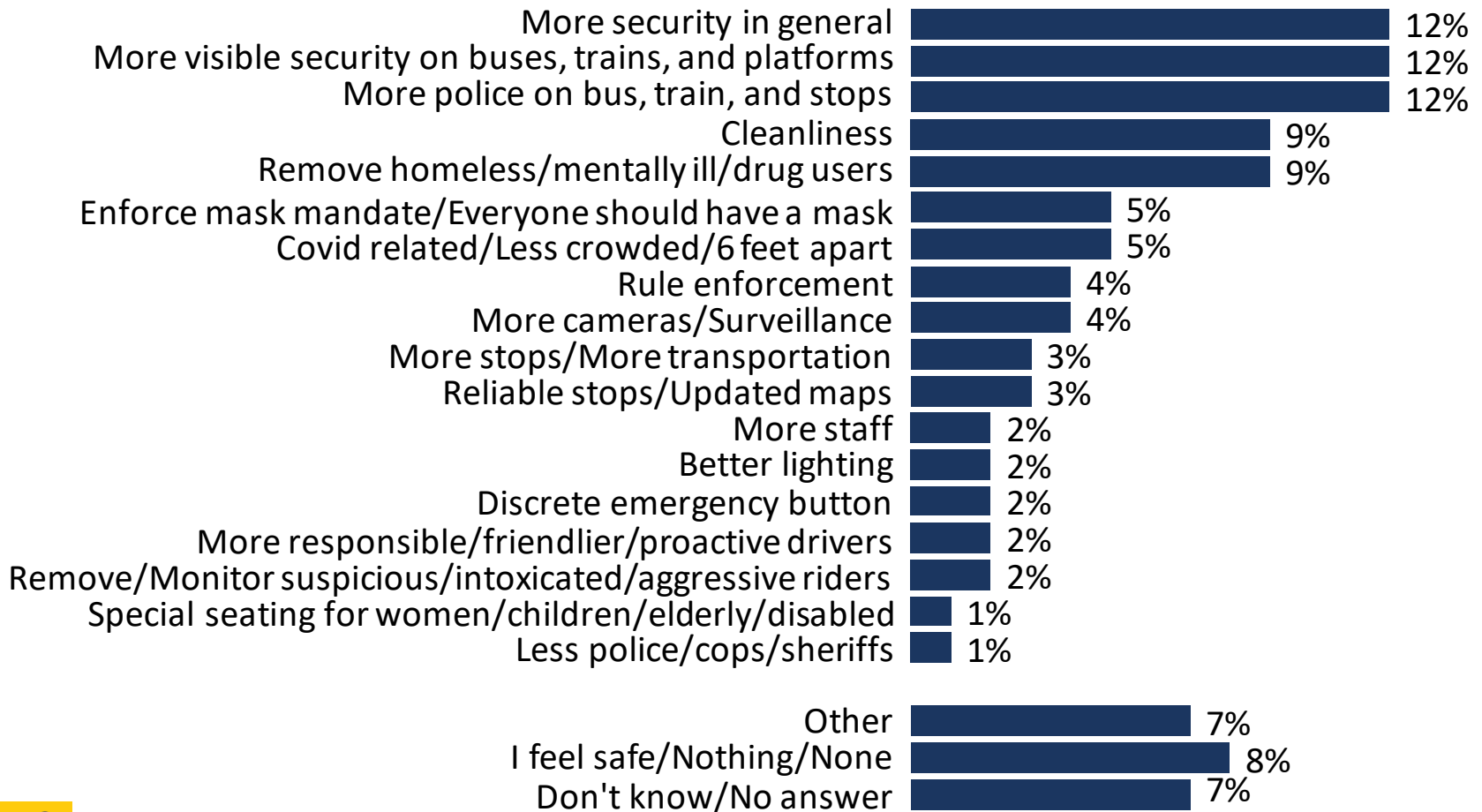
2%

Q10e & f. I would now like to mention different situations, and after each one please tell me if you generally feel (very safe, somewhat safe, somewhat unsafe, or very unsafe; very unsafe, somewhat unsafe, somewhat safe, or very safe) in those situations. If the situation has never applied to you, you can tell me that instead.

# The most common responses to an open-ended question about improving safety for riders referenced improving security.

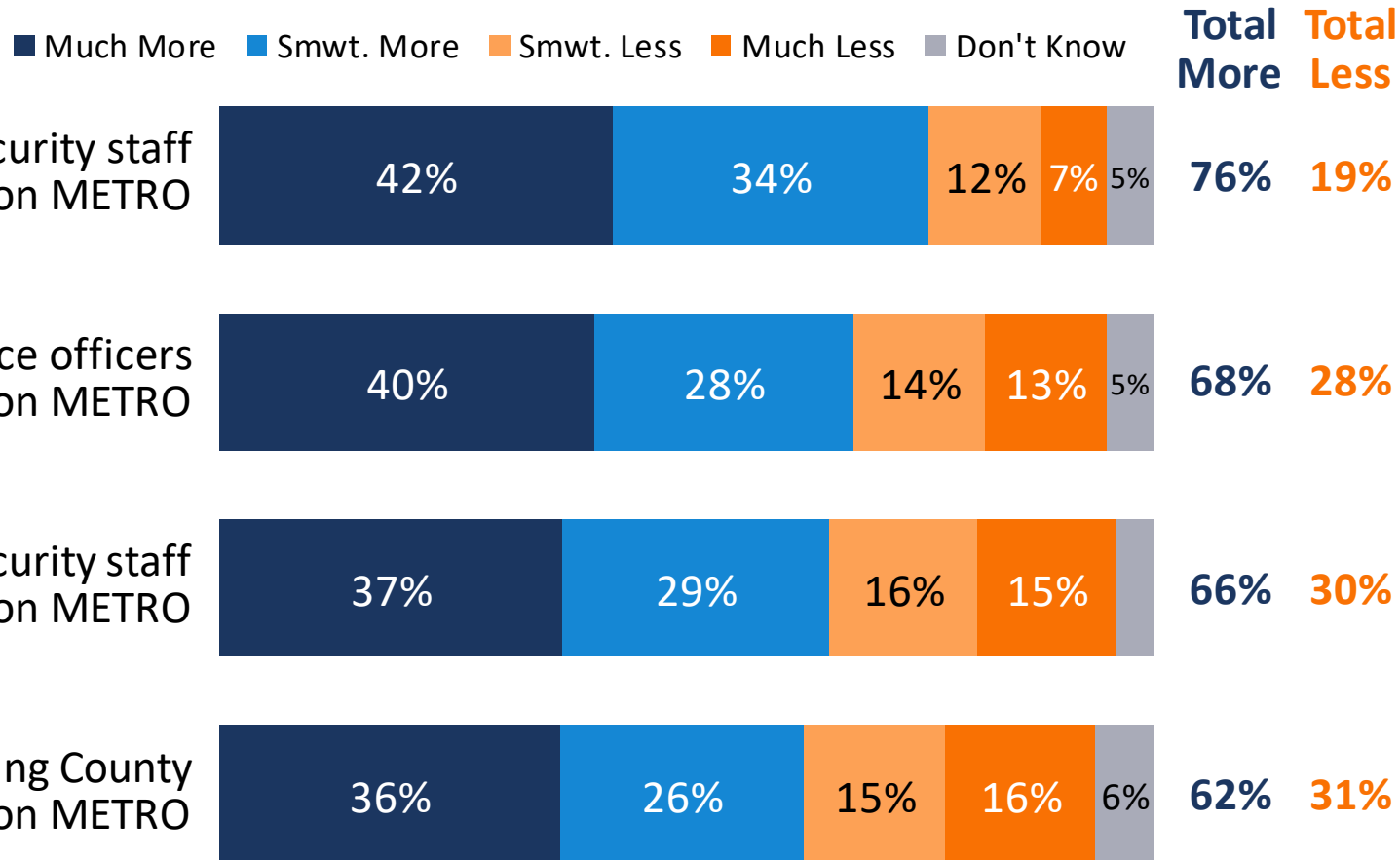
*What would be the one thing METRO could do that would do the most to make you feel safer when using METRO?*

*(Open-ended; Multiple Responses Accepted; Responses Shown 1% and a Above)*



# SECURITY STAFF: Over 60% of riders want more security staff and law enforcement on Metro, while 20-30% want less.

(Ranked by Total More of a Priority)



Q11a, b, h & i. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Support for Security Staff by Race/Ethnicity

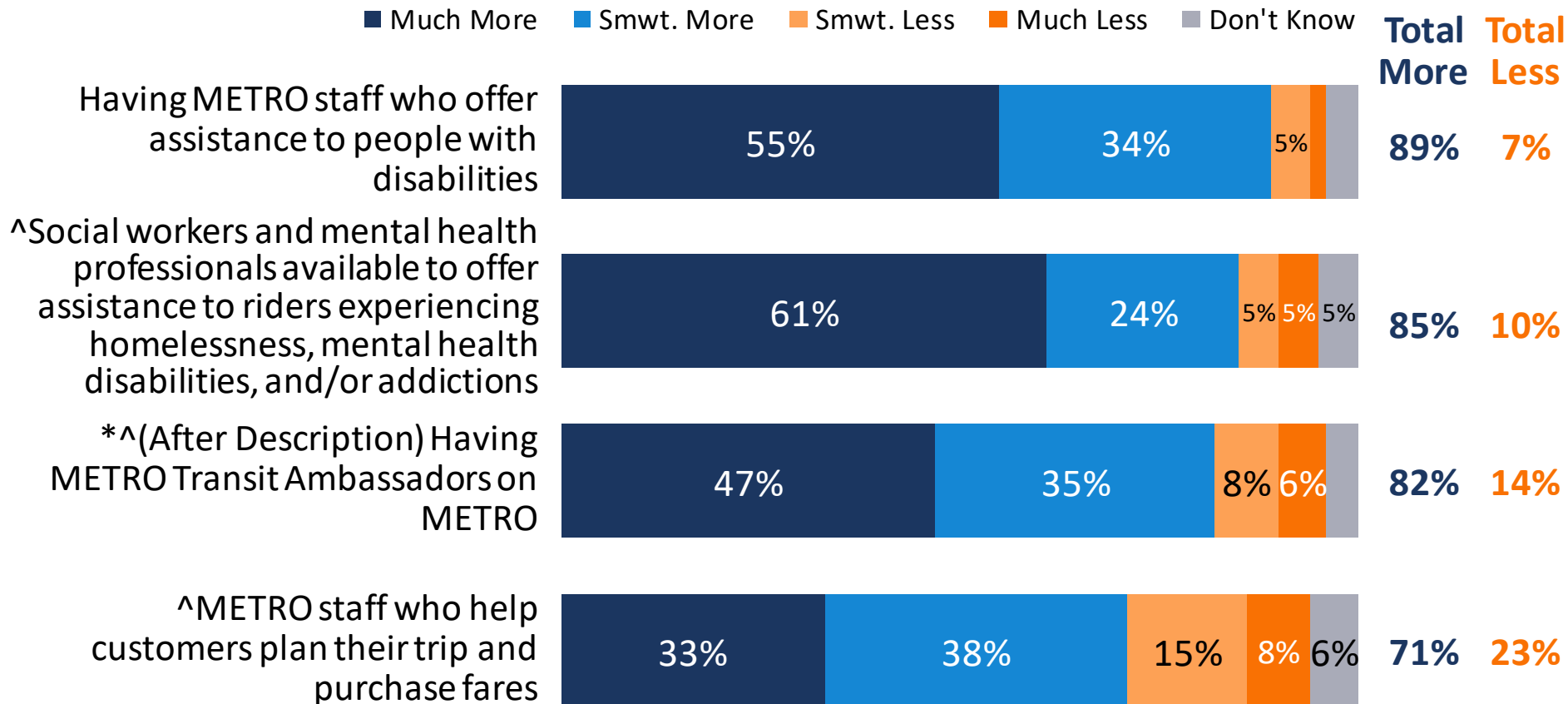
(Total More of a Priority)

Security Personnel Priorities	All Resp.	Race/Ethnicity				
		Latinx/ Hispanics	Black/ African Americans	Whites	Asians/ Pacific Islanders	All Other Race/ Ethnicities
Having unarmed security staff on METRO	<b>76%</b>	76%	78%	76%	83%	70%
^Having Local city police officers on METRO	<b>68%</b>	70%	70%	61%	67%	60%
Having armed security staff on METRO	<b>66%</b>	67%	68%	61%	63%	56%
^Having County Sheriff's deputies on METRO	<b>62%</b>	65%	65%	57%	61%	46%

Q11a, b, h & i. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# ASSISTANCE STAFF: There is even more support for staff who can help customers in a variety of ways, including Transit Ambassadors and social workers.

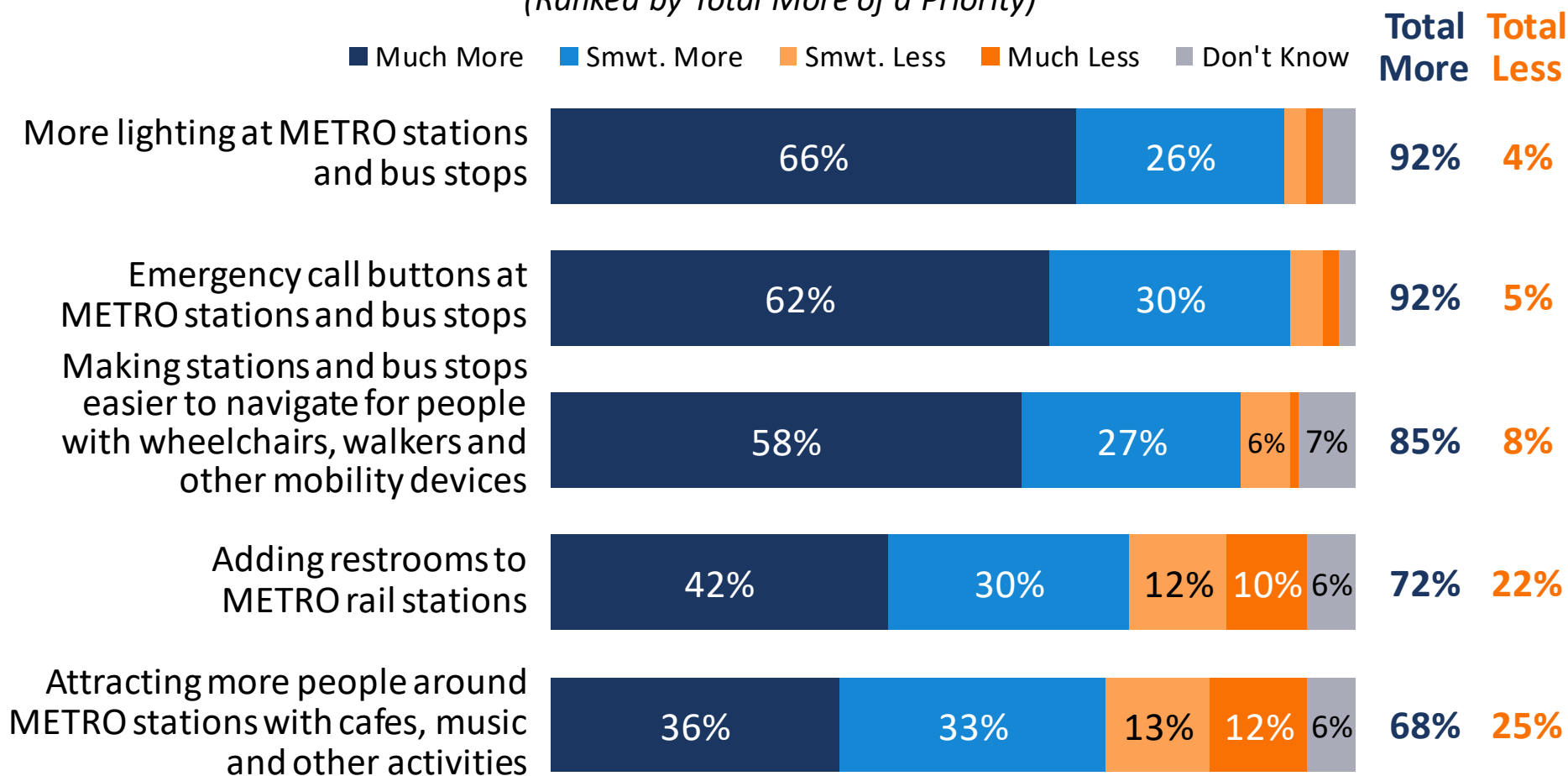
(Ranked by Total More of a Priority)



Q11c, d, & i; Q12. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample. \*Description of Transit Ambassadors: "This METRO program could include teams of 2 specially trained members of the community who would be at METRO facilities and on METRO Rail and Buses to offer assistance to METRO riders and to deal with situations that are making riders feel unsafe."

# INFRASTRUCTURE CHANGES: There is nearly unanimous support for more lighting and emergency call buttons at bus stops and rail stations.

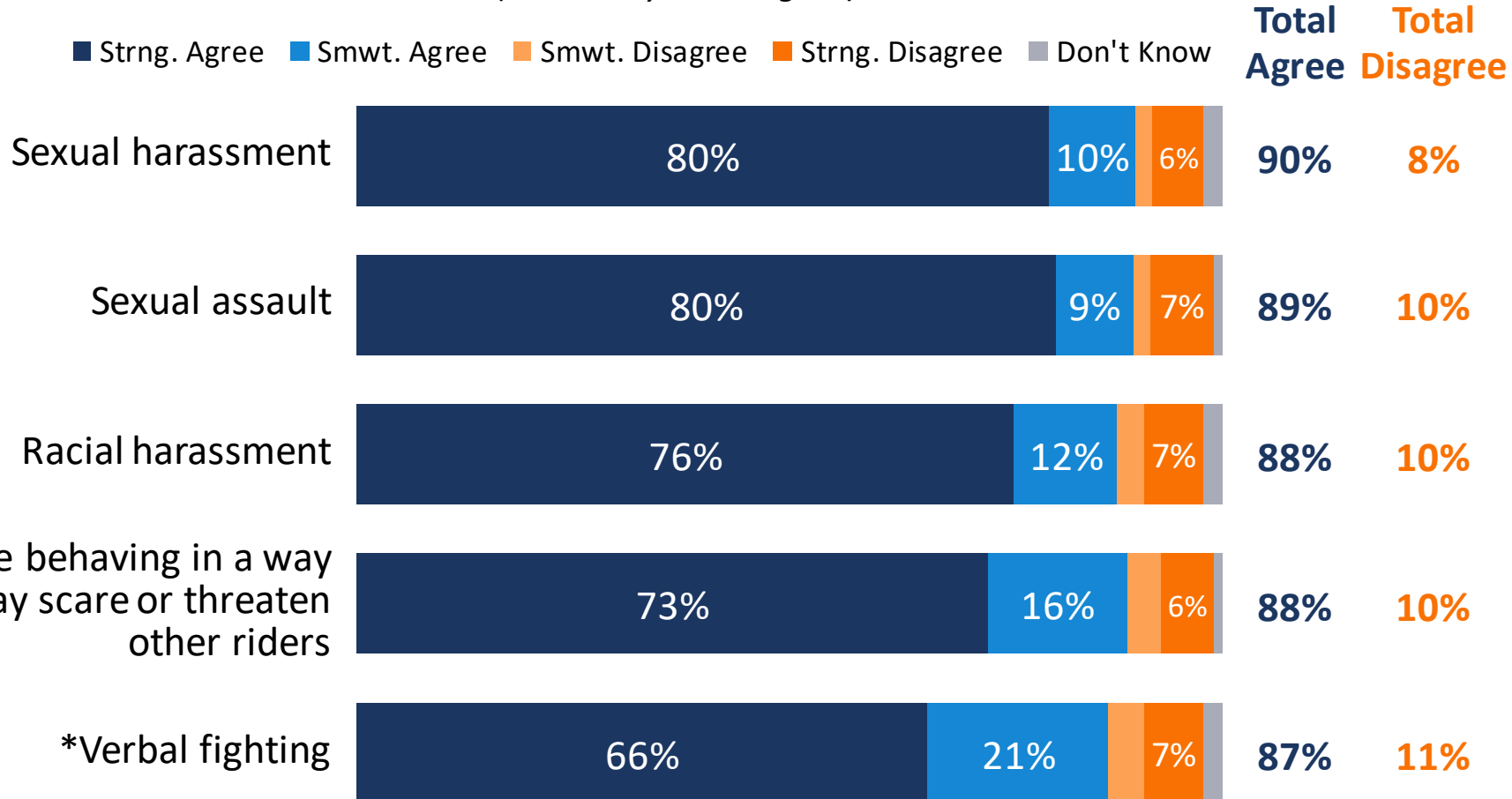
(Ranked by Total More of a Priority)



Q11e, f, g, j & k. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. Split Sample

# Riders envision broad roles for Transit Ambassadors, including addressing challenging situations such as sexual assaults and threatening behavior.

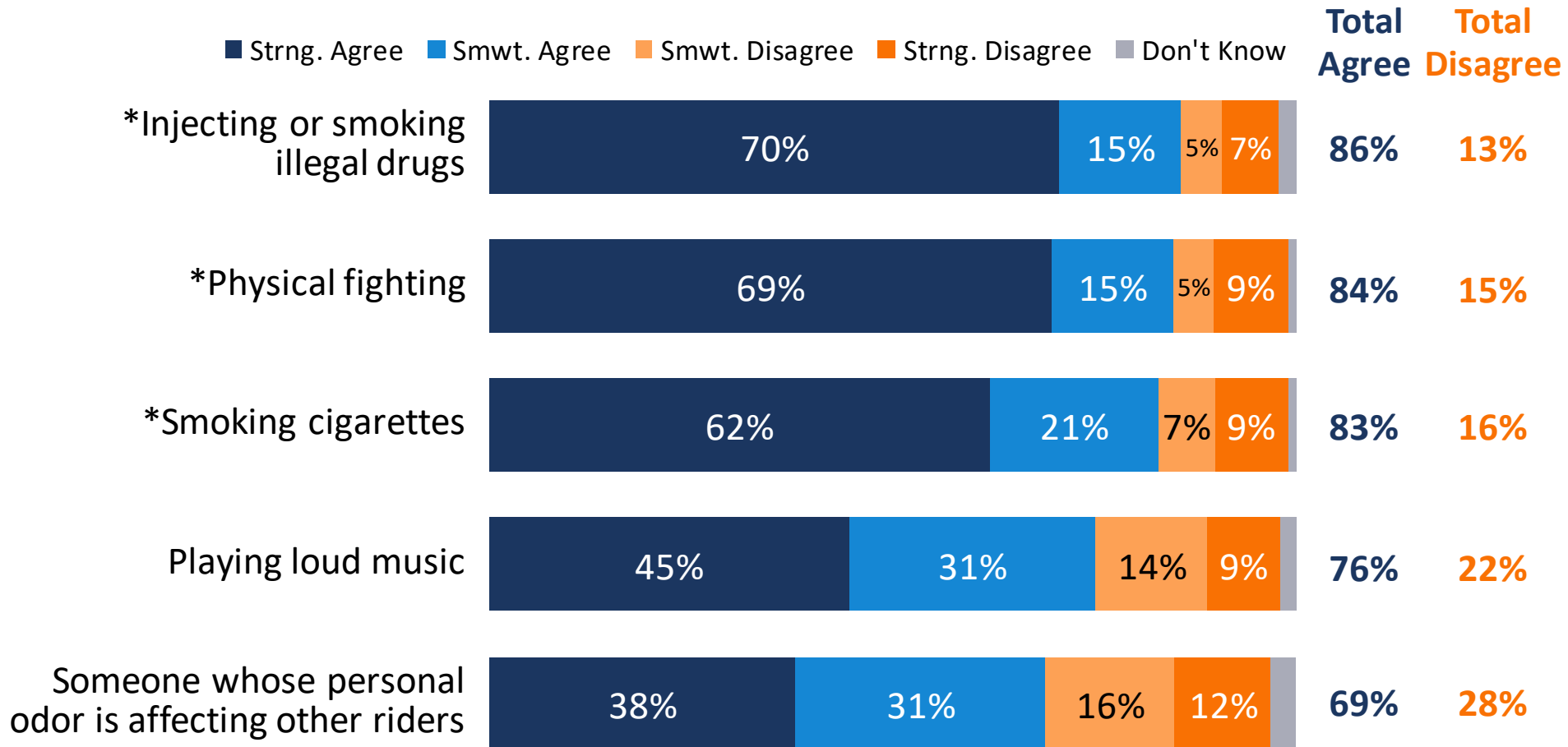
(Ranked by Total Agree)



Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Continued

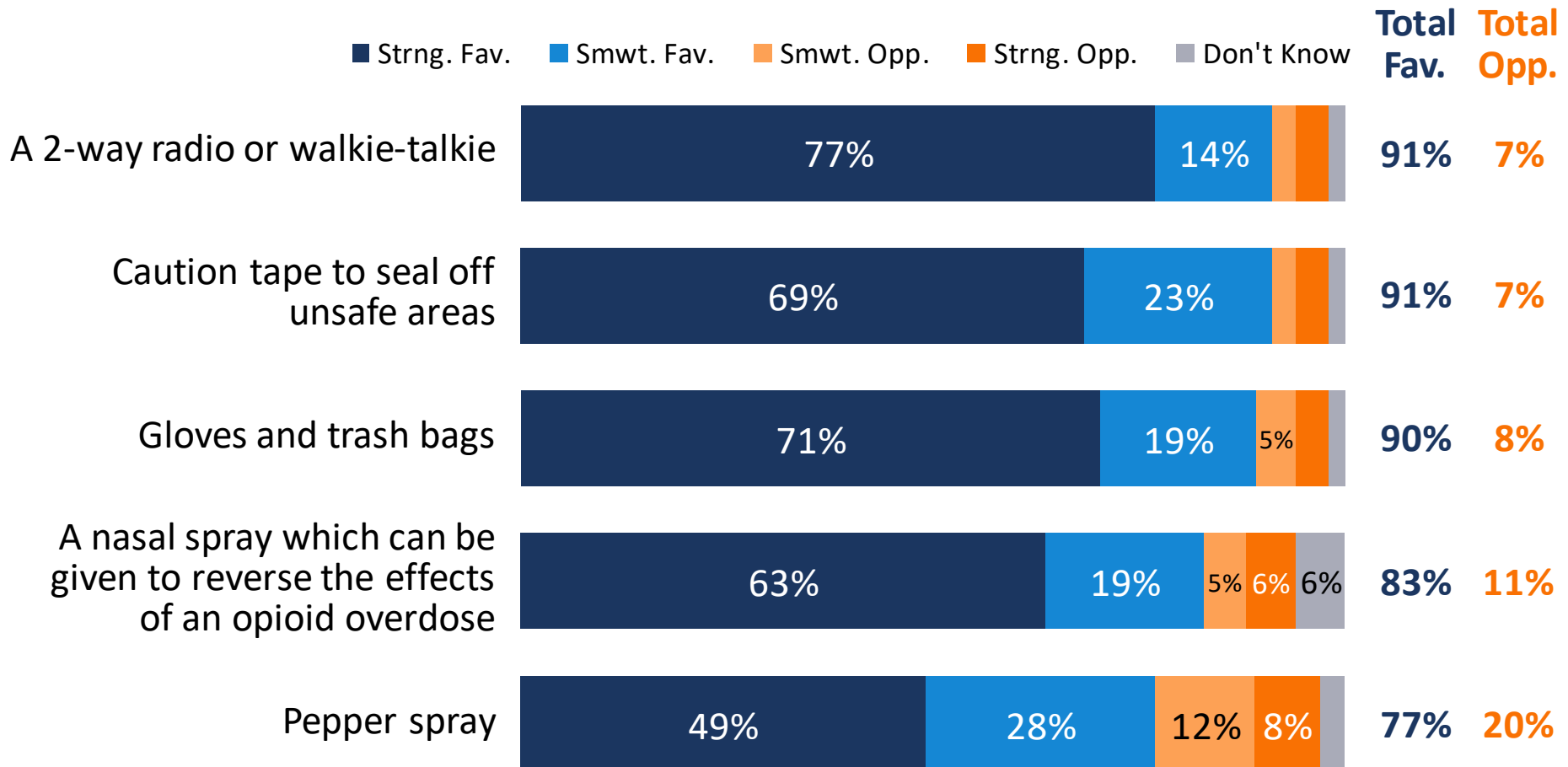
(Ranked by Total Agree)



Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

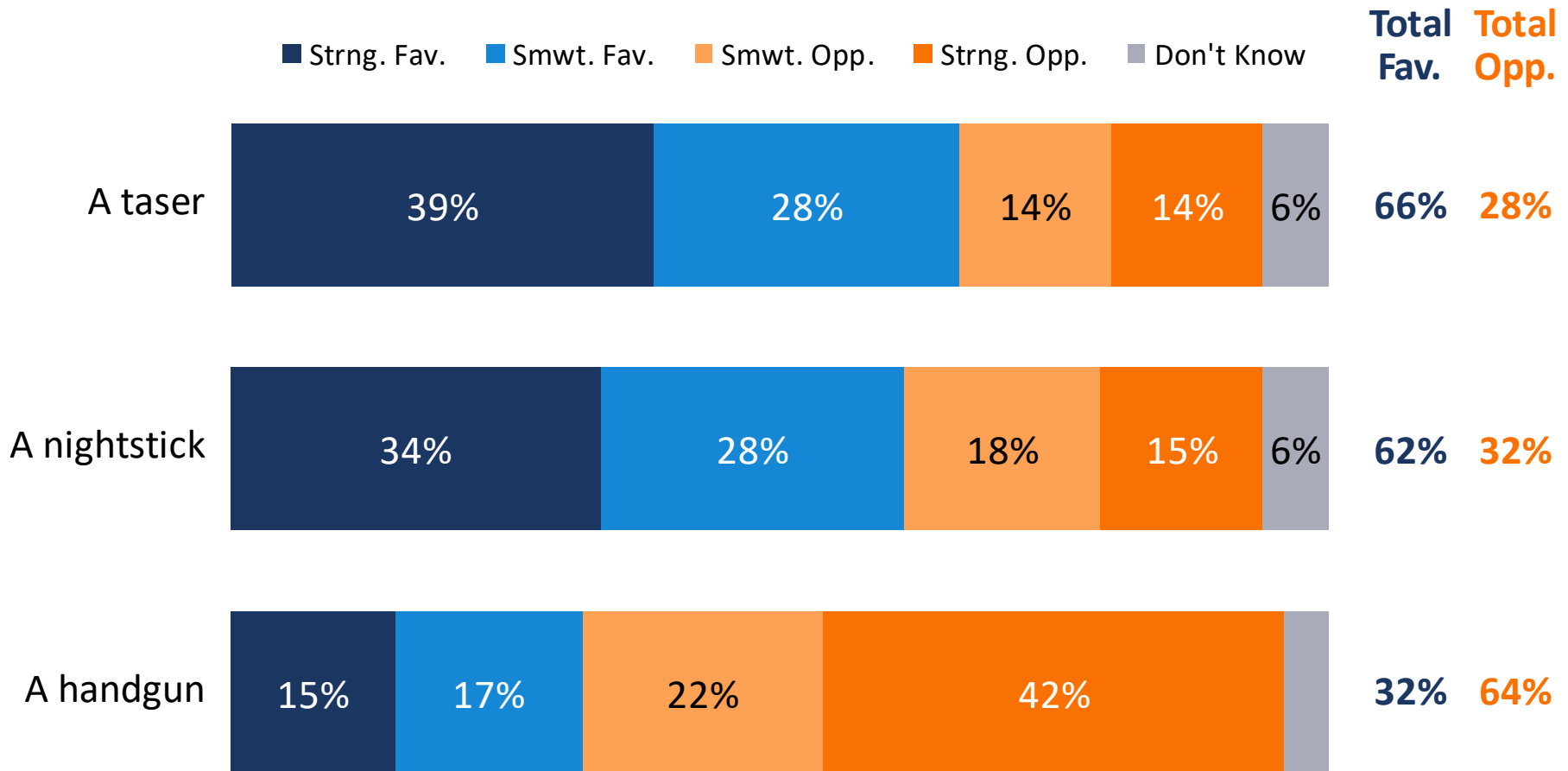
# There is widespread support for Transit Ambassadors to have a variety of tools.

(Ranked by Total Favor)



# There is less support for Transit Ambassadors to have weapons, especially handguns.

(Ranked by Total Favor)



**A slim majority wants METRO to allow people experiencing homelessness to ride just like anyone else, while a third wants METRO to be “tougher” about removing them from buses and trains.**

*I am now going to mention a pair of statements. Please tell me which statement comes closest to your own opinion, even if neither statement matches your views exactly.*

METRO needs to allow people experiencing homelessness to ride buses and trains, just like anyone else.

54%

**OR**

METRO needs to get tougher about removing people experiencing homelessness from buses and trains.

35%

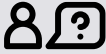

Don't know

12%



# **Survey of People Experiencing Homelessness on METRO**

# Survey Specifics and Methodology

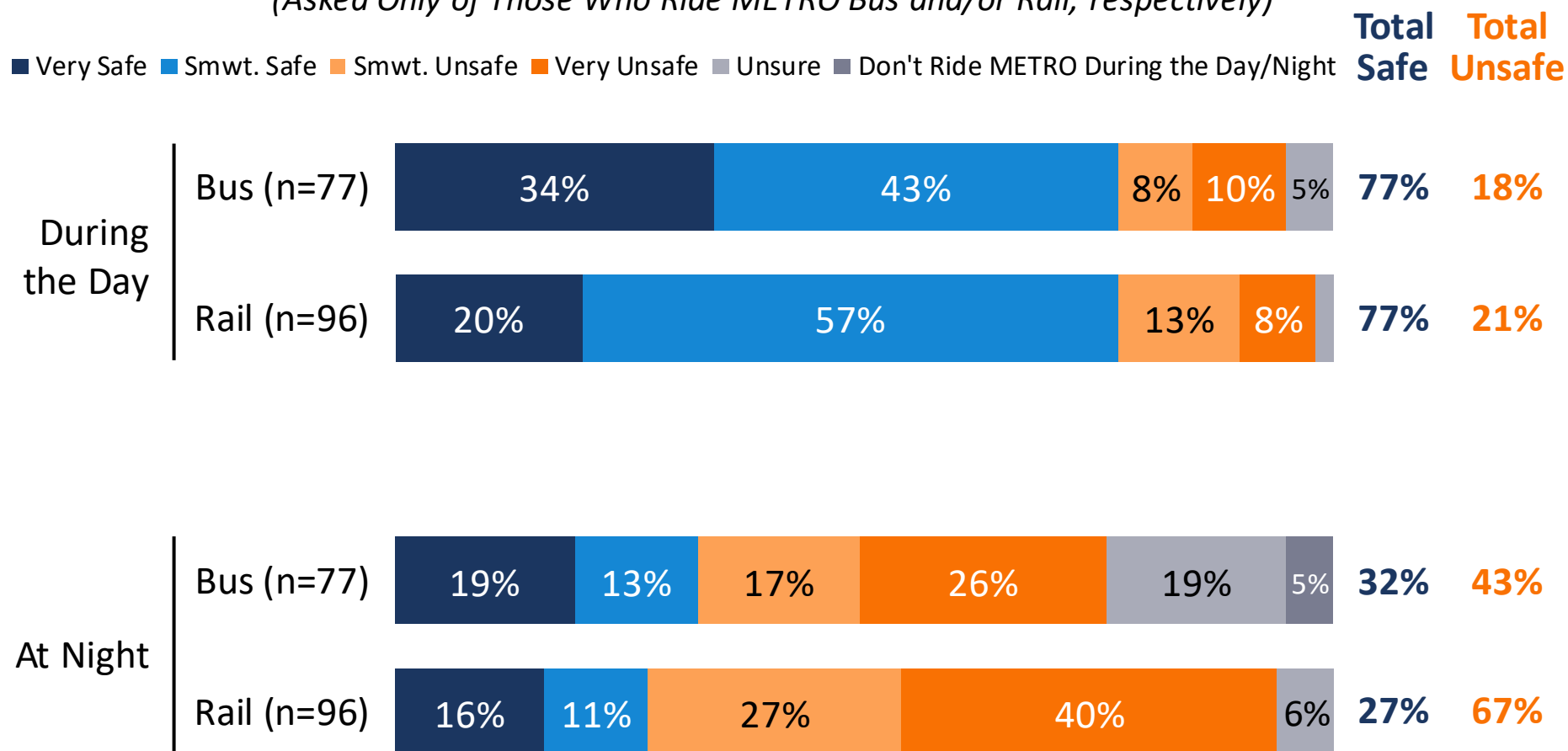
Dates	August 10-September 1, 2021
Survey Type	Intercept Survey
Research Population	Metro Customers who Experience Homelessness
Total Interviews	100 <i>Due to qualitative nature of the interviewing methodology, results should be interpreted with caution and do not necessarily reflect population of all METRO riders experiencing homelessness with statistical precision</i>
Data Collection Mode	 In-person Intercept  Interviews
Languages	English & Spanish

# Demographic Profile of Respondents

- 35% identify as Black/African American; 27% Latinx/Hispanic
- 6% interviews conducted in Spanish
- 55% identify as having a disability
- 1% identify as gender non-conforming or non-binary
- 5% ages 18-24; 36% ages 25-34; 56% ages 35-64; 3% ages 65+

# Three-quarters said they feel at least somewhat safe during the day on Bus and Rail, with less than one-third having reported feeling at least somewhat safe riding at night.

*(Asked Only of Those Who Ride METRO Bus and/or Rail, respectively)*



Q6. While riding on a METRO Bus during the day, do you feel safe or unsafe?

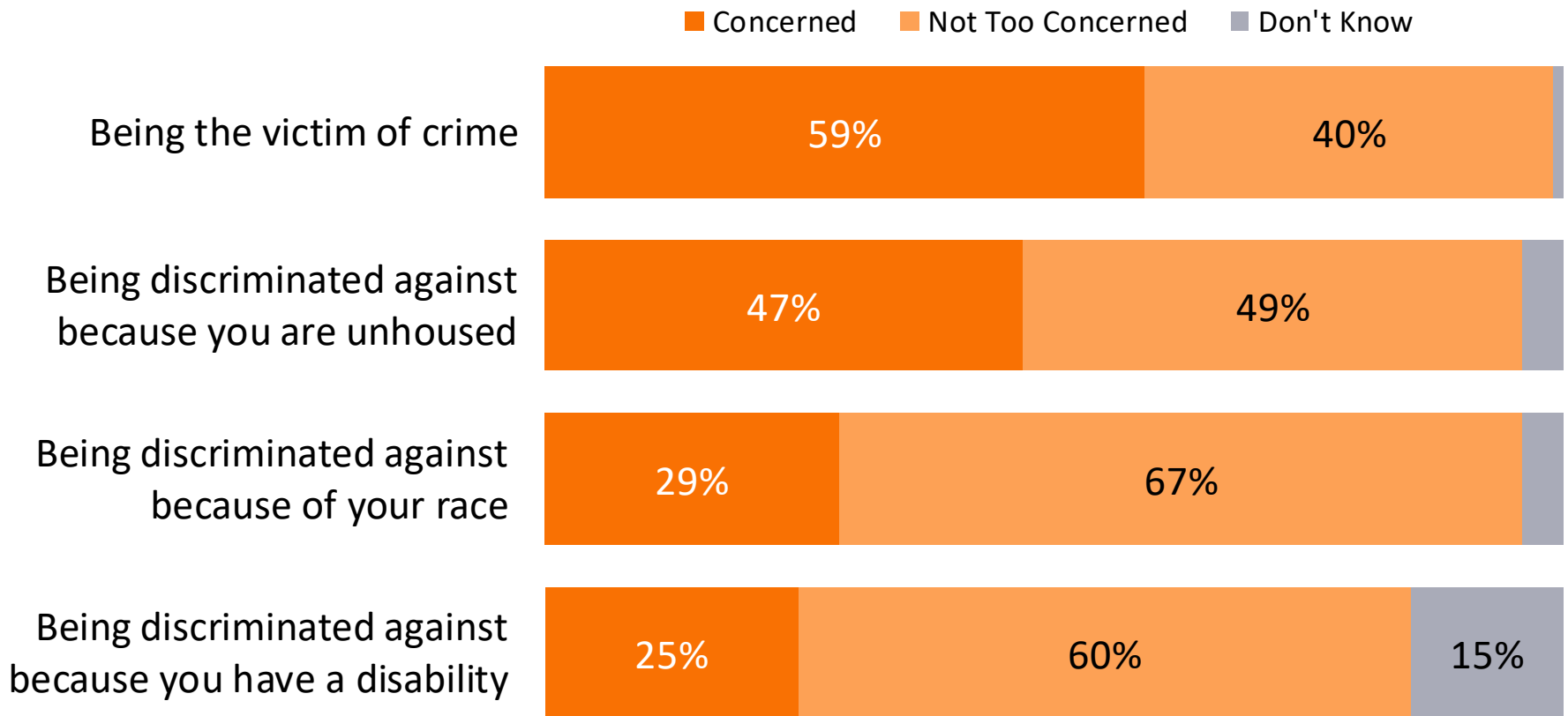
Q7. While riding on a METRO Bus at night, do you feel safe or unsafe?

Q8. While riding on a METRO Rail during the day, do you feel safe or unsafe?

Q9. While riding on a METRO Rail at night, do you feel safe or unsafe?

# Roughly six-in-ten are concerned about being a victim of a crime on a METRO Bus or Rail or at a METRO station or a stop, and almost half are concerned about being discriminated against because they are unhoused.

*(Ranked by Concerned)*

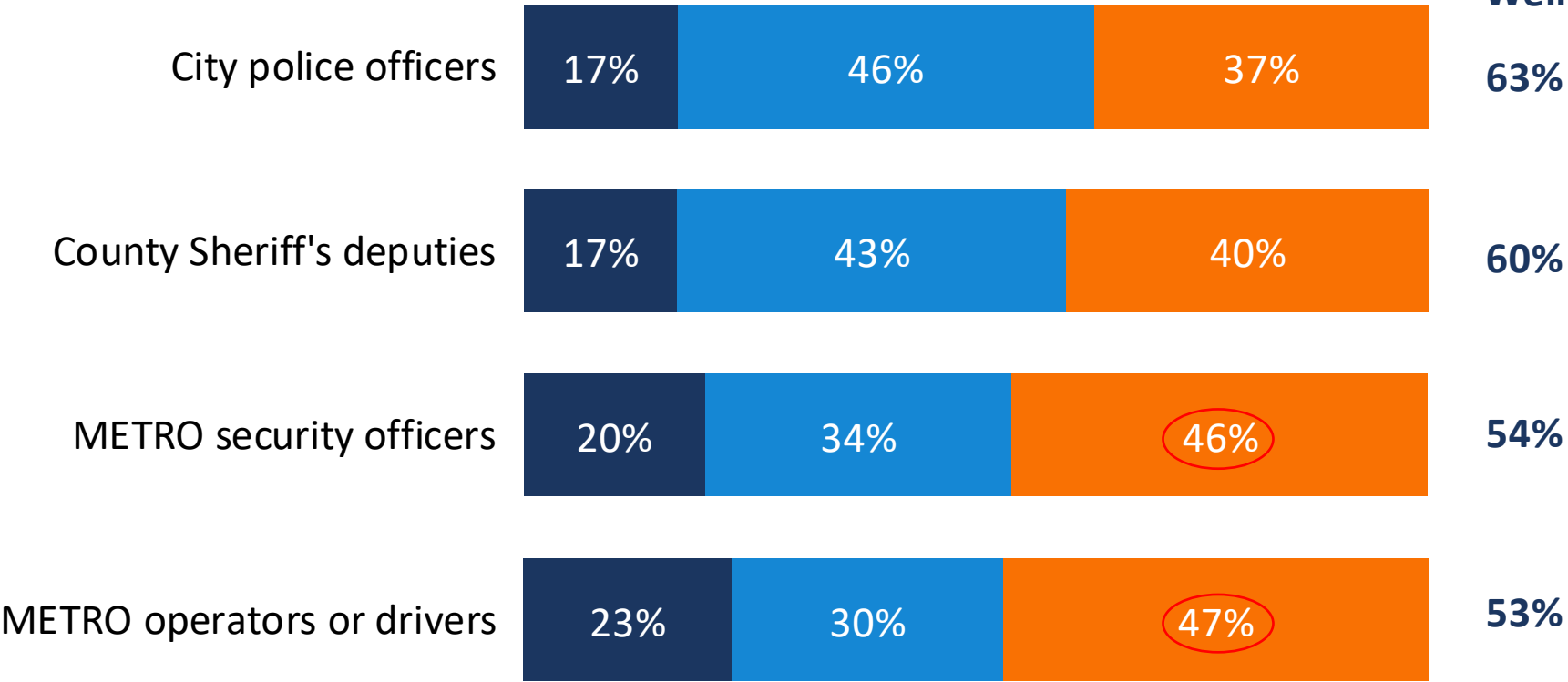


**Among those who offered an opinion, slightly less than half reported they were not treated well by METRO operators/drivers and security officers; roughly four-in-ten said the same about City police officers and County Sheriff's deputies while riding METRO.**

*(Ranked by Very/Pretty Well)*

■ Very Well ■ Pretty Well ■ Not Well

**Total  
Well**

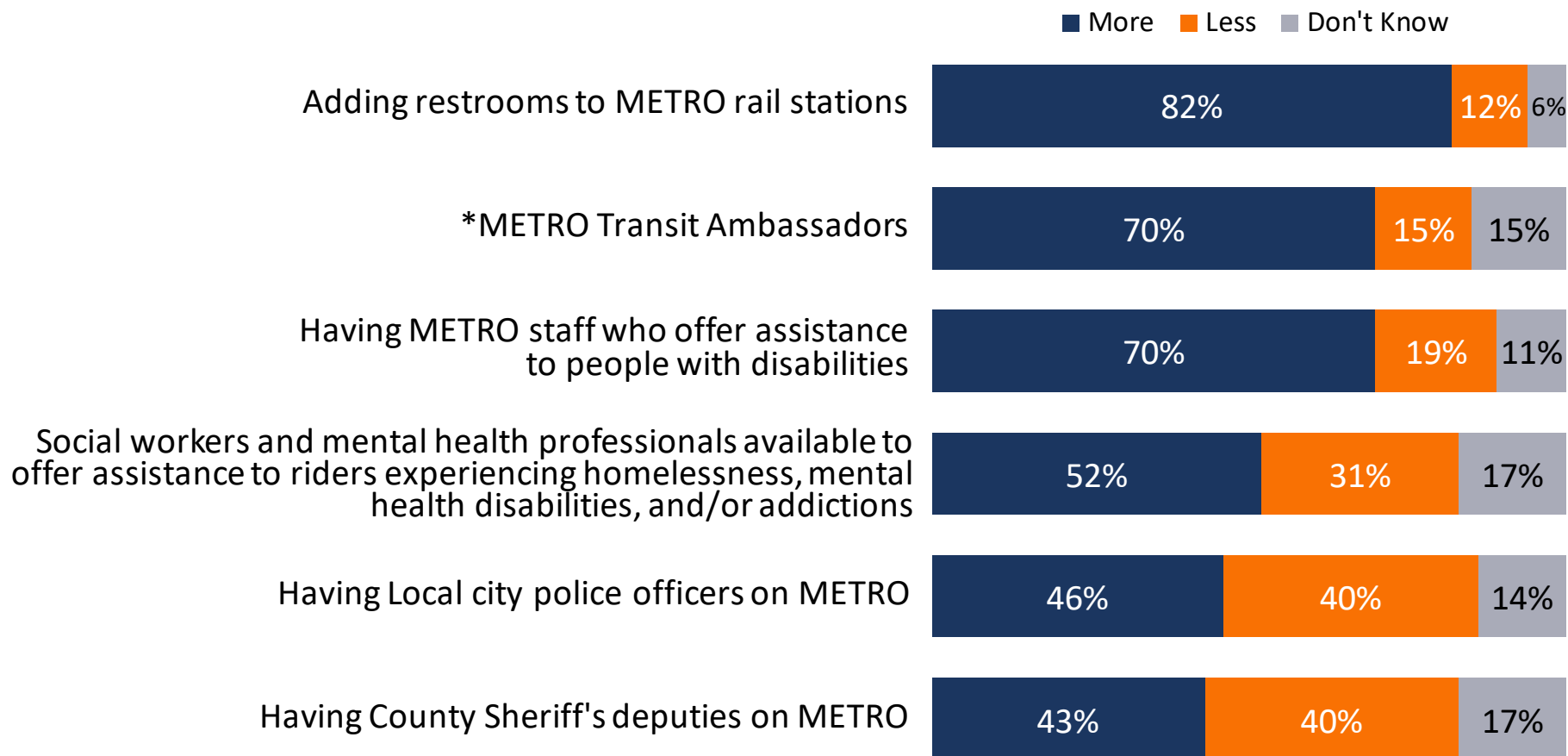


Q12. When riding METRO, how well are you treated by each of the following? Do they treat you very well, pretty well or not well?

Table excludes respondents who did not answer question: City police officers (7%); County Sheriff's deputies (11%); METRO security officers (17%); METRO operators or drivers (21%).

# High percentages reported that adding restrooms and having Transit Ambassadors and staff who offer assistance to people with disabilities should be more of a priority to improve the safety and environment for METRO's riders.

*(Ranked by More of a Priority)*



Q15. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it more of a priority or less of a priority.  
\*Q16. Having heard this description, do you think METRO should make the Transit Ambassador program more or less of a priority? Description provided: The METRO Transit Ambassador Program could include teams of two specially trained members of the community who would be at METRO facilities and on METRO Rail and Buses to offer assistance to METRO riders and to deal with situations that are making riders feel unsafe



# Conclusions

# Conclusions (Rider Survey)

1. Most riders usually feel safe on Metro, except at night and on crowded vehicles.
  - Riders who identify as female or non-binary often feel less safe than those who identify as male.
2. Top rider wants include:
  - Lighting and emergency call buttons at stations and bus stops
  - Staff who can assist people with disabilities
  - Social workers and mental health professionals
  - More unarmed security staff
  - Transit Ambassadors
3. In addition, over six-in-ten respondents want more law enforcement and armed security on Metro and this support spans all race/ethnicity categories. However, there is a smaller but still sizable number who want fewer.

# Conclusions, Continued (Rider Survey)

4. Riders want Transit Ambassadors to be able to address challenging situations on board METRO including sexual assaults, harassment and fighting.
5. Riders want Transit Ambassadors to have a variety of equipment including non-lethal tools to protect themselves.
6. A slim majority wants METRO to allow people experiencing homelessness to ride just like anyone else, while a third wants METRO to be “tougher” about removing them from buses and trains.


# Conclusions

## (Survey of People Experiencing Homelessness)

1. A large majority of the respondents to the survey of people experiencing homelessness feel safe riding on the bus or rail during the day, but many feel unsafe riding at night.
2. Majorities or close to majorities are concerned about being the victims of crime or being discriminated for being unhoused while riding METRO.
3. Slightly less than half reported they were not treated well by METRO operators/drivers and security officers; roughly four-in-ten said the same about City police officers and County Sheriff's deputies while riding Metro.

# Conclusions, Continued (Survey of People Experiencing Homelessness)

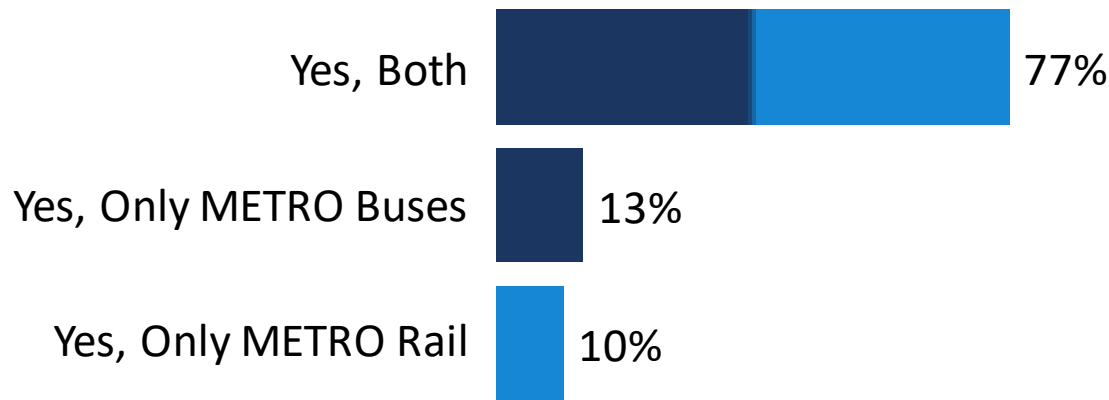
4. Highest priorities for improving safety/environment :
  - Adding restrooms
  - Transit Ambassadors
  - Staff who offer assistance to people with disabilities
5. Riders experiencing homelessness were divided on the prioritization of law enforcement to improve safety



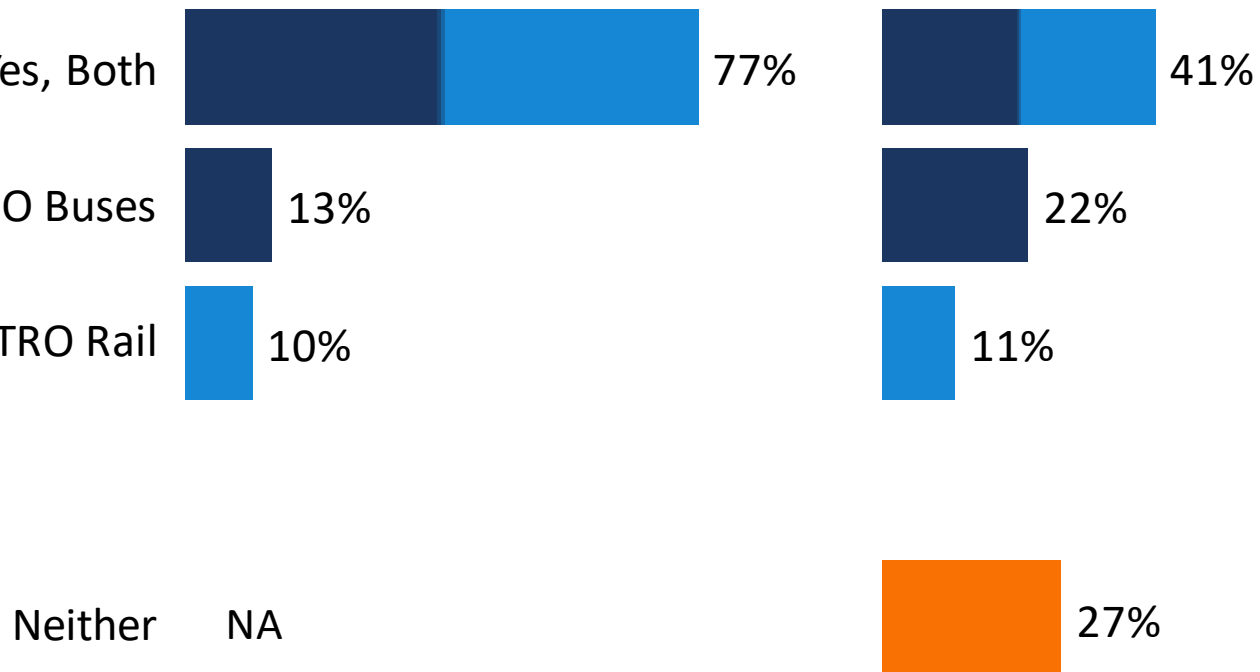
# **Appendix A - Rider Survey**

# Most respondents have experience with both bus and rail. 27% have stopped riding.

*Thinking back over the last 4 years, have you ever ridden METRO Buses, METRO Rail, or both?*

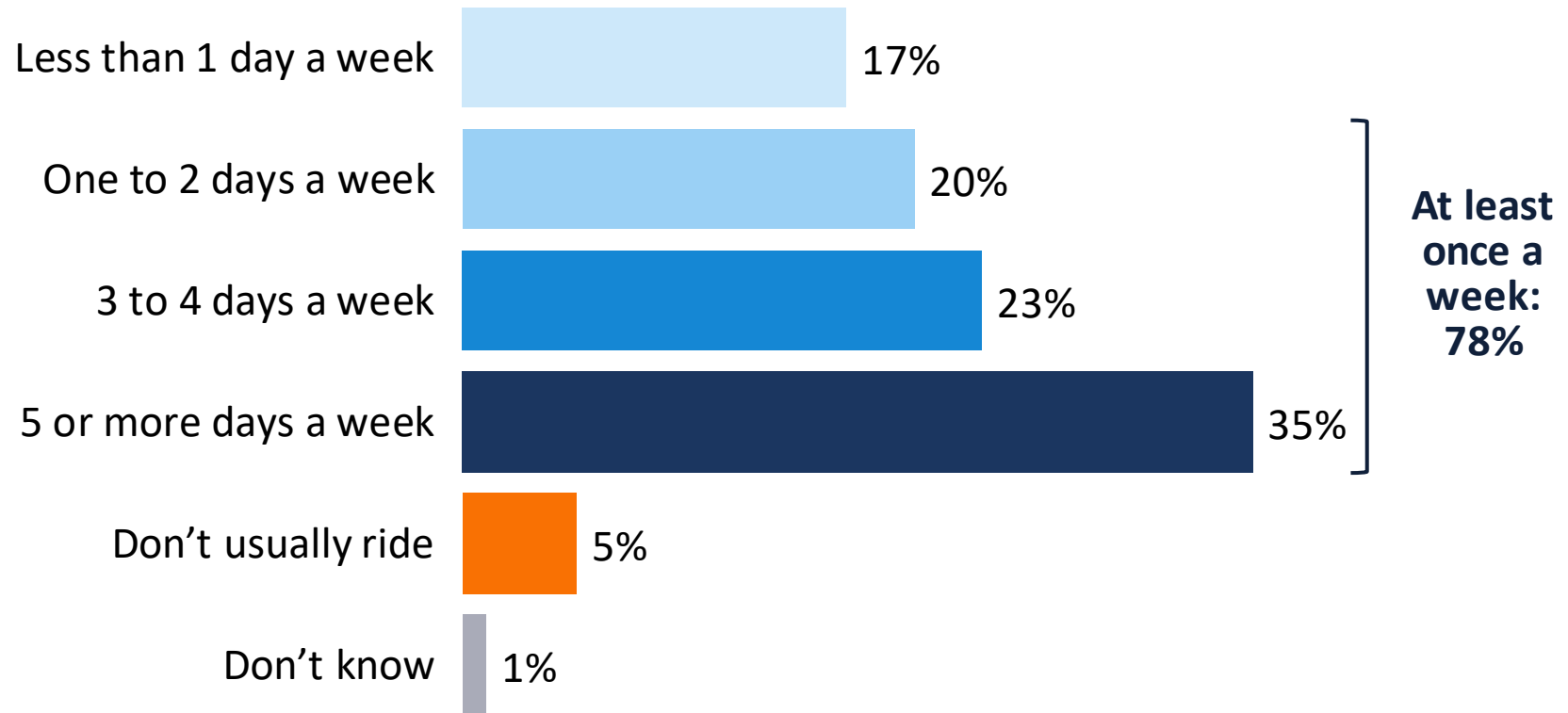


*These days do you usually ride METRO Rail, METRO Buses, both or neither?*



# Most respondents ride Metro frequently.

*How many days a week do you usually ride METRO?  
(Asked of Those Who Currently Ride METRO Buses or Rail; n=1,509)*

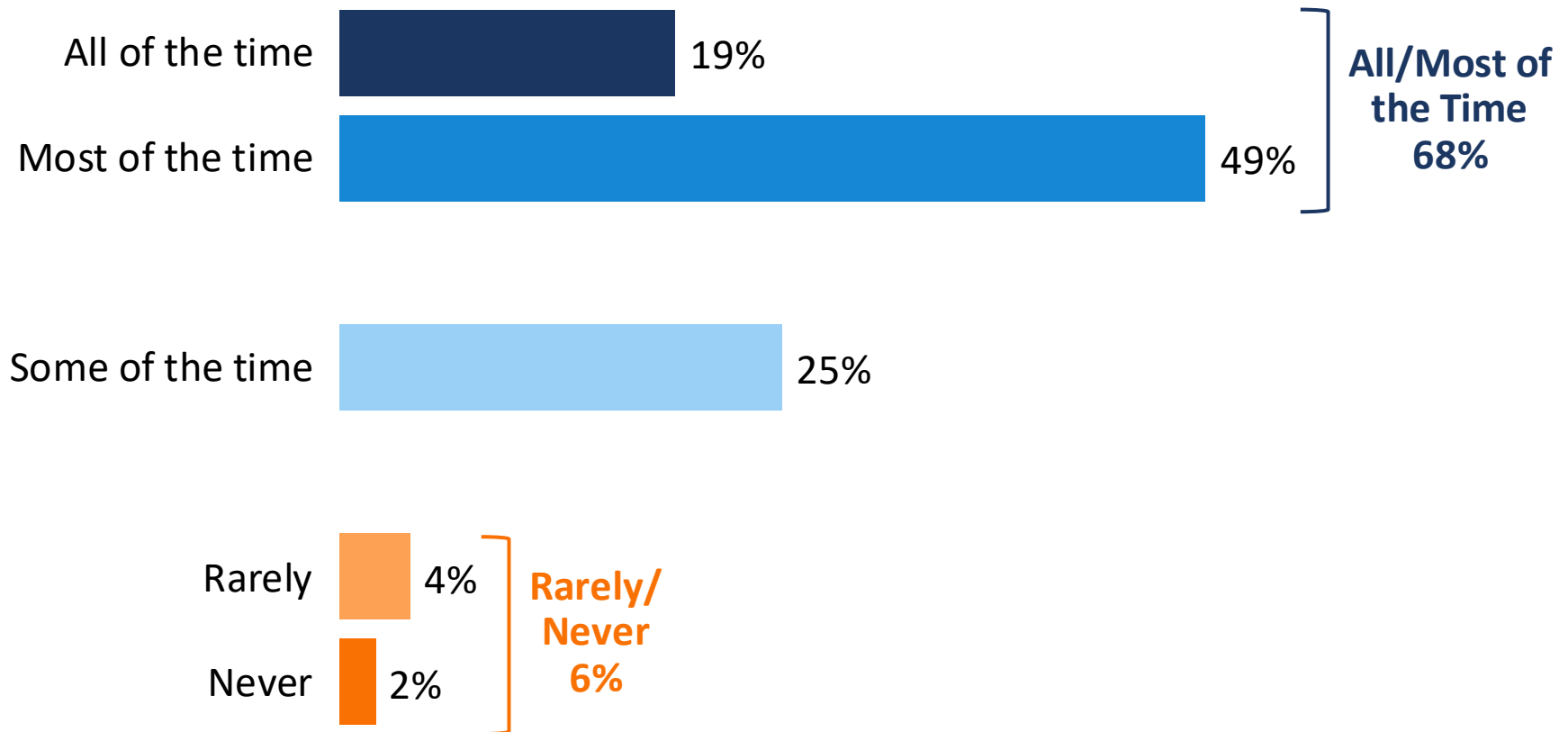




# **Safety on the METRO System**

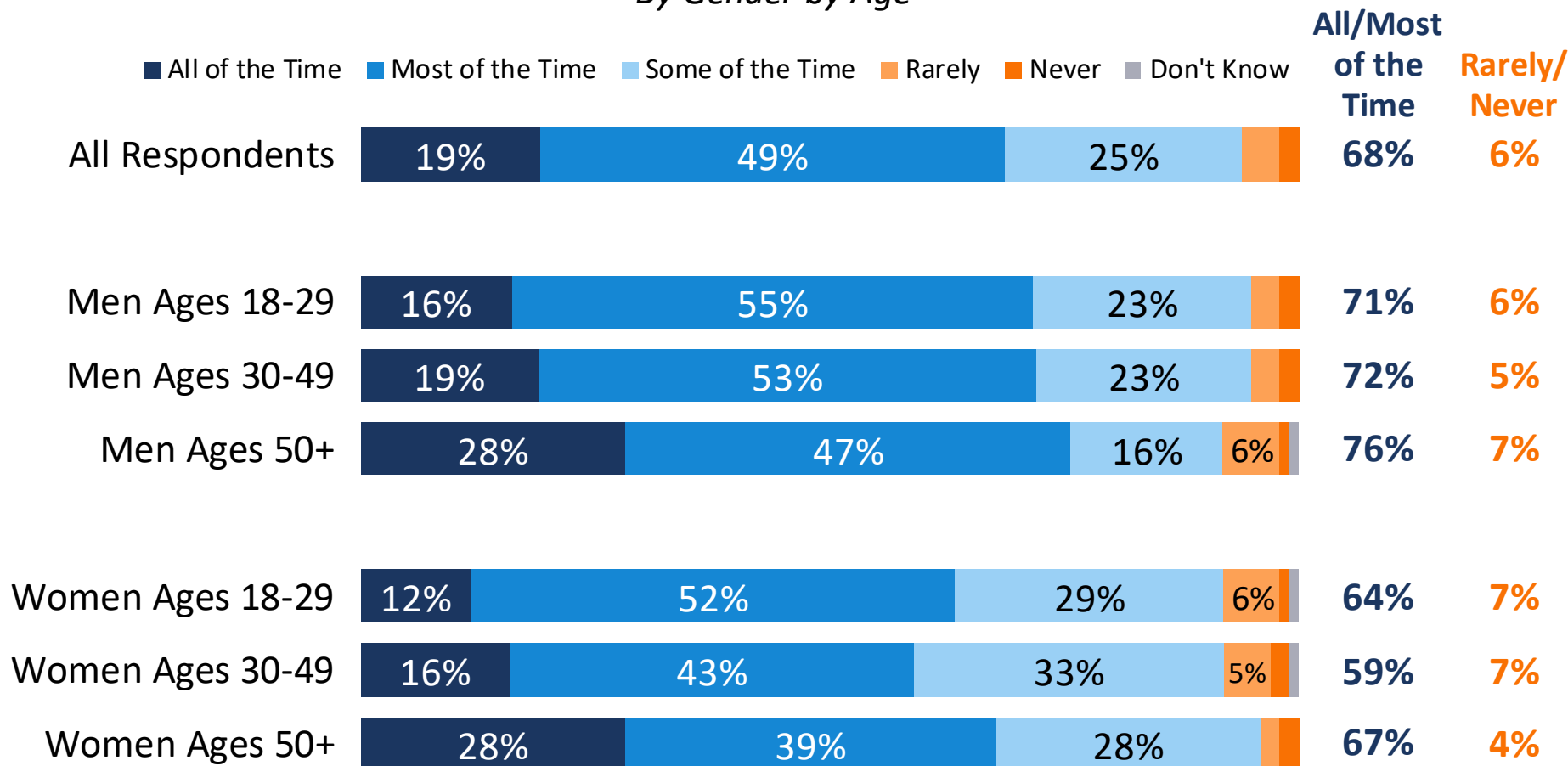
# Nearly 70% of respondents felt safe at least “most of the time” they have recently ridden METRO, but less than one-in-five felt safe all the time.

*In general, when thinking about the most recent times you have ridden METRO, would you say you felt safe all of the time, most of the time, some of the time, rarely or never?*



# In all age groups women felt less safe than men when riding METRO.

## By Gender by Age



# Most riders of all races feel safe on Metro most or all of the time.

*By Race/Ethnicity*

■ All of the Time ■ Most of the Time ■ Some of the Time ■ Rarely ■ Never ■ Don't Know

**All/Most  
of the  
Time**

**Rarely/  
Never**

Latinx/Hispanic

17%

49%

28%

66%

6%

Black/African Americans

25%

45%

23%

70%

6%

Whites

21%

56%

17%

5%

77%

6%

Asians/Pacific Islanders

17%

52%

25%

69%

5%

All Other Races/Ethnicities

18%

50%

28%

68%

4%

All People of Color

19%

48%

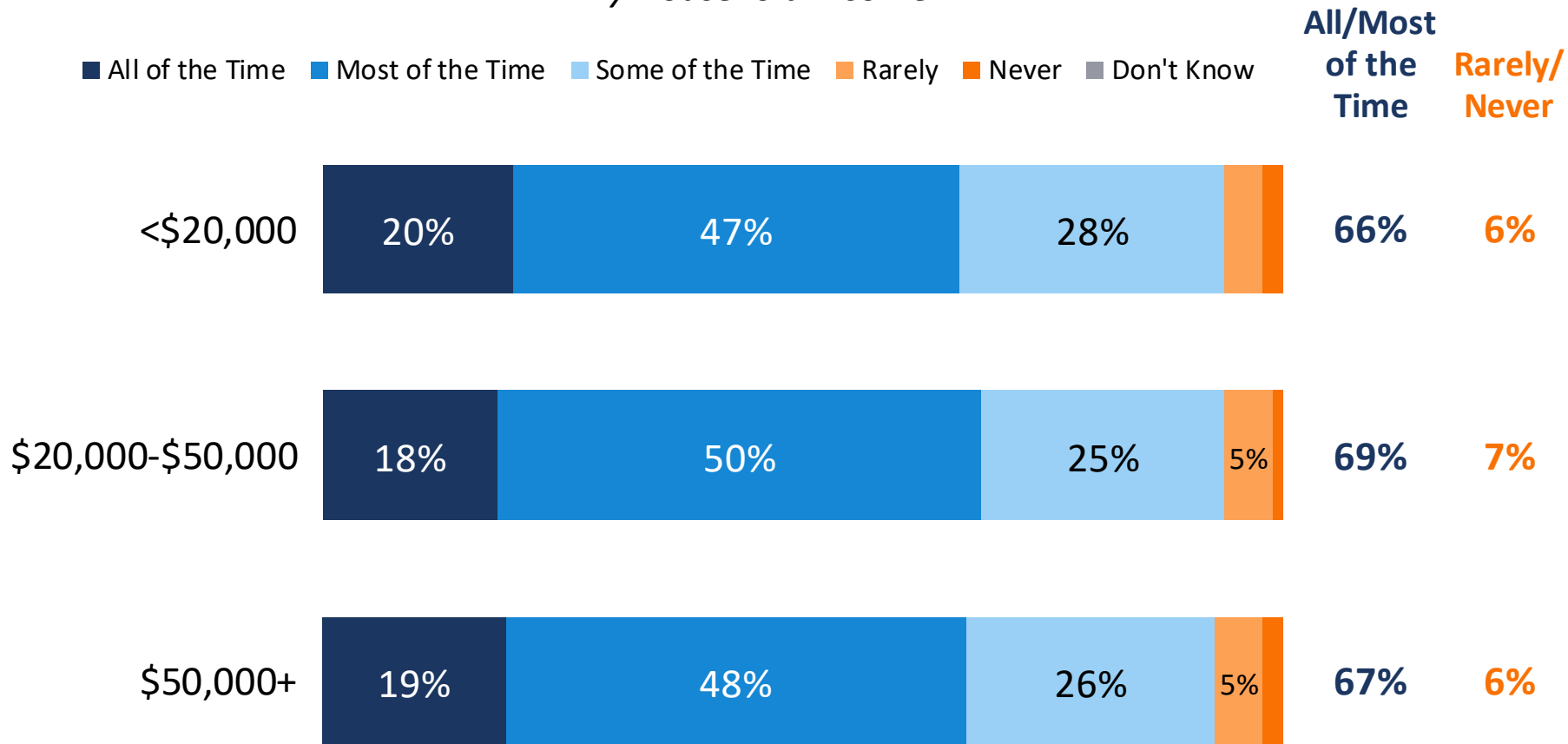
27%

67%

6%

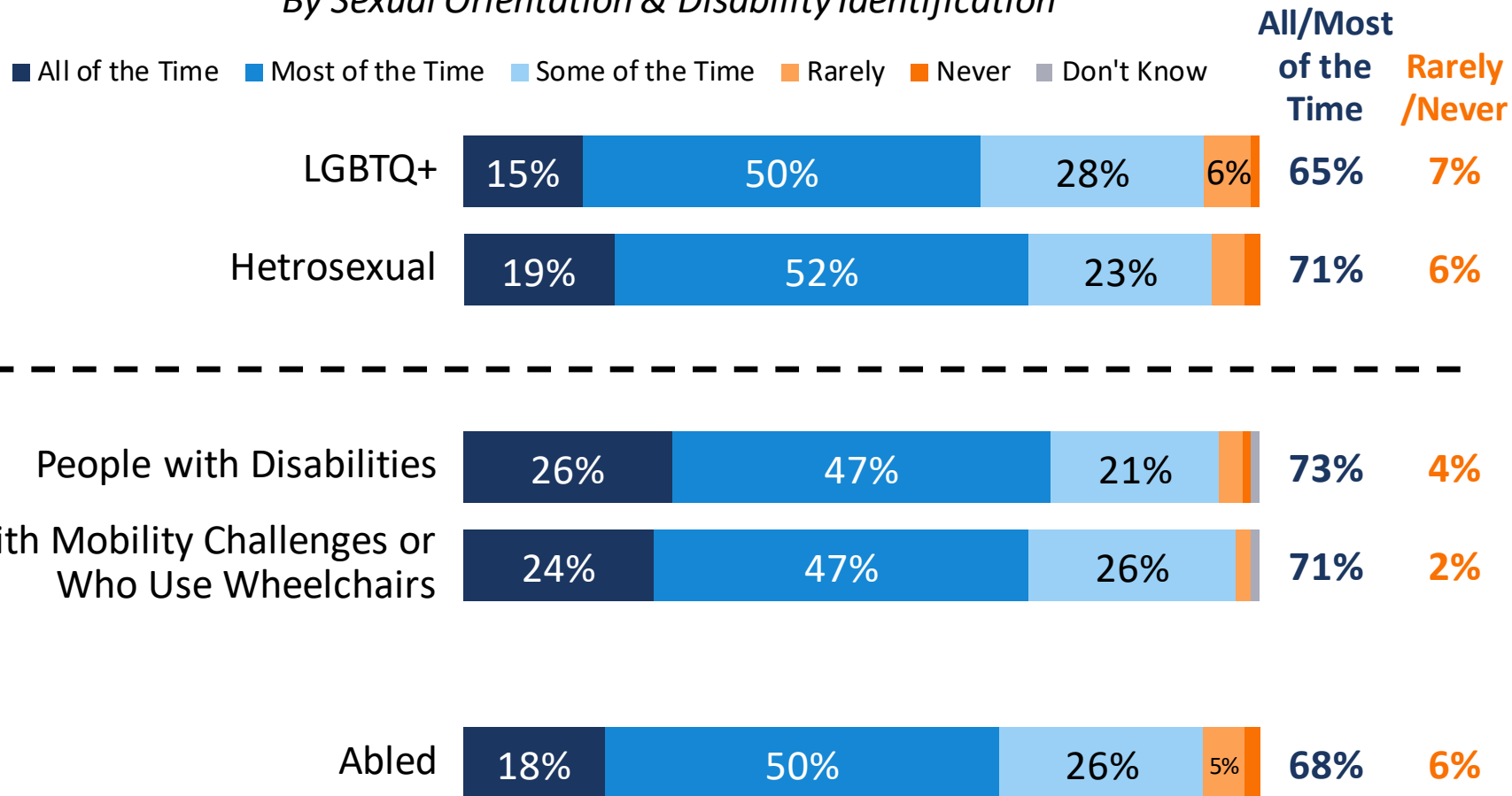
# There is no difference in the likelihood of feeling safe by income.

*By Household Income*



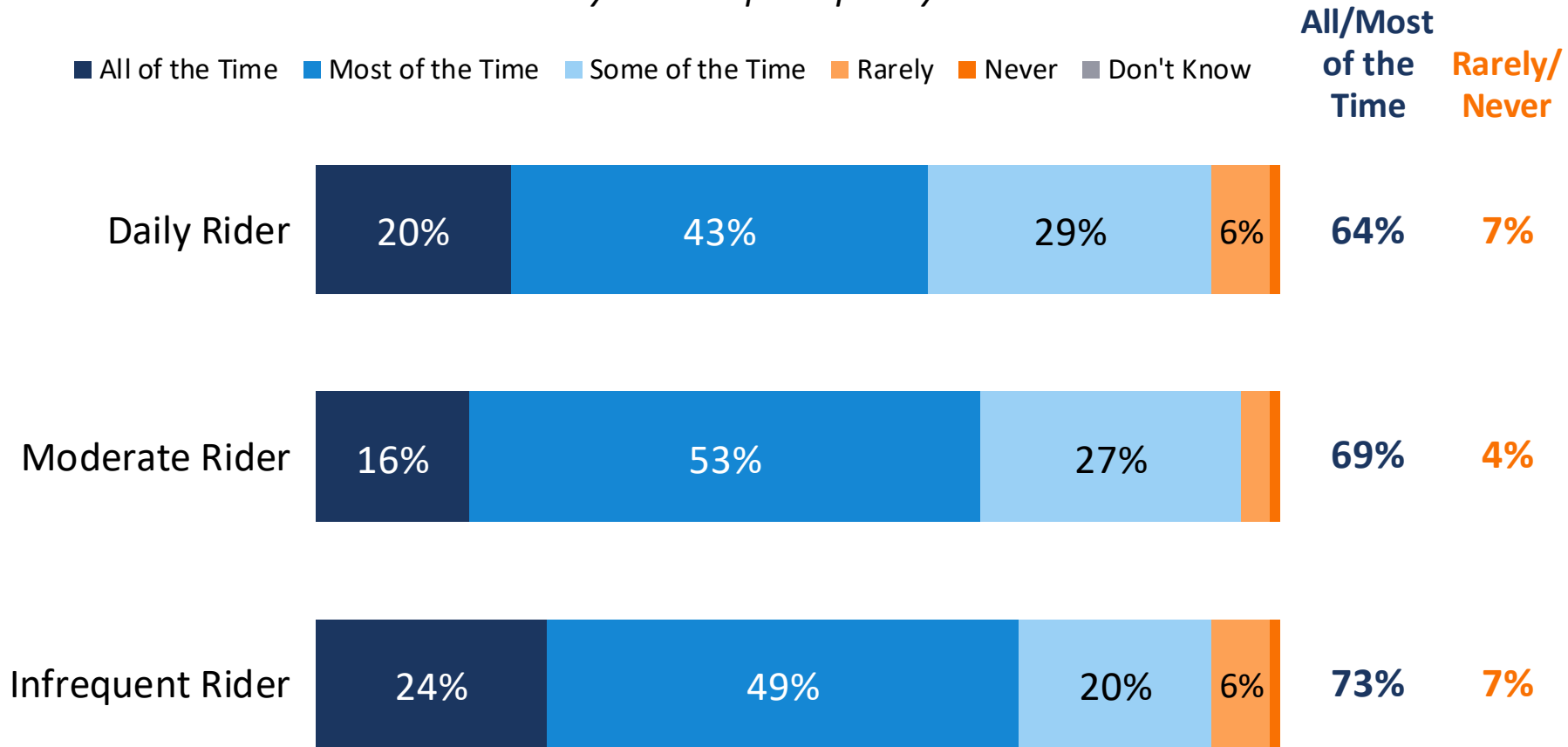
# LGBTQ+ felt slightly less safe, and people with disabilities slightly more safe, than other respondents.

*By Sexual Orientation & Disability Identification*



# Frequent riders tend to feel a little less safe on Metro?

*By Ridership Frequency*



# Examples of Improvements from Respondents

"More security on the platform and a way to report suspicious activity in the rails."

"More frequent cleaning throughout day. I've frequently seen urine on the floor."

"Increase security officers. One time a fight broke out in the Expo line car, but no one did anything about it."

"Presence of staff - not police - to clean and assist customers."

"I feel safe for the most part. Sometimes other passengers can be scary, but I don't think much can be done about it."

"Drivers being more active and disciplinary when unsafe riders are aboard harassing other riders."

"Control homeless people who ride without a specific destination."

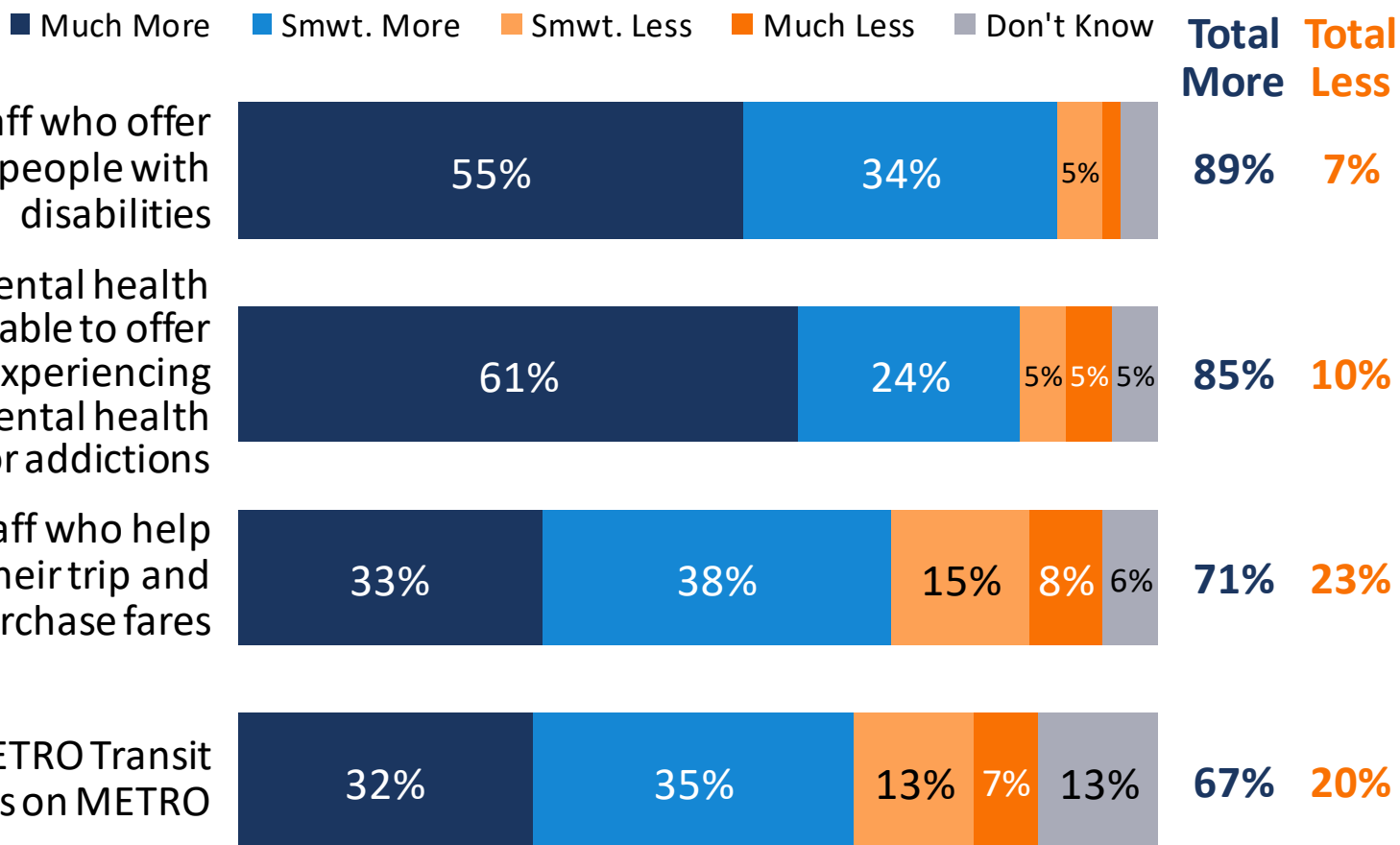
"A system of alerting security or staff about impending danger, i.e. button or app"

"Cameras, security and actual consequences to the people who don't follow Metro rules and policy."

"Have a camera in the middle and back of the bus."

# ASSISTANCE STAFF: There is support for staff who can help customers in a variety of ways, including Transit Ambassadors (without a description) and social workers.

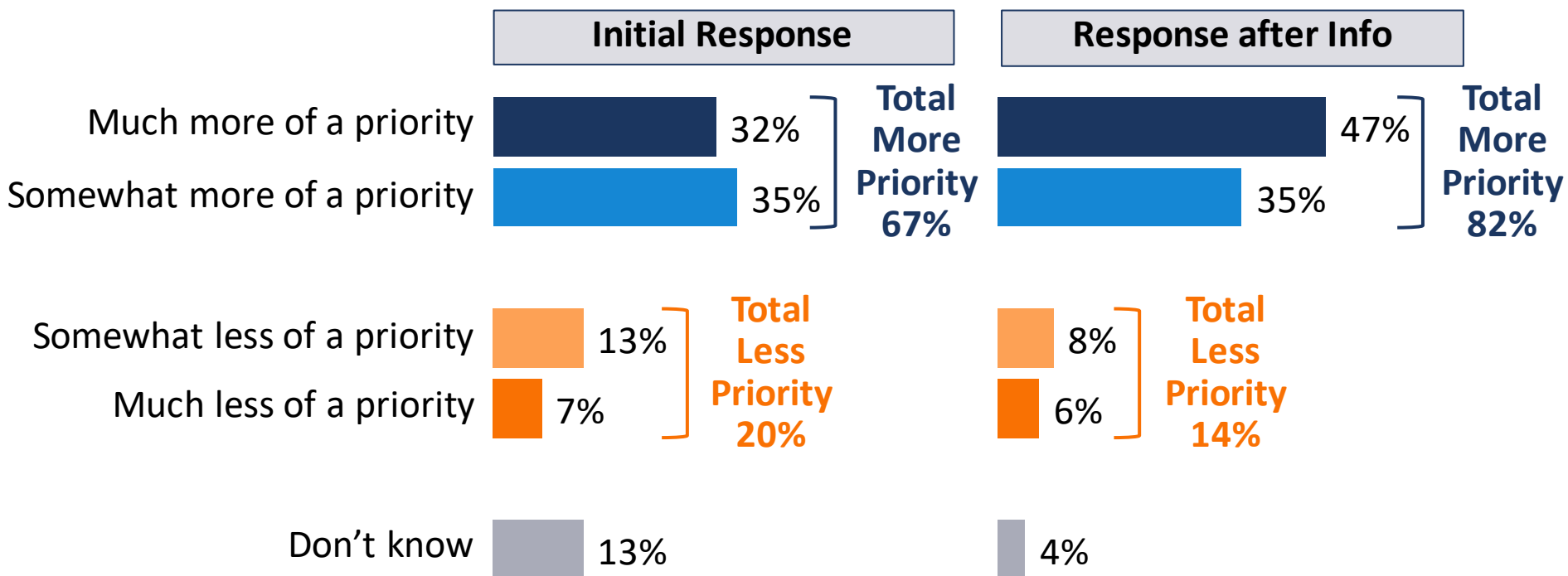
(Ranked by Total More of a Priority)



Q11c, d, i & m. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample.

# After a brief description, there was a sizeable increase in the percentage of respondents who believe Transit Ambassadors should be more of a priority.

*I would now like to tell you a little more about a new program being considered called the METRO Transit Ambassador Program. This METRO program could include teams of 2 specially trained members of the community who would be at METRO facilities and on METRO Rail and Buses to offer assistance to METRO riders and to deal with situations that are making riders feel unsafe.*



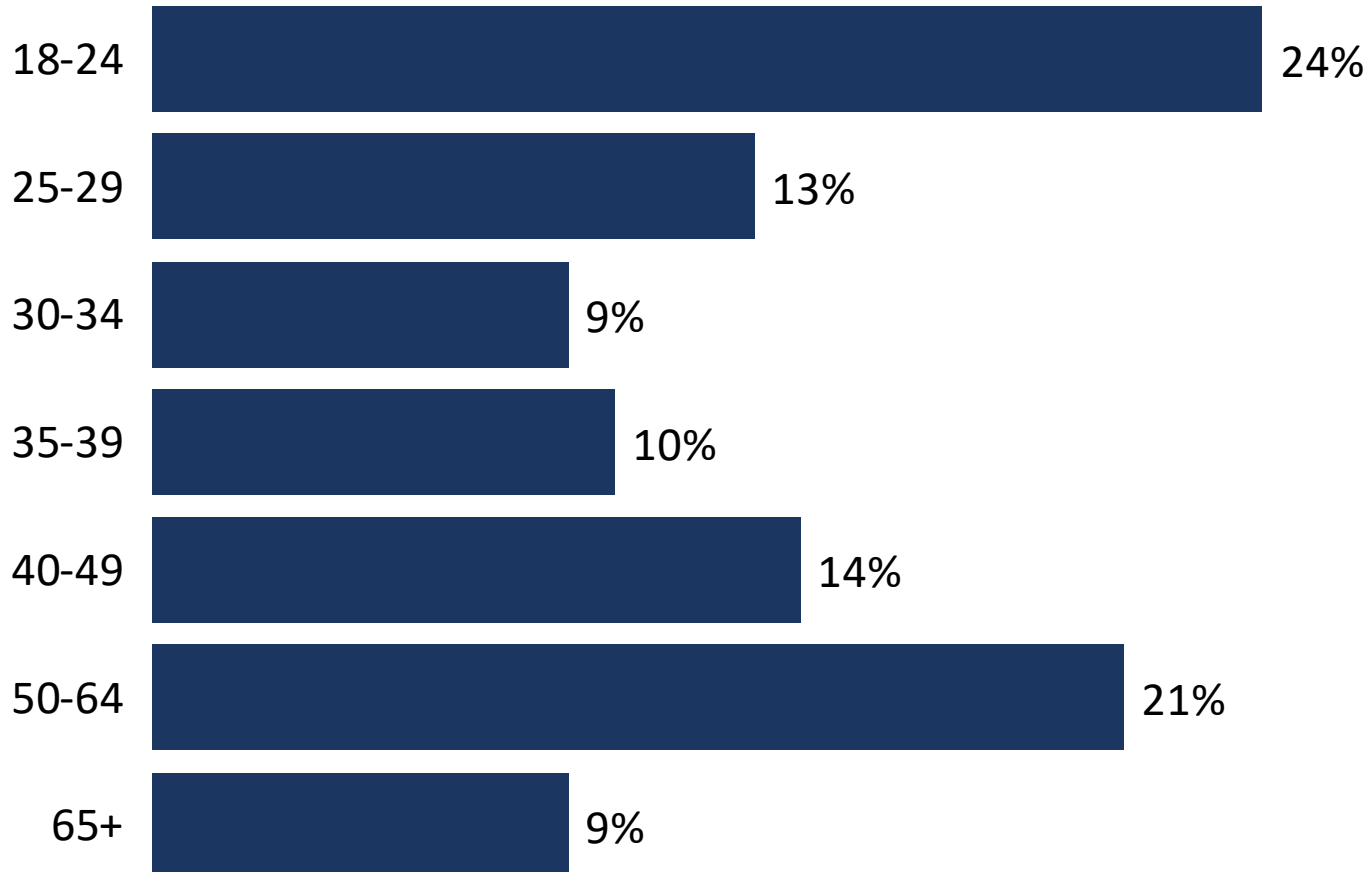
Q11m. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. Not Part of Split Sample  
 Q12. Now that you know more, please tell me if you think METRO should make the Transit Ambassador program (much more of a priority, somewhat more of a priority, somewhat less, or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today.



# **Respondent Demographics**

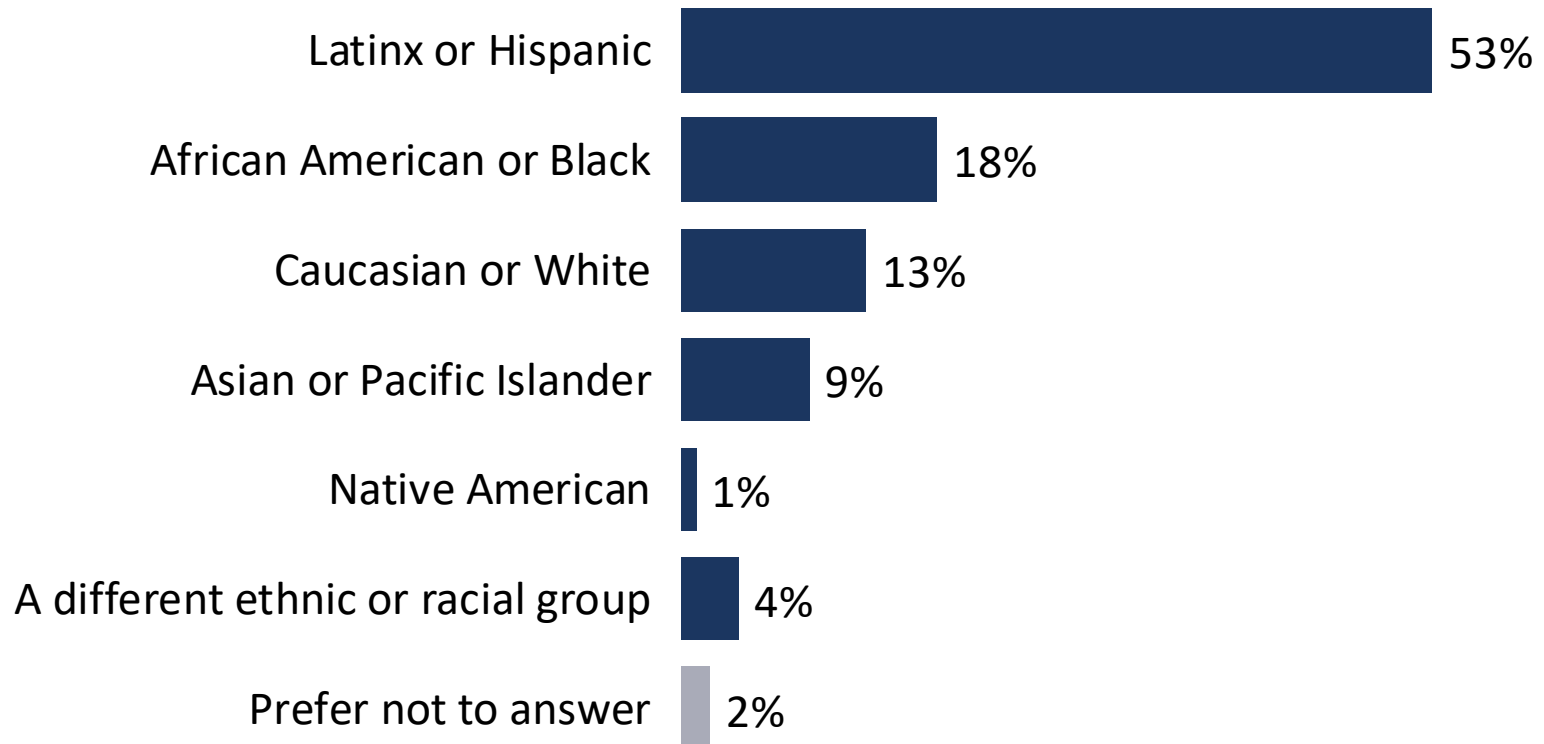
# The majority of respondents are under age 40.

*To make sure everyone is represented please tell me your age.*



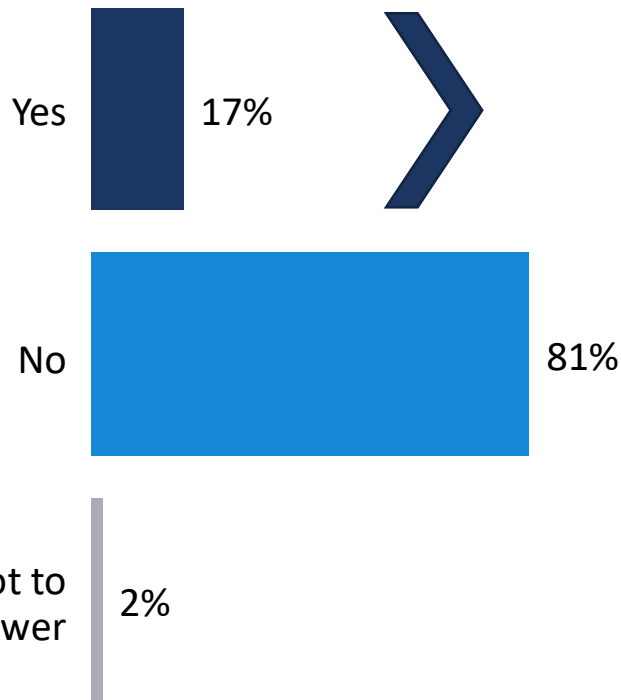
# 71% of respondents are Latinx/Hispanic or Black/African American

*Just to make sure everyone is represented, which of the following categories best describes the ethnic or racial group with which you identify yourself?*

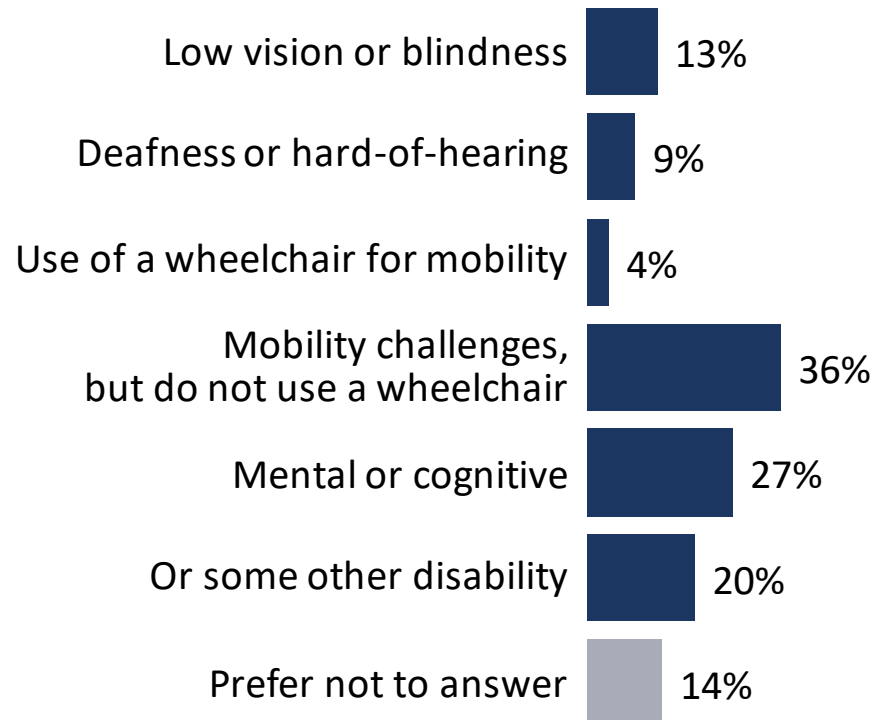


# 17% of respondents identify as a person with a disability.

*Do you identify as a person with a disability?*

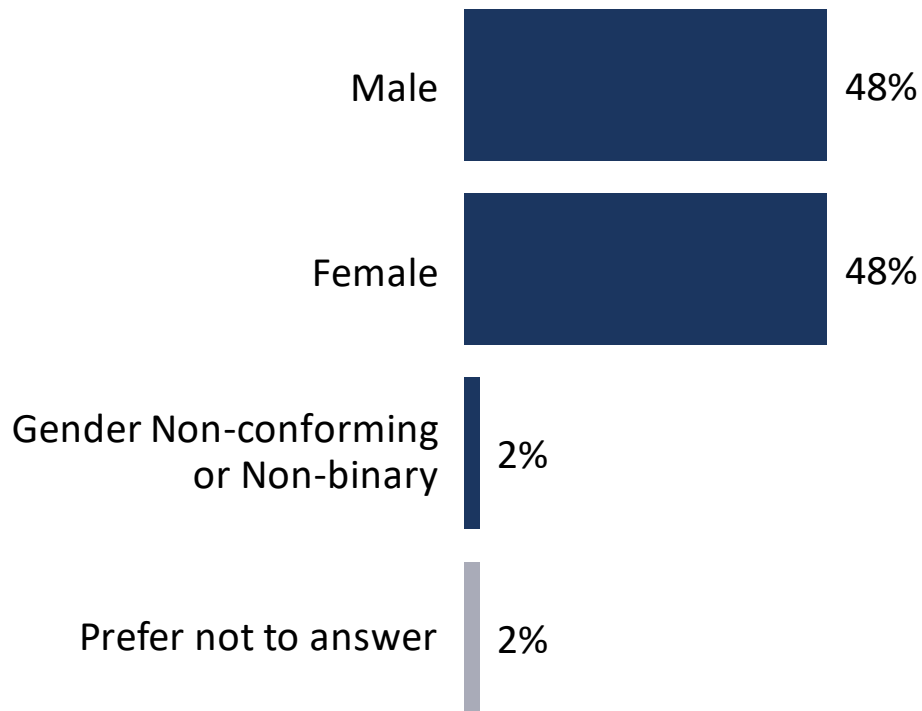


*Please tell me which of the following disabilities you have?  
(Asked of Those Who Identify as a Person with a Disability; n=343)*

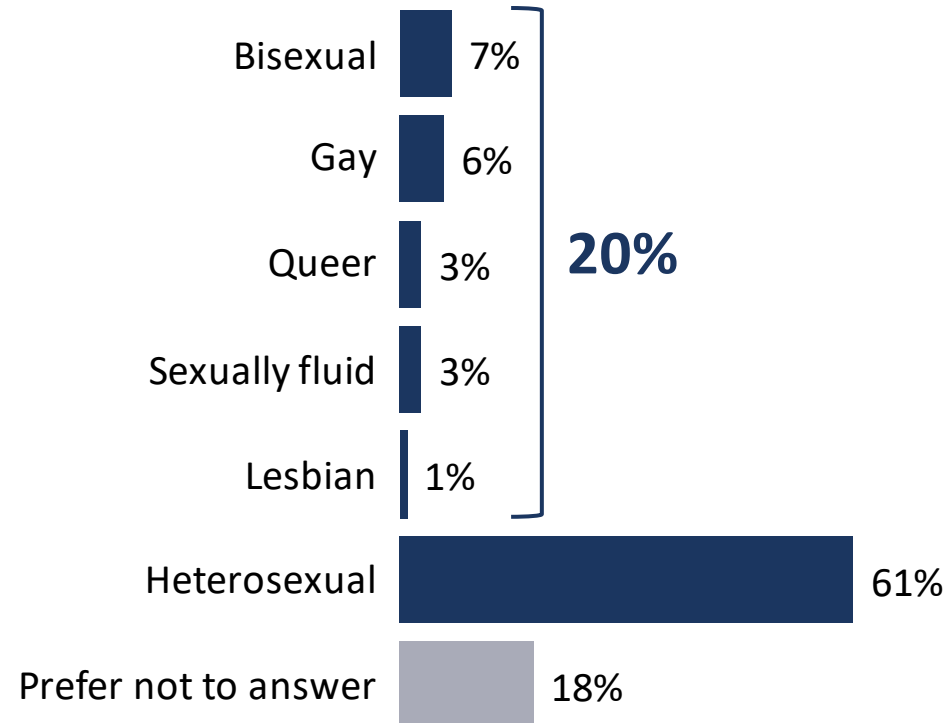


# Two percent identify as non-binary and 20% identify as not heterosexual.

*To make sure everyone is represented, what is your gender identity? Are you male, female, or gender non-conforming or non-binary?*

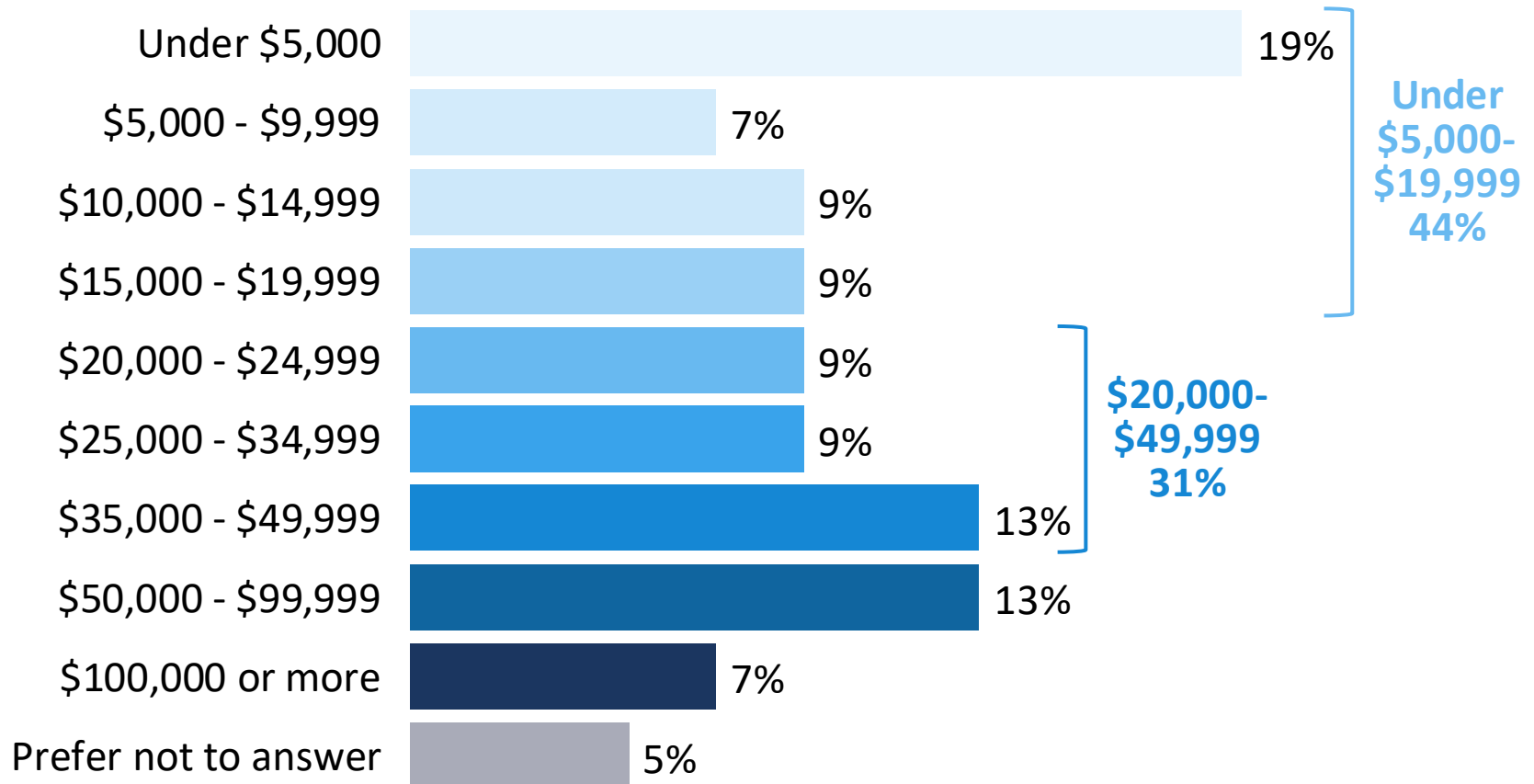


*Do you identify yourself as: Bisexual, Gay, Heterosexual, Lesbian, Queer, or Sexually fluid?*



# Nearly half of respondents have household incomes under \$20,000.

*Just to ensure that we include a wide mix of people in this survey, please stop me when I read the range that includes your household's total annual income before taxes in 2020:*





# Definition of Safety

# Definition of Safety by Gender by Age

(Total Agree)

Statement	All Resp.	Gender by Age					
		Men			Women		
		Ages 18-29	Ages 30-49	Ages 50+	Ages 18-29	Ages 30-49	Ages 50+
For me, safety on Metro means being safe from crime	<b>95%</b>	95%	96%	96%	94%	96%	96%
For me, safety on Metro means being safe from harassment	<b>91%</b>	88%	89%	95%	93%	93%	90%
For me, safety on Metro means being safe from falling on a moving train or bus	<b>84%</b>	91%	82%	77%	90%	84%	82%
For me, safety on Metro means being safe from being profiled or discriminated against by police	<b>80%</b>	82%	74%	69%	92%	82%	73%

# Definition of Safety by Race/Ethnicity

(Total Agree)

Statement	All Resp.	Race/Ethnicity					
		Latinx/ Hispanics	Black/ African Americans	Whites	Asians/ Pacific Islanders	All Other Race/ Ethnicities	All People of Color
For me, safety on Metro means being safe from crime	<b>95%</b>	94%	95%	94%	96%	99%	95%
For me, safety on Metro means being safe from harassment	<b>91%</b>	90%	90%	94%	96%	99%	91%
For me, safety on Metro means being safe from falling on a moving train or bus	<b>84%</b>	87%	88%	70%	85%	83%	87%
For me, safety on Metro means being safe from being profiled or discriminated against by police	<b>80%</b>	82%	85%	63%	82%	84%	82%

# Definition of Safety by Race/Ethnicity by Age

(Total Agree)

Statement	All Resp.	Race/Ethnicity by Age					
		Latinx/ Hispanics		Black/ African Americans		Whites	
		Ages 18-39	Ages 40+	Ages 18-39	Ages 40+	Ages 18-39	Ages 40+
For me, safety on Metro means being safe from crime	<b>95%</b>	95%	94%	95%	95%	90%	96%
For me, safety on Metro means being safe from harassment	<b>91%</b>	90%	90%	91%	89%	92%	95%
For me, safety on Metro means being safe from falling on a moving train or bus	<b>84%</b>	90%	81%	88%	87%	70%	71%
For me, safety on Metro means being safe from being profiled or discriminated against by police	<b>80%</b>	85%	75%	92%	80%	75%	56%

# Definition of Safety by Income

*(Total Agree)*

Statement	All Respondents	Household Income		
		<\$20,000	\$20,000-\$50,000	\$50,000+
For me, safety on Metro means being safe from crime	95%	95%	94%	94%
For me, safety on Metro means being safe from harassment	91%	89%	93%	91%
For me, safety on Metro means being safe from falling on a moving train or bus	84%	88%	86%	87%
For me, safety on Metro means being safe from being profiled or discriminated against by police	80%	84%	78%	81%

# Definition of Safety by Sexual Orientation and Disability Identification

(Total Agree)

Statement	All Resp.	Sexual Orientation		Disability		
		LGBTQ+	Hetrosexual	Abled	People with Disabilities	People with Mobility Challenges or Who Use Wheelchairs
For me, safety on Metro means being safe from crime	<b>95%</b>	94%	95%	95%	94%	99%
For me, safety on Metro means being safe from harassment	<b>91%</b>	91%	93%	92%	90%	92%
For me, safety on Metro means being safe from falling on a moving train or bus	<b>84%</b>	85%	84%	84%	89%	88%
For me, safety on Metro means being safe from being profiled or discriminated against by police	<b>80%</b>	82%	78%	80%	76%	76%

# Definition of Safety by Ridership Frequency

*(Total Agree)*

Statement	All Respondents	Ridership Frequency		
		Daily Rider	Moderate Rider	Infrequent Rider
For me, safety on Metro means being safe from crime	<b>95%</b>	94%	93%	96%
For me, safety on Metro means being safe from harassment	<b>91%</b>	92%	90%	92%
For me, safety on Metro means being safe from falling on a moving train or bus	<b>84%</b>	90%	86%	83%
For me, safety on Metro means being safe from being profiled or discriminated against by police	<b>80%</b>	83%	82%	81%



# **Ways to Improve Safety**

# Security Personnel Prioritization by Frequency of Feeling Safe on METRO

(Total More of a Priority)

Security Personnel Priorities	All Resp.	Feel Safe			
		All the Time	Most of the Time	Some of the Time	Rarely/ Never
Having unarmed security staff on METRO	<b>76%</b>	70%	77%	80%	74%
^Having Local city police officers on METRO	<b>68%</b>	67%	64%	74%	79%
Having armed security staff on METRO	<b>66%</b>	59%	62%	71%	90%
^Having County Sheriff's deputies on METRO	<b>62%</b>	59%	58%	69%	80%

Q11a, b, h & i. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Security Personnel Prioritization by Gender by Age

(Total More of a Priority)

Security Personnel Priorities	All Resp.	Gender by Age					
		Men			Women		
		Ages 18-29	Ages 30-49	Ages 50+	Ages 18-29	Ages 30-49	Ages 50+
Having unarmed security staff on METRO	<b>76%</b>	69%	79%	77%	77%	79%	79%
^Having Local city police officers on METRO	<b>68%</b>	65%	67%	79%	55%	72%	80%
Having armed security staff on METRO	<b>66%</b>	61%	64%	70%	52%	74%	81%
^Having County Sheriff's deputies on METRO	<b>62%</b>	58%	61%	73%	53%	66%	74%

Q11a, b, h & i. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Security Personnel Prioritization by Race/Ethnicity by Age

(Total More of a Priority)

Security Personnel Priorities	All Resp.	Race/Ethnicity by Age					
		Latinx/ Hispanics		Black/ African Americans		Whites	
		Ages 18-39	Ages 40+	Ages 18-39	Ages 40+	Ages 18-39	Ages 40+
Having unarmed security staff on METRO	<b>76%</b>	74%	80%	80%	76%	70%	79%
^Having Local city police officers on METRO	<b>68%</b>	65%	79%	60%	76%	37%	74%
Having armed security staff on METRO	<b>66%</b>	64%	74%	54%	77%	45%	70%
^Having County Sheriff's deputies on METRO	<b>62%</b>	62%	70%	51%	74%	33%	70%

Q11a, b, h & i. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Security Personnel Prioritization by Income

*(Total More of a Priority)*

Security Personnel Priorities	All Respondents	Household Income		
		<\$20,000	\$20,000-\$50,000	\$50,000+
Having unarmed security staff on METRO	<b>76%</b>	73%	78%	75%
^Having Local city police officers on METRO	<b>68%</b>	69%	68%	69%
Having armed security staff on METRO	<b>66%</b>	70%	65%	68%
^Having County Sheriff's deputies on METRO	<b>62%</b>	63%	63%	63%

Q11a, b, h & i. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Security Personnel Prioritization by Sexual Orientation and Disability Identification

(Total More of a Priority)

Security Personnel Priorities	All Resp.	Sexual Orientation		Disability		
		LGBTQ+	Hetrosexual	Abled	People with Disabilities	People with Mobility Challenges or Who Use Wheelchairs
Having unarmed security staff on METRO	<b>76%</b>	81%	76%	79%	62%	58%
^Having Local city police officers on METRO	<b>68%</b>	54%	71%	68%	68%	71%
Having armed security staff on METRO	<b>66%</b>	54%	67%	64%	73%	77%
^Having County Sheriff's deputies on METRO	<b>62%</b>	51%	64%	62%	64%	66%

Q11a, b, h & i. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Security Personnel Prioritization by Ridership Frequency

*(Total More of a Priority)*

Security Personnel Priorities	All Respondents	Ridership Frequency		
		Daily Rider	Moderate Rider	Infrequent Rider
Having unarmed security staff on METRO	<b>76%</b>	78%	72%	74%
^Having Local city police officers on METRO	<b>68%</b>	76%	67%	65%
Having armed security staff on METRO	<b>66%</b>	75%	68%	55%
^Having County Sheriff's deputies on METRO	<b>62%</b>	69%	63%	58%

Q11a, b, h & i. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Assistance Personnel Prioritization by Frequency of Feeling Safe on METRO

(Total More of a Priority)

Assistance Personnel Priorities	All Resp.	Feel Safe			
		All the Time	Most of the Time	Some of the Time	Rarely/ Never
Having METRO staff who offer assistance to people with disabilities	<b>89%</b>	89%	90%	91%	71%
^Social workers and mental health professionals available to offer assistance to riders experiencing homelessness, mental health disabilities, and/or addictions	<b>85%</b>	81%	85%	88%	81%
^(After Description) Having METRO Transit Ambassadors on METRO	<b>82%</b>	83%	81%	85%	75%
^METRO staff who help customers plan their trip and purchase fares	<b>71%</b>	77%	71%	70%	60%

Q11c, d, & i; Q12. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Assistance Personnel Prioritization by Gender by Age

(Total More of a Priority)

Assistance Personnel Priorities	All Resp.	Gender by Age					
		Men			Women		
		Ages 18-29	Ages 30-49	Ages 50+	Ages 18-29	Ages 30-49	Ages 50+
Having METRO staff who offer assistance to people with disabilities	<b>89%</b>	91%	91%	84%	95%	88%	84%
^Social workers and mental health professionals available to offer assistance to riders experiencing homelessness, mental health disabilities, and/or addictions	<b>85%</b>	86%	88%	83%	91%	83%	77%
^(After Description) Having METRO Transit Ambassadors on METRO	<b>82%</b>	82%	78%	80%	87%	82%	84%
^METRO staff who help customers plan their trip and purchase fares	<b>71%</b>	69%	66%	73%	71%	75%	73%

Q11c, d, & i; Q12. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Assistance Personnel Prioritization by Race/Ethnicity

(Total More of a Priority)

Assistance Personnel Priorities	All Resp.	Race/Ethnicity					
		Latinx/ Hispanics	Black/ African Americans	Whites	Asians/ Pacific Islanders	All Other Race/ Ethnicities	All People of Color
Having METRO staff who offer assistance to people with disabilities	<b>89%</b>	91%	90%	82%	83%	92%	90%
^Social workers and mental health professionals available to offer assistance to riders experiencing homelessness, mental health disabilities, and/or addictions	<b>85%</b>	84%	88%	85%	83%	92%	85%
^(After Description) Having METRO Transit Ambassadors on METRO	<b>82%</b>	83%	82%	82%	78%	81%	82%
^METRO staff who help customers plan their trip and purchase fares	<b>71%</b>	72%	73%	68%	67%	79%	72%

Q11c, d, & i; Q12. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Assistance Personnel Prioritization by Income

(Total More of a Priority)

Assistance Personnel Priorities	All Respondents	Household Income		
		<\$20,000	\$20,000-\$50,000	\$50,000+
Having METRO staff who offer assistance to people with disabilities	89%	91%	88%	90%
^Social workers and mental health professionals available to offer assistance to riders experiencing homelessness, mental health disabilities, and/or addictions	85%	83%	87%	85%
^(After Description) Having METRO Transit Ambassadors on METRO	82%	83%	80%	82%
^METRO staff who help customers plan their trip and purchase fares	71%	74%	70%	72%

Q11c, d, & i; Q12. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Assistance Personnel Prioritization by Sexual Orientation and Disability Identification

(Total More of a Priority)

Assistance Personnel Priorities	All Resp.	Sexual Orientation		Disability		
		LGBTQ+	Hetro-sexual	Abled	People with Disabilities	People with Mobility Challenges or Who Use Wheelchairs
Having METRO staff who offer assistance to people with disabilities	<b>89%</b>	92%	88%	89%	88%	89%
^Social workers and mental health professionals available to offer assistance to riders experiencing homelessness, mental health disabilities, and/or addictions	<b>85%</b>	92%	84%	86%	81%	75%
^(After Description) Having METRO Transit Ambassadors on METRO	<b>82%</b>	84%	82%	82%	83%	84%
^METRO staff who help customers plan their trip and purchase fares	<b>71%</b>	73%	70%	70%	74%	73%

Q11c, d, & i; Q12. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Assistance Personnel Prioritization by Ridership Frequency

(Total More of a Priority)

Assistance Personnel Priorities	All Respondents	Ridership Frequency		
		Daily Rider	Moderate Rider	Infrequent Rider
Having METRO staff who offer assistance to people with disabilities	89%	88%	91%	85%
^Social workers and mental health professionals available to offer assistance to riders experiencing homelessness, mental health disabilities, and/or addictions	85%	81%	87%	85%
^(After Description) Having METRO Transit Ambassadors on METRO	82%	81%	85%	79%
^METRO staff who help customers plan their trip and purchase fares	71%	72%	73%	71%

Q11c, d, & i; Q12. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Assistance Personnel Prioritization by Race/Ethnicity by Age

(Total More of a Priority)

Assistance Personnel Priorities	All Resp.	Race/Ethnicity by Age					
		Latinx/ Hispanics		Black/ African Americans		Whites	
		Ages 18-39	Ages 40+	Ages 18-39	Ages 40+	Ages 18-39	Ages 40+
Having METRO staff who offer assistance to people with disabilities	<b>89%</b>	93%	87%	92%	90%	83%	82%
^Social workers and mental health professionals available to offer assistance to riders experiencing homelessness, mental health disabilities, and/or addictions	<b>85%</b>	88%	76%	90%	87%	91%	82%
^(After Description) Having METRO Transit Ambassadors on METRO	<b>82%</b>	84%	80%	81%	83%	82%	82%
^METRO staff who help customers plan their trip and purchase fares	<b>71%</b>	71%	74%	76%	71%	67%	69%

Q11c, d, & i; Q12. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. ^Not Part of Split Sample

# Infrastructure Changes Prioritization by Gender by Age

(Total More of a Priority)

Infrastructure Changes Priorities	All Resp.	Gender by Age					
		Men			Women		
		Ages 18-29	Ages 30-49	Ages 50+	Ages 18-29	Ages 30-49	Ages 50+
More lighting at METRO stations and bus stops	<b>92%</b>	92%	90%	86%	95%	96%	95%
Emergency call buttons at METRO stations and bus stops	<b>92%</b>	94%	87%	87%	97%	92%	95%
Making stations and bus stops easier to navigate for people with wheelchairs, walkers and other mobility devices	<b>85%</b>	86%	79%	80%	93%	89%	85%
Adding restrooms to METRO rail stations	<b>72%</b>	69%	72%	81%	79%	63%	63%
Attracting more people around METRO stations with cafes, music and other activities	<b>68%</b>	73%	75%	64%	62%	73%	62%

Q11e, f, g, j & k. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. Split Sample

# Infrastructure Changes Prioritization by Race/Ethnicity

(Total More of a Priority)

Infrastructure Changes Priorities	All Resp.	Race/Ethnicity					
		Latinx/ Hispanics	Black/ African Americans	Whites	Asians/ Pacific Islanders	All Other Race/ Ethnicities	All People of Color
More lighting at METRO stations and bus stops	<b>92%</b>	92%	94%	85%	92%	98%	93%
Emergency call buttons at METRO stations and bus stops	<b>92%</b>	94%	93%	84%	92%	85%	93%
Making stations and bus stops easier to navigate for people with wheelchairs, walkers and other mobility devices	<b>85%</b>	86%	90%	73%	87%	94%	87%
Adding restrooms to METRO rail stations	<b>72%</b>	70%	80%	69%	69%	72%	72%
Attracting more people around METRO stations with cafes, music and other activities	<b>68%</b>	65%	67%	72%	78%	80%	68%

Q11e, f, g, j & k. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. Split Sample

# Infrastructure Changes Prioritization by Income

(Total More of a Priority)

Infrastructure Changes Priorities	All Respondents	Household Income		
		<\$20,000	\$20,000-\$50,000	\$50,000+
More lighting at METRO stations and bus stops	92%	91%	94%	92%
Emergency call buttons at METRO stations and bus stops	92%	92%	94%	93%
Making stations and bus stops easier to navigate for people with wheelchairs, walkers and other mobility devices	85%	85%	89%	87%
Adding restrooms to METRO rail stations	72%	77%	71%	74%
Attracting more people around METRO stations with cafes, music and other activities	68%	65%	71%	67%

**FM3** RESEARCH

Q11e, f, g, j & k. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. Split Sample

# Infrastructure Changes Prioritization by Sexual Orientation and Disability Identification

(Total More of a Priority)

Infrastructure Changes Priorities	All Resp.	Sexual Orientation		Disability		
		LGBTQ+	Hetrosexual	Abled	People with Disabilities	People with Mobility Challenges or Who Use Wheelchairs
More lighting at METRO stations and bus stops	<b>92%</b>	96%	90%	92%	90%	78%
Emergency call buttons at METRO stations and bus stops	<b>92%</b>	96%	91%	92%	92%	93%
Making stations and bus stops easier to navigate for people with wheelchairs, walkers and other mobility devices	<b>85%</b>	91%	83%	86%	83%	79%
Adding restrooms to METRO rail stations	<b>72%</b>	78%	71%	69%	85%	79%
Attracting more people around METRO stations with cafes, music and other activities	<b>68%</b>	69%	72%	67%	71%	71%

Q11e, f, g, j & k. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. Split Sample

# Infrastructure Changes Prioritization by Ridership Frequency

*(Total More of a Priority)*

Infrastructure Changes Priorities	All Respondents	Ridership Frequency		
		Daily Rider	Moderate Rider	Infrequent Rider
More lighting at METRO stations and bus stops	<b>92%</b>	89%	94%	91%
Emergency call buttons at METRO stations and bus stops	<b>92%</b>	91%	92%	93%
Making stations and bus stops easier to navigate for people with wheelchairs, walkers and other mobility devices	<b>85%</b>	84%	85%	87%
Adding restrooms to METRO rail stations	<b>72%</b>	76%	75%	68%
Attracting more people around METRO stations with cafes, music and other activities	<b>68%</b>	62%	69%	77%

Q11e, f, g, j & k. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. Split Sample

# Infrastructure Changes Prioritization by Frequency of Feeling Safe on METRO

(Total More of a Priority)

Infrastructure Changes Priorities	All Resp.	Feel Safe			
		All the Time	Most of the Time	Some of the Time	Rarely/ Never
More lighting at METRO stations and bus stops	<b>92%</b>	90%	91%	94%	89%
Emergency call buttons at METRO stations and bus stops	<b>92%</b>	84%	96%	92%	89%
Making stations and bus stops easier to navigate for people with wheelchairs, walkers and other mobility devices	<b>85%</b>	88%	85%	84%	82%
Adding restrooms to METRO rail stations	<b>72%</b>	77%	74%	65%	58%
Attracting more people around METRO stations with cafes, music and other activities	<b>68%</b>	66%	71%	67%	56%

Q11e, f, g, j & k. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. Split Sample

# Infrastructure Changes Prioritization by Race/Ethnicity by Age

(Total More of a Priority)

Infrastructure Changes Priorities	All Resp.	Race/Ethnicity by Age					
		Latinx/ Hispanics		Black/ African Americans		Whites	
		Ages 18-39	Ages 40+	Ages 18-39	Ages 40+	Ages 18-39	Ages 40+
More lighting at METRO stations and bus stops	<b>92%</b>	94%	88%	96%	93%	87%	84%
Emergency call buttons at METRO stations and bus stops	<b>92%</b>	94%	95%	96%	91%	79%	87%
Making stations and bus stops easier to navigate for people with wheelchairs, walkers and other mobility devices	<b>85%</b>	88%	81%	93%	89%	71%	74%
Adding restrooms to METRO rail stations	<b>72%</b>	72%	66%	89%	75%	66%	71%
Attracting more people around METRO stations with cafes, music and other activities	<b>68%</b>	70%	56%	63%	69%	73%	72%

Q11e, f, g, j & k. I am going to mention some ways that METRO could improve the safety and environment for its riders. Please tell me if you think METRO should make it (much more of a priority, somewhat more of a priority, somewhat less of a priority or much less of a priority; much less of a priority, somewhat less of a priority, somewhat more of a priority, or much more of a priority) compared to today. Split Sample



# **Transit Ambassadors**

# Situations Transit Ambassadors Should Address by Gender by Age

(Total Agree)

Situation	All Respondents	Gender by Age					
		Men			Women		
		Ages 18-29	Ages 30-49	Ages 50+	Ages 18-29	Ages 30-49	Ages 50+
Sexual harassment	90%	93%	88%	87%	95%	90%	88%
Sexual assault	89%	91%	86%	86%	95%	89%	89%
Racial harassment	88%	88%	92%	82%	94%	90%	84%
Someone behaving in a way that may scare or threaten other riders	88%	92%	85%	87%	91%	91%	87%
*Verbal fighting	87%	87%	85%	86%	93%	84%	89%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Gender by Age, Continued

(Total Agree)

Situation	All Respondents	Gender by Age					
		Men			Women		
		Ages 18-29	Ages 30-49	Ages 50+	Ages 18-29	Ages 30-49	Ages 50+
*Injecting or smoking illegal drugs	<b>86%</b>	86%	84%	86%	85%	87%	88%
*Physical fighting	<b>84%</b>	89%	83%	85%	86%	86%	81%
*Smoking cigarettes	<b>83%</b>	88%	83%	87%	79%	81%	86%
Playing loud music	<b>76%</b>	75%	75%	86%	70%	75%	85%
Someone whose personal odor is affecting other riders	<b>69%</b>	70%	69%	78%	59%	70%	76%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Race/Ethnicity

(Total Agree)

Situation	All Resp.	Race/Ethnicity					
		Latinx/ Hispanics	Black/ African Americans	Whites	Asians/ Pacific Islanders	All Other Race/ Ethnicities	All People of Color
Sexual harassment	<b>90%</b>	89%	89%	94%	89%	94%	90%
Sexual assault	<b>89%</b>	88%	89%	91%	88%	96%	89%
Racial harassment	<b>88%</b>	87%	89%	91%	88%	90%	88%
Someone behaving in a way that may scare or threaten other riders	<b>88%</b>	88%	86%	92%	90%	90%	88%
*Verbal fighting	<b>87%</b>	86%	86%	90%	90%	96%	87%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Race/Ethnicity, Continued

(Total Agree)

Situation	All Resp.	Race/Ethnicity					
		Latinx/ Hispanics	Black/ African Americans	Whites	Asians/ Pacific Islanders	All Other Race/ Ethnicities	All People of Color
*Injecting or smoking illegal drugs	<b>86%</b>	85%	87%	86%	86%	83%	85%
*Physical fighting	<b>84%</b>	82%	86%	89%	87%	74%	83%
*Smoking cigarettes	<b>83%</b>	83%	82%	87%	82%	82%	82%
Playing loud music	<b>76%</b>	72%	81%	80%	80%	80%	76%
Someone whose personal odor is affecting other riders	<b>69%</b>	67%	76%	66%	70%	63%	69%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Income

(Total Agree)

Situation	All Respondents	Household Income		
		<\$20,000	\$20,000-\$50,000	\$50,000+
Sexual harassment	90%	88%	92%	89%
Sexual assault	89%	87%	89%	88%
Racial harassment	88%	87%	88%	87%
Someone behaving in a way that may scare or threaten other riders	88%	87%	88%	87%
*Verbal fighting	87%	86%	86%	86%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Income, Continued

(Total Agree)

Situation	All Respondents	Household Income		
		<\$20,000	\$20,000-\$50,000	\$50,000+
*Injecting or smoking illegal drugs	86%	84%	85%	85%
*Physical fighting	84%	82%	86%	84%
*Smoking cigarettes	83%	80%	86%	83%
Playing loud music	76%	75%	76%	75%
Someone whose personal odor is affecting other riders	69%	71%	69%	70%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Sexual Orientation and Disability Identification

(Total Agree)

Situation	All Resp.	Sexual Orientation		Disability		
		LGBTQ+	Hetrosexual	Abled	People with Disabilities	People with Mobility Challenges or Who Use Wheelchairs
Sexual harassment	<b>90%</b>	91%	92%	91%	85%	83%
Sexual assault	<b>89%</b>	91%	90%	90%	84%	81%
Racial harassment	<b>88%</b>	91%	89%	89%	83%	80%
Someone behaving in a way that may scare or threaten other riders	<b>88%</b>	88%	90%	89%	82%	82%
*Verbal fighting	<b>87%</b>	86%	90%	88%	82%	81%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Sexual Orientation and Disability Identification, Continued

(Total Agree)						
Situation	All Resp.	Sexual Orientation		Disability		
		LGBTQ+	Hetrosexual	Abled	People with Disabilities	People with Mobility Challenges or Who Use Wheelchairs
*Injecting or smoking illegal drugs	86%	82%	89%	87%	83%	84%
*Physical fighting	84%	84%	85%	86%	76%	78%
*Smoking cigarettes	83%	84%	85%	84%	80%	82%
Playing loud music	76%	71%	80%	76%	77%	80%
Someone whose personal odor is affecting other riders	69%	64%	71%	69%	71%	68%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Ridership Frequency

(Total Agree)

Situation	All Respondents	Ridership Frequency		
		Daily Rider	Moderate Rider	Infrequent Rider
Sexual harassment	90%	84%	91%	92%
Sexual assault	89%	84%	89%	89%
Racial harassment	88%	82%	89%	89%
Someone behaving in a way that may scare or threaten other riders	88%	85%	88%	87%
*Verbal fighting	87%	79%	89%	89%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Ridership Frequency, Continued

(Total Agree)

Situation	All Respondents	Ridership Frequency		
		Daily Rider	Moderate Rider	Infrequent Rider
*Injecting or smoking illegal drugs	86%	79%	89%	86%
*Physical fighting	84%	85%	80%	86%
*Smoking cigarettes	83%	83%	82%	81%
Playing loud music	76%	73%	76%	74%
Someone whose personal odor is affecting other riders	69%	70%	72%	65%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Frequency of Feeling Safe on METRO

(Total Agree)

Situation	All Respondents	Feel Safe			
		All the Time	Most of the Time	Some of the Time	Rarely/ Never
Sexual harassment	90%	85%	91%	92%	92%
Sexual assault	89%	84%	90%	90%	94%
Racial harassment	88%	84%	89%	90%	87%
Someone behaving in a way that may scare or threaten other riders	88%	83%	88%	92%	91%
*Verbal fighting	87%	85%	88%	88%	89%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Frequency of Feeling Safe on METRO, Continued

(Total Agree)

Situation	All Respondents	Feel Safe			
		All the Time	Most of the Time	Some of the Time	Rarely/ Never
*Injecting or smoking illegal drugs	<b>86%</b>	83%	86%	86%	94%
*Physical fighting	<b>84%</b>	78%	83%	89%	84%
*Smoking cigarettes	<b>83%</b>	81%	81%	88%	83%
Playing loud music	<b>76%</b>	76%	75%	77%	80%
Someone whose personal odor is affecting other riders	<b>69%</b>	68%	67%	72%	76%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Race/Ethnicity by Age

(Total Agree)

Situation	All Respondents	Race/Ethnicity by Age					
		Latinx/Hispanics		Black/African Americans		Whites	
		Ages 18-39	Ages 40+	Ages 18-39	Ages 40+	Ages 18-39	Ages 40+
Sexual harassment	90%	93%	83%	88%	89%	95%	93%
Sexual assault	89%	91%	82%	90%	88%	94%	89%
Racial harassment	88%	90%	80%	93%	86%	96%	89%
Someone behaving in a way that may scare or threaten other riders	88%	90%	83%	85%	87%	91%	92%
*Verbal fighting	87%	87%	83%	81%	89%	89%	90%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Situations Transit Ambassadors Should Address by Race/Ethnicity by Age, Continued

(Total Agree)

Situation	All Respondents	Race/Ethnicity by Age					
		Latinx/Hispanics		Black/African Americans		Whites	
		Ages 18-39	Ages 40+	Ages 18-39	Ages 40+	Ages 18-39	Ages 40+
*Injecting or smoking illegal drugs	<b>86%</b>	87%	81%	79%	92%	83%	88%
*Physical fighting	<b>84%</b>	86%	75%	91%	82%	91%	87%
*Smoking cigarettes	<b>83%</b>	85%	78%	78%	85%	81%	90%
Playing loud music	<b>76%</b>	71%	76%	69%	89%	63%	88%
Someone whose personal odor is affecting other riders	<b>69%</b>	66%	71%	69%	81%	50%	75%

Q13. I am now going to mention a series of situations that METRO Transit Ambassadors may come across. Please tell me if you (strongly agree, somewhat agree, somewhat disagree or strongly disagree) (strongly disagree, somewhat disagree, somewhat agree or strongly agree) that METRO Transit Ambassadors should address the situation if they come across it. \*Split Sample

# Ambassador Tools by Gender by Age

(Total Favor)

Tool	All Resp.	Gender by Age					
		Men			Women		
		Ages 18-29	Ages 30-49	Ages 50+	Ages 18-29	Ages 30-49	Ages 50+
A 2-way radio or walkie-talkie	<b>91%</b>	95%	91%	93%	94%	80%	90%
Caution tape to seal off unsafe areas	<b>91%</b>	94%	89%	92%	94%	91%	90%
Gloves and trash bags	<b>90%</b>	95%	88%	89%	94%	82%	87%
A nasal spray which can be given to reverse the effects of an opioid overdose	<b>83%</b>	92%	84%	81%	86%	76%	79%
Pepper spray	<b>77%</b>	82%	69%	79%	82%	77%	81%

# Ambassador Tools by Gender by Age, Continued

(Total Favor)

Tool	All Respondents	Gender by Age					
		Men			Women		
		Ages 18-29	Ages 30-49	Ages 50+	Ages 18-29	Ages 30-49	Ages 50+
A taser	66%	71%	68%	68%	67%	61%	62%
A nightstick	62%	74%	58%	66%	60%	54%	57%
A handgun	32%	33%	26%	41%	26%	38%	35%

# Ambassador Tools by Race/Ethnicity

(Total Favor)

Tool	All Resp.	Race/Ethnicity					
		Latinx/ Hispanics	Black/ African Americans	Whites	Asians/ Pacific Islanders	All Other Race/ Ethnicities	All People of Color
A 2-way radio or walkie-talkie	<b>91%</b>	91%	89%	93%	95%	87%	91%
Caution tape to seal off unsafe areas	<b>91%</b>	93%	89%	92%	82%	96%	91%
Gloves and trash bags	<b>90%</b>	92%	84%	88%	93%	78%	90%
A nasal spray which can be given to reverse the effects of an opioid overdose	<b>83%</b>	85%	78%	86%	76%	74%	82%
Pepper spray	<b>77%</b>	81%	73%	74%	75%	72%	78%

# Ambassador Tools by Race/Ethnicity, Continued

(Total Favor)

Tool	All Respondents	Race/Ethnicity					
		Latinx/Hispanics	Black/African Americans	Whites	Asians/Pacific Islanders	All Other Race/Ethnicities	All People of Color
A taser	66%	71%	62%	57%	62%	71%	68%
A nightstick	62%	70%	51%	50%	70%	32%	64%
A handgun	32%	36%	31%	29%	25%	18%	32%

# Ambassador Tools by Race/Ethnicity by Age

(Total Favor)

Tool	All Resp.	Race/Ethnicity by Age					
		Latinx/ Hispanics		Black/ African Americans		Whites	
		Ages 18-39	Ages 40+	Ages 18-39	Ages 40+	Ages 18-39	Ages 40+
A 2-way radio or walkie-talkie	<b>91%</b>	91%	91%	93%	86%	87%	95%
Caution tape to seal off unsafe areas	<b>91%</b>	94%	91%	88%	90%	89%	94%
Gloves and trash bags	<b>90%</b>	92%	93%	93%	78%	82%	92%
A nasal spray which can be given to reverse the effects of an opioid overdose	<b>83%</b>	87%	81%	76%	79%	93%	83%
Pepper spray	<b>77%</b>	81%	80%	71%	74%	63%	80%

# Ambassador Tools by Race/Ethnicity by Age, Continued

(Total Favor)

Tool	All Respondents	Race/Ethnicity by Age					
		Latinx/ Hispanics		Black/ African Americans		Whites	
		Ages 18-39	Ages 40+	Ages 18-39	Ages 40+	Ages 18-39	Ages 40+
A taser	66%	73%	67%	61%	63%	51%	61%
A nightstick	62%	70%	69%	50%	51%	37%	58%
A handgun	32%	31%	46%	27%	33%	10%	39%

# Ambassador Tools by Household Income

(Total Favor)

Tool	All Respondents	Household Income		
		<\$20,000	\$20,000-\$50,000	\$50,000+
A 2-way radio or walkie-talkie	91%	84%	96%	89%
Caution tape to seal off unsafe areas	91%	91%	90%	91%
Gloves and trash bags	90%	87%	91%	89%
A nasal spray which can be given to reverse the effects of an opioid overdose	83%	80%	84%	82%
Pepper spray	77%	77%	78%	77%

# Ambassador Tools by Household Income, Continued

(Total Favor)

Tool	All Respondents	Household Income		
		<\$20,000	\$20,000-\$50,000	\$50,000+
A taser	66%	65%	71%	68%
A nightstick	62%	62%	64%	63%
A handgun	32%	31%	35%	32%

# Ambassador Tools by Sexual Orientation and Disability Identification

(Total Favor)

Tool	All Resp.	Sexual Orientation		Disability		
		LGBTQ+	Hetrosexual	Abled	People with Disabilities	People with Mobility Challenges or Who Use Wheelchairs
A 2-way radio or walkie-talkie	91%	95%	91%	92%	88%	94%
Caution tape to seal off unsafe areas	91%	93%	94%	92%	89%	89%
Gloves and trash bags	90%	92%	90%	89%	92%	97%
A nasal spray which can be given to reverse the effects of an opioid overdose	83%	90%	83%	83%	81%	78%
Pepper spray	77%	73%	81%	78%	77%	82%

# Ambassador Tools by Sexual Orientation and Disability Identification, Continued

(Total Favor)

Tool	All Respondents	Sexual Orientation		Disability		
		LGBTQ+	Hetrosexual	Abled	People with Disabilities	People with Mobility Challenges or Who Use Wheelchairs
A taser	66%	66%	68%	67%	62%	82%
A nightstick	62%	55%	65%	64%	54%	73%
A handgun	32%	22%	35%	31%	36%	31%

# Ambassador Tools by Ridership Frequency

(Total Favor)

Tool	All Respondents	Ridership Frequency		
		Daily Rider	Moderate Rider	Infrequent Rider
A 2-way radio or walkie-talkie	91%	89%	88%	94%
Caution tape to seal off unsafe areas	91%	89%	93%	89%
Gloves and trash bags	90%	92%	86%	90%
A nasal spray which can be given to reverse the effects of an opioid overdose	83%	77%	81%	86%
Pepper spray	77%	77%	75%	77%

# Ambassador Tools by Ridership Frequency, Continued

(Total Favor)

Tool	All Respondents	Ridership Frequency		
		Daily Rider	Moderate Rider	Infrequent Rider
A taser	66%	71%	68%	66%
A nightstick	62%	68%	60%	63%
A handgun	32%	37%	31%	32%

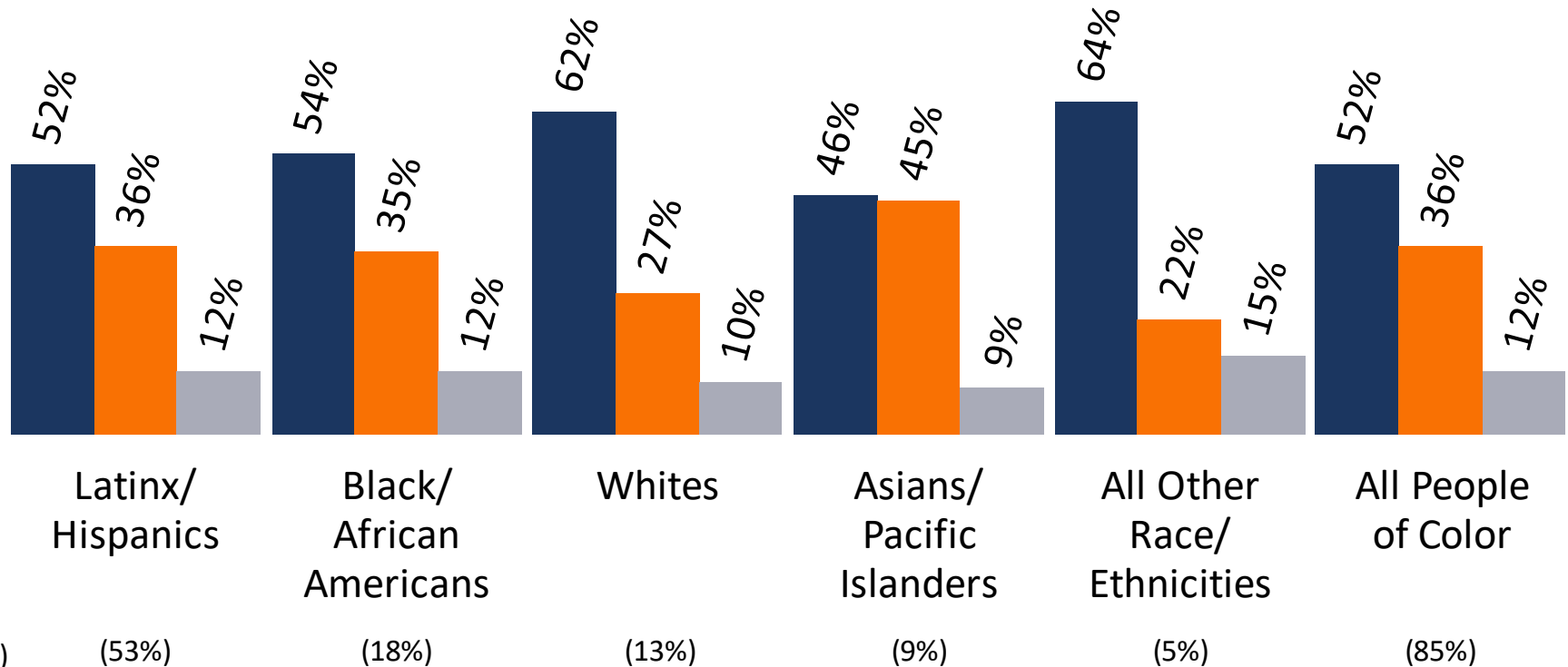


# **Preferred Approach on Riders Experiencing Homelessness**

# Approach on Riders Experiencing Homelessness by Race/Ethnicity

By Race/Ethnicity

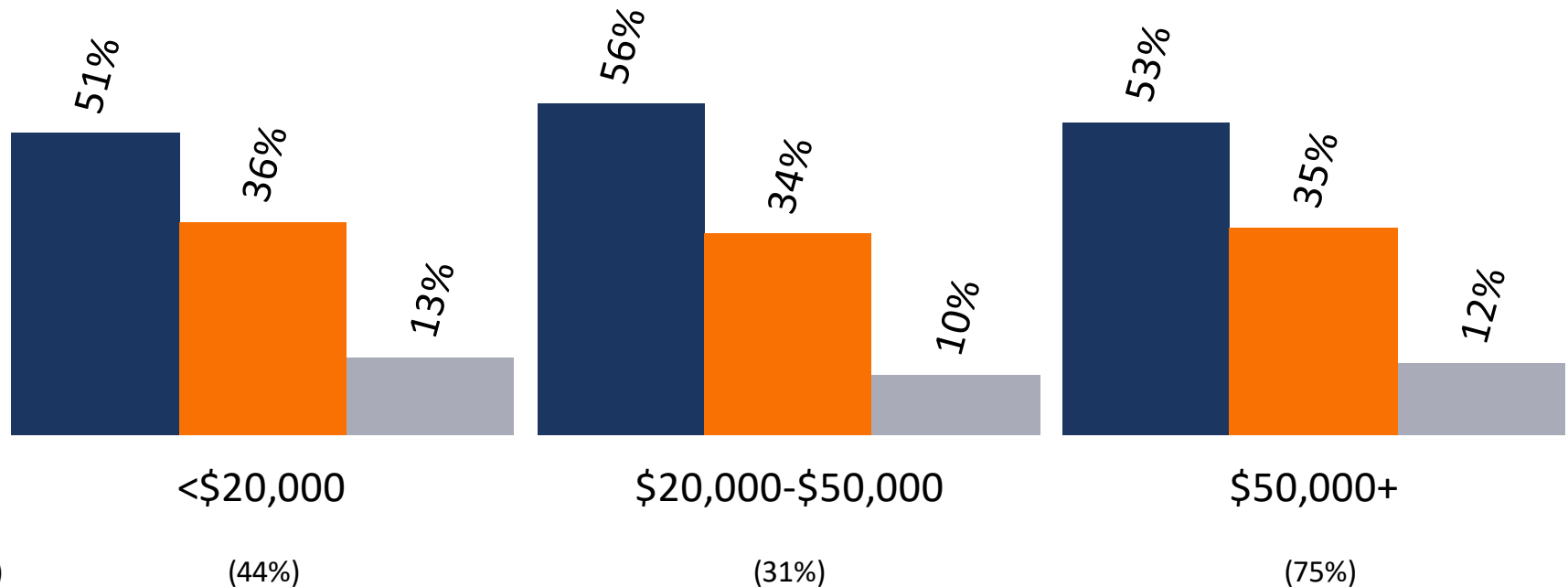
■ Allow Homeless to Ride Buses/Trains ■ Get Tougher About Removing the Homeless ■ Don't Know



# Approach on Riders Experiencing Homelessness by Income

*By Household Income*

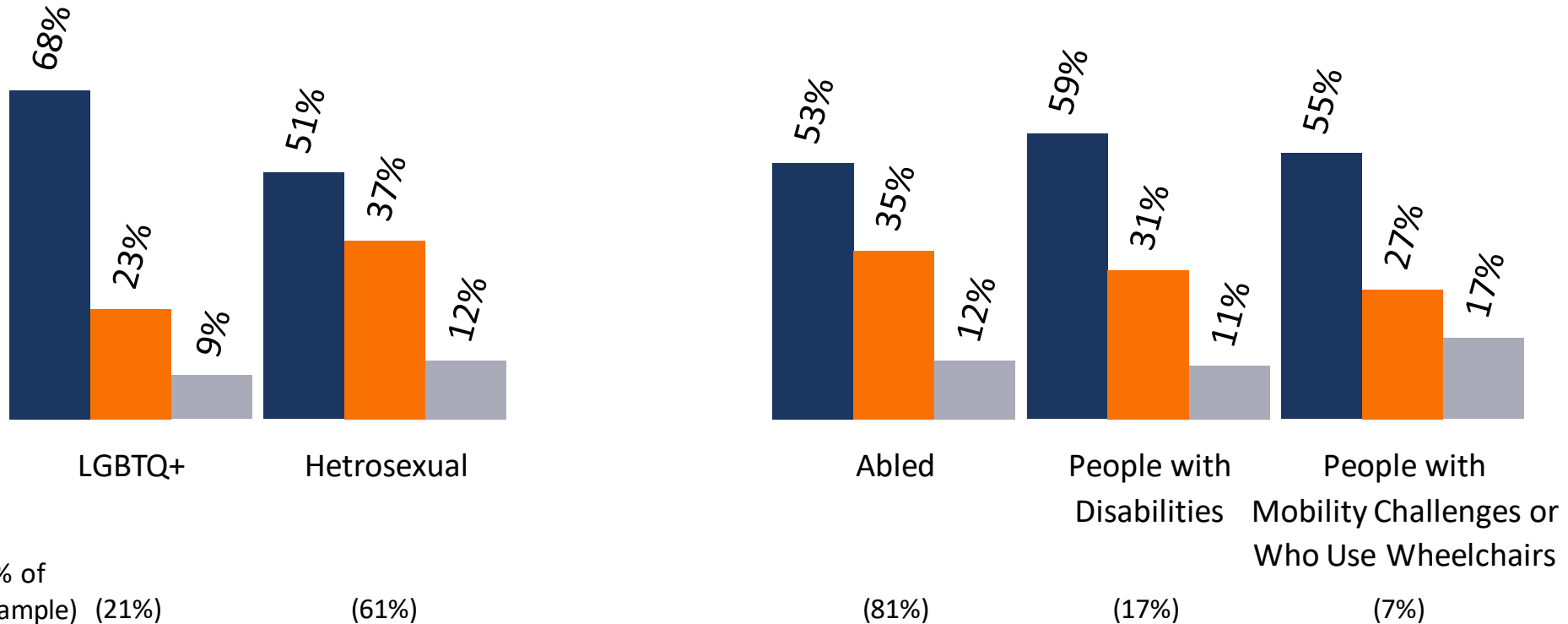
■ Allow Homeless to Ride Buses/Trains ■ Get Tougher About Removing the Homeless ■ Don't Know



# Approach on Riders Experiencing Homelessness by Sexual Orientation and Disability Identification

*By Sexual Orientation & Disability*

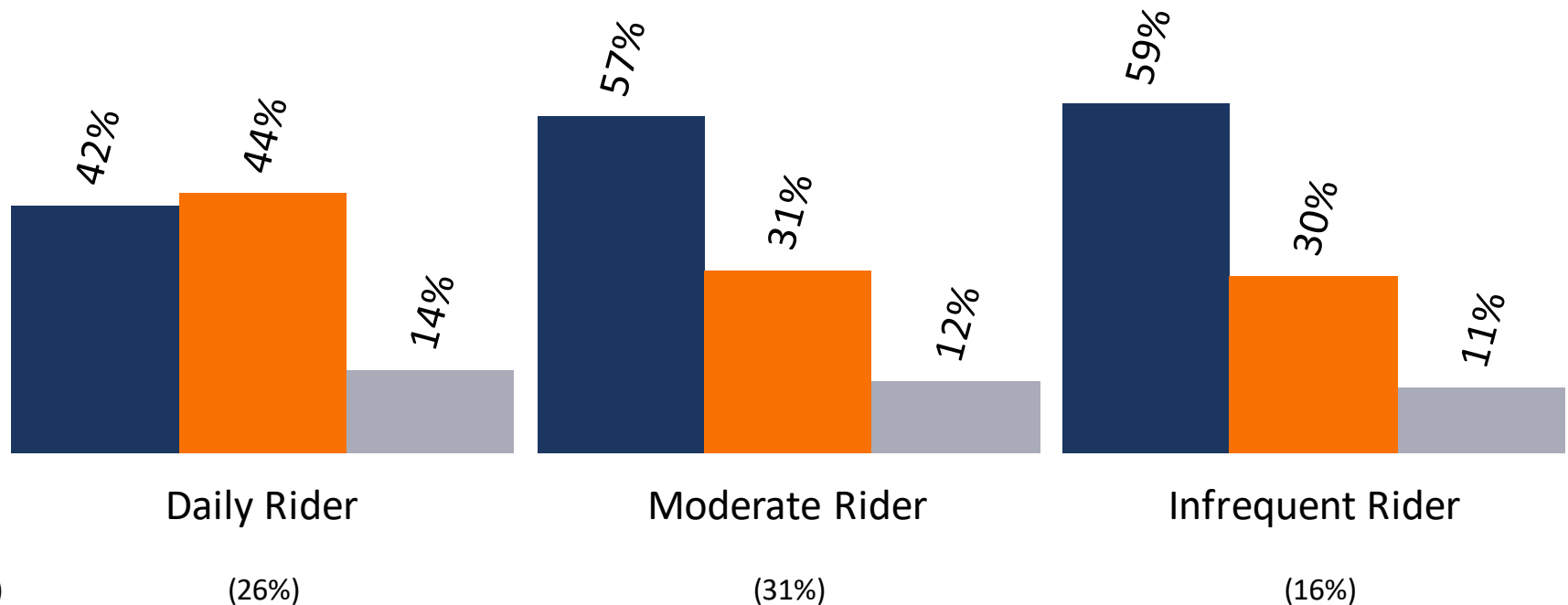
■ Allow Homeless to Ride Buses/Trains ■ Get Tougher About Removing the Homeless ■ Don't Know



# Approach on Riders Experiencing Homelessness by Ridership Frequency

*By Ridership Frequency*

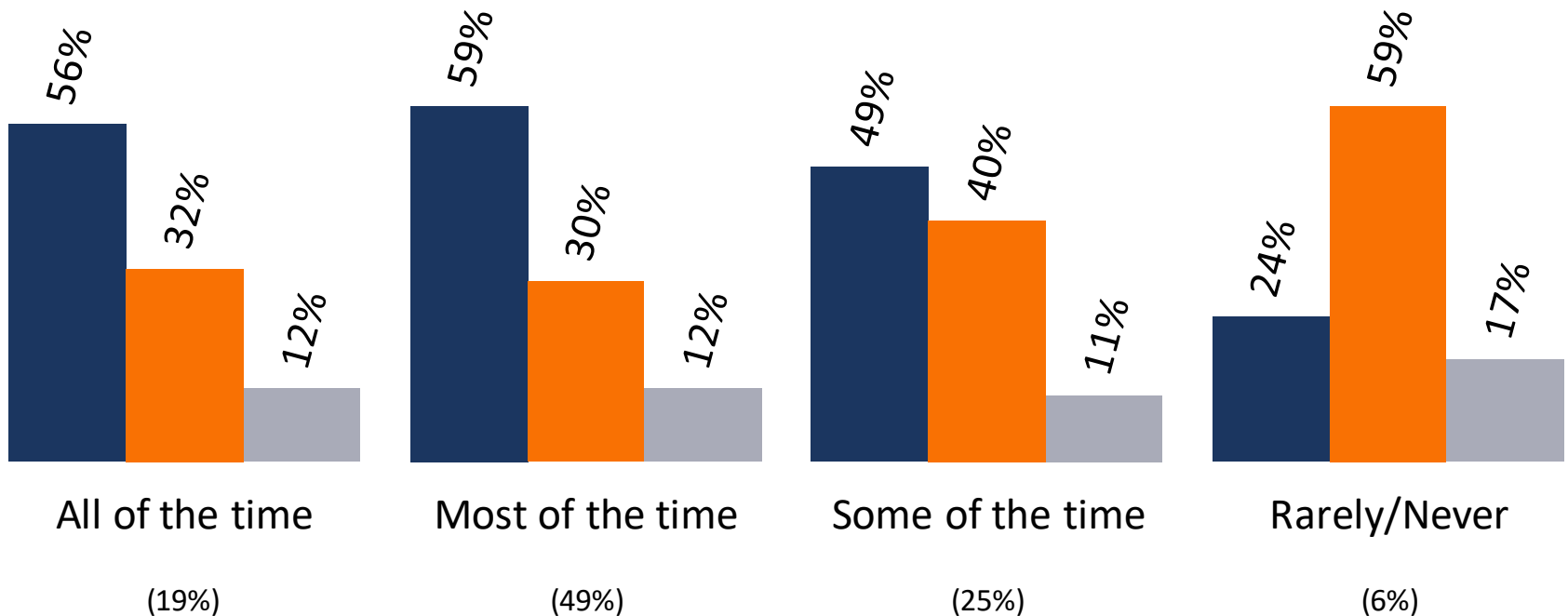
■ Allow Homeless to Ride Buses/Trains ■ Get Tougher About Removing the Homeless ■ Don't Know



# Approach on Riders Experiencing Homelessness by Frequency of Feeling Safe on METRO

*By Feel Safe*

■ Allow Homeless to Ride Buses/Trains ■ Get Tougher About Removing the Homeless ■ Don't Know





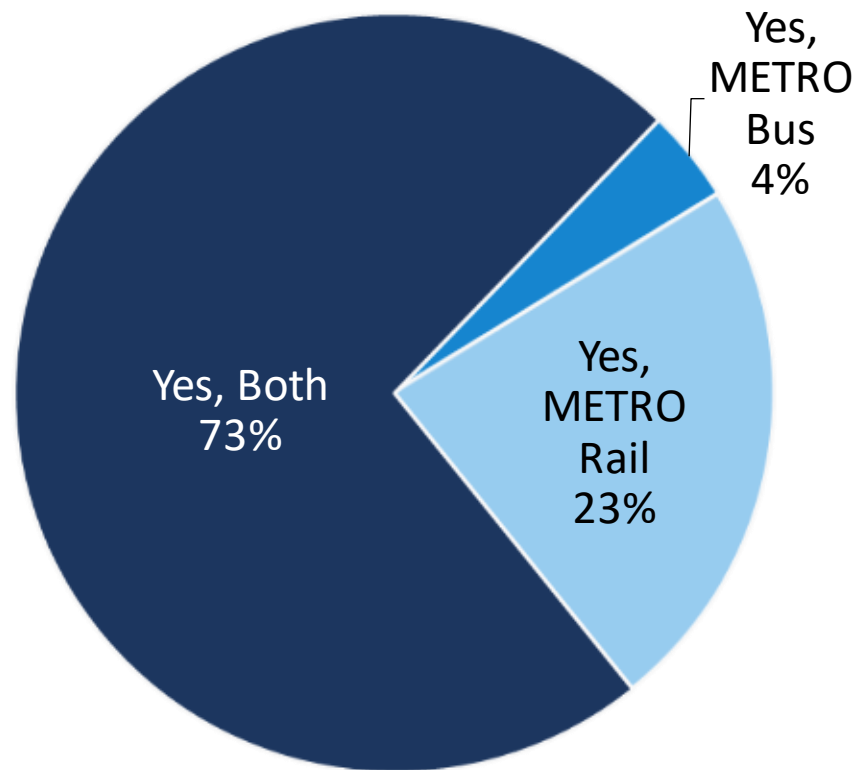
# **Appendix B - Survey of People Experiencing Homelessness on METRO**



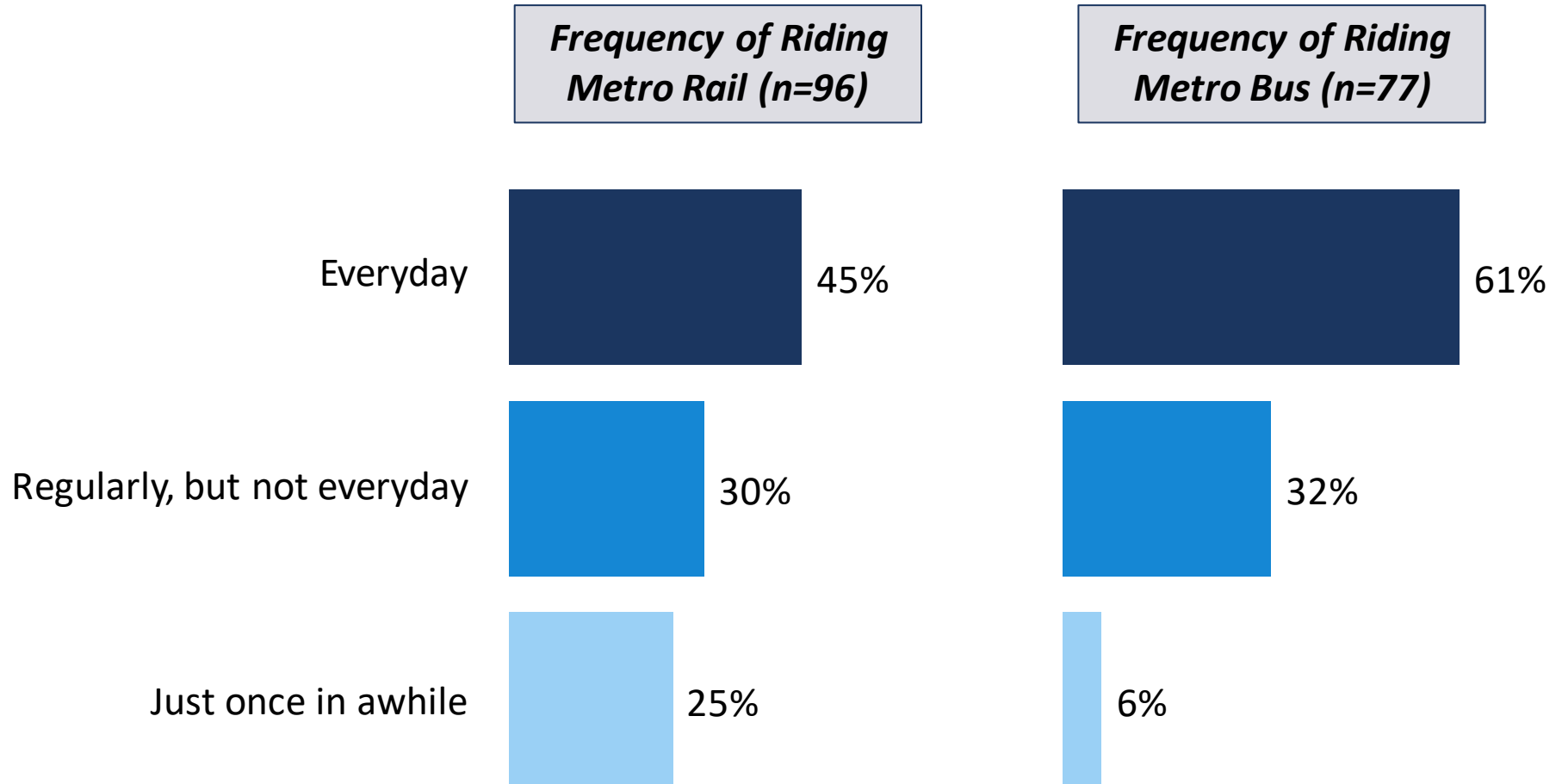
# Metro Use

# Almost three-quarters ride both Metro Rail and Bus.

*Within the last few months, have you ridden on a METRO Bus or METRO Rail or both?*

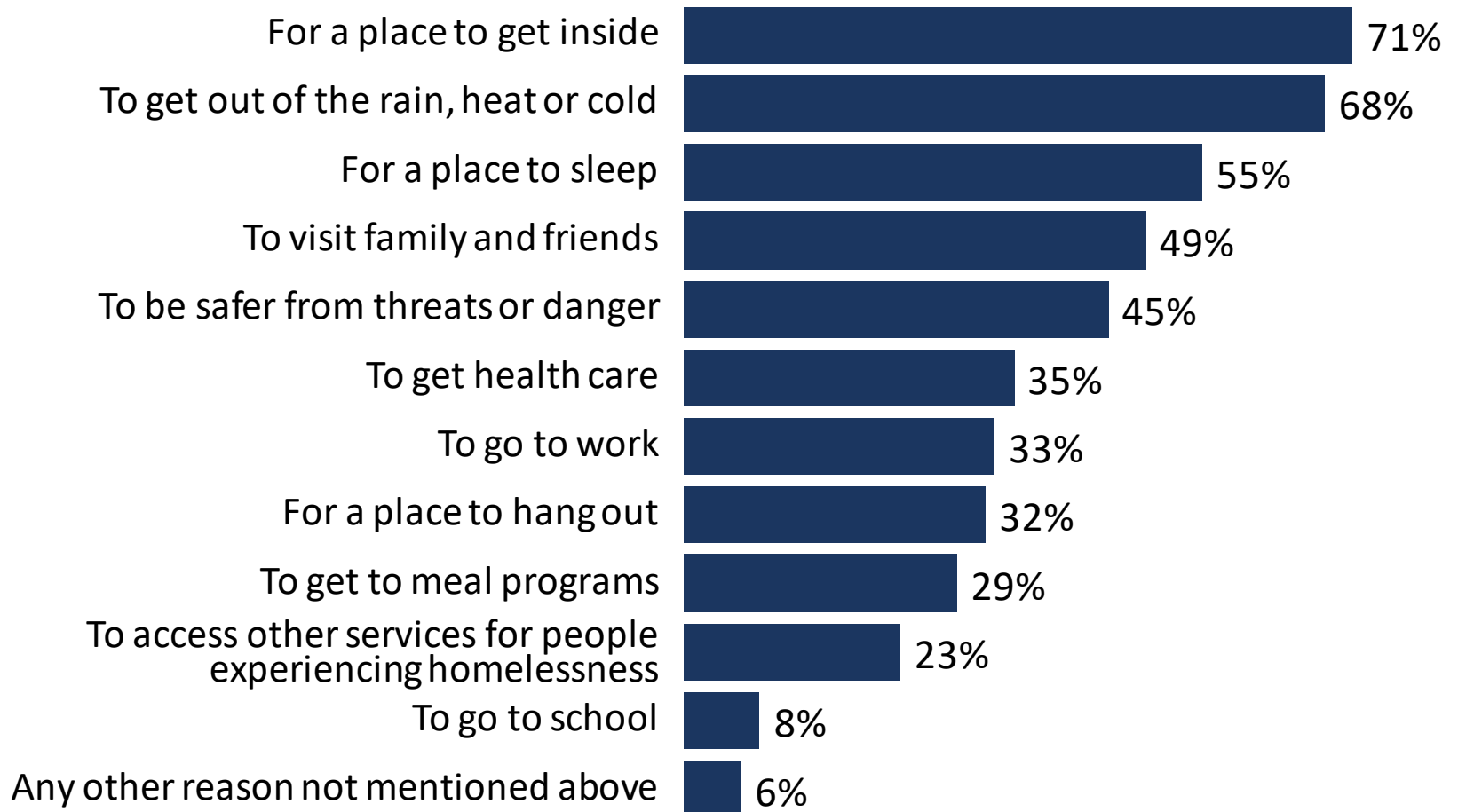


# Most ride Metro regularly



# For a place to get inside; to get out of the rain, heat or cold; a place to sleep; and to go and visit friends are among the leading reasons to have ridden Metro in recent months.

*What are the top reasons you have ridden METRO in recent months?  
(Open-ended; Ranked by Most Frequent Responses; Multiple Responses Accepted)*



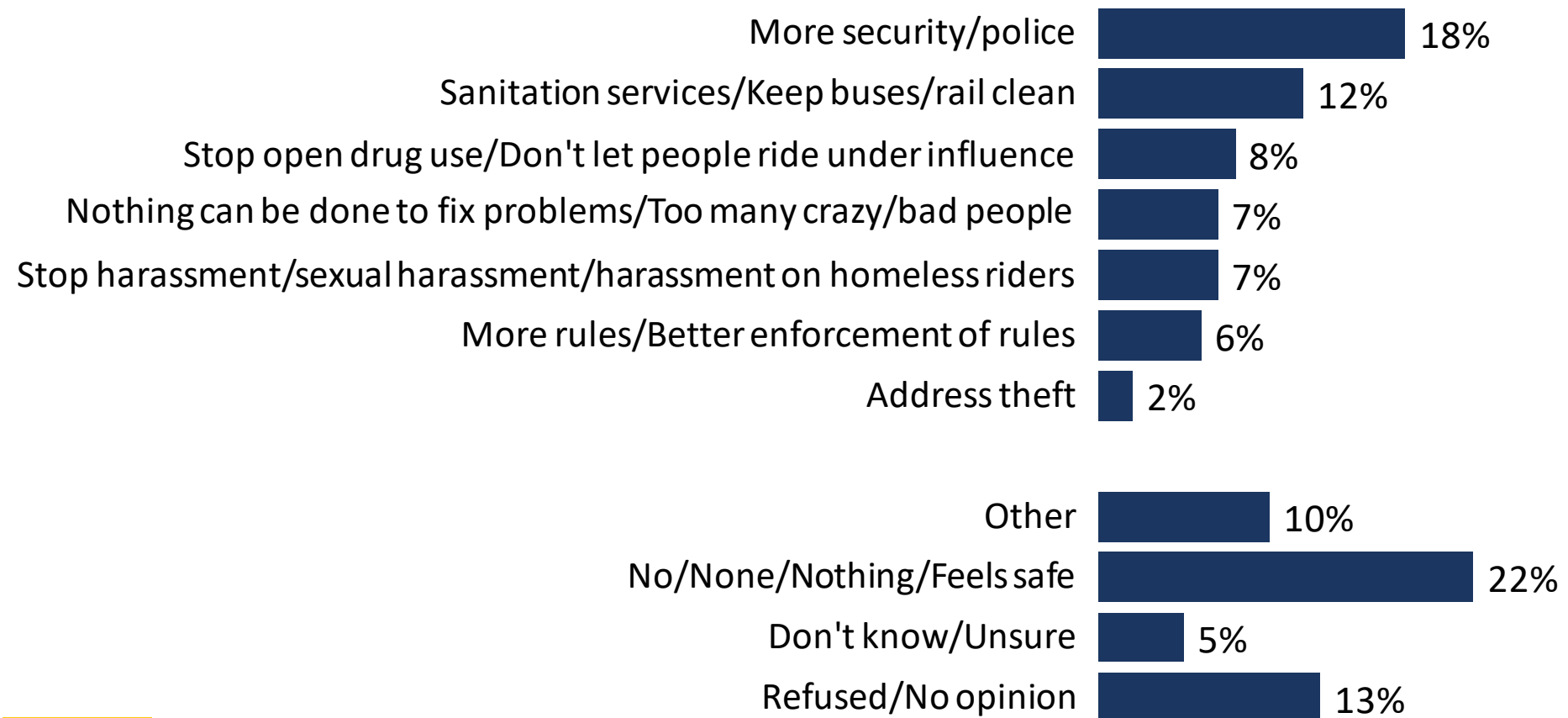


# **Perceptions of Safety**

# More security/police and ensuring clean buses and rail were among the leading volunteered response to what Metro could do to make things feel safer.

*What would be the one thing METRO could do that would do the most to make you feel safer when using METRO?*

*(Open-ended; Multiple Responses Accepted)*

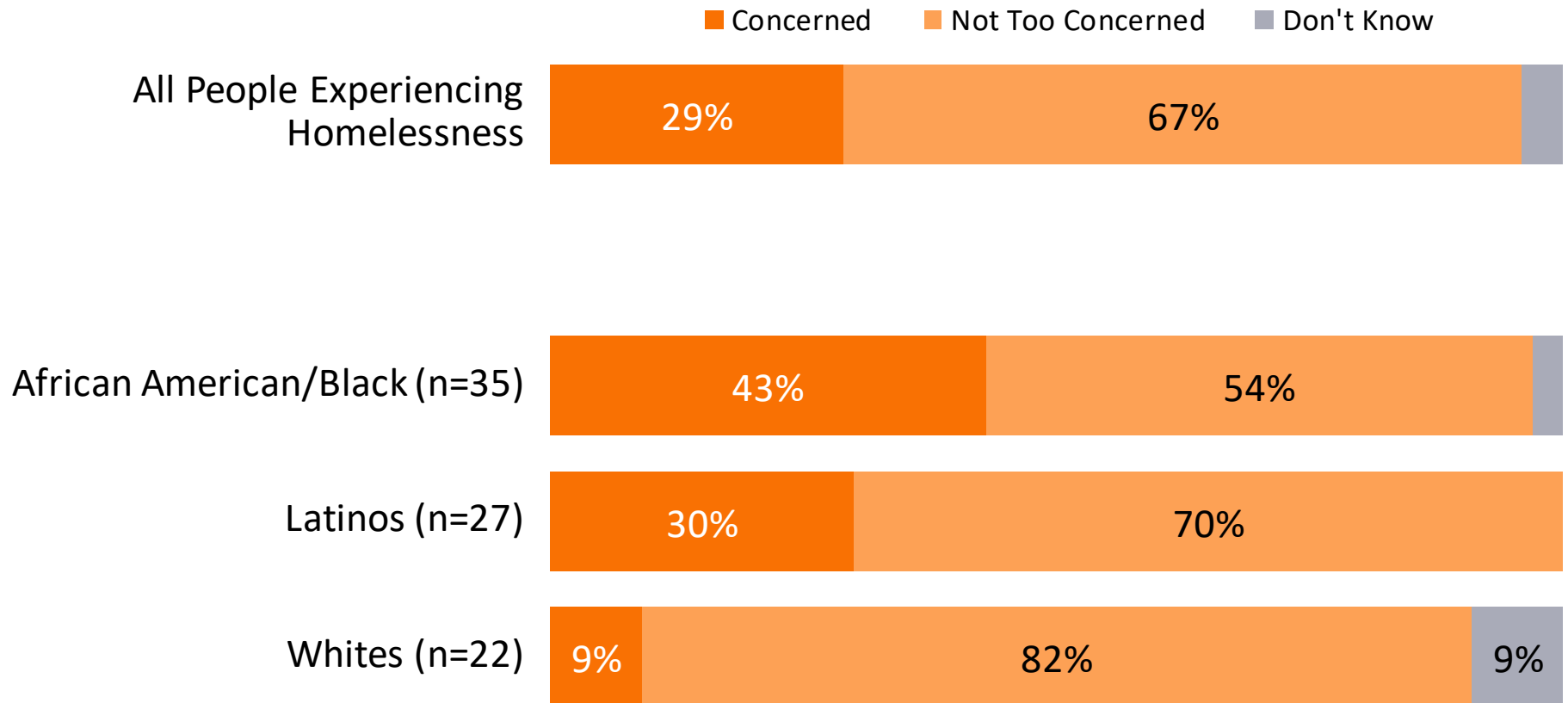




# **Reported Experiences and Perceptions While Riding Metro**

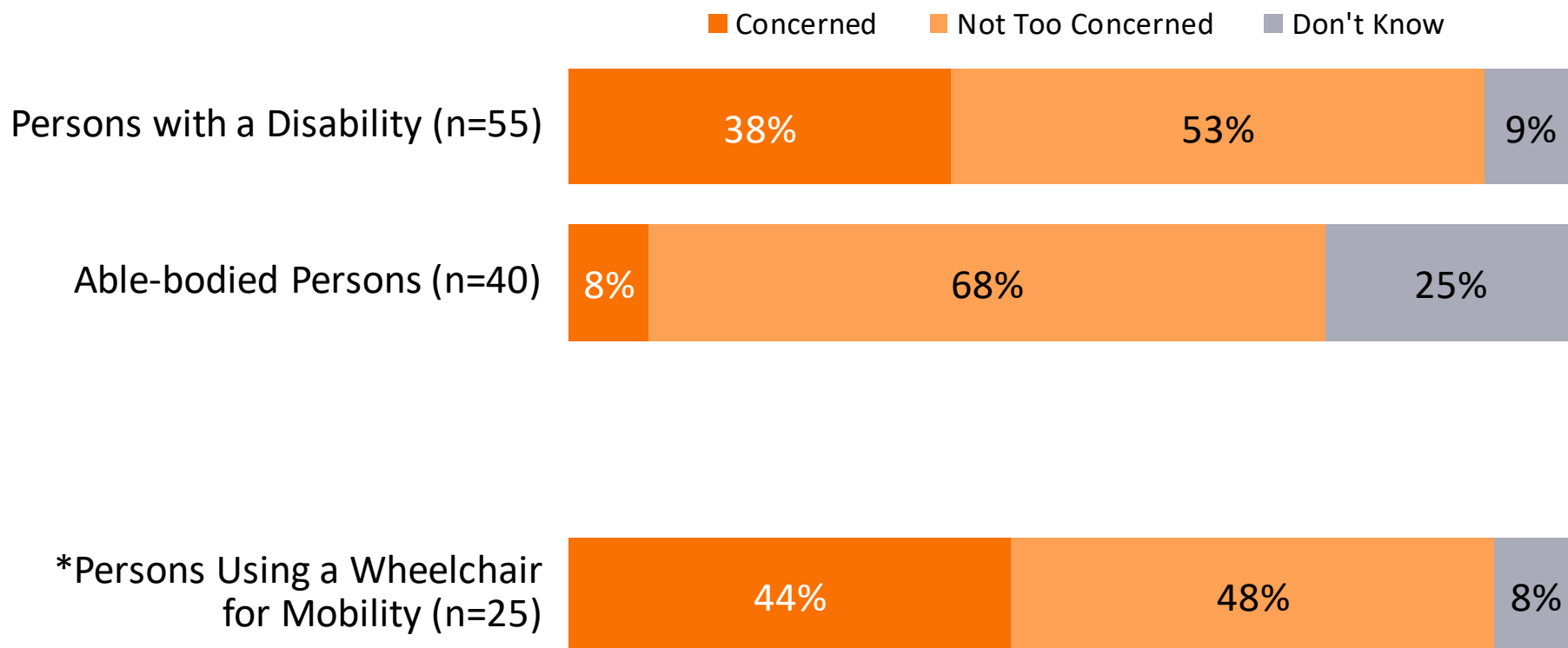
# Almost three-in-ten are concerned about being discriminated because of race crime on a METRO Bus or Rail or at a METRO station or a stop; however, more than four-in-ten African-Americans reported they were concerned.

*Being Discriminated Against Because of Your Race by Race/Ethnicity*



# Roughly four-in-ten persons with a disability said they were concerned about being discriminated against because they have a disability on a METRO Bus or Rail or at a METRO station or a stop.

*Being Discriminated Against Because You Have a Disability by Disability Identification*

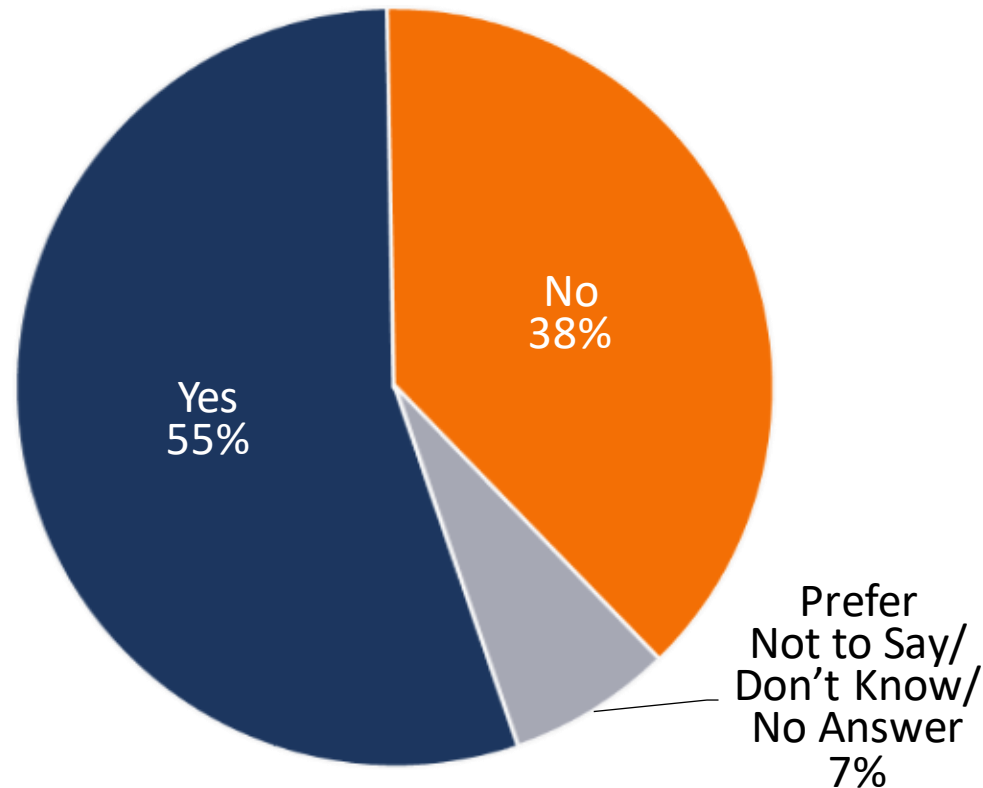




# **Experience with Homeless Outreach Worker When Riding METRO**

# Slightly more than half the respondents said they had any interactions with homeless outreach workers.

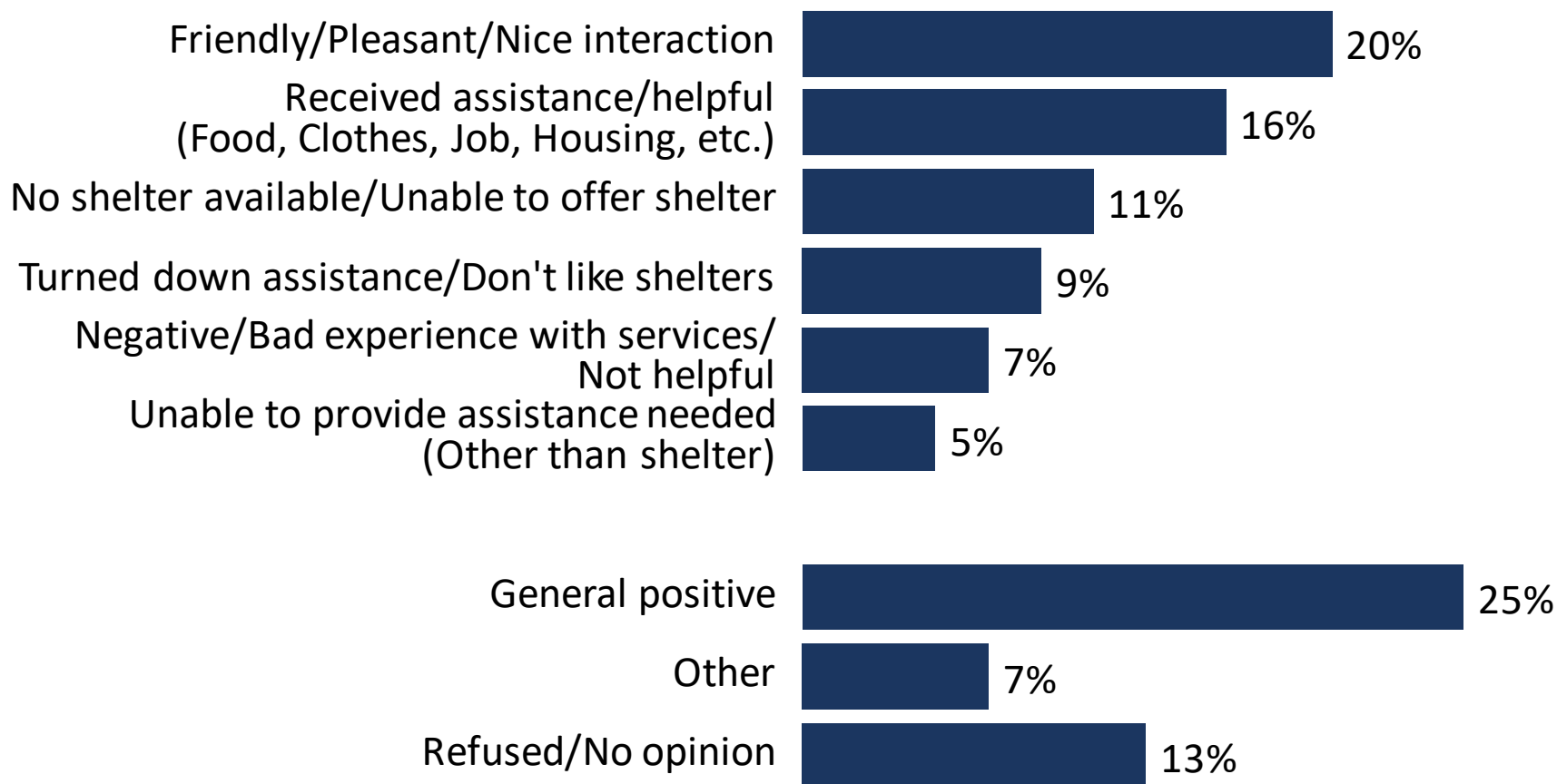
*When riding METRO or at a METRO station or bus stop, have you had any interaction with homeless outreach workers?*



# About one-third reported that their most recent interaction with homeless outreach workers was well received, but for some shelter was not available.

*How was your most recent interaction with homeless outreach workers?*

*(Grouped Open-ended Responses; Asked Only of Those Who Had Interactions With Outreach Workers; n=55)*



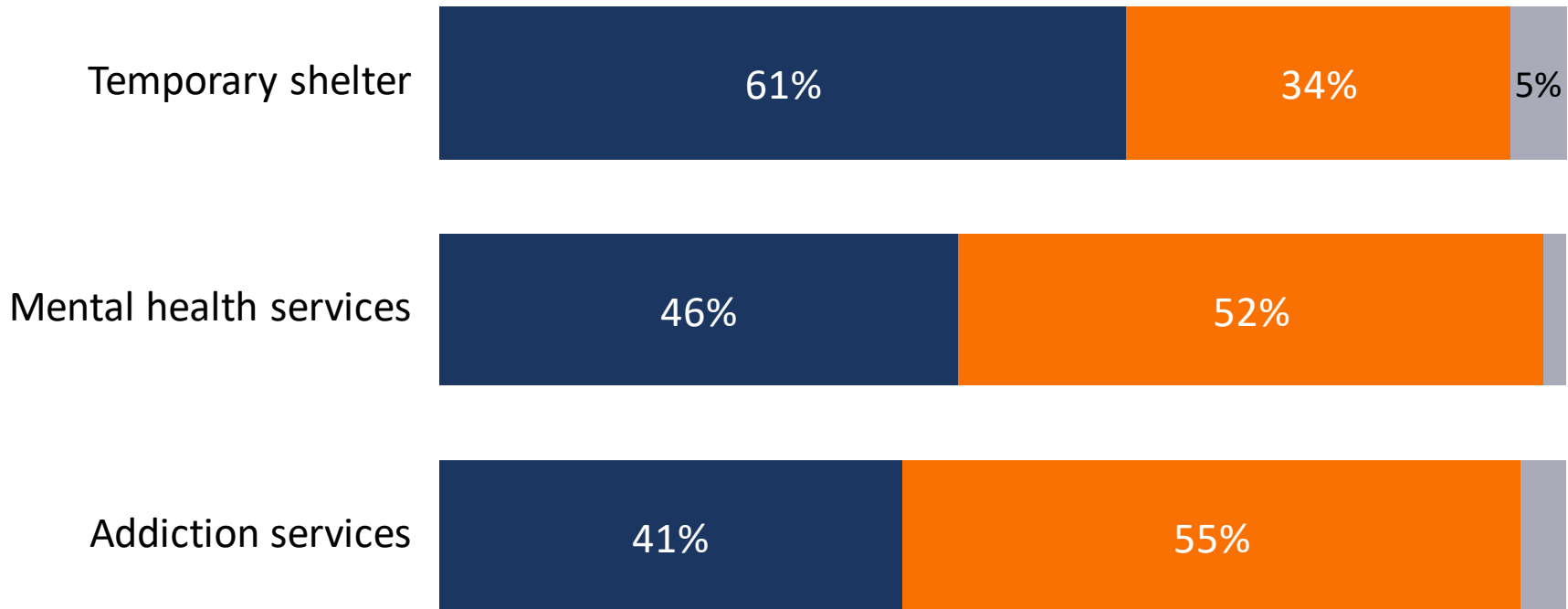


# **Perceived Future Priorities for Metro**

# A majority reported they would be likely to use temporary shelter if it were offered in the future and sizable percentages said they would use mental health and addiction services.

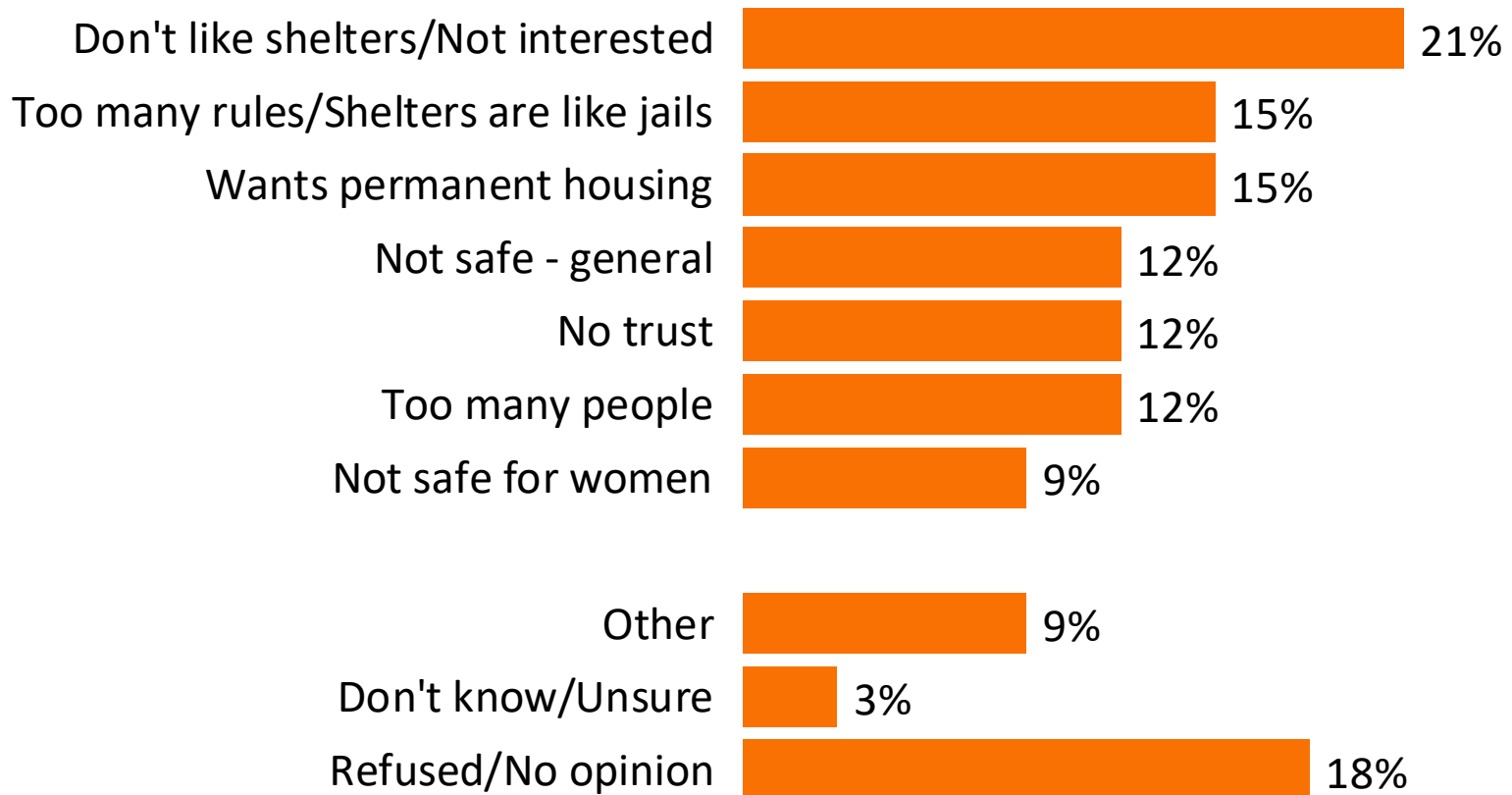
*(Ranked by Yes)*

■ Yes ■ No ■ Don't Know



# Not liking shelters for various reasons or wanting permanent housing are top volunteered reasons why some will not accept temporary shelter.

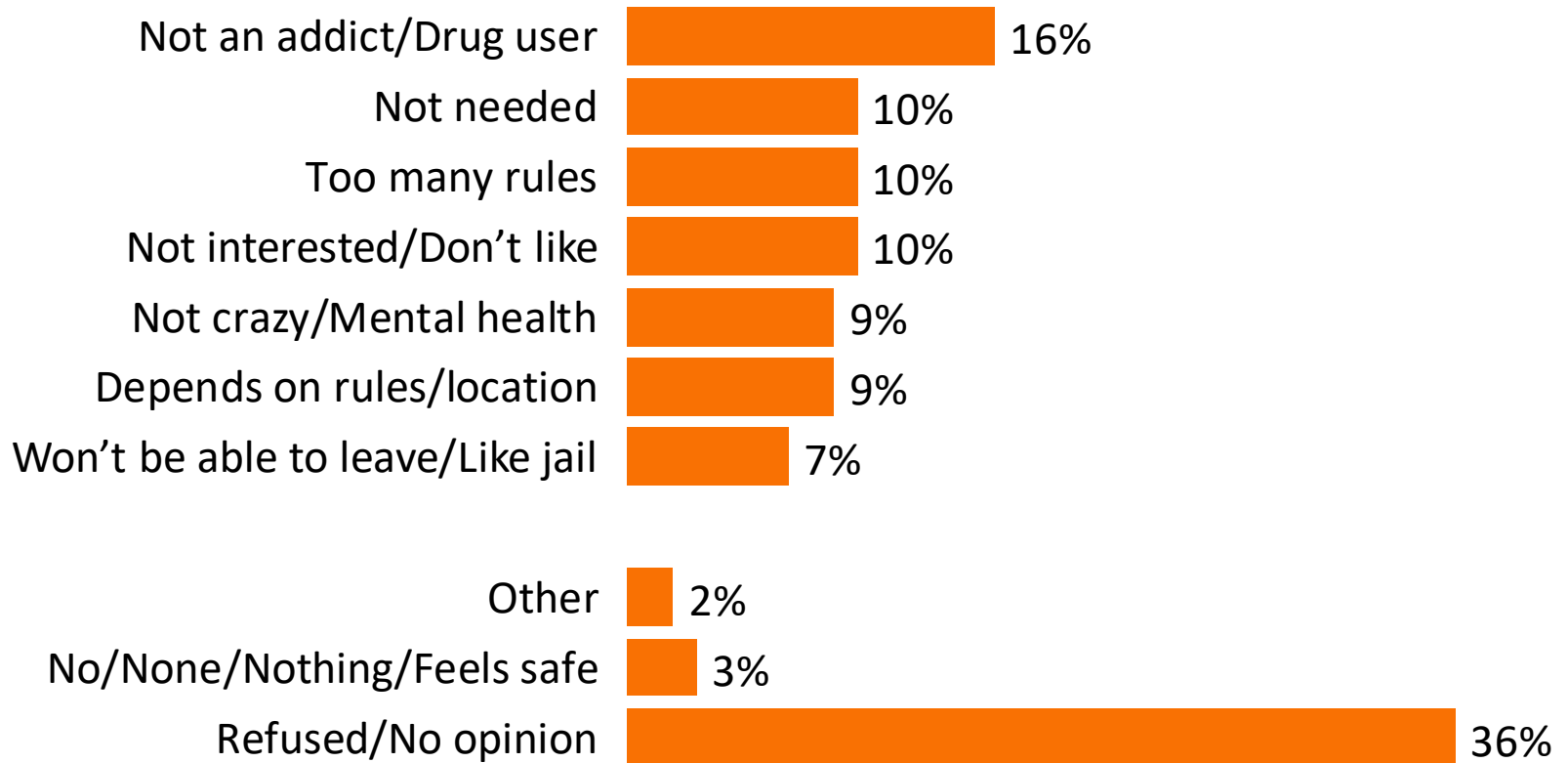
*Why would you not be likely to use a shelter and bed offered to you by METRO?  
(Open-ended; Asked Only of Those Who Would Not Accept Temporary Shelter; n=34)*



# Does not identify as an addict or drug user, or not considered needed are among the leading volunteered reasons to not likely to accept mental health or addiction services

*Why would you not be likely to use the service?*

*(Open-ended; Asked Only of Those Who Would Not Accept Mental Health or Addiction Services; n=58)*

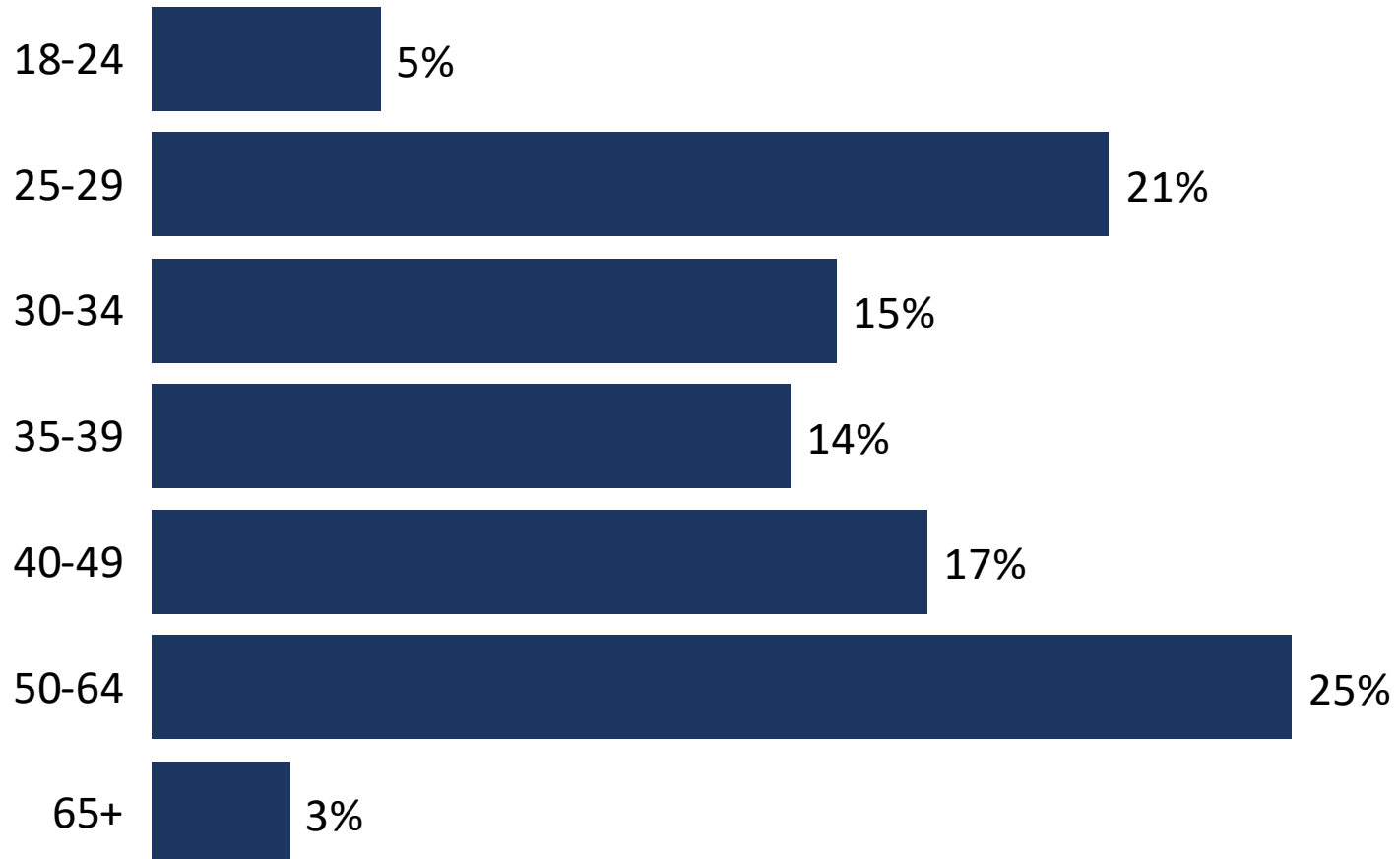




# Demographics

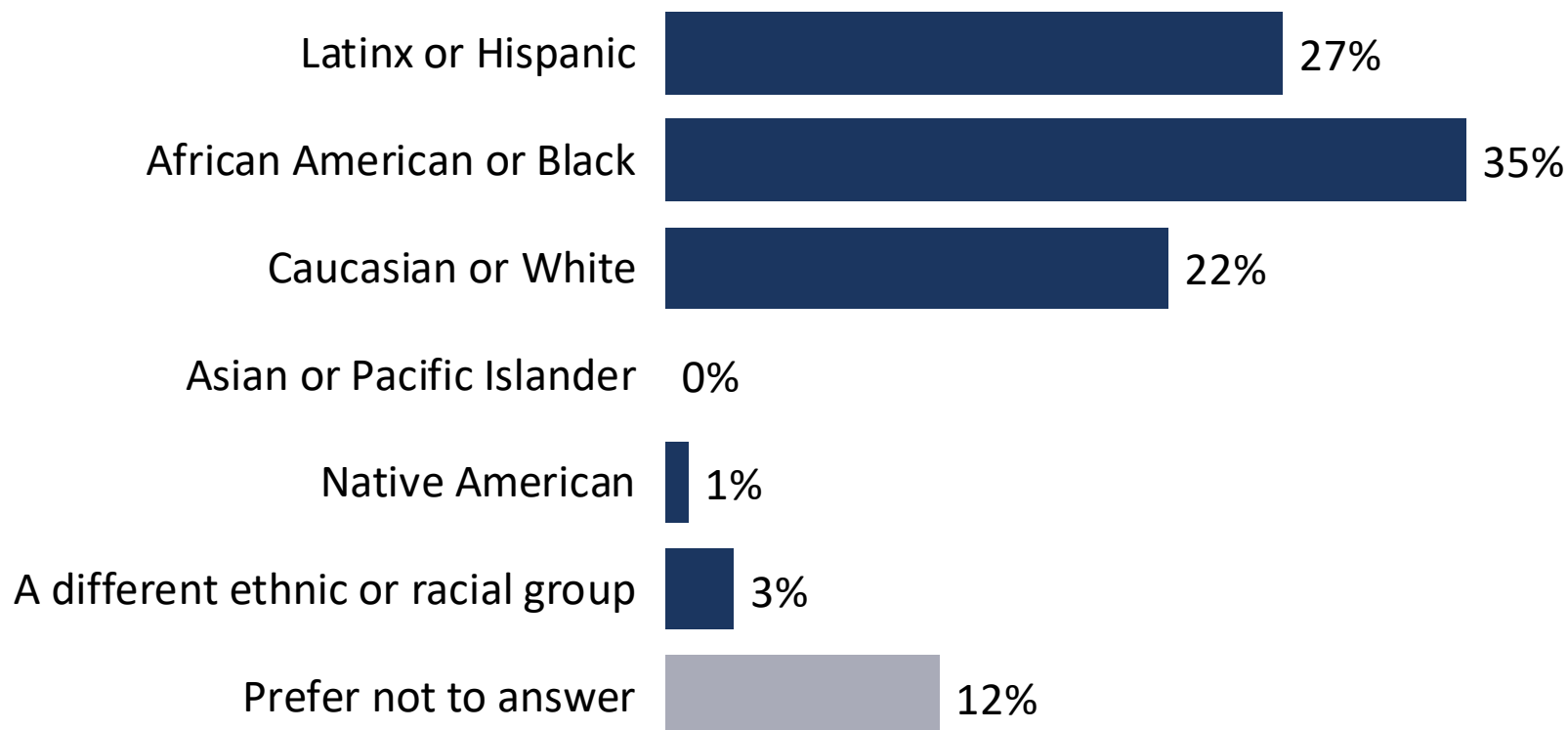
# The majority of respondents are under age 40.

*What is your age?*

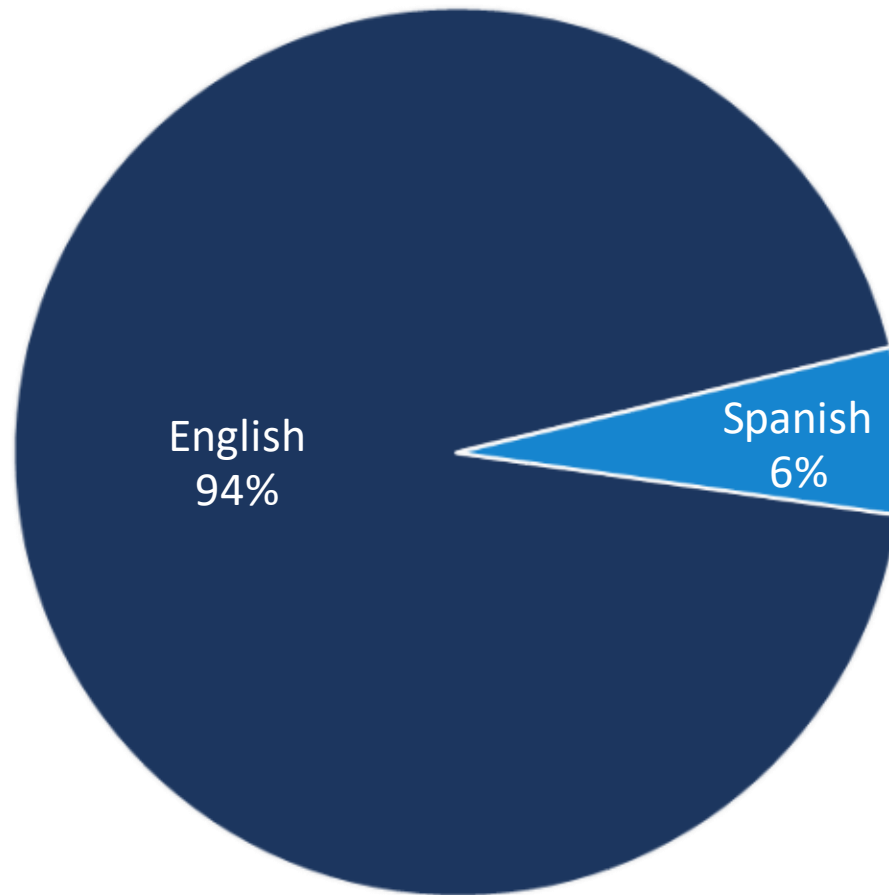


# 62% of respondents identify as Latinx/Hispanic or Black/African American

*Which of the following categories best describes the ethnic or racial group with which you identify yourself?*

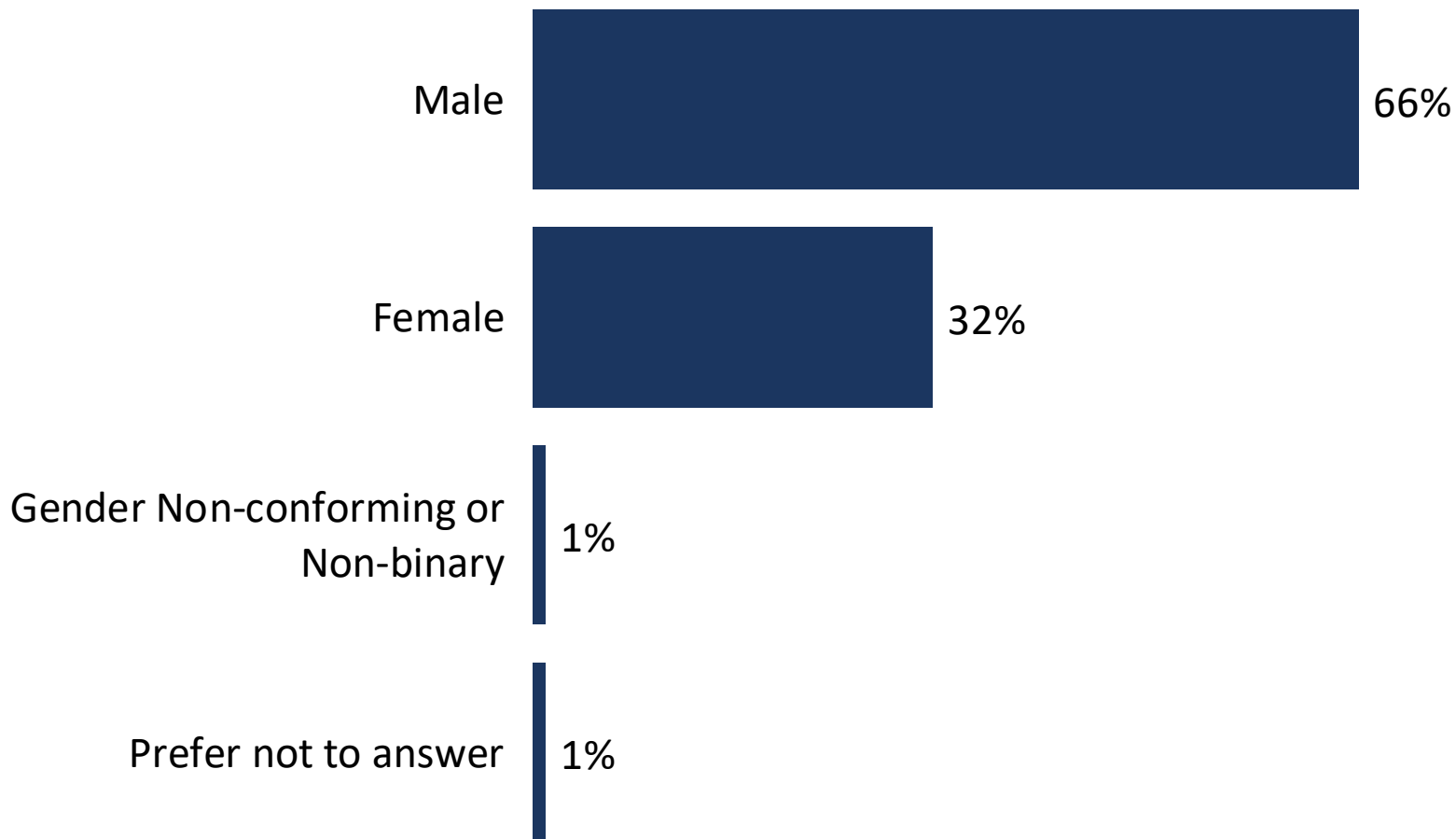


# Six percent of respondents choose to complete the survey in Spanish.



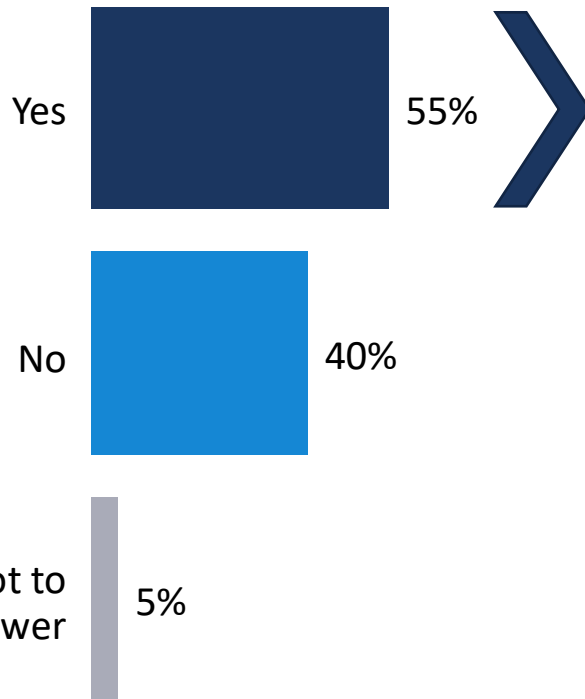
# Two-thirds of respondents identify as male.

*With what gender do you identify?*

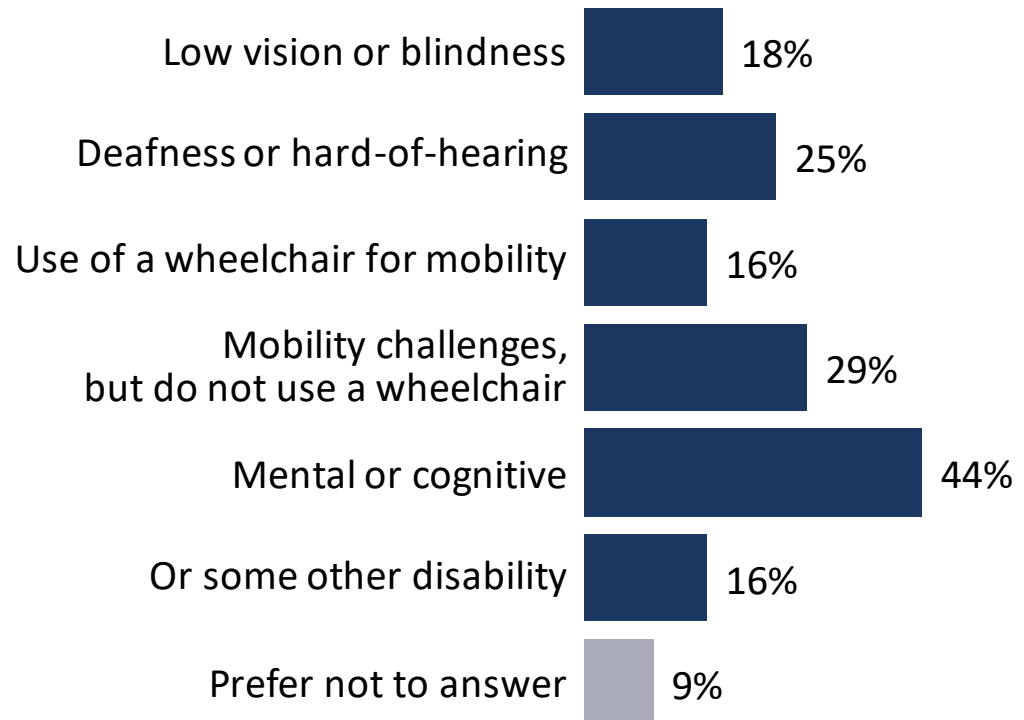


# 55% of respondents identify as a person with a disability.

*Do you identify as a person with a disability?*



*I am going to mention a list of disabilities, please tell me which of the following disabilities you have?  
(Asked of Those Who Have a Disability; n=55)*



## Attachment D - Multi-Agency Police Contract SOW: Schedule of Recommendations and Proposed Actions

Draft Multi-Agency Police Contract Scope of Work (SOW): Schedule of Recommendations and Proposed Actions - July 27, 2021			
Contract Section	SOW	Comment/Recommendation	Metro Response/Proposed Action
<b>1.1 Specific Responsibilities</b>			
1.1h	Provide law enforcement presence during periodic fare enforcement and passenger screening operations;	<p>They should not be doing this- Another reason why fare less transit should be part of our discussions. It is a safety strategy and we should be up to date on the pilot h) Why is law enforcement tasked with fare enforcement? Given the focus from the Board (and other members of civil society) to discourage fare enforcement, or fares at all, what role does Metro envision the contractor to play in this question?</p> <p><b>RECOMMENDATION:</b> 1.1h: Remove provisions on fare enforcement. This role of police is inconsistent with the direction Metro is moving - i.e., towards fare less transit. To add, it leads to harmful police-community interactions that create significant public distrust, and are racially and economically inequitable.</p>	<p>Law enforcement is not tasked with fare enforcement operations. Their role is to provide presence during Metro Transit Security Officers' periodic responsibility for fare enforcement operations. Reference: Metro letter, dated July 21, 2016 submitted to the Metro Board of Directors.</p> <p>Additionally, the fare less system initiative is under consideration by the Metro Board of Directors. Reference: <a href="https://www.metro.net/about/fsi/">https://www.metro.net/about/fsi/</a></p>
1.1i	Remove persons without a valid transit fare from buses, trains, buildings, and stations;	<p>They should not be doing this. h) Why is law enforcement tasked with fare enforcement? Given the focus from the Board (and other members of civil society) to discourage fare enforcement, or fares at all, what role does Metro envision the contractor to play in this question?</p> <p><b>RECOMMENDATION:</b> 1.1i: Remove provisions on fare enforcement. This role of police is inconsistent with the direction Metro is moving - i.e., towards fare less transit. To add, it leads to harmful police-community interactions that create significant public distrust, and are racially and economically inequitable.</p>	<p>Law enforcement contractors are not tasked with fare enforcement operations on the system, it is a Metro Transit Security Officer's responsibility. See response to Item no. 7.</p> <p>Metro is private property and passengers who are in violation of Metro Code of Conduct, to include persons who have not paid adequate fare and/or criminal misconduct are subject to removal from the system. Metro's law enforcement contractors may be called by Metro Transit Security Officers in support of persons who do not comply with the removal. The fare invasion practices will be reevaluated as the fare less system initiative is developed.</p> <p>Metro is proposing to revise this responsibility to read "Escort persons from LACMTA property at the request of LACMTA;"</p>
1.1n	Conduct proactive anti-crime operations when not handling a dispatched call;	<p>From my understanding they spend a lot of time doing this and this is the stuff that leads to racial profiling, over ticketing etc. n) What is meant by "proactive anti-crime operations"?</p> <p><b>RECOMMENDATION:</b> 1.1n: Concerned about this. Recommend banning pretextual stops and racial profiling so that "pro-active" crime fighting -- when there is no crime occurring to respond to -- does not turn into a bases to stop, harass, and dehumanize low-income people of color. Recommend modifying the role to focus on violent crimes harmful to others, and non enforcement of low-level quality of life offenses that are used to criminalize low-income communities of color (e.g., minor drug possession, disorderly conduct, trespassing, loitering, intoxication, fare evasion, sex work, and etc.)</p> <p>Strikeout n) Conduct proactive anti-crime operations when not handling a dispatched call;</p> <p>What are anti-crime operations? Are they giving out books, food, cash? I expect it's more inline with what Mohammad and Scarlett mentioned above - I believe we should strike this. They should be there to respond to 911 calls and provide deterrence by presence, not profiling. I would add that they should "greet customers and provide excellent customer service"</p>	<p>Proactive anti-crime operations is when officers self-initiate (e.g. observations, respond to citizen flag downs, customer contacts/stops, patrol checks, community policing etc.) while patrolling the system to prevent and deter criminal conduct. Stop and frisk is not a practice engaged by or supported by the law enforcement contractors. Reference: Metro letter, dated July 21, 2016 submitted to the Metro Board of Directors.</p> <p>Some anti-crime operations may include distribution of books or food related to community engagement.</p> <p>Additionally, Metro is proposing to revise this responsibility to read "Conduct community focus law enforcement activities operations when not handling a dispatched call;"</p>

## Attachment D - Multi-Agency Police Contract SOW: Schedule of Recommendations and Proposed Actions

Contract Section	SOW	Comment/Recommendation	Metro Response/Proposed Action
1.1p	Collaborate with social service agencies to address the impact of homelessness on the transit system	<p>The path program is a great example of a system that leads to permanent housing. METRO should continue and expand contracts with the LA county public health department to create different task forces to address unhoused issues i.e. outreach services, long term recovery, substance abuse etc. I also have questions on where the equity and race office is in all of this? Seems like they should be the ones working with social workers, mental health workers, outreach workers etc.,</p> <p>p) What is Metro's desired vision for how the contractor might collaborate in this context? Why is the contractor asked to do this collaboration at all? What data exists to suggest that this contractor might be an effective collaborate to handle this problem?</p> <p><b>RECOMMENDATION:</b> 1.1p: Suggest adding organizations and non-government social service providers in addition to agencies.</p>	<p>Metro currently works with PATH, LA DOOR and HOME AT LAST, and is open to expanding collaborative partnerships with other CBOs to continue addressing unhoused issues. Metro's new CEO has made homelessness a top priority for the agency and to continue addressing the impact of homelessness on the system law enforcement contractors will continue to collaborate with Metro.</p> <p>Reference: Monthly Metro Board Reports, section "Homeless Outreach Services" submitted to the Metro Board of Directors; 2) <a href="https://dmh.lacounty.gov/our-services/countywide-services/eob/">https://dmh.lacounty.gov/our-services/countywide-services/eob/</a> and 3) Los Angeles County Metropolitan Transportation Authority, State of the Agency</p>
1.1q	Enforce LACMTA's Code of Conduct	<p>Metro needs to invest in infrastructure bathrooms!!!!, trash cans, recycling etc. As well as expand cleaning crew this in itself would help a lot of the code of conduct issues. Can we get a report back on elevator attended program? This is known to reduce defecation etc on elevators. These should be Metro public sector jobs and not contracted out.</p> <p><b>RECOMMENDATION:</b> 1.1q: Suggest editing this provision so that the role of police is restricted to responding to criminal activity. Code of conduct issues should be within the realm of Transit Ambassadors and Metro Security, unless a code of conduct violation also rises to the level of being a crime.</p>	<p>Infrastructure bathrooms, trash cans, recycling, cleanliness and elevator attended program are not part of the law enforcement SOW and will be considered elsewhere.</p> <p>Metro is proposing to revise this responsibility to read "Enforce local, state and federal laws and regulations".</p>
<b>1.2 Personnel and Training Requirements</b>			
1.2g	g) Fare Collection and Fare Evasion	<p><b>RECOMMENDATION:</b> 1.2g: Suggest eliminating fare collection from scope of work (see comments in 1.1); this implicates training here -- i.e., they should be trained not to conduct fare enforcement activities.</p> <p>Add provisions requiring training on procedural justice, racial and identity profiling, de-escalation, and community-oriented policing.</p> <p>Add provision prohibiting officers assigned to Metro with sustained complaint violations for racial profiling, excessive force, false reporting, or other serious misconduct.</p>	<p>Metro will remove this responsibility from SOW.</p> <p>Required training for law enforcement contractors will be addressed in the community policing plan, section 3.0 of the contract.</p>

## Attachment D - Multi-Agency Police Contract SOW: Schedule of Recommendations and Proposed Actions

Draft Multi-Agency Police Contract Scope of Work (SOW): Schedule of Recommendations and Proposed Actions - July 27, 2021			
Contract Section	SOW	Comment/Recommendation	Metro Response/Proposed Action
<b>2.1 Reports</b>			
		<b>RECOMMENDATION:</b> Add collect and publicly report data (1) pursuant to the Racial & Identity Profiling Act (AB 953 - 2015), (2) uses of force (AB 71 - 2015), and (3) complaints of officer misconduct - officer name, rank, complaint category, incident date, allegation, finding/disposition, officer race, race of complainant, officer department and assignment, officer employment status (SB 1421 - 2018).	To enhance transparency and accountability Metro is exploring the ability to add data collection and posting information on its website for future contracted policing services. With respect to the numerical recommendations it is important to note: (1) law enforcement contractors currently collect data and report it as required by the state of California. Metro information is not specifically identified. Reference: Racial and Identity Profiling Act (ca.gov) (2) Each law enforcement agency reports uses of force to the public. Reference: lasd.org/transparency ; longbeach.gov; and lapdonline.org. (3) Information regarding complaints of officer's misconduct is considered a personnel record thus confidential as per the Peace Officer Bill of Rights. It is discoverable through a granted Pitchess Motion after a judicial review.  Metro is exploring to add in this section the reporting of "Monthly summary and general nature of personnel complaints" (e.g. type and number of complaints such as sexual harassment, excess use of force, etc.), to then be able to explore with the law enforcement partners how this may be reported as a performance indicator, but anything related to personnel information is confidential.
<b>2.2 Monthly Key Performance Indicators</b>			
	LACMTA will provide to Contractor details of each required key performance indicators ("KPI"), including definitions, raw data required and calculations. LACMTA will use these KIP Is as part of the contract monitoring and evaluation process.	<b>RECOMMENDATION:</b> Add complaints of misconduct as a performance indicator. Ban use of quotas for tickets and arrests as performance indicators.	Metro will consider adding statistics regarding complaints of misconduct as a performance indicator in future contracted policing services. Metro does not use quotas for tickets and arrests as performance indicators.
<b>6.0 LACMTA Resources</b>			
	j) Mobile phone fare validators for each law enforcement official assigned to the contract;	<b>RECOMMENDATION:</b> Delete provision on mobile phone fare validators to align with shift in role provided in previous sections.	The purpose of mobile phone validators assigned to law enforcement contracts is to log-in their deployment shifts. This supports with monitoring contract compliance and access to resources such as Transit Watch App, Google Maps and other series of files for reference.  Metro removed the ability for law enforcement to be able to issue citations for fare invasion when using the mobile phone validators. Metro is also proposing to remove the word "fare" from this section.



**Metro**

Los Angeles County  
Metropolitan Transportation Authority


One Gateway Plaza  
Los Angeles, CA 90012-2952

213.922.2000 Tel  
metro.net

**October 26, 2021**

**TO: AD-HOC POLICING PRACTICES  
PUBLIC SAFETY ADVISORY COMMITTEE (PSAC)**

**THROUGH: OFFICE OF THE CHIEF EXECUTIVE OFFICER (OCEO)**

**FROM: SYSTEM SECURITY & LAW ENFORCEMENT (SSLE)** 

**SUBJECT: POLICING SERVICES - INTERIM CONTRACT  
EXTENSION RECOMMENDATIONS**

**ISSUE**

The purpose of this correspondence is to provide staff recommendations on the interim contract extension for policing services.

In support of the draft PSAC values of *Implementing a Community-Centered Approach, Emphasizing Compassion, Acknowledging Context and Committing to Openness and Transparency*, Metro recommends revising the existing multi-agency policing contract SOW (Attachment A).

Staff will recommend the Metro Board amend the multi-agency law enforcement contract value by a not-to-exceed amount of \$75,201,973 for the remainder of the contract term through June 2022, and extend the period of performance for up to an additional six (6) months with a 6-month option. The extension of the period of performance is to allow sufficient time for:

- 1) the PSAC to submit its recommendations for a new model of public safety reflecting community-based approaches to policing; and
- 2) a new contract awarded. The budget for the extension will be requested during the FY23 budget process.

**BACKGROUND**

At the August 18th General PSAC meeting, Metro staff shared the intent to seek Board authorization, before the end of this calendar year, to fund the remaining six months of the law enforcement contracts, January – June 2022. In addition, staff would seek a contract extension for an additional six months with a six-month option.

### *Why is more funding needed on the existing contracts?*

At its February meeting, Metro staff informed the Board that unplanned expenses for special event coverage and surge operations, which occurred in the early years of the contract, had reduced the contract value available for general law enforcement services. As a result, more than \$100 million was requested to fully fund the contract for the remaining 12 months (ending June 2022). At its March meeting, the Board approved an increase in the contract value that was sufficient for six months (ending December 31, 2021). Given that the work with PSAC is not yet completed, additional funding is recommended to fund the remaining six months of the contract.

### *Why is a contract extension also being requested?*

As conveyed previously at the Ad Hoc and General PSAC meetings, the procurement process for a new contract would consist of a 12-14-month period. Metro anticipates finalizing a new SOW in February 2022. PSAC members would have an opportunity to weigh in during the posting time being allotted for public comment.

## **DISCUSSION**

Since the initial Ad Hoc meeting on June 22, 2021, staff has listened to your thoughts and reviewed your comments provided on the Multi-Agency Police Contract Scope of Work (SOW) matrix (Attachment A) for improving policing services currently provided under the multi-agency law enforcement contracts.

Key proposed modifications to the existing contract include:

- Removal of fare and code of conduct enforcement responsibilities
- Revised language in SOW dealing with proactive enforcement
- Redirect \$1.6M from LASD contract to DMH
- Consistency with Campaign Zero's Eight Can't Wait ; and
- Increased data collection, transparency, and accountability.

Staff supports several revisions to the existing contract SOW. Due to time constraints, other recommendations would need to be considered in the new procurement, consistent with the long-term vision. The next steps will be for PSAC to review the recommendations and decide if the committee will support the Metro staff recommendations or make their own recommendations for the law enforcement contract extensions. The final set of Metro and PSAC recommendations will be submitted to Metro's CEO, Stephanie Wiggins for review and submittal to the Metro Board.

Staff seeks to take a holistic approach to public safety by leading with compassion and respect for our riders and employees in two (2) primary areas:

- 1) Revisions to Existing Multi-Agency Police Contract SOW
- 2) Engaging the Los Angeles County Department of Mental Health (DMH)

## **1. Revisions to Existing Multi-Agency Contract SOW**

Staff is proposing revisions to the existing multi-agency policing contract SOW, intended to be incorporated by the end of December 2021 through an amendment with implementation by no later than January 2022. See Attachment B for a draft of the proposed revisions.

**There is no increase in cost to implement these recommended revisions.**

**These recommended revisions support the draft PSAC values of Implementing a Community-Centered Approach, Emphasizing Compassion, Acknowledging Context and Committing to Openness and Transparency.**

## **2. Engaging the Los Angeles County Department of Mental Health (DMH)**

Staff is in discussions with the DMH to enter into an agreement with Metro, to engage more effectively with persons who are in crisis or under the influence, or those who turn to the Metro system and property for alternative shelter. The DMH has partnered with Los Angeles County, City, and other municipal law enforcement agencies to provide immediate field response to situations involving mentally ill, violent, or high-risk individuals. DMH-Law Enforcement teams respond to 911 calls for assistance whenever mental illness is reported or suspected. Teams also respond to requests from Psychiatric Mobile Response Teams (PMRT) or law enforcement patrol officers for mental health assistance. Mental health experts will focus on contacting persons in need on the system, utilizing de-escalation tactics to minimize the potential for incidents involving force; this will shift the primary responsibility for these contacts to the DMH with support from their contracted law enforcement resources (Long Beach Police Department Quality of Life (QOL), Los Angeles County Sheriff's Department (MET) and Los Angeles Police Department (HOPE) Teams. Metro hopes to reach agreement with the Department of Mental Health Services by the end of the year to begin implementation. This will allow Metro to shift resources of approximately \$1.6M for the remaining 6 months of the existing contract. Expansion on the contract to include shifting resources from Long Beach Police Department and Los Angeles Police Department is expected with the extension from June 1, 2022 to June 30, 2023.

**There is no increase in cost to implement this recommendation:**

There is a shift of approximately \$1.6M for the remaining 6 months of the existing contract to DMH.

**This recommendation supports the draft PSAC values of Implementing a Community-Centered Approach, Emphasizing Compassion, Recognizing Diversity and Acknowledging Context.**

**NEXT STEPS**

Thank you for your continued commitment to reimagining public safety. We look forward to our continued collaboration to improve safety and security for all on the Metro system.

Attachment A – Multi-Agency Police Contract SOW Matrix

Attachment B – Proposed revisions to existing policing contract

## Attachment A - Multi-Agency Police Contract SOW: Schedule of Recommendations and Proposed Actions

Draft Multi-Agency Police Contract Scope of Work (SOW): Schedule of Recommendations and Proposed Actions - July 27, 2021				
Contract Section	SOW	PSAC Member	Comment/Recommendation	Metro Response/Proposed Action
<b>1.1 Specific Responsibilities</b>				
1.1h	Provide law enforcement presence during periodic fare enforcement and passenger screening operations;	Scarlett De Leon/ Mohammad T/Chauncey	<p>They should not be doing this- Another reason why fare less transit should be part of our discussions. It is a safety strategy and we should be up to date on the pilot h) Why is law enforcement tasked with fare enforcement? Given the focus from the Board (and other members of civil society) to discourage fare enforcement, or fares at all, what role does Metro envision the contractor to play in this question?</p> <p><b>RECOMMENDATION:</b> 1.1h: Remove provisions on fare enforcement. This role of police is inconsistent with the direction Metro is moving - i.e., towards fare less transit. To add, it leads to harmful police-community interactions that create significant public distrust, and are racially and economically inequitable.</p>	<p>Law enforcement is not tasked with fare enforcement operations. Their role is to provide presence during Metro Transit Security Officers' periodic responsibility for fare enforcement operations. Reference: Metro letter, dated July 21, 2016 submitted to the Metro Board of Directors.</p> <p>Additionally, the fare less system initiative is under consideration by the Metro Board of Directors. Reference: <a href="https://www.metro.net/about/fsi/">https://www.metro.net/about/fsi/</a></p>
1.1i	Remove persons without a valid transit fare from buses, trains, buildings, and stations;	Scarlett De Leon/ Mohammad T/Chauncey	<p>They should not be doing this. h) Why is law enforcement tasked with fare enforcement? Given the focus from the Board (and other members of civil society) to discourage fare enforcement, or fares at all, what role does Metro envision the contractor to play in this question?</p> <p><b>RECOMMENDATION:</b> 1.1i: Remove provisions on fare enforcement. This role of police is inconsistent with the direction Metro is moving - i.e., towards fare less transit. To add, it leads to harmful police-community interactions that create significant public distrust, and are racially and economically inequitable.</p>	<p>Law enforcement contractors are not tasked with fare enforcement operations on the system, it is a Metro Transit Security Officer's responsibility. See response to Item no. 7.</p> <p>Metro is private property and passengers who are in violation of Metro Code of Conduct, to include persons who have not paid adequate fare and/or criminal misconduct are subject to removal from the system. Metro's law enforcement contractors may be called by Metro Transit Security Officers in support of persons who do not comply with the removal. The fare invasion practices will be reevaluated as the fare less system initiative is developed.</p> <p>Metro is proposing to revise this responsibility to read "Escort persons from LACMTA property at the request of LACMTA;"</p>
1.1n	Conduct proactive anti-crime operations when not handling a dispatched call;	Scarlett De Leon/ Mohammad T/Chauncey	<p>From my understanding they spend a lot of time doing this and this is the stuff that leads to racial profiling, over ticketing etc. n) What is meant by "proactive anti-crime operations"?</p> <p><b>RECOMMENDATION:</b> 1.1n: Concerned about this. Recommend banning pretextual stops and racial profiling so that "pro-active" crime fighting -- when there is no crime occurring to respond to -- does not turn into a bases to stop, harass, and dehumanize low-income people of color. Recommend modifying the role to focus on violent crimes harmful to others, and non enforcement of low-level quality of life offenses that are used to criminalize low-income communities of color (e.g., minor drug possession, disorderly conduct, trespassing, loitering, intoxication, fare evasion, sex work, and etc.)</p> <p>Strikeout n) Conduct proactive anti-crime operations when not handling a dispatched call;</p> <p>What are anti-crime operations? Are they giving out books, food, cash? I expect it's more inline with what Mohammad and Scarlett mentioned above - I believe we should strike this. They should be there to respond to 911 calls and provide deterrence by presence, not profiling. I would add that they should "greet customers and provide excellent customer service"</p>	<p>Proactive anti-crime operations is when officers self-initiate (e.g. observations, respond to citizen flag downs, customer contacts/stops, patrol checks, community policing etc.) while patrolling the system to prevent and deter criminal conduct. Stop and frisk is not a practice engaged by or supported by the law enforcement contractors. Reference: Metro letter, dated July 21, 2016 submitted to the Metro Board of Directors.</p> <p>Some anti-crime operations may include distribution of books or food related to community engagement.</p> <p>Additionally, Metro is proposing to revise this responsibility to read "Conduct community focus law enforcement activities operations when not handling a dispatched call;"</p>

## Attachment A - Multi-Agency Police Contract SOW: Schedule of Recommendations and Proposed Actions

Contract Section	SOW	PSAC Member	Comment/Recommendation	Metro Response/Proposed Action
1.1p	Collaborate with social service agencies to address the impact of homelessness on the transit system	Scarlett De Leon/ Mohammad T/Chauncee	<p>The path program is a great example of a system that leads to permanent housing. METRO should continue and expand contracts with the LA county public health department to create different task forces to address unhoused issues i.e. outreach services, long term recovery, substance abuse etc. I also have questions on where the equity and race office is in all of this? Seems like they should be the ones working with social workers, mental health workers, outreach workers etc., p) What is Metro's desired vision for how the contractor might collaborate in this context? Why is the contractor asked to do this collaboration at all? What data exists to suggest that this contractor might be an effective collaborator to handle this problem?</p> <p><b>RECOMMENDATION:</b> 1.1p: Suggest adding organizations and non-government social service providers in addition to agencies.</p>	<p>Metro currently works with PATH, LA DOOR and HOME AT LAST, and is open to expanding collaborative partnerships with other CBOs to continue addressing unhoused issues. Metro's new CEO has made homelessness a top priority for the agency and to continue addressing the impact of homelessness on the system law enforcement contractors will continue to collaborate with Metro. Reference: Monthly Metro Board Reports, section "Homeless Outreach Services" submitted to the Metro Board of Directors; 2) <a href="https://dmh.lacounty.gov/our-services/countywide-services/eob/">https://dmh.lacounty.gov/our-services/countywide-services/eob/</a> and 3) Los Angeles County Metropolitan Transportation Authority, State of the Agency</p>
1.1q	Enforce LACMTA's Code of Conduct	Scarlett De Leon/ Mohammad T/Chauncee	<p>Metro needs to invest in infrastructure bathrooms!!!!, trash cans, recycling etc. As well as expand cleaning crew this in itself would help a lot of the code of conduct issues. Can we get a report back on elevator attended program? This is known to reduce defecation etc on elevators. These should be Metro public sector jobs and not contracted out.</p> <p><b>RECOMMENDATION:</b> 1.1q: Suggest editing this provision so that the role of police is restricted to responding to criminal activity. Code of conduct issues should be within the realm of Transit Ambassadors and Metro Security, unless a code of conduct violation also rises to the level of being a crime.</p>	<p>Infrastructure bathrooms, trash cans, recycling, cleanliness and elevator attended program are are not part of the law enforcement SOW and will be considered elsewhere.</p> <p>Metro is proposing to revise this responsibility to read "Enforce local, state and federal laws and regulations".</p>
<b>1.2 Personnel and Training Requirements</b>				
1.2g	g) Fare Collection and Fare Evasion	Chauncee	<p><b>RECOMMENDATION:</b> 1.2g: Suggest eliminating fare collection from scope of work (see comments in 1.1); this implicates training here – i.e., they should be trained not to conduct fare enforcement activities.</p> <p>Add provisions requiring training on procedural justice, racial and identity profiling, de-escalation, and community-oriented policing.</p> <p>Add provision prohibiting officers assigned to Metro with sustained complaint violations for racial profiling, excessive force, false reporting, or other serious misconduct.</p>	<p>Metro will remove this responsibility from SOW.</p> <p>Required training for law enforcement contractors will be addressed in the community policing plan, section 3.0 of the contract.</p>

## Attachment A - Multi-Agency Police Contract SOW: Schedule of Recommendations and Proposed Actions

Draft Multi-Agency Police Contract Scope of Work (SOW): Schedule of Recommendations and Proposed Actions - July 27, 2021				
Contract Section	SOW	PSAC Member	Comment/Recommendation	Metro Response/Proposed Action
<b>2.1 Reports</b>				
		Chauncey	<b>RECOMMENDATION:</b> Add collect and publicly report data (1) pursuant to the Racial & Identity Profiling Act (AB 953 - 2015), (2) uses of force (AB 71 - 2015), and (3) complaints of officer misconduct - officer name, rank, complaint category, incident date, allegation, finding/disposition, officer race, race of complainant, officer department and assignment, officer employment status (SB 1421 - 2018).	To enhance transparency and accountability Metro is exploring the ability to add data collection and posting information on its website for future contracted policing services. With respect to the numerical recommendations it is important to note: (1) law enforcement contractors currently collect data and report it as required by the state of California. Metro information is not specifically identified. Reference: Racial and Identity Profiling Act (ca.gov) (2) Each law enforcement agency reports uses of force to the public. Reference: lasd.org/transparency ; longbeach.gov; and lapdonline.org. (3) Information regarding complaints of officer's misconduct is considered a personnel record thus confidential as per the Peace Officer Bill of Rights. It is discoverable through a granted Pitchess Motion after a judicial review.  Metro is exploring to add in this section the reporting of "Monthly summary and general nature of personnel complaints" (e.g. type and number of complaints such as sexual harassment, excess use of force, etc.), to then be able to explore with the law enforcement partners how this may be reported as a performance indicator, but anything related to personnel information is confidential.
<b>2.2 Monthly Key Performance Indicators</b>				
	LACMTA will provide to Contractor details of each required key performance indicators ("KPI"), including definitions, raw data required and calculations. LACMTA will use these KIP Is as part of the contract monitoring and evaluation process.	Chauncey	<b>RECOMMENDATION:</b> Add complaints of misconduct as a performance indicator. Ban use of quotas for tickets and arrests as performance indicators.	Metro will consider adding statistics regarding complaints of misconduct as a performance indicator in future contracted policing services. Metro does not use quotas for tickets and arrests as performance indicators.
<b>6.0 LACMTA Resources</b>				
	j) Mobile phone fare validators for each law enforcement official assigned to the contract;	Chauncey	<b>RECOMMENDATION:</b> Delete provision on mobile phone fare validators to align with shift in role provided in previous sections.	The purpose of mobile phone validators assigned to law enforcement contracts is to log-in their deployment shifts. This supports with monitoring contract compliance and access to resources such as Transit Watch App, Google Maps and other series of files for reference.  Metro removed the ability for law enforcement to be able to issue citations for fare invasion when using the mobile phone validators. Metro is also proposing to remove the word "fare" from this section.

# Attachment B

## EXHIBIT A – STATEMENT OF WORK

As of June 27, -2017

### Background

The Los Angeles County Metropolitan Transportation Authority (LACMTA) was established in 1992 and is the region's principal agency for Multi-modal transit operations. LACMTA seeks law enforcement services to support its day-to-day operations across its entire service area. **See Attachment No. 1.** LACMTA averages more than 1.4 million trips on its bus and rail systems daily.

Based upon business need, LACMTA resolved to award three (3) separate contracts to: City of Long Beach, City of Los Angeles and County of Los Angeles to provide law enforcement services within specified territorial coverage. LACMTA shall remain the lead agency for coordination. Contractor shall report directly to LACMTA's System Security and Law Enforcement Department and collaborate on the following priorities:

- **Crime deterrence- to include vandalism and graffiti**
- ~~Decrease response times to emergency, priority and routine calls for service~~
- ~~Increase law enforcement and security v~~ **Visibility across the transit system**
- ~~Deter crime - to include vandalism and graffiti~~
- ~~Reduce v~~ **Vulnerability to terrorism**
- **Prompt response times to emergency, priority, and routine calls for service**
- **Awareness and education regarding public safety**
- ~~Enforce LACMTA's Customer Code of Conduct~~
- ~~Reduce fare evasion~~

LACMTA will not provide compensation for basic services like 911 response, criminal investigations, accident investigations and major incident response, LACMTA will provide compensation for enhanced visibility staffing in order to reduce LACMTA's vulnerability to crime and terrorism.

LACMTA operates transit service from eleven (11) geographically distinct bus divisions and four (4) rail divisions servicing six (6) train lines. In addition to the rail lines, enhanced critical infrastructure staffing shall be provided at Union Station, 7<sup>th</sup> & Metro Station and Willowbrook/Rosa Parks Station. Bus locations requiring enhanced critical infrastructure staffing include the Harbor/Gateway Station and El Monte Transit Center.

In addition, the Contractor shall provide staffing for work shifts between the hours of 6:00 a.m. and 2:00 a.m. daily, with reasonable reductions upon mutual agreement between LACMTA and Contractor, -during periods of limited service or low demand. Any such agreement shall be confirmed in writing by LACMTA to the Contractor.

### **1.0 Scope of Work**

The Contractor must provide staff with extensive law enforcement experience and provide only POST certified or POST-eligible personnel to this contract. "POST-eligible" means that personnel have successfully met all requirements for POST certification and Contractor will, upon request, provide written evidence that all such requirements have

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been met by any personnel. The Contractor must provide staffing and deployment models consistent with LACMTA's existing division-based configuration. Contractor shall include the specific number of resources assigned to ride LACMTA's trains and rail corridors, and attempt to reduce LACMTA's vulnerability to terrorism at its key critical infrastructures. As the LACMTA system expands for rail, LACMTA may amend the contract with mutual agreement of Contractor in accordance with the terms and conditions of this Contract.

### 1.1 Specific Responsibilities

Contractor shall be responsible to complete the following tasks, to the maximum extent permitted by Contractor's lawful authority:

- a) Augmented Contractor or regional response to 911 emergency, priority and routine calls for service within Contractor's jurisdiction;
- b) Crime analysis and reporting;
- c) Augment Contractor or regional criminal investigations, accident investigations and law enforcement response to major incidents within Contractor's jurisdiction;
- d) Reduce system-wide vulnerability to terrorism;
- e) Conduct joint anti-terrorism drills, training sessions, and intelligence sharing with other local, state and federal law enforcement agencies;
- f) Provide access to K9 explosive detection on an on-call overtime basis;
- g) Ride Metro trains, and rail stations/corridors, and maintain high visibility at key LACMTA critical infrastructure locations;
- h) Provide **directive** law enforcement presence **at** during the periodic fare enforcement and passenger screening operations, **request of from LACMTA**;
- i) **Remove Escort** persons **from LACMTA property at the request of LACMTA** without a valid transit fare from trains, buildings, and stations;
- j) Conduct mutually agreed upon grade crossing enforcement operations;
- k) Respond to and resolve incoming calls for service from LACMTA rail and security dispatch centers;
- l) Respond to and resolve incoming complaints from LACMTA's Transit Watch program;
- m) Respond to and resolve citizen complaints related to criminal activity;
- n) Conduct ~~proactive anti-crime operations~~ **community focus law enforcement activities** when not handling a dispatched call;
- o) Participate in LACMTA emergency and disaster preparedness planning and drills;
- p) **At the request of LACMTA** collaborate with social service agencies, **community and faith-based organizations** to address the impact of homelessness on the transit system
- q) Enforce ~~LACMTA's Code of Conduct~~ **local, state and federal laws and regulations**;
- r) Attend weekly coordination meetings or other meetings as required;
- s) **Tap issued Metro Badge at all TAP machines when boarding buses, riding trains, and accessing rail stations/corridors while patrolling;**
- t) **Body-Worn Cameras will be deployed consistent with departmental policy;**

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- h)u) Be consistent with the principles of Campaign Zero “Eight Can’t Wait”; and
- s)v) Provide additional law enforcement services to address unforeseen events/requirements.

### 1.2 Personnel and Training Requirements

Each sworn law enforcement officer/supervisor assigned to LACMTA must have or be eligible to receive a Basic, Intermediate, Advanced or Supervisory California POST Peace Officer’s Certificate. Upon LACMTA request, Contractor will provide written evidence that any officer/supervisor that is not formally POST-certified has successfully met all requirements for such certification. Command level officers must hold an active Management or Executive POST Peace Officer’s Certificate. LACMTA may consider Reserve Officer POST Certificates on a case-by-case basis. Only POST certified personnel are authorized to provide law enforcement services. The Contractor’s personnel must have completed their probationary period, have a minimum of eighteen (18) months of law enforcement experience, and shall not have current duty restrictions, whether due to medical or performance based issues, in order to be assigned to the Contract.

All LACMTA-mandated training will be conducted by LACMTA and will be considered a reimbursable cost(s) by LACMTA under this Contract.

All Contractor personnel assigned to LACMTA must attend a Four- hour LACMTA safety training immediately following the issuance of a Notice to Proceed. After the Notice to Proceed, any new personnel of the Contractor will be required to attend this LACMTA safety training.

Within the first six (6) months of assignment, all law enforcement personnel must also complete a separate four (4) hour training course in “Transit Policing.” The curriculum will be developed by LACMTA and cover the topics of:

- a) Overview of LACMTA’s Org Chart, Bus and Rail Operations
- b) Mitigating Terrorism in the Transit Environment
- c) Impact of Crime and Disorder on Transit Ridership
- d) Transit Watch App
- e) LACMTA’s Customer Service Expectations
- f) Partnering with LACMTA’s Security Team
- g) ~~Fare Collection and Fare Evasion~~
- h)g) Grade Crossing Enforcement
- i)h) LACMTA Customer Code of Conduct

The Chief of Police of the Long Beach Police Department shall have the sole authority for assignment of key personnel on a routine basis. Contractor will make best efforts to ensure key leadership personnel positions identified in its technical proposal are highly qualified personnel that meet all LACMTA requirements. The Parties agree that in the event either Party recommends any changes to key leadership personnel assignments, it will, with a reasonable amount of advance notice, provide written notice to the other Party. The Parties

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will meet and consult to a mutual satisfaction on any changes to key leadership personnel and Contractor will provide LACMTA with documentation of the qualifications for any person proposed for a key leadership position.

### 1.3 Service Coverage

Contractor shall provide law enforcement services to Metro's areas within the Long Beach city limits as provided in Attachment 2.

### 1.4 Management and Administrative Duties of Contractor's Personnel

**The Contractor will monitor complaint allegations against Contractor Personnel assigned to the Contract, including those specifically related to racial discrimination, excessive force, and sexual harassment during the course of their duties as a law enforcement officer, whether assigned to LACMTA or other assignments. Contractor Personnel with two or more conclusive allegations, over the most recent three years, related to racial discrimination, excessive force or sexual harassment will be identified, communicated to LACMTA, and managed as required by law enforcement departmental policy.**

## 2.0 REPORTING REQUIREMENTS

### 2.1 Reports

The Contractor shall submit to LACMTA, the following reports and documents as required:

- a) Weekly schedule for each watch or shift. Must include each employee's name, badge number, actual hours worked, assignment and rank. This report shall be submitted within 30 days of the date the schedule is created;
- b) Watch Commander Summary of Major Events of the Day
- c) Monthly summary of crime activity, citations issued, arrests made;
- d) Monthly summary of commendations and complaints;**
- ~~d)e~~ **e) Monthly summary and general nature of personnel complaints;**
- ~~e)f~~ **f) Monthly Report on the number of Part 1 crime cases referred for follow-up investigation and the subsequent disposition;**
- ~~f)g~~ **g) After-Action Reports following special operations, emphasis details and/or major incidents;**
- ~~g)h~~ **h) Annual Community Policing Plan;**
- ~~h)i~~ **i) Monthly summary of Problem-Oriented Policing projects;**
- ~~i)j~~ **j) Executive Summary of Major Events/Incidents on the Metro System (distribution to LACMTA's CEO, DCEO, COO, Chief of Risk Safety and Asset Management and Chief of System, Security and Law Enforcement); and**
- k) Data must be provided in a format which allows LACMTA to determine the calculation of all reported figures, separate from any general written report format that may be provided. Should it be mutually agreed upon to use a third party format or subscription based service to transmit data, LACMTA will pay all costs associated with facilitating data transmission.**

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- l) Body worn camera data will be provided to LACMTA upon request and in accordance with state laws. LACMTA will work with the Contractor to develop specific protocols for access and delivery of data, as appropriate.
- j)m) Contractor will collect and report data consistent with local, state, and federal laws and regulations. Data must be provided upon LACMTA's request.

LACMTA requires read-only access to law enforcement agency's crime statistics database(s) with ability to pull the required data elements for import into LACMTA's systems.

The Contractor shall provide LACMTA with data to measure:

- a) How assets are assigned and tracked using LACMTA-provided systems and/or equipment
- b) The time/date/category/disposition of calls for service
- c) Incident response times
- d) Ratio of proactive versus dispatched activity
- e) Number of criminal citations/infractions/violations issued
- f) Number of misdemeanor and felony arrests
- g) Real Time Crime Analysis Data
- h) Provide the following GIS data (Raw or API format) and services:
  - i. Spatial (Location-Based): Location of crimes attended, time and location stamped
  - ii. Ability to identify, track, and log mobile assets in real time: Vehicles, radios, mobile phone, and other GPS enabled, Metro-provided equipment

Contractor must come equipped with all of the necessary tools to communicate with other police/fire agencies, investigate crimes and accidents, prepare reports, and use existing crime analysis tools and/or predictive analysis of crime trends. Under no circumstances shall Contractor share confidential data or information obtained from the California Law Enforcement Telecommunications System (CLETS) with non-law enforcement personnel.

LACMTA will work with the Contractor to develop specific protocols for dispatching non-emergency service calls that are not appropriate for the 911 system. LACMTA will provide the Contractor with Mobile Phone Validators, LA Metro Transit Watch tools, Mobile Video Surveillance Tools and access to video feeds where possible.

If LACMTA directs dispatchers or dispatch operations to make minor changes or significant changes to their operations that have a technology, software, staffing, or financial impact, no such changes shall be implemented until LACMTA has contacted the City of Long Beach, Department of Disaster Preparedness and Emergency Communications ("DPEC"), and entered any necessary agreements as required by DPEC.

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## 2.2 Monthly Key Performance Indicators

LACMTA and the Contractor(s) will jointly develop baseline performance metrics to capture:

- a) **The percentage of time spent on bus stops, transit centers, train platforms, plazas, stations, buses, trains, and performing other LACMTA related activities while on** ~~Number of foot, and vehicle and motor patrols of transit centers and train platforms/plazas/stations~~
- b) Ratio of staffing levels and vacant assignments
- c) Ratio of proactive versus dispatched activity
- d) Number of train boardings
- e) Incident response times
- f) Number of fare enforcement operations
- g) Decreases/Increases in crime
- h) Number of Grade crossings operations

LACMTA will provide details of each required KPI, including definitions, raw data required and calculations. LACMTA will use these KPIs as part of the contract monitoring and evaluation process.

## 3.0 Community Policing

The Contractor shall update **and submit** annually **for the LACMTA's review and approval** ~~the~~ Community Policing Plan. Building and sustaining community partnerships is central to LACMTA's goal of reducing vulnerability to crime. This will require periodic attendance at community meetings and other events designed to foster LACMTA's relationship with the community. Contractor's staff shall be provided specific training in Problem Oriented Policing in order to assist LACMTA in addressing longstanding challenges related to crime, blight and disorder. The cost of such training and/or exercises are eligible for reimbursement by LACMTA under this Contract.

As part of the Community Policing Plan, it is important for the Contractor to incorporate feedback from rail managers into the overall policing strategy. Maintaining a continuous dialogue will foster operational understanding of the unique challenges associated with policing in a transit environment. The primary goal of these collaborative efforts is to ensure that each of the Divisions are given appropriate coverage and foster the safety of the operators.

## 4.0 Homeland Security and Emergency Preparedness

The Contractor must be able to conduct detailed threat analysis and identify strategies to address security threats. The Contractor shall collaborate with LACMTA on intelligence sharing, anti-terrorism operations, drills, planning activities and coordination with other agencies. The cost of such training and/or exercises are eligible for reimbursement by LACMTA under this Contract.

## 5.0 Contractor Resources

The Contractor shall provide:

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- a) All vehicles and associated operating costs;
- b) Police radios and communications equipment;
- c) Mobile data terminal laptops;
- d) Uniforms, weapons and other personal equipment;
- e) Investigative tools and equipment; and
- f) Traffic enforcement devices and equipment.

### 6.0 LACMTA Resources

Metro may provide a limited amount of resources to key law enforcement staff assigned to the contract. In some cases these resources may have to be negotiated until a mutually acceptable agreement is reached. These resources include:

- a) Office space and official vehicle parking spaces at One Gateway Plaza;
- b) Office desks, computers and printers;
- c) Access to security kiosks, break rooms and restroom facilities, specifically access to the 200 W 27th Street breakroom area, if available;
- d) Access to limited shower and locker room facilities;
- e) Access to conference rooms;
- f) Photocopiers, telephones, network access and email;
- g) Transit passes for official use;
- h) Office space and official vehicle parking at the Rail Operations Center;
- i) Office space and official vehicle parking spaces at select Bus & Rail Divisions (Division 11, if available);
- j) Mobile phone fare validators for each law enforcement official assigned to the contract;
- k) Safety vest and hardhat;
- l) Access to LACMTA video surveillance feeds; and
- m) Access to LACMTA radio frequencies (Operations and Security).

### 7.0 BILLING

The Contractor's monthly invoice shall be based upon and reflect the actual services provided under the terms of this Contract. The billings must be accompanied by supporting documentation, to include but shall not be limited to, daily summary of assignments and hours worked and payroll records. The Contractor's invoices are subject to periodic audits at the sole discretion of LACMTA.

1. The Contractor shall not bill LACMTA for any vacant shift assignment
2. All billing expenditures shall be submitted for payment to LACMTA no later than sixty (60) days after the closing of the Contractor Deployment Period.

### 8.0 DISPOSITION OF EQUIPMENT

Unless otherwise agreed upon by the Parties, all LACMTA-funded and LACMTA-provided equipment shall be returned by Contractor to LACMTA upon termination of this Contract in the same condition in which it was provided to Contractor, less regular wear and tear.

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### 9.0 TRANSITION/MOBILIZATION PERIOD

LACMTA acknowledges that Contractor will incur significant costs associated with the Transition/Mobilization Period from March 23, 2017, through June 30, 2017. Scope of services to be provided by Contractor during the Transition/Mobilization Period shall be in accordance with the Limited Notice to Proceed (LNTP - Exhibit E) and shall be paid for by LACMTA by written contract amendment, if needed. For clarification purposes, LACMTA agrees to pay for all costs associated with transition/mobilization in addition to the services outlined in this Exhibit A for the duration of the Contract. If the total cost of services articulated within the Contract exceeds \$30,074,628, LACMTA agrees to execute a written contract amendment to increase funding appropriation, and to take any other steps necessary, to ensure adequate funding is available to pay all costs associated with Contractor services.

Scope of services is a material term to this Contract, and Contractor reserves the right to terminate this contract if adequate funding is not provided by LACMTA to pay for such services.

**Public Safety Advisory Committee**  
Policing Practices Ad-Hoc Committee

# MEMO

**Date:** October 29, 2021

**To:** Public Safety Advisory Committee Members

**From:** Policing Practices Ad-Hoc Committee

**Re:** Policing Services - Interim Contract Extension Recommendations: Response to Metro Staff's October 26, 2021 Memo ([link](#))

## Issue

The purpose of this Memo is to convey the Policing Practices Ad-Hoc Committee's recommendations regarding the interim contract extension for Metro's public agency policing contracts. These recommendations are crafted in response to a Metro staff [memorandum](#) dated October 26, 2021 and are being brought forward for consideration of the full Public Safety Advisory Committee (PSAC).

As noted in the October 26th memo, Metro staff is recommending an amendment of up to \$75.2 million in additional funding for the multi-agency law enforcement contract. These added funds would apply to "the remainder of the contract term through June 2022," and a recommended six-month extension; there will also be an option to extend the contract for an additional six-months, if needed.

## Recommendations Summary

The Ad-Hoc Committee would like PSAC to consider approving the following alternative recommendations:

- Allocating \$0 in additional funding to the existing public agency policing contracts
- Metro returning to a non-contracted law enforcement model to ensure public safety on its transit system
- Reallocating the \$75.2 million that would have been spent on the amended law enforcement contract to support non-law enforcement alternatives to public safety, including: mental health services, homeless outreach services, transit ambassadors (see [draft recommendations](#)), and funding safety initiatives outlined in Metro's Customer Experience [plan](#).

## **Recommendation #1: No Additional Funding for Public Agency Policing Contracts**

The Ad-Hoc Committee does not support the extension and amended budget for the existing public agency policing contracts. Instead, these dollars can be better used to support non-law enforcement alternatives to public safety. Metro staff has noted that, absent an alternative, the existing policing contracts must be extended. Recommendations #2 and 3 below identify currently proposed alternatives from the Ad-Hoc Committee.

## **Recommendation #2: Shift to a Non-Contract Law Enforcement Model**

The Ad-Hoc Committee proposes an alternative model that involves moving to a non-contract law enforcement model (i.e., continuing to work with local and countywide police departments to address safety issues that require law enforcement intervention). This was the model Metro used prior to contracting for law enforcement services in 2009. The Ad-Hoc Committee recommends that Metro use agency resources to enhance public safety by investing in care- and equity-centered supportive services, physical infrastructure improvements, and other interventions that improve rider safety and enhance the customer experience without resorting to armed law enforcement. To operationalize this recommendation, the Ad-Hoc Committee recommends allocating \$0 in additional funding to the existing public agency policing contracts and reallocating the proposed \$75.2 million in funds to the care- and equity-centered supportive services outlined in Recommendation #3.

## **Recommendation #3: Invest in Non-Law Enforcement Alternatives**

The Ad-Hoc Committee recommends reallocating the \$75.2 million to support non-law enforcement alternatives to community safety, with the understanding that local and countywide law enforcement agencies--as well as both Metro security and Infrastructure and Protective Services-- will continue to address public safety matters irrespective of whether added funding is funnelled to law enforcement agencies. These solution-driven investments in non-law enforcement alternatives can help reduce the burden on law enforcement by providing programs and services that directly address the root causes of public safety concerns of transit riders. Specifically, the Ad-Hoc committee supports reallocating these dollars to support the following programs and initiatives:

**Mental Health Services:** This would include a more substantial investment in mental health resources than the \$1.6 million investment outlined in the Metro's October 26th memo (see "Engaging the Los Angeles County Department of Mental Health" section on p. 3). These resources can also be used to support qualified entities beyond the Department of Mental Health, with a focus on community-based organizations identified in collaboration with PSAC.

**Homeless Outreach Services:** This would involve increasing investments in existing partnerships and programs, including the Metro PATH [homeless outreach teams](#) as well as joint initiatives with the Los Angeles County Department of Mental Health and Los Angeles Homeless Services Authority.

**Transit Ambassadors:** The Non-Law Enforcement Ad-Hoc Committee has put forward [draft recommendations](#) for the structure of a Transit Ambassador program on Metro. Reallocated funding from the public agency policing contracts could supplement the \$20 million budget for the Ambassador pilot program.

**Enhancing Customer Experience:** Reallocated dollars could be used to invest in initiatives outlined in [Metro's Customer Experience plan](#). These safety enhancements can include investments to improve cleanliness, enhance riders' sense of personal safety at transit stops and stations, and create spaces for community and civic life in Metro property.



**Metro**

Los Angeles County  
Metropolitan Transportation Authority


One Gateway Plaza  
Los Angeles, CA 90012-2952

213.922.2000 Tel  
metro.net

**October 26, 2021**

**TO: AD-HOC POLICING PRACTICES  
PUBLIC SAFETY ADVISORY COMMITTEE (PSAC)**

**THROUGH: OFFICE OF THE CHIEF EXECUTIVE OFFICER (OCEO)**

**FROM: SYSTEM SECURITY & LAW ENFORCEMENT (SSLE)** 

**SUBJECT: POLICING SERVICES - INTERIM CONTRACT  
EXTENSION RECOMMENDATIONS**

**ISSUE**

The purpose of this correspondence is to provide staff recommendations on the interim contract extension for policing services.

In support of the draft PSAC values of *Implementing a Community-Centered Approach, Emphasizing Compassion, Acknowledging Context and Committing to Openness and Transparency*, Metro recommends revising the existing multi-agency policing contract SOW (Attachment A).

Staff will recommend the Metro Board amend the multi-agency law enforcement contract value by a not-to-exceed amount of \$75,201,973 for the remainder of the contract term through June 2022, and extend the period of performance for up to an additional six (6) months with a 6-month option. The extension of the period of performance is to allow sufficient time for:

- 1) the PSAC to submit its recommendations for a new model of public safety reflecting community-based approaches to policing; and
- 2) a new contract awarded. The budget for the extension will be requested during the FY23 budget process.

**BACKGROUND**

At the August 18th General PSAC meeting, Metro staff shared the intent to seek Board authorization, before the end of this calendar year, to fund the remaining six months of the law enforcement contracts, January – June 2022. In addition, staff would seek a contract extension for an additional six months with a six-month option.

### *Why is more funding needed on the existing contracts?*

At its February meeting, Metro staff informed the Board that unplanned expenses for special event coverage and surge operations, which occurred in the early years of the contract, had reduced the contract value available for general law enforcement services. As a result, more than \$100 million was requested to fully fund the contract for the remaining 12 months (ending June 2022). At its March meeting, the Board approved an increase in the contract value that was sufficient for six months (ending December 31, 2021). Given that the work with PSAC is not yet completed, additional funding is recommended to fund the remaining six months of the contract.

### *Why is a contract extension also being requested?*

As conveyed previously at the Ad Hoc and General PSAC meetings, the procurement process for a new contract would consist of a 12-14-month period. Metro anticipates finalizing a new SOW in February 2022. PSAC members would have an opportunity to weigh in during the posting time being allotted for public comment.

## **DISCUSSION**

Since the initial Ad Hoc meeting on June 22, 2021, staff has listened to your thoughts and reviewed your comments provided on the Multi-Agency Police Contract Scope of Work (SOW) matrix (Attachment A) for improving policing services currently provided under the multi-agency law enforcement contracts.

Key proposed modifications to the existing contract include:

- Removal of fare and code of conduct enforcement responsibilities
- Revised language in SOW dealing with proactive enforcement
- Redirect \$1.6M from LASD contract to DMH
- Consistency with Campaign Zero's Eight Can't Wait ; and
- Increased data collection, transparency, and accountability.

Staff supports several revisions to the existing contract SOW. Due to time constraints, other recommendations would need to be considered in the new procurement, consistent with the long-term vision. The next steps will be for PSAC to review the recommendations and decide if the committee will support the Metro staff recommendations or make their own recommendations for the law enforcement contract extensions. The final set of Metro and PSAC recommendations will be submitted to Metro's CEO, Stephanie Wiggins for review and submittal to the Metro Board.

Staff seeks to take a holistic approach to public safety by leading with compassion and respect for our riders and employees in two (2) primary areas:

- 1) Revisions to Existing Multi-Agency Police Contract SOW
- 2) Engaging the Los Angeles County Department of Mental Health (DMH)

## **1. Revisions to Existing Multi-Agency Contract SOW**

Staff is proposing revisions to the existing multi-agency policing contract SOW, intended to be incorporated by the end of December 2021 through an amendment with implementation by no later than January 2022. See Attachment B for a draft of the proposed revisions.

**There is no increase in cost to implement these recommended revisions.**

**These recommended revisions support the draft PSAC values of Implementing a Community-Centered Approach, Emphasizing Compassion, Acknowledging Context and Committing to Openness and Transparency.**

## **2. Engaging the Los Angeles County Department of Mental Health (DMH)**

Staff is in discussions with the DMH to enter into an agreement with Metro, to engage more effectively with persons who are in crisis or under the influence, or those who turn to the Metro system and property for alternative shelter. The DMH has partnered with Los Angeles County, City, and other municipal law enforcement agencies to provide immediate field response to situations involving mentally ill, violent, or high-risk individuals. DMH-Law Enforcement teams respond to 911 calls for assistance whenever mental illness is reported or suspected. Teams also respond to requests from Psychiatric Mobile Response Teams (PMRT) or law enforcement patrol officers for mental health assistance. Mental health experts will focus on contacting persons in need on the system, utilizing de-escalation tactics to minimize the potential for incidents involving force; this will shift the primary responsibility for these contacts to the DMH with support from their contracted law enforcement resources (Long Beach Police Department Quality of Life (QOL), Los Angeles County Sheriff's Department (MET) and Los Angeles Police Department (HOPE) Teams. Metro hopes to reach agreement with the Department of Mental Health Services by the end of the year to begin implementation. This will allow Metro to shift resources of approximately \$1.6M for the remaining 6 months of the existing contract. Expansion on the contract to include shifting resources from Long Beach Police Department and Los Angeles Police Department is expected with the extension from June 1, 2022 to June 30, 2023.

**There is no increase in cost to implement this recommendation:**

There is a shift of approximately \$1.6M for the remaining 6 months of the existing contract to DMH.

**This recommendation supports the draft PSAC values of Implementing a Community-Centered Approach, Emphasizing Compassion, Recognizing Diversity and Acknowledging Context.**

**NEXT STEPS**

Thank you for your continued commitment to reimagining public safety. We look forward to our continued collaboration to improve safety and security for all on the Metro system.

Attachment A – Multi-Agency Police Contract SOW Matrix

Attachment B – Proposed revisions to existing policing contract

## Attachment A - Multi-Agency Police Contract SOW: Schedule of Recommendations and Proposed Actions

Draft Multi-Agency Police Contract Scope of Work (SOW): Schedule of Recommendations and Proposed Actions - July 27, 2021				
Contract Section	SOW	PSAC Member	Comment/Recommendation	Metro Response/Proposed Action
<b>1.1 Specific Responsibilities</b>				
1.1h	Provide law enforcement presence during periodic fare enforcement and passenger screening operations;	Scarlett De Leon/ Mohammad T/Chauncey	<p>They should not be doing this- Another reason why fare less transit should be part of our discussions. It is a safety strategy and we should be up to date on the pilot h) Why is law enforcement tasked with fare enforcement? Given the focus from the Board (and other members of civil society) to discourage fare enforcement, or fares at all, what role does Metro envision the contractor to play in this question?</p> <p><b>RECOMMENDATION:</b> 1.1h: Remove provisions on fare enforcement. This role of police is inconsistent with the direction Metro is moving - i.e., towards fare less transit. To add, it leads to harmful police-community interactions that create significant public distrust, and are racially and economically inequitable.</p>	<p>Law enforcement is not tasked with fare enforcement operations. Their role is to provide presence during Metro Transit Security Officers' periodic responsibility for fare enforcement operations. Reference: Metro letter, dated July 21, 2016 submitted to the Metro Board of Directors.</p> <p>Additionally, the fare less system initiative is under consideration by the Metro Board of Directors. Reference: <a href="https://www.metro.net/about/fsi/">https://www.metro.net/about/fsi/</a></p>
1.1i	Remove persons without a valid transit fare from buses, trains, buildings, and stations;	Scarlett De Leon/ Mohammad T/Chauncey	<p>They should not be doing this. h) Why is law enforcement tasked with fare enforcement? Given the focus from the Board (and other members of civil society) to discourage fare enforcement, or fares at all, what role does Metro envision the contractor to play in this question?</p> <p><b>RECOMMENDATION:</b> 1.1i: Remove provisions on fare enforcement. This role of police is inconsistent with the direction Metro is moving - i.e., towards fare less transit. To add, it leads to harmful police-community interactions that create significant public distrust, and are racially and economically inequitable.</p>	<p>Law enforcement contractors are not tasked with fare enforcement operations on the system, it is a Metro Transit Security Officer's responsibility. See response to Item no. 7.</p> <p>Metro is private property and passengers who are in violation of Metro Code of Conduct, to include persons who have not paid adequate fare and/or criminal misconduct are subject to removal from the system. Metro's law enforcement contractors may be called by Metro Transit Security Officers in support of persons who do not comply with the removal. The fare invasion practices will be reevaluated as the fare less system initiative is developed.</p> <p>Metro is proposing to revise this responsibility to read "Escort persons from LACMTA property at the request of LACMTA;"</p>
1.1n	Conduct proactive anti-crime operations when not handling a dispatched call;	Scarlett De Leon/ Mohammad T/Chauncey	<p>From my understanding they spend a lot of time doing this and this is the stuff that leads to racial profiling, over ticketing etc. n) What is meant by "proactive anti-crime operations"?</p> <p><b>RECOMMENDATION:</b> 1.1n: Concerned about this. Recommend banning pretextual stops and racial profiling so that "pro-active" crime fighting -- when there is no crime occurring to respond to -- does not turn into a bases to stop, harass, and dehumanize low-income people of color. Recommend modifying the role to focus on violent crimes harmful to others, and non enforcement of low-level quality of life offenses that are used to criminalize low-income communities of color (e.g., minor drug possession, disorderly conduct, trespassing, loitering, intoxication, fare evasion, sex work, and etc.)</p> <p>Strikeout n) Conduct proactive anti-crime operations when not handling a dispatched call;</p> <p>What are anti-crime operations? Are they giving out books, food, cash? I expect it's more inline with what Mohammad and Scarlett mentioned above - I believe we should strike this. They should be there to respond to 911 calls and provide deterrence by presence, not profiling. I would add that they should "greet customers and provide excellent customer service"</p>	<p>Proactive anti-crime operations is when officers self-initiate (e.g. observations, respond to citizen flag downs, customer contacts/stops, patrol checks, community policing etc.) while patrolling the system to prevent and deter criminal conduct. Stop and frisk is not a practice engaged by or supported by the law enforcement contractors. Reference: Metro letter, dated July 21, 2016 submitted to the Metro Board of Directors.</p> <p>Some anti-crime operations may include distribution of books or food related to community engagement.</p> <p>Additionally, Metro is proposing to revise this responsibility to read "Conduct community focus law enforcement activities operations when not handling a dispatched call;"</p>

## Attachment A - Multi-Agency Police Contract SOW: Schedule of Recommendations and Proposed Actions

Contract Section	SOW	PSAC Member	Comment/Recommendation	Metro Response/Proposed Action
1.1p	Collaborate with social service agencies to address the impact of homelessness on the transit system	Scarlett De Leon/ Mohammad T/Chauncee	<p>The path program is a great example of a system that leads to permanent housing. METRO should continue and expand contracts with the LA county public health department to create different task forces to address unhoused issues i.e. outreach services, long term recovery, substance abuse etc. I also have questions on where the equity and race office is in all of this? Seems like they should be the ones working with social workers, mental health workers, outreach workers etc., p) What is Metro's desired vision for how the contractor might collaborate in this context? Why is the contractor asked to do this collaboration at all? What data exists to suggest that this contractor might be an effective collaborator to handle this problem?</p> <p><b>RECOMMENDATION:</b> 1.1p: Suggest adding organizations and non-government social service providers in addition to agencies.</p>	<p>Metro currently works with PATH, LA DOOR and HOME AT LAST, and is open to expanding collaborative partnerships with other CBOs to continue addressing unhoused issues. Metro's new CEO has made homelessness a top priority for the agency and to continue addressing the impact of homelessness on the system law enforcement contractors will continue to collaborate with Metro. Reference: Monthly Metro Board Reports, section "Homeless Outreach Services" submitted to the Metro Board of Directors; 2) <a href="https://dmh.lacounty.gov/our-services/countywide-services/eob/">https://dmh.lacounty.gov/our-services/countywide-services/eob/</a> and 3) Los Angeles County Metropolitan Transportation Authority, State of the Agency</p>
1.1q	Enforce LACMTA's Code of Conduct	Scarlett De Leon/ Mohammad T/Chauncee	<p>Metro needs to invest in infrastructure bathrooms!!!!, trash cans, recycling etc. As well as expand cleaning crew this in itself would help a lot of the code of conduct issues. Can we get a report back on elevator attended program? This is known to reduce defecation etc on elevators. These should be Metro public sector jobs and not contracted out.</p> <p><b>RECOMMENDATION:</b> 1.1q: Suggest editing this provision so that the role of police is restricted to responding to criminal activity. Code of conduct issues should be within the realm of Transit Ambassadors and Metro Security, unless a code of conduct violation also rises to the level of being a crime.</p>	<p>Infrastructure bathrooms, trash cans, recycling, cleanliness and elevator attended program are are not part of the law enforcement SOW and will be considered elsewhere.</p> <p>Metro is proposing to revise this responsibility to read "Enforce local, state and federal laws and regulations".</p>
<b>1.2 Personnel and Training Requirements</b>				
1.2g	g) Fare Collection and Fare Evasion	Chauncee	<p><b>RECOMMENDATION:</b> 1.2g: Suggest eliminating fare collection from scope of work (see comments in 1.1); this implicates training here – i.e., they should be trained not to conduct fare enforcement activities.</p> <p>Add provisions requiring training on procedural justice, racial and identity profiling, de-escalation, and community-oriented policing.</p> <p>Add provision prohibiting officers assigned to Metro with sustained complaint violations for racial profiling, excessive force, false reporting, or other serious misconduct.</p>	<p>Metro will remove this responsibility from SOW.</p> <p>Required training for law enforcement contractors will be addressed in the community policing plan, section 3.0 of the contract.</p>

## Attachment A - Multi-Agency Police Contract SOW: Schedule of Recommendations and Proposed Actions

Draft Multi-Agency Police Contract Scope of Work (SOW): Schedule of Recommendations and Proposed Actions - July 27, 2021				
Contract Section	SOW	PSAC Member	Comment/Recommendation	Metro Response/Proposed Action
<b>2.1 Reports</b>				
		Chauncey	<b>RECOMMENDATION:</b> Add collect and publicly report data (1) pursuant to the Racial & Identity Profiling Act (AB 953 - 2015), (2) uses of force (AB 71 - 2015), and (3) complaints of officer misconduct - officer name, rank, complaint category, incident date, allegation, finding/disposition, officer race, race of complainant, officer department and assignment, officer employment status (SB 1421 - 2018).	To enhance transparency and accountability Metro is exploring the ability to add data collection and posting information on its website for future contracted policing services. With respect to the numerical recommendations it is important to note: (1) law enforcement contractors currently collect data and report it as required by the state of California. Metro information is not specifically identified. Reference: Racial and Identity Profiling Act (ca.gov) (2) Each law enforcement agency reports uses of force to the public. Reference: lasd.org/transparency ; longbeach.gov; and lapdonline.org. (3) Information regarding complaints of officer's misconduct is considered a personnel record thus confidential as per the Peace Officer Bill of Rights. It is discoverable through a granted Pitchess Motion after a judicial review.  Metro is exploring to add in this section the reporting of "Monthly summary and general nature of personnel complaints" (e.g. type and number of complaints such as sexual harassment, excess use of force, etc.), to then be able to explore with the law enforcement partners how this may be reported as a performance indicator, but anything related to personnel information is confidential.
<b>2.2 Monthly Key Performance Indicators</b>				
	LACMTA will provide to Contractor details of each required key performance indicators ("KPI"), including definitions, raw data required and calculations. LACMTA will use these KIP Is as part of the contract monitoring and evaluation process.	Chauncey	<b>RECOMMENDATION:</b> Add complaints of misconduct as a performance indicator. Ban use of quotas for tickets and arrests as performance indicators.	Metro will consider adding statistics regarding complaints of misconduct as a performance indicator in future contracted policing services. Metro does not use quotas for tickets and arrests as performance indicators.
<b>6.0 LACMTA Resources</b>				
	j) Mobile phone fare validators for each law enforcement official assigned to the contract;	Chauncey	<b>RECOMMENDATION:</b> Delete provision on mobile phone fare validators to align with shift in role provided in previous sections.	The purpose of mobile phone validators assigned to law enforcement contracts is to log-in their deployment shifts. This supports with monitoring contract compliance and access to resources such as Transit Watch App, Google Maps and other series of files for reference.  Metro removed the ability for law enforcement to be able to issue citations for fare invasion when using the mobile phone validators. Metro is also proposing to remove the word "fare" from this section.

# Attachment B

## EXHIBIT A – STATEMENT OF WORK

As of June 27, -2017

### Background

The Los Angeles County Metropolitan Transportation Authority (LACMTA) was established in 1992 and is the region's principal agency for Multi-modal transit operations. LACMTA seeks law enforcement services to support its day-to-day operations across its entire service area. **See Attachment No. 1.** LACMTA averages more than 1.4 million trips on its bus and rail systems daily.

Based upon business need, LACMTA resolved to award three (3) separate contracts to: City of Long Beach, City of Los Angeles and County of Los Angeles to provide law enforcement services within specified territorial coverage. LACMTA shall remain the lead agency for coordination. Contractor shall report directly to LACMTA's System Security and Law Enforcement Department and collaborate on the following priorities:

- **Crime deterrence- to include vandalism and graffiti**
- ~~Decrease response times to emergency, priority and routine calls for service~~
- ~~Increase law enforcement and security v~~ **Visibility across the transit system**
- ~~Deter crime - to include vandalism and graffiti~~
- ~~Reduce v~~ **Vulnerability to terrorism**
- **Prompt response times to emergency, priority, and routine calls for service**
- **Awareness and education regarding public safety**
- ~~Enforce LACMTA's Customer Code of Conduct~~
- ~~Reduce fare evasion~~

LACMTA will not provide compensation for basic services like 911 response, criminal investigations, accident investigations and major incident response, LACMTA will provide compensation for enhanced visibility staffing in order to reduce LACMTA's vulnerability to crime and terrorism.

LACMTA operates transit service from eleven (11) geographically distinct bus divisions and four (4) rail divisions servicing six (6) train lines. In addition to the rail lines, enhanced critical infrastructure staffing shall be provided at Union Station, 7<sup>th</sup> & Metro Station and Willowbrook/Rosa Parks Station. Bus locations requiring enhanced critical infrastructure staffing include the Harbor/Gateway Station and El Monte Transit Center.

In addition, the Contractor shall provide staffing for work shifts between the hours of 6:00 a.m. and 2:00 a.m. daily, with reasonable reductions upon mutual agreement between LACMTA and Contractor, -during periods of limited service or low demand. Any such agreement shall be confirmed in writing by LACMTA to the Contractor.

### **1.0 Scope of Work**

The Contractor must provide staff with extensive law enforcement experience and provide only POST certified or POST-eligible personnel to this contract. "POST-eligible" means that personnel have successfully met all requirements for POST certification and Contractor will, upon request, provide written evidence that all such requirements have

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been met by any personnel. The Contractor must provide staffing and deployment models consistent with LACMTA's existing division-based configuration. Contractor shall include the specific number of resources assigned to ride LACMTA's trains and rail corridors, and attempt to reduce LACMTA's vulnerability to terrorism at its key critical infrastructures. As the LACMTA system expands for rail, LACMTA may amend the contract with mutual agreement of Contractor in accordance with the terms and conditions of this Contract.

### 1.1 Specific Responsibilities

Contractor shall be responsible to complete the following tasks, to the maximum extent permitted by Contractor's lawful authority:

- a) Augmented Contractor or regional response to 911 emergency, priority and routine calls for service within Contractor's jurisdiction;
- b) Crime analysis and reporting;
- c) Augment Contractor or regional criminal investigations, accident investigations and law enforcement response to major incidents within Contractor's jurisdiction;
- d) Reduce system-wide vulnerability to terrorism;
- e) Conduct joint anti-terrorism drills, training sessions, and intelligence sharing with other local, state and federal law enforcement agencies;
- f) Provide access to K9 explosive detection on an on-call overtime basis;
- g) Ride Metro trains, and rail stations/corridors, and maintain high visibility at key LACMTA critical infrastructure locations;
- h) Provide **directive** law enforcement presence **at** during the periodic fare enforcement and passenger screening operations, **request of** from **LACMTA**;
- i) **Remove** **Escort** persons **from LACMTA property at the request of LACMTA** without a valid transit fare from trains, buildings, and stations;
- j) Conduct mutually agreed upon grade crossing enforcement operations;
- k) Respond to and resolve incoming calls for service from LACMTA rail and security dispatch centers;
- l) Respond to and resolve incoming complaints from LACMTA's Transit Watch program;
- m) Respond to and resolve citizen complaints related to criminal activity;
- n) Conduct **proactive anti-crime operations** **community focus law enforcement activities** when not handling a dispatched call;
- o) Participate in LACMTA emergency and disaster preparedness planning and drills;
- p) **At the request of LACMTA** **G**collaborate with social service agencies, **community and faith-based organizations** to address the impact of homelessness on the transit system
- q) Enforce ~~LACMTA's Code of Conduct~~ **local, state and federal laws and regulations**;
- r) Attend weekly coordination meetings or other meetings as required;
- s) **Tap issued Metro Badge at all TAP machines when boarding buses, riding trains, and accessing rail stations/corridors while patrolling;**
- t) **Body-Worn Cameras will be deployed consistent with departmental policy;**

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- h)u) Be consistent with the principles of Campaign Zero “Eight Can’t Wait”; and
- s)v) Provide additional law enforcement services to address unforeseen events/requirements.

### 1.2 Personnel and Training Requirements

Each sworn law enforcement officer/supervisor assigned to LACMTA must have or be eligible to receive a Basic, Intermediate, Advanced or Supervisory California POST Peace Officer’s Certificate. Upon LACMTA request, Contractor will provide written evidence that any officer/supervisor that is not formally POST-certified has successfully met all requirements for such certification. Command level officers must hold an active Management or Executive POST Peace Officer’s Certificate. LACMTA may consider Reserve Officer POST Certificates on a case-by-case basis. Only POST certified personnel are authorized to provide law enforcement services. The Contractor’s personnel must have completed their probationary period, have a minimum of eighteen (18) months of law enforcement experience, and shall not have current duty restrictions, whether due to medical or performance based issues, in order to be assigned to the Contract.

All LACMTA-mandated training will be conducted by LACMTA and will be considered a reimbursable cost(s) by LACMTA under this Contract.

All Contractor personnel assigned to LACMTA must attend a Four- hour LACMTA safety training immediately following the issuance of a Notice to Proceed. After the Notice to Proceed, any new personnel of the Contractor will be required to attend this LACMTA safety training.

Within the first six (6) months of assignment, all law enforcement personnel must also complete a separate four (4) hour training course in “Transit Policing.” The curriculum will be developed by LACMTA and cover the topics of:

- a) Overview of LACMTA’s Org Chart, Bus and Rail Operations
- b) Mitigating Terrorism in the Transit Environment
- c) Impact of Crime and Disorder on Transit Ridership
- d) Transit Watch App
- e) LACMTA’s Customer Service Expectations
- f) Partnering with LACMTA’s Security Team
- g) ~~Fare Collection and Fare Evasion~~
- h)g) Grade Crossing Enforcement
- i)h) LACMTA Customer Code of Conduct

The Chief of Police of the Long Beach Police Department shall have the sole authority for assignment of key personnel on a routine basis. Contractor will make best efforts to ensure key leadership personnel positions identified in its technical proposal are highly qualified personnel that meet all LACMTA requirements. The Parties agree that in the event either Party recommends any changes to key leadership personnel assignments, it will, with a reasonable amount of advance notice, provide written notice to the other Party. The Parties

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will meet and consult to a mutual satisfaction on any changes to key leadership personnel and Contractor will provide LACMTA with documentation of the qualifications for any person proposed for a key leadership position.

### 1.3 Service Coverage

Contractor shall provide law enforcement services to Metro's areas within the Long Beach city limits as provided in Attachment 2.

### 1.4 Management and Administrative Duties of Contractor's Personnel

**The Contractor will monitor complaint allegations against Contractor Personnel assigned to the Contract, including those specifically related to racial discrimination, excessive force, and sexual harassment during the course of their duties as a law enforcement officer, whether assigned to LACMTA or other assignments. Contractor Personnel with two or more conclusive allegations, over the most recent three years, related to racial discrimination, excessive force or sexual harassment will be identified, communicated to LACMTA, and managed as required by law enforcement departmental policy.**

## 2.0 REPORTING REQUIREMENTS

### 2.1 Reports

The Contractor shall submit to LACMTA, the following reports and documents as required:

- a) Weekly schedule for each watch or shift. Must include each employee's name, badge number, actual hours worked, assignment and rank. This report shall be submitted within 30 days of the date the schedule is created;
- b) Watch Commander Summary of Major Events of the Day
- c) Monthly summary of crime activity, citations issued, arrests made;
- d) Monthly summary of commendations and complaints;**
- ~~d)~~ **e) Monthly summary and general nature of personnel complaints;**
- ~~e)~~ **f) Monthly Report on the number of Part 1 crime cases referred for follow-up investigation and the subsequent disposition;**
- ~~f)~~ **g) After-Action Reports following special operations, emphasis details and/or major incidents;**
- ~~g)~~ **h) Annual Community Policing Plan;**
- ~~h)~~ **i) Monthly summary of Problem-Oriented Policing projects;**
- ~~i)~~ **j) Executive Summary of Major Events/Incidents on the Metro System (distribution to LACMTA's CEO, DCEO, COO, Chief of Risk Safety and Asset Management and Chief of System, Security and Law Enforcement); and**
- k) Data must be provided in a format which allows LACMTA to determine the calculation of all reported figures, separate from any general written report format that may be provided. Should it be mutually agreed upon to use a third party format or subscription based service to transmit data, LACMTA will pay all costs associated with facilitating data transmission.**

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- l) Body worn camera data will be provided to LACMTA upon request and in accordance with state laws. LACMTA will work with the Contractor to develop specific protocols for access and delivery of data, as appropriate.
- ))m) Contractor will collect and report data consistent with local, state, and federal laws and regulations. Data must be provided upon LACMTA's request.

LACMTA requires read-only access to law enforcement agency's crime statistics database(s) with ability to pull the required data elements for import into LACMTA's systems.

The Contractor shall provide LACMTA with data to measure:

- a) How assets are assigned and tracked using LACMTA-provided systems and/or equipment
- b) The time/date/category/disposition of calls for service
- c) Incident response times
- d) Ratio of proactive versus dispatched activity
- e) Number of criminal citations/infractions/violations issued
- f) Number of misdemeanor and felony arrests
- g) Real Time Crime Analysis Data
- h) Provide the following GIS data (Raw or API format) and services:
  - i. Spatial (Location-Based): Location of crimes attended, time and location stamped
  - ii. Ability to identify, track, and log mobile assets in real time: Vehicles, radios, mobile phone, and other GPS enabled, Metro-provided equipment

Contractor must come equipped with all of the necessary tools to communicate with other police/fire agencies, investigate crimes and accidents, prepare reports, and use existing crime analysis tools and/or predictive analysis of crime trends. Under no circumstances shall Contractor share confidential data or information obtained from the California Law Enforcement Telecommunications System (CLETS) with non-law enforcement personnel.

LACMTA will work with the Contractor to develop specific protocols for dispatching non-emergency service calls that are not appropriate for the 911 system. LACMTA will provide the Contractor with Mobile Phone Validators, LA Metro Transit Watch tools, Mobile Video Surveillance Tools and access to video feeds where possible.

If LACMTA directs dispatchers or dispatch operations to make minor changes or significant changes to their operations that have a technology, software, staffing, or financial impact, no such changes shall be implemented until LACMTA has contacted the City of Long Beach, Department of Disaster Preparedness and Emergency Communications ("DPEC"), and entered any necessary agreements as required by DPEC.

# Attachment B

## 2.2 Monthly Key Performance Indicators

LACMTA and the Contractor(s) will jointly develop baseline performance metrics to capture:

- a) **The percentage of time spent on bus stops, transit centers, train platforms, plazas, stations, buses, trains, and performing other LACMTA related activities while on** ~~Number of foot, and vehicle and motor patrols of transit centers and train platforms/plazas/stations~~
- b) Ratio of staffing levels and vacant assignments
- c) Ratio of proactive versus dispatched activity
- d) Number of train boardings
- e) Incident response times
- f) Number of fare enforcement operations
- g) Decreases/Increases in crime
- h) Number of Grade crossings operations

LACMTA will provide details of each required KPI, including definitions, raw data required and calculations. LACMTA will use these KPIs as part of the contract monitoring and evaluation process.

## 3.0 Community Policing

The Contractor shall update **and submit** annually **for the LACMTA's review and approval** ~~the~~ Community Policing Plan. Building and sustaining community partnerships is central to LACMTA's goal of reducing vulnerability to crime. This will require periodic attendance at community meetings and other events designed to foster LACMTA's relationship with the community. Contractor's staff shall be provided specific training in Problem Oriented Policing in order to assist LACMTA in addressing longstanding challenges related to crime, blight and disorder. The cost of such training and/or exercises are eligible for reimbursement by LACMTA under this Contract.

As part of the Community Policing Plan, it is important for the Contractor to incorporate feedback from rail managers into the overall policing strategy. Maintaining a continuous dialogue will foster operational understanding of the unique challenges associated with policing in a transit environment. The primary goal of these collaborative efforts is to ensure that each of the Divisions are given appropriate coverage and foster the safety of the operators.

## 4.0 Homeland Security and Emergency Preparedness

The Contractor must be able to conduct detailed threat analysis and identify strategies to address security threats. The Contractor shall collaborate with LACMTA on intelligence sharing, anti-terrorism operations, drills, planning activities and coordination with other agencies. The cost of such training and/or exercises are eligible for reimbursement by LACMTA under this Contract.

## 5.0 Contractor Resources

The Contractor shall provide:

## Attachment B

- a) All vehicles and associated operating costs;
- b) Police radios and communications equipment;
- c) Mobile data terminal laptops;
- d) Uniforms, weapons and other personal equipment;
- e) Investigative tools and equipment; and
- f) Traffic enforcement devices and equipment.

### 6.0 LACMTA Resources

Metro may provide a limited amount of resources to key law enforcement staff assigned to the contract. In some cases these resources may have to be negotiated until a mutually acceptable agreement is reached. These resources include:

- a) Office space and official vehicle parking spaces at One Gateway Plaza;
- b) Office desks, computers and printers;
- c) Access to security kiosks, break rooms and restroom facilities, specifically access to the 200 W 27th Street breakroom area, if available;
- d) Access to limited shower and locker room facilities;
- e) Access to conference rooms;
- f) Photocopiers, telephones, network access and email;
- g) Transit passes for official use;
- h) Office space and official vehicle parking at the Rail Operations Center;
- i) Office space and official vehicle parking spaces at select Bus & Rail Divisions (Division 11, if available);
- j) Mobile phone fare validators for each law enforcement official assigned to the contract;
- k) Safety vest and hardhat;
- l) Access to LACMTA video surveillance feeds; and
- m) Access to LACMTA radio frequencies (Operations and Security).

### 7.0 BILLING

The Contractor's monthly invoice shall be based upon and reflect the actual services provided under the terms of this Contract. The billings must be accompanied by supporting documentation, to include but shall not be limited to, daily summary of assignments and hours worked and payroll records. The Contractor's invoices are subject to periodic audits at the sole discretion of LACMTA.

1. The Contractor shall not bill LACMTA for any vacant shift assignment
2. All billing expenditures shall be submitted for payment to LACMTA no later than sixty (60) days after the closing of the Contractor Deployment Period.

### 8.0 DISPOSITION OF EQUIPMENT

Unless otherwise agreed upon by the Parties, all LACMTA-funded and LACMTA-provided equipment shall be returned by Contractor to LACMTA upon termination of this Contract in the same condition in which it was provided to Contractor, less regular wear and tear.

## Attachment B

### 9.0 TRANSITION/MOBILIZATION PERIOD

LACMTA acknowledges that Contractor will incur significant costs associated with the Transition/Mobilization Period from March 23, 2017, through June 30, 2017. Scope of services to be provided by Contractor during the Transition/Mobilization Period shall be in accordance with the Limited Notice to Proceed (LNTP - Exhibit E) and shall be paid for by LACMTA by written contract amendment, if needed. For clarification purposes, LACMTA agrees to pay for all costs associated with transition/mobilization in addition to the services outlined in this Exhibit A for the duration of the Contract. If the total cost of services articulated within the Contract exceeds \$30,074,628, LACMTA agrees to execute a written contract amendment to increase funding appropriation, and to take any other steps necessary, to ensure adequate funding is available to pay all costs associated with Contractor services.

Scope of services is a material term to this Contract, and Contractor reserves the right to terminate this contract if adequate funding is not provided by LACMTA to pay for such services.

## Public Safety Advisory Committee

Prepared by the PSAC Facilitator Team

# MEMO

**Date:** November 5, 2021

**To:** Metro Office of the Chief Executive Officer

**From:** Public Safety Advisory Committee (PSAC)

**Re:** Outcomes from the November 3, 2021 PSAC Meeting

During the November 3, 2021 Public Safety Advisory Committee (PSAC) meeting, the advisory body voted on a proposal to approve the committee's response to Metro staff recommendations for the multi-agency law enforcement contract extension

Below is a summary of the committee's action:

- PSAC approved the committee's response to Metro staff recommendations for the multi-agency law enforcement contract extensions. The vote was 14 "yes," 0 "no," and 0 "abstain." (Link: [PSAC multi-agency policing contracts recommendation memo](#))

## Proposal to Approve the Committee's Response to Metro Staff Recommendations for the Multi-Agency Policing Contract Extension

Committee members unanimously approved PSAC's Policing Practices ad-hoc committee recommendations related to the extension of the multi-agency policing contract extension. The committee drafted a set of alternative recommendations in a memo dated October 29, 2021. The approved recommendations included the following:

- Allocating \$0 in additional funding to the existing public agency policing contracts
- Metro returning to a non-contracted law enforcement model to ensure public safety on its transit system
- Reallocating the \$75.2 million that would have been spent on the amended law enforcement contract to support non-law enforcement alternatives to public safety, including: mental health services, homeless outreach services, transit ambassadors (see [draft recommendations](#)), and funding safety initiatives outlined in Metro's Customer Experience [plan](#).

## **Attachment F – Safety Services provided by Law Enforcement Contractors**

**The below list of services is a direct result from having the policing contract**

**August 15, 2021**

- We have Bomb K9 units on the system conducting proactive sweeps, high visibility deterrence, and receive faster response times to suspicious packages and unattended packages.
- Because we have a contract, response times for calls for service on Metro's system are faster in most instances. Each law enforcement jurisdiction has their own deployment model and deploying only a certain number of cars to handle calls. Those calls are handled by the priority that law enforcement officers/deputies decide and where they are located in relation to the call. This is not the case with having law enforcement deployed do to the contract.

Currently, there are specific dedicated units to respond to calls for service. We have dedicated law enforcement patrols on the system i.e., trains, platforms, and buses.

- We have bus riding teams that conduct bus boarding's to check on the operators and the riding public as well as specific units to respond to bus calls for service. This includes OWL bus line service checks and Orange line service checks.
- We have dedicated LAPD Special Problem Units and LASD Special Assignment Units to investigate crime patterns, trends, wanted suspects for crimes related to the Metro system and other special requests.
- We have dedicated Motor units per the contract for grade crossing operations, silver line and orange line patrols. We have dedicated motors to address bus lane issues and facilitate traffic flow in bus lanes.
- We have dedicated detectives to handle investigations and the ability to coordinate with Metro personnel and our law enforcement partners as the relationships that have been built is very strong and productive.
- Terrorism-prevention measures are working well under this contract because of the presence on the system as well as having highly trained personnel that can immediately respond to situations.
- We have dedicated LAPD HOPE teams, LASD TMET teams and LBPD QOL teams that are currently dedicated to addressing homeless issues on the system.
- The contract ensures that regulatory compliance related to security and emergency management protocols; 49 CFR Pt. 659/G. O. 164E & Federally approved System Security Plan Policy; to report to state and federal agencies are in place.
- We have the TSA Gold Standard Award for BASE Assessment Program.
- We meet regulatory compliance regarding TSA Reporting rule.
- We have advanced emergency response training with 1<sup>st</sup> responders trained for Metro environment.
- We meet National Incident Management System (NIMS) standard for responding to emergencies.
- We have our Sexual Harassment Program in place and the ability for incident reporting and follow-up investigations.

## **Attachment F – Safety Services provided by Law Enforcement Contractors**

- Customer complaints about not seeing law enforcement on the transit system (presence) will increase without the contract.
- We have the ability to share security intelligence about patterns, trends, and incidents on the transit system.
- Metro has enjoyed use of first responder radio frequency to support operations.
- We have the ability to respond to National Security Special Events (NSSE) from a transit agency with our law enforcement partners.
- We have the ability to shape policing practices through the Metro contracts.
- We have the ability to track Metro crimes through the FBI Uniform Crime Reporting system.
- We are able to support the Multi-Year Training and Exercise Plan.
- We are able to meet agency requirements related to Homeland Security Presidential Directives.
- We have the ability to Collect, Analyze and Disseminate information on potential threats.

# Transit Law Enforcement Services Contracts

**OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE**

THURSDAY, NOVEMBER 18, 2021



Metro

# Recommended Actions

- Seeking contract modifications to align with the move towards reimaging public safety.
- Authorize \$75.2M for the remaining six months of the original contract Includes contract modifications.
- Extend the contract for an additional six months (Jul-Dec 2022) with a 6-month option (Jan-Jun 2023) to allow PSAC recommendations to come forward to support the new procurement and timeline and award of the contract.
- Funds for the extension will be requested during the FY23 budget process.

# Metro Staff Proposed Contract Modifications

## *Implementing a Community-Centered Approach*

- Consistency with Campaign Zero's Eight Can't Wait.

## *Emphasizing Compassion*

- In discussions with the Los Angeles County Department of Mental Health (DMH) to enter into an agreement with Metro, to engage more effectively with persons in need on the system and redirect \$1.6M to DMH.
- Continue to work with LAPD to implement flexible dispatch to streamline resources to provide the response of mental health professionals and other services as an alternative to police officers.

## *Acknowledging Context*

- Proposed revisions to the existing contract SOW, including removal of fare enforcement responsibilities and requiring community focused engagements.



# Metro Staff Proposed Contract Modifications (cont.)

## *Committing to Openness*

- Monitor and review current contract utilization and control expenditures.
- Reallocate resources, as needed.

## *Transparency*

- Ensure accountability by requesting law enforcement contractors to TAP their issued Metro Badge at all TAP machines when boarding buses, riding trains, and accessing rail stations/corridors.
- Increased transparency with improved data collection and public facing dashboard.
- Monitor recommendations provided by the Office of the Inspector General (OIG) and report updates to the Board quarterly.
- Jointly establish procedures in accordance with agencies' best practices to access and deliver body worn data footage.



# Public Safety Advisory Committee

In March 2021, the Board approved a contract increase of \$36M, sufficient for services through December 2021, with staff engaging PSAC for the remainder six months of the contract (Jan-Jun 2022).

- PSAC created an ad-hoc subcommittee specifically for discussing policing contracts and practices
- 11 meetings held to date, members were provided with copies of the contracts, SOW matrix for member feedback/comments, and data as requested
- Based on feedback received, Metro staff issued a memo to the ad-hoc subcommittee with proposed modifications to the existing contract SOW

# Public Safety Advisory Committee (cont.)

- The Policing Practices ad-hoc subcommittee drafted a set of alternative recommendations that included the following:

1. Allocating \$0 in additional funding to the existing public agency policing contracts
2. Metro returning to a non-contracted law enforcement model to ensure public safety on its transit system

***Note: Metro has had a dedicated policing model since 1978.***

3. Reallocating the \$75.2 million that would have been spent on the amended law enforcement contract to support non-law enforcement alternatives to public safety, including: mental health services, homeless outreach services, transit ambassadors and funding safety initiatives outlined in Metro's Customer Experience plan.
- On November 3<sup>rd</sup>, PSAC unanimously approved the ad-hoc subcommittee's recommendations, with a vote of 14 "yes," 0 "no," and 0 "abstain".

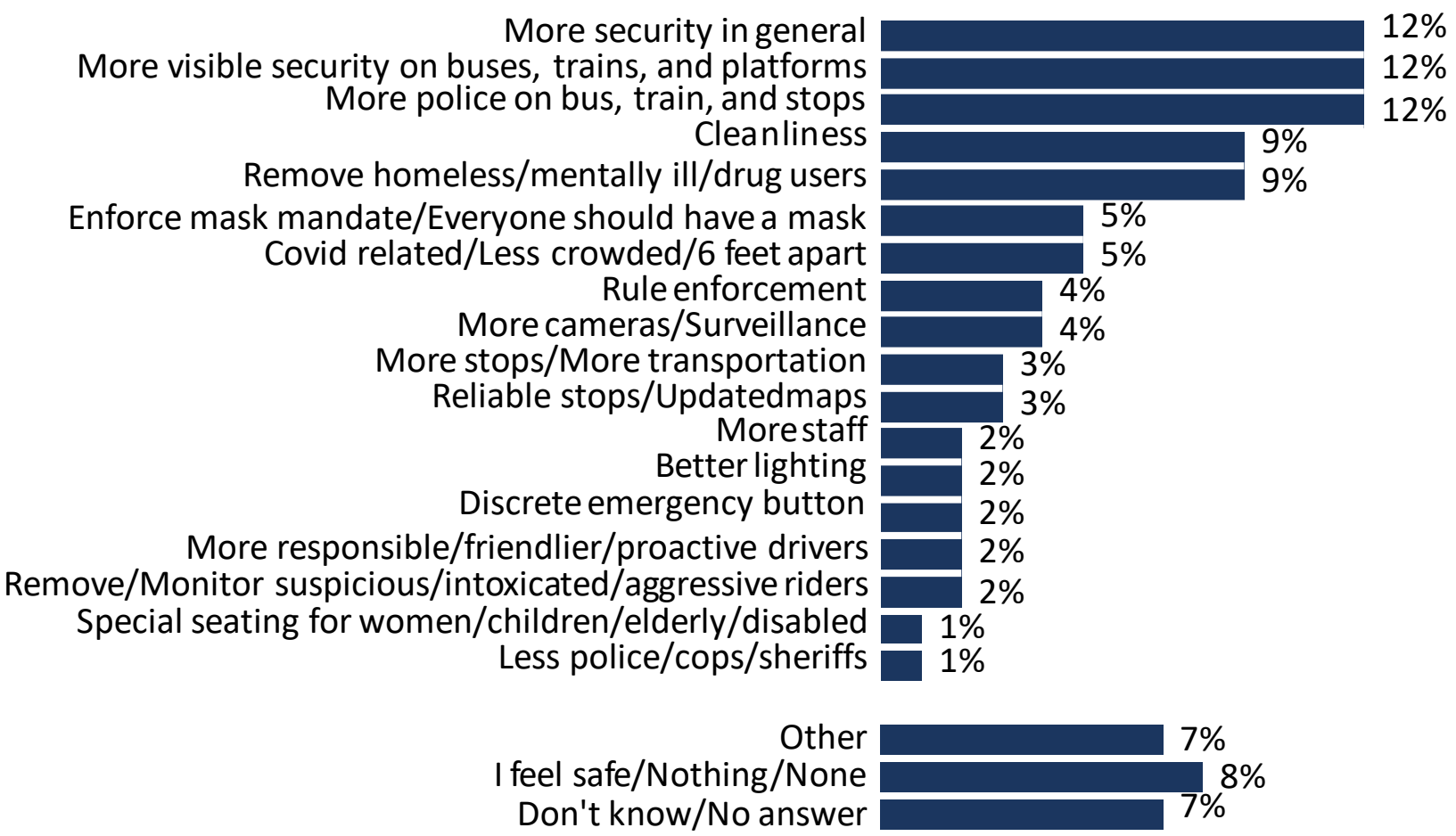


# 2021 Public Safety Survey Results

The most common responses to an open-ended question about improving safety for riders referenced improving security.

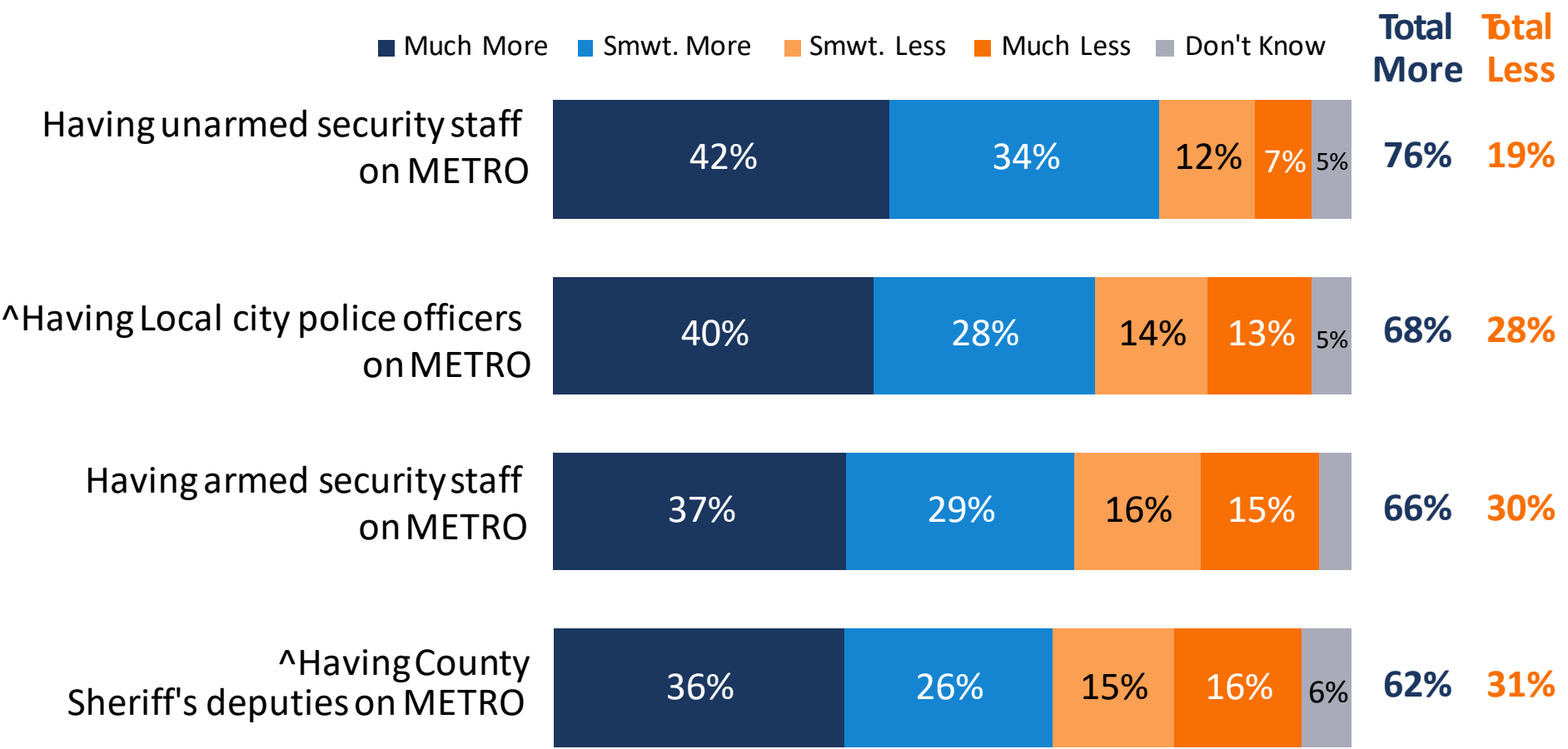
*What would be the one thing METRO could do that would do the most to make you feel safer when using METRO?*

*(Open-ended; Multiple Responses Accepted; Responses Shown 1% and a Above)*



SECURITY STAFF: Over 60% of riders want more security staff and law enforcement on Metro, while 20-30% want less.

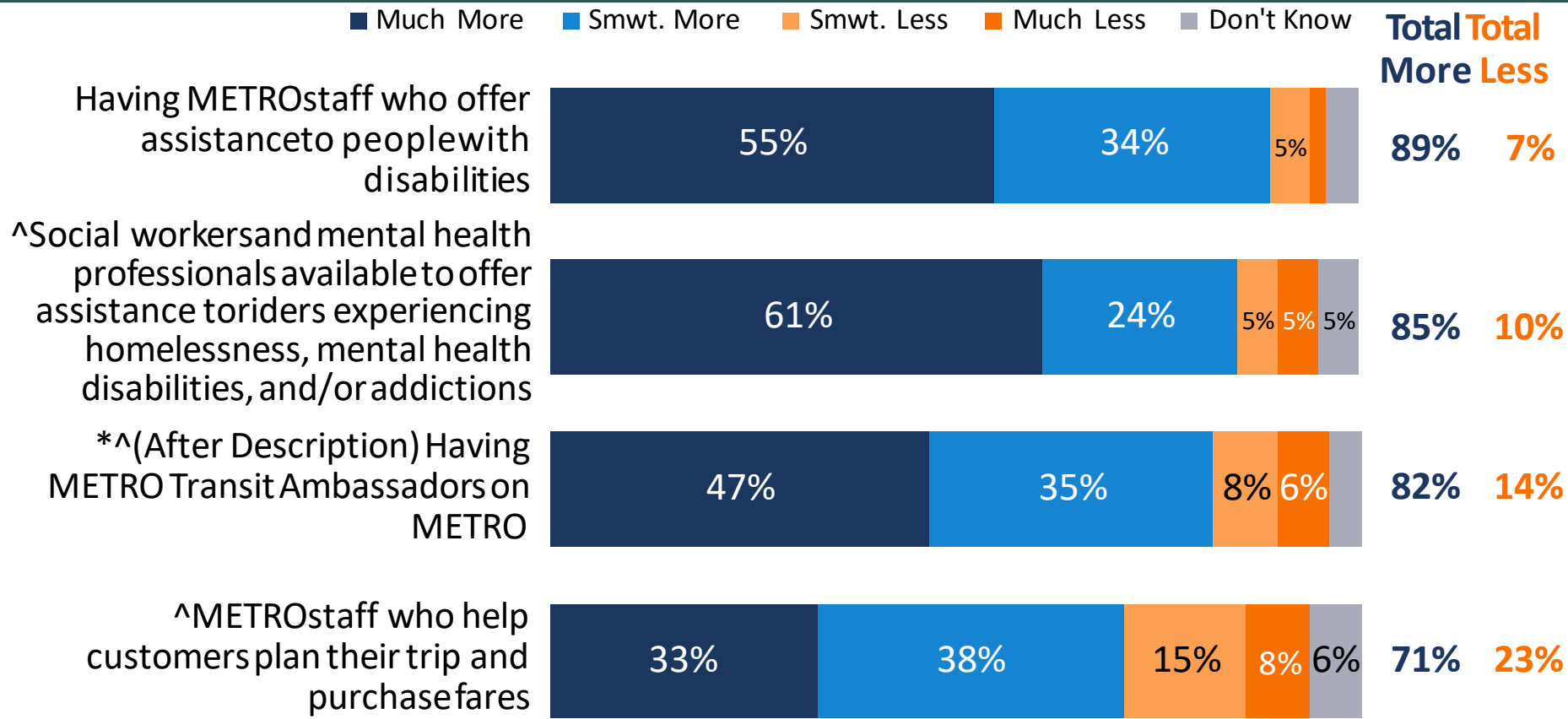
(Ranked by Total More of a Priority)



# 2021 Public Safety Survey Results

ASSISTANCE STAFF: There is even more support for staff who can help customers in a variety of ways, including Transit Ambassadors and social workers.

(Ranked by Total More of a Priority)



# 2021 Employee Safety Survey

## DRAFT Results

Q5 Priority: Having local city police officers on Metro		
		Valid Percent
Valid	Much More of a Priority	66
	Somewhat More of a Priority	22
	Somewhat Less of a Priority	5
	Much Less of a Priority	5
	Don't Know	2
	Total	100
Missing	9	
Total		

Q5 Priority: Having County Sheriff's deputies on Metro		
		Valid Percent
Valid	Much More of a Priority	64
	Somewhat More of a Priority	20
	Somewhat Less of a Priority	6
	Much Less of a Priority	6
	Don't Know	4
	Total	100
Missing	9	
Total		

# 2021 Employee Safety Survey

## DRAFT Results

In general, when thinking about the most recent times you have been out on the Metro Bus or Metro Rail systems, how often did you feel safe?		
		Valid Percent
Valid	All the time	7
	Most of the time	21
	Some of the time	32
	Rarely	22
	Never	18
	Total	100
Missing	0	
	9	
	Total	
Total		

Q5 Priority: Social workers and mental health professionals available to offer assistance to riders experiencing homelessness, mental health disabilities, and/or addictions		
		Valid Percent
Valid	Much More of a Priority	50
	Somewhat More of a Priority	20
	Somewhat Less of a Priority	11
	Much Less of a Priority	12
	Don't Know	6
	Total	100
Missing	9	
Total		11

# Current Conditions

The three main components to support Metro's Security Program are:

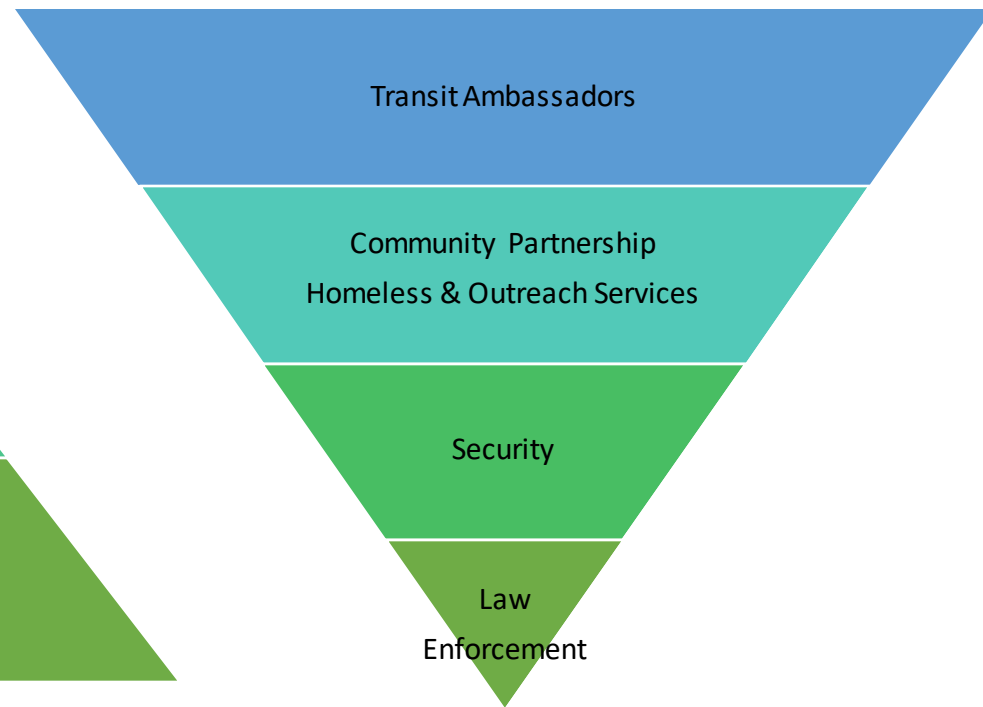
1. Contract Security Guard (RMI International Inc.)
  2. In-House Security (Metro Transit Security Officers)
  3. Contract Law Enforcement (LAPD, LASD, LBPD)
- Metro currently does not have an internal police force to address incidents of crime on the system.
  - Alternatives to policing models are not yet in place and not expected to be fully implemented within the proposed contract extension period.
  - Metro's Transit Security officers and contract security are not sworn peace officers and their functions are limited to observe and report.

# Current and Future

A layered approach of resources will best address safety concerns and ensure the most appropriate response to the transit community.



Current



Future

# Next Steps

- Continue engaging PSAC to develop final recommendations on the new SOW to support the new procurement
- Continue approach to realign resources (i.e., DMH)
- Continue to advance directives of Motion 26.2

# Questions





## Board Report

File #: 2021-0672, File Type: Contract

Agenda Number: 25.

**REVISED**  
**OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE**  
**NOVEMBER 18, 2021**

**SUBJECT: TRANSIT LAW ENFORCEMENT SERVICES**

**ACTION: APPROVE CONTRACT VALUE INCREASE AND EXTENSION**

**RECOMMENDATION**

CONSIDER:

- A. SEEKING scope of work modifications (Attachment D) to align with the move towards reimagining public safety;
- B. AUTHORIZING up to \$75.2M for the remaining six months of the original contract inclusive of scope of work modifications;
- C. EXTENDING the contract for an additional six months (Jul-Dec 2022) with a 6-month option (Jan-Jun 2023) to allow PSAC recommendations to come forward to support the new procurement and timeline and award of the contract; and
- D. FUNDS for the extension will be requested during the FY23 budget process.

**HAHN AMENDMENT:** The extension of a contract with any law enforcement agency shall be conditioned on that agency having an enforced COVID vaccination mandate.

Report back in January 2022 on how to enforce the vaccine amendment and come back with a plan on how to move forward with the vaccination requirement. Additionally, report back in March 2022 regarding whether we can continue to contract with the Sheriff's Department.

**ISSUE**

To continue maintaining a consistent and reliable law enforcement presence and to ensure a safe and secure transit system for Metro passengers and employees, the multi-agency law enforcement services contracts need to be funded for the remaining six (6) months of the term of the contracts, January to June 2022.

The additional funds being requested are to replenish contract value available for general law

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enforcement services absorbed by unplanned expenses, which occurred in the early years of the contract. The additional \$75,201,973 will fund services for the remaining six (6) months (January to June 2022) of the multi-agency law enforcement services contracts inclusive of a revised scope of work (Attachment D).

Given that the work with the Public Safety Advisory Committee (PSAC) is not yet complete, and a procurement process for a new policing contract may consist of approximately a 14-month period, staff is recommending extending the period of performance for up to an additional six (6) months, with a 6-month option. This will allow sufficient time for PSAC to submit its recommendations for a new model of public safety reflecting alternative community-based approaches to policing and staff to return to the Board to recommend awarding a new contracts. The budget for the extension will be requested during the FY23 budget process.

By approving these recommendations, Metro can 1) continue multi-agency law enforcement services through June 30, 2022, and 2) provide the Public Safety Advisory Committee (PSAC) the opportunity to complete final recommendations on reimagining public safety on Metro's system for staff to consider incorporating into the future law enforcement services contract, including the approach to better aligned resources under the Department of Mental Health; and implementation of the proposed revisions to the existing multi-agency contract SOW to incorporate lessons learned, employ solutions, and identify costs.

## **BACKGROUND**

In February 2017, the Board approved the award of three individual five-year, firm-fixed unit rate contracts to the City of Long Beach (LBPd), City of Los Angeles (LAPD), and County of Los Angeles (LASD) for multi-agency law enforcement services to support its day-to-day bus and rail operations across Metro's entire service area, as these are not services provided by local jurisdictions. The total five-year contract award amount for multi-agency law enforcement services was \$645,675,758.

The specific tasks that contractors are responsible for include:

1. Responding to calls needing law enforcement intervention including safety emergencies;
2. Conducting joint anti-terrorism drills, training sessions, and intelligence sharing with other local, state and federal law enforcement agencies;
3. Riding Metro buses and trains, patrolling bus and rail stations/corridors, and maintaining high visibility at key Metro critical infrastructure locations;
4. Conducting proactive anti-crime operations when not handling a dispatched call;
5. Participating in Metro emergency and disaster preparedness planning and drills; and
6. Collaborating with social service agencies to address the impact of homelessness on the transit system.

In February 2021, Metro staff informed the Board that unplanned expenses for (1) augmented outreach services to the unhoused population, addressing increasing crime trends, sexual harassment; and (2) enhanced deployments to cover special events, surge operations- employee and customer complaints, and other unforeseen circumstances, which occurred in the early years of the contract, had reduced the remaining contract value available for general law enforcement

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services. As a result, more than \$100 million was requested to fully fund the contracts for the remaining twelve (12) months of the contract term (ending June 2022). In March 2021, the Board approved an increase of \$36M, which was sufficient only for law enforcement services to cover costs through December 2021, and to engage the Public Safety Advisory Committee (PSAC). Since then, staff has been engaging PSAC to re-imagine transit safety and develop recommendations for a new model that reflects community-based approaches to policing. Staff's intent was to seek Board approval of these recommendations before the end of this calendar year, leading up to and as part of the procurement process for a new policing contract.

Staff's request to extend the period of performance for up to an additional six (6) months, July to December 2022, with a 6-month option, January to June 2023, will allow sufficient time for PSAC to submit its recommendations to Metro for a new model of public safety, the opportunity for PSAC and/or the public to weigh in on the SOW during the posting time allotted for public comment on the new policing SOW, and award a new policing contract.

## **DISCUSSION**

Providing a safe transit system is imperative to Metro in order to provide a world-class transportation system that enhances quality of life for all who use our system. Metro understands the various levels of safety concerns from the public and employees and the responsibility we have to ensure a safe and comfortable experience for all users of the Metro system. Through the PSAC, public safety survey of our ridership (see Attachment E), surveys of our employees, surveys of the unsheltered, and public comment, we have heard the many and varied voices of our community. Many respondents support both armed and unarmed staff on the system. Over 60% of public respondents want law enforcement and armed security staff to be a priority, and this support spans all race/ethnicity categories. Even more, over 70%, want unarmed security staff to be a priority. Employee surveys indicated 86% of employees want policing to be somewhat more or much more of a priority.

Some riders have heard of, witnessed, or have been a victim of crime that leaves them feeling vulnerable and unsafe. Some riders have heard of, witnessed, or have been a victim of disparate or unfair treatment by those in positions of authority, which leaves them harmed, or feeling disrespected and unsafe. Everyone is looking for prevention of and protection from harm, whether that be from harassment, violence, crime, or other threats. It's important to identify why people have these feelings, to determine if we can better address those core issues. Metro seeks for all to enjoy a safe and comfortable experience on the system.

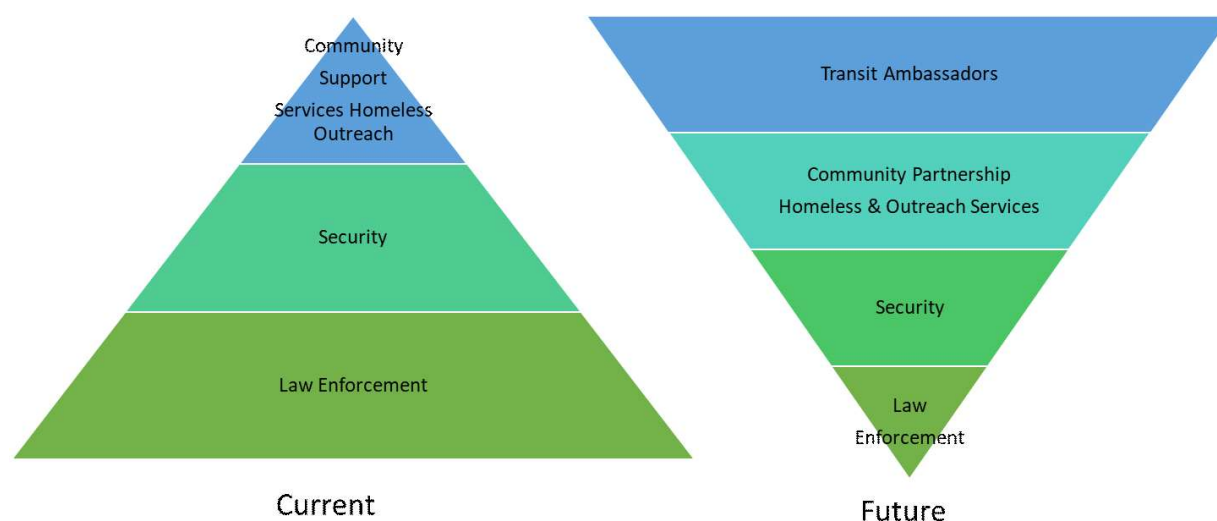
Public safety is a complex topic and we are just at the beginning of our efforts to reimagine safety on our system. Safety by definition means "being free from harm or risk" and we understand that safety means different things to different people. This is a unique time, and we have an opportunity to approach public safety differently. Metro is taking a holistic approach to public safety that promotes safety, compassion and respect for our riders and employees. Key themes to this approach:

- Building better support for vulnerable riders
- Leading with compassion
- Respecting diversity

- Recognizing context
- Community-centered approach
- Reducing the risk of biased outcomes
- Increased transparency and accountability

Based on the work of the Center for Policing Equity, staff will apply key questions to guide and focus internal decisions to support advancing a reimagined transit public safety program. 1. What services could replace law enforcement to reduce their footprint on riders? 2. How can we reduce law enforcement's footprint on over policed riders? 3. What riders and/or employees need more resources and what mechanisms can deliver them? 4. How can we measure our response to change? 5. How can we respond to rider violence with a lighter law enforcement footprint?

We want to focus resources to address root issues to some safety issues. As well as redirecting resources so that the right response is deployed to the safety concern.



### Scope of Work (SOW) Modification

Staff is proposing revisions to the existing contract SOW to increase transparency and continue engaging with the community and passengers to improve trust.

The proposed revisions, which align with the recently PSAC approved Mission and Values for Transit Policy -- *Implementing a Community-Centered Approach, Emphasizing Compassion, Acknowledging Context, and Committing to Openness and Transparency*, include:

- Removal of fare enforcement and code of conduct responsibilities
- Revised language dealing with proactive enforcement
- Redirecting \$1.6M from LASD contract to the Los Angeles County Department of Mental

Health (DMH) to engage more effectively with the unhoused seeking shelter on the system

- Improved consistency with Campaign Zero's Eight Can't Wait; and
- Increased data collection, transparency, and accountability.

Additionally, staff has been in discussions with the Los Angeles County Department of Mental Health (DMH) to enter into an agreement with Metro, to engage more effectively with persons who are in cognitive crisis or under the influence, or those who turn to the Metro system and property seeking shelter. Staff hopes to reach agreement with the DMH by the end of this calendar year. This will allow Metro to shift resources of approximately \$1.6M for the remaining 6 months of the existing LASD contract. Expansion on the DMH contract to include Long Beach Police Department and Los Angeles Police Department is expected with the additional options requested.

- Law enforcement contractors will host up to one (1) community engagement event per month to re-build trust with community members.

To further enhance public safety across the system, campaigns such as Children Travel Safe, Bystander Training, Clean and Safe, Anti-Hate, Sexual Harassment Prevention & Correction, Implicit Bias, ADA Sensitivity, Overdose Intervention and Prevention, and Victim Advocacy will continue to be developed in coordination with community-based organizations, and Office of Civil Rights & Inclusion, and our law enforcement and security contractors.

### *Accountability*

In light of the Office of the Inspector General (OIG) reports, staff continues to monitor and review current contract utilization in efforts to control expenditures; maintain current staff levels; reallocate current resources to where surge operations are needed and continue to shift law enforcement resources previously supporting Metro Rail Operation's special events to Metro Transit Security.

### **PSAC**

To support PSAC with providing recommendations to the existing contract and on a future contract, Metro staff provided members with a copy of the executed contracts with LAPD, LASD, and LBPD, in addition to various public data sets as requested by members. Complimenting copies of the contracts, staff provided a comprehensive SOW matrix (Attachment F) to members of the Policing Practices ad-hoc subcommittee for review. This matrix was used as a baseline to capture member feedback and potential recommendations. Metro staff issued a memo (see Attachment G) on October 26th to the ad-hoc subcommittee with recommendations for modifying the existing contract. On October 27<sup>th</sup>, the ad-hoc subcommittee met to discuss staff's recommendations and expressed they would like to draft a response. The committee drafted a set of alternative recommendations in a memo (see Attachment H) dated October 29<sup>th</sup>. The recommendations included the following:

- Allocating \$0 in additional funding to the existing public agency policing contracts
- Metro returning to a non-contracted law enforcement model to ensure public safety on its transit system
- Reallocating the \$75.2 million that would have been spent on the amended law enforcement contract to support non-law enforcement alternatives to public safety, including: mental health

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services, homeless outreach services, transit ambassadors and funding safety initiatives outlined in Metro's Customer Experience plan.

On November 3<sup>rd</sup>, PSAC members voted on the ad-hoc subcommittee's recommendations. Although some members expressed concern about the security impacts of not funding, the committee members unanimously approved the ad-hoc committee's recommendations, with a vote of 14 "yes," 0 "no," and 0 "abstain" (see Attachment I).

Staff has listened to PSAC's feedback and reviewed their comments provided on a Multi-Agency Police Contract Scope of Work (SOW) matrix (Attachment F) for improving policing services currently provided under the multi-agency law enforcement contracts and proposed to incorporate several recommendations through revisions to the existing contract SOW. Due to time constraints, other recommendations would need to be considered in the new procurement consistent with the long-term vision of reimagining public safety.

Metro staff is fully committed to an ambassador program. We recognize the proven benefits of a Transit Ambassador Program and our goal is to implement effective alternative policing strategies as soon as possible. If Metro utilizes contracted services to staff the ambassador program, Metro could be ready to advertise a scope of work for those services by February 2022 with a contract award in the summer. The scope of work could be advertised to Community Based Organizations with expertise in homeless outreach, disability services, and/or hiring, training, and overseeing formerly incarcerated members of our community. Metro's goal is to move forward with a model that best delivers a Transit Ambassador Program in a timely way that is responsive to the sense of urgency that our Board members and public have expressed for this program.

### **DETERMINATION OF SAFETY IMPACT**

The authorization of the contract amendments to each of the law enforcement contracts will ensure continued safety and security of passengers and employees and improve Metro's ability to safeguard critical transportation infrastructures. See Attachment J for a list of positive safety services that are provided by our law enforcement contractors.

### **FINANCIAL IMPACT**

The total funding increase of \$75,201,973 is already included in the adopted FY22 budget, cost center 2010. The cost center manager and Executive Officer, System Security & Law Enforcement will be responsible for budgeting in FY23.

#### **Impact to Budget**

The source of funds for this effort will be local operating funds, including fares, sales tax Proposition A, C, TDA, and Measure R. These funds are eligible for bus and rail operations.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports strategic plan goal 2.1 of committing to improving security. To achieve

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this goal, Metro will rely on a multi-layered, integrated security program that comprises technology, people, and partnerships.

### **ALTERNATIVES CONSIDERED**

The Board may decline to approve the contract amendment as recommended by PSAC. This alternative is not recommended as Metro currently does not have an internal police force to combat incidents of crime on Metro system. Furthermore, Metro does not have existing contracts in place to provide an ambassador program, sufficient social services and mental health alternatives as outlined by PSAC.

- Metro will be responsible for costs reasonably incurred by the police agency as a result of the early termination of the contract, which would include reasonable demobilization costs.
- An effort to not approve funds for the law enforcement contracts may be only a shortsighted approach and a missed opportunity to achieving the long-term change that we all seek. With violent crime on the rise on our system, in our communities and across the country, now is not the most appropriate time to limit the capacity of our law enforcement partners to connect with our communities without having any available alternatives to deploy, Metro, as a common carrier, is under a duty to provide the utmost care to its passengers, and recommends investing in this capacity, investing in partnerships, and investing in services that supplement safety and security efforts to better serve those who are most in need.
- PSAC continues its work to advancing a reimagined transit public safety program on Metro. Staff will continue to engage with and support its efforts to enhance safety across all aspects of the system.

### **EQUITY PLATFORM**

The first recommendation allows for continued law enforcement services on the system for the remaining six months of the original period of performance. This action, although as voted on November 3<sup>rd</sup> is not supported by PSAC, will allow the riders to see interim changes rather than continue with the status quo. For example, fare enforcement will be contractually removed from law enforcement's duties and include abiding by the 8 Can't Wait policies.

The second recommendation under consideration to extend the existing contract by six months with a six-month option would allow PSAC to provide feedback on the scope of work for a future contract. These extensions would be necessary due to the 12-14-month procurement process. PSAC would have an opportunity to provide feedback as staff develops the SOW and when it's posted for public viewing and input. In addition, while the new SOW is developed, it does not preclude future PSAC recommendations or other SOW modifications from being implemented into the extension period.

### **NEXT STEPS**

Upon Board approval, staff will execute contract modifications to each of the law enforcement contracts to continue to provide law enforcement services.

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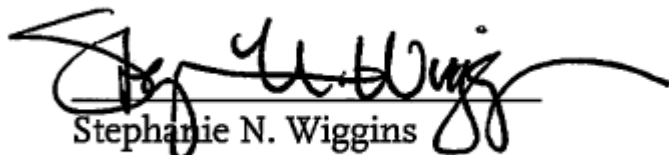
Continue engaging PSAC to provide final recommendations on how to reimagine public safety and begin developing the future scope of services, budget, and other provisions in preparation for the solicitation process of the new law enforcement services contract.

## **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - DEOD Summary  
Attachment D - SOW Modifications  
Attachment E - Public Safety Survey  
Attachment F - Multi-Agency Police Contract SOW Matrix  
Attachment G - Staff Recommendations  
Attachment H - PSAC's Alternative Recommendations  
Attachment I - PSAC November 3<sup>rd</sup> Meeting Vote  
Attachment J - Safety Services provided by Law Enforcement Contractors

Prepared by: Ronald Dickerson, Deputy Executive Officer, System Security & Law Enforcement, (213) 922-4948

Reviewed by: Judy Gerhardt, Chief System Security & Law Enforcement Officer  
(213) 922-4811  
Debra Avila, Chief Vendor/Contract Management Officer  
(213) 418-3051  
Nalini Ahuja, Chief Financial Officer, (213) 922-3088

  
Stephanie N. Wiggins  
Chief Executive Officer



## Board Report

File #: 2021-0680, File Type: Policy

Agenda Number:

**REVISED**  
**EXECUTIVE MANAGEMENT COMMITTEE**  
**NOVEMBER 18, 2021**

**SUBJECT: CUSTOMER CODE OF CONDUCT AMENDMENTS - TRANSIT COURT**

**ACTION: APPROVE RECOMMENDATION**

**RECOMMENDATION**

CONSIDER approving in Title 6, Chapter 6-05 of the Los Angeles County Metropolitan Transportation Authority ("Metro") Administrative Code (the "Code"), otherwise known as the Metro Customer Code of Conduct ("Code"), effective January 1, 2022 ~~either A through D or only E~~, as follows:

- A. In the Penalty Schedule, replace section "6-05-050.A-I" with "6-05-050.A-E, H, I";
- B. In the Schedule concerning Violations of the Customer Code That Will Be Addressed Through Ejection, replace section "6-05-050.E-G" with "6-05-050.E";
- C. In the Schedule insert a new section "Violations of the Customer Code That Will Be Addressed through Alternative Means," and insert thereunder "6.05-050.F, G Obstruction and occupying more than one seat. First Offense or Greater, Warning, referral placement preconditioned removal, and/or other remedy Placement or Other Remedy"; and
- D. In the Code insert a new section "6-05-010.C. Metro and its representatives shall enforce the Code of Conduct with fairness, equity, civility, compassion and without bias." ~~Or~~

**SOLIS AND DUPONT-WALKER AMENDMENT:** Directed the Chief Executive Officer to review the recommendation in E (below) and the current Code of Conduct, including but not limited to any potential implicit biases, and return in February 2022 with recommended changes.

- E. In the Code delete sections "6-05-050.F and G" in their entirety and conform the Schedule to the Code concerning deletions of those sections.

**ISSUE**

During the pandemic, serious economic and social conditions have exacerbated circumstances of our Metro's riders in a manner that, pending further input from the Metro Public Safety Advisory Committee or other sources, actions need to be taken to address the manner and methods of enforcement and promotion of compliance of the Metro Customer Code of Conduct.

**BACKGROUND**

Metro adopted an ordinance that is commonly referred to as the Customer Code of Conduct. The Code sets out appropriate and safe behaviors for patrons who use Metro facilities and/or ride the Metro system. At the outset, Transit Court worked with Operations, Transit Security, Safety, Legal, Customer Relations, Lost and Found, and other departments to refine the Code.

**TRANSIT COURT STATISTICS**

The Los Angeles County Sheriff's Department, Los Angeles Police Department, Long Beach Police Department, and Metro Transit Security Officers are responsible to support Operations for enforcement of the Code and other applicable laws on the Metro system.

The issuance of transit citations has varied wildly over the years since transitioning from a criminal Penal Code section 640 enforcement model to the Transit Court and Customer Code of Conduct inception. Prior to adoption of the Code, Penal Code citations were issued annually in the 100,000's. The total number of administrative transit citations began at over 100,000 annually too. This year the issuance of transit citations decreased to 7 in FY 2021. In the last 3 years the number of citations has been decreasing and is extremely low compared to FY2013 and prior thereto. This significant decrease is due to a virtual halt in citation issuance during COVID-19. There were fewer riders, fewer citations, and extensions granted on hearings. Parking citations also decreased from 14,245 in FY 2020 to 725 in FY 2021.

Transit Citations	
Issuance	
Year	Citation Count
FY13	100,937
FY14	82,892
FY15	58,102
FY16	29,524
FY17	19,494
FY18	63,122
FY19	31,650
FY20	12,680
FY21	7

Transit Court Monthly Report 2021
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Month	Transit Citations	Parking Citations	*YTD Citation Issuance
January	0	50	50
February	0	39	89
March	0	118	207
April	3	114	324
May	0	110	434
June	0	134	568
July	0	113	681
August	0	184	865
September	2	170	1,037
<i>*Calendar Year</i>			

Citations - Top Quality of Life Citations 2018					
Transit Citations Sections	African American	Asian	Hispanic	White	Other/ Unknown
050 F Bags on seats	12	1	2	2	2
050 G Feet on seats	276	2	77	56	11
100 A Littering	208	2	57	26	19
110 C Eat/drink/smoke	159	3	73	82	8
200 C Obey signs	78	4	50	22	14

Citations - Top Quality of Life Citations 2019					
Transit Citations Sections	African American	Asian	Hispanic	White	Other/ Unknown
050 F Bags on seats	207	2	66	16	1
050 G Feet on seats	28	1	44	31	2
100 A Littering	15	1	5	0	1
110 C Eat/drink/smoke	9	0	13	4	2
200 C Obey signs	9	1	7	1	1

Citations - Top Quality of Life Citations 2020					
Transit Citations Sections	African American	Asian	Hispanic	White	Other/ Unknown
050 F Bags on seats	38	2	8	5	0
050 G Feet on seats	29	1	11	6	2
100 A Littering	2	0	2	0	0
110 C Eat/drink/smoke	4	0	2	0	0
200 C Obey signs	0	0	0	0	1

We have continued to relax collection efforts and suspended late fees due to the economic hardship many patrons may be experiencing as a result of the pandemic. We provide these statistics to the Board in an effort to enable the Board to make its decisions about the report recommendations and to provide data on what is happening in our system concerning the enforcement of the Code.

With respect to the proportion of citations issued to certain segments of the population we found that for most sections of the Code, from fare evasion to sleeping on seats, males receive higher numbers of citations than females. There are exceptions such as women receive more citations for blocking with a stroller. For most sections, African Americans receive the highest number of citations, and then Hispanics receive the next highest number for things like littering, but in 2018 whites received higher numbers of citations than Hispanics for things like eating, drinking and smoking (Attachment A). Most noteworthy is that 1) citations have dramatically been reduced in recent times from prior years and 2) warning are given and citations only as a last resort so the citations are far less than the actual amount of violations, and 3) in FY21, as stated above, virtually no one received any citations with fines for anything.

## **DISCUSSION**

Proposed amendments to the Code are explained below and are as set forth in Attachment B to this Board Report to address several areas:

### **Blocking**

The Code prohibits blocking, operating or obstructing a Metro vehicle, occupying more than one seat, and impeding safe boarding. Section 6-05-050(A)-(I) are listed in the Penalty Schedule to the Code as a fineable offense. Section 6-05-050(E)-(G) are listed in the Penalty Schedule as a warning and/or ejection remedy.

*A. In the Penalty Schedule, replace section "6-05-050.A-I" with "6-05-050.A-E, H, I"*

The proposed amendment will change the Penalty Schedule for section 6-05-050 of the Code to delete the strikethrough words below and add the bolded underlined words as follows:

6-05-050	Blocking				
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6-05-050.A-E, H, I	Blocking, operating or obstructing Metro vehicle, occupying more than one seat, impeding safe boarding	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection > Exclusion for 30 days	> Notice of violation \$75 fine > Ejection > Exclusion for 60 days
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The effect of this change would delete subsections (F)-(G) as fineable offenses from the Code. These subsections would include (F) reclining on, placing objects on, or blocking a seat, and (G) occupying more than one seat. Security and enforcement personnel would no longer issue citations associated with a fine for those offenses, however, they would still be able to issue warnings to ask individuals to comply when possible (e.g. sit up to enable others to sit down, place their belongings under their seat, etc.).

We recommend approval of this amendment.

We are aware that there is substantial consensus within the Agency that persons who do not have a home, do not need to be incentivized to obtain one via the receipt of a citation and a fine. In such a circumstance, the citation will not likely accomplish its intended purpose of compliance.

This amendment would address the issuance of these citations to the groups of persons currently most affected by the pandemic and the serious economic impact that the pandemic has had on the low-income public without adding to that financial burden with a citation.

*B. In the portion of the Schedule concerning Violations of The Customer Code That Will Be Addressed Through Ejection, replace section “6-05-050.E-G” with “6-05-050.E”*

The proposed amendment will change the Schedule for section 6-05-050 of the Code to delete the strikethrough words below as follows:

6-05-050	Blocking				
6-05-050.E-G	Obstruction of doors and seats	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

The effect of this change would delete two subsections “(F) reclining on, placing objects on, or blocking a seat,” and “(G) occupying more than one seat as a warning and/or ejection.”

Subsection (E) preventing a door from closing would remain. Security and enforcement personnel would be able to ask for voluntary compliance pursuant to amendment C below, but not ejection alone as is currently the remedy.

We recommend this amendment.

This section may be replaced with other alternatives that may be more compassionate and aimed at addressing the impacted community more effectively at this time, as discussed in Section A above, by its replacement with Section C below.

*C. In the Schedule insert a new section “Violations of the Customer Code That Will Be Addressed Through Alternative Means,” and insert thereunder section “6.05-050.F, G Obstruction and occupying more than one seat First Offense or Greater, Warning, referral placement preconditioned removal,*

*and/or other remedy Placement or Other Remedy”.*

The proposed amendment will change the Schedule for section 6-05-050 of the Code to delete the strikethrough words and add the bolded underlined words as follows:

6-05-050	Blocking				
6-05-050.E-G	Obstruction of doors <del>and</del> seats	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

6-05-050	Blocking				
6-05-050.F, G	Obstruction of and occupying more than one seat	Warning, referral placement preconditioned removal, and/or other remedy placement or other remedy	Warning, referral placement preconditioned removal, and/or other remedy placement or other remedy	Warning, referral placement preconditioned removal, and/or other remedy placement or other remedy	Warning, referral placement preconditioned removal, and/or other remedy placement or other remedy

The effect of this change would create a new remedy in the Schedule for section (F) reclining on, placing objects on, or blocking a seat, and (G) occupying more than one seat in the form of a warning, referral placement preconditioned removal, and/or other remedy such as to a safe bed, bath, and breakfast location, instead of just an unsafe ejection to nowhere. Subsection (E) preventing a door from closing would remain as a warning or ejection. Security and enforcement personnel would be able to give warnings for all these subsections with a new Schedule remedy addressing violations through alternative means.

We recommend this change.

It is our understanding that there is considerable consensus at Metro that alternative means are desirable and should be utilized as much as possible to assist unhoused persons. Courts have often instructed municipalities not to enforce “no camping” rules on their public property if and until they can offer the campers alternative shelter. While such rulings may not have application to a transit agency, they do serve as instructive in terms of making efforts to link notice of legitimate alternative resources as a precursor to removals.

We understand that Metro is making efforts, in conjunction with the cities, County, and nonprofit entities, to identify, create, communicate, and develop alternatives such as missions and tiny home villages.

This amendment would enable Metro to continue to ask for voluntary compliance via administrative (not criminal) enforcement and provide new alternatives to individuals rather than an unsafe ejection from the system. The use of ambassadors, social workers, and other personnel trained to assist mentally ill or unsheltered persons should be used whenever possible before resorting to law enforcement. Alternatives include referrals to a safe alternative environment. It provides for the development of alternative means to engage with the unhoused population, considering different persons have different needs and reasons for their lack of housing. It embodies the concept that no one should be turned away with no safe alternative remedy.

This amendment would enable Metro to continue to ask for voluntary compliance via administrative (not criminal) enforcement and provide new alternatives to individuals rather than an unsafe ejection

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from the system. Alternatives include referrals to a safe alternative environment. It provides for the development of alternative means to engage with the unhoused population, considering different persons have different needs and reasons for their lack of housing. It embodies the concept that no one should be turned away with no safe alternative remedy.

Transit Court has been adaptive in this regard as we have persistently sought to provide our patrons with alternative methods of resolving citations through our Transit School tutorial, installment payment plan programs, and through community service in lieu of the payment of fines. Enforcement personnel may also develop alternative administrative avenues and use these methods if a warning is ineffective, such as through referral or other means.

*D. In the Values section of the Code add a new section “6-05-010.C Metro and its representatives shall enforce the Code of Conduct with fairness, equity, civility, compassion and without bias.”*

### Values

The Customer Code of Conduct was written to communicate with patrons and therefore the Values section was written only to address Metro’s aspirational goals for patrons. Metro has an Employee Code of Conduct for its employees; therefore such remarks are vacant in the Customer Code of Conduct. However, in these times, it may be worthy to note to our patrons that we do have values and expectations for persons enforcing the Code, not just patrons, and so we suggest an insert in the Code to inform about employees, 3<sup>rd</sup> party law enforcement or security personnel, and any other persons who might be assigned enforcement duties (collectively “Others”), of the values applicable to these Others.

The proposed amendment will change section 6-05-010 of the Code to add a new subsection C. which is the bolded underlined words below:

#### 6-05-010 Values

- A. Patrons shall use the Metro system in a responsible manner to preserve and protect the aesthetics, and promote the longevity, of this essential public resource for greater mobility in LA County.
- B. Patrons shall treat other patrons and Metro representatives with consideration, patience, respect, and civility to allow use, operation, and enjoyment of the Metro system in a safe and gratifying manner for all persons.
- C. **Metro and its representatives shall perform its duties hereunder with fairness, equity, civility, respect, compassion and without bias.**

The effect of this change would add subsection (C) to the Values section of the Customer Code of Conduct and make a statement to directly address that Metro and its representatives will utilize the Code consistent with the Employee Code of Conduct values.

We recommend this addition to the Code.

We believe Metro personnel embrace this concept of values and that there is substantial consensus on this matter.

*E. In the Code deleting section “6-05-050.F, G” and relevant sections on the Schedule*

The proposed amendment will change section 6-05-050 of the Code to delete the strikethrough words as follows:

6-05-050 Blocking

The following acts are prohibited in Metro facilities and vehicles:

A. [.....]

~~F. Reclining on, placing objects on, or blocking a seat.~~

~~G. Occupying more than one seat. [.....]~~

6-05-050	Blocking				
6-05-050.A- E, H, I	Blocking, operating or obstructing Metro vehicle, <del>occupying more than one seat</del> , impeding safe boarding	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection > Exclusion for 30 days	> Notice of violation \$75 fine > Ejection > Exclusion for 60 days

6-05-050	Blocking				
6-05-050.E-G	Obstruction of doors <del>and</del> seats	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

The effect of this change would delete two subsections; “(F) reclining on, placing objects on, or blocking a seat,” and “(G) occupying more than one seat entirely from the Code and relevant Schedules.”

Approval of this Item E by the Board in the recommendations would be in lieu of, not in addition to, approval of items A through D.

Security and enforcement personnel would no longer have apparent administrative authority to engage persons sleeping and transporting large bags of personal effects on seats from riding the system perpetually with no destination. There would presumably be no enforcement because there would be no Code section to enforce.

This is a topic that we do not find substantial consensus within Metro at this time.

Based on minimal outreach on this matter, the OIG received comments and questions ranging from:

- a desire to see Metro apply a tiered approach and first attempt more effective, appropriate alternative options and methods as discussed in sections A through D herein before resorting to this option.
- expressions of confusion about the purpose and impact on the system that might result from adoption of this option; and whether it abandons those in need.
- when will the Public Safety Advisory Council complete its deliberations and offer suggestions in regard to this matter.
- will it make Metro ineligible for funding to address alternative resources.
- is it contra to our efforts to create Tiny Villages or utilize other resources.
- delete the Code sections because we should not have provisions we don't enforce.

- delete the Code sections because they impact the most vulnerable or certain segments of the population unfairly.

The OIG has not had an opportunity to thoroughly study these questions.

It is the role of the OIG to consider, analyze, comment on, or make suggestions concerning policy (and write it when it concerns the Transit Court or the Code after laws change or input is received from an affected department) but the OIG does not decide and set significant policy on its own that is in dispute and we could not find consensus on this matter, this policy impacts many complex social ills of homelessness and affordable housing, and Metro and the community is experiencing an unprecedented volume of impacts due to the pandemic, therefore we could not recommend this change to eliminate subsections (F) and (G) unless and until the Board provides further instructions on this matter to enable staff to better know the will of and receive the leadership provided by the Board.

### **FINANCIAL IMPACT**

There is no financial or budgetary impact by accepting the report.

### **EQUITY PLATFORM**

In the OIG's opinion we anticipate that approving any of these amendments will promote improved methods of addressing the circumstances of low-income unhoused persons riding the Metro system. Approving Items 1 through D will ensure Metro continues to attempt to address root causes of non-transportation purposed use of the system and has programs for same. Item E may improve unhoused persons access to full time uninterrupted transportation services but may be offset by eliminating promotion of alternative offerings and referrals to those most in need and by impacts to other segments of the ridership. Further study may be necessary to ascertain the impacts as circumstances change, ridership returns, and the pandemic ceases.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Recommendations support the following strategic plan goals:

- Goal 2.1: Metro is committed to improving security.
- Goal 2.2: Metro is committed to improving legibility, ease of use, and trip information on the transit system.
- Goal 3.4: Metro will play a strong leadership role in efforts to address homelessness in LA County.
- Goal 5.3: Metro will develop a transparent data management policy that addresses open data, data storage, and data protections.
- Goal 5.4: Metro will apply prudent commercial business practices to create a more effective agency.
- Goal 5.6: Metro will foster and maintain a strong safety culture.

### **NEXT STEPS**

Following Board approval of the amendments to the Code, Transit Court staff will continue to work with Metro departments to communicate the Code including amendments, in a simple marketing type of presentation as opposed to the ordinance language, to the public to promote awareness, compliance, and enforcement consistent with the Board's approved amendments and the Chief Executive Officer's instructions.

### **ATTACHMENTS**

Attachment A: Code of Conduct Data

Attachment B: Code Amendments  
Presentation

Prepared by: Julie Chang, Senior Manager, Metro Transit Court, (213) 922-6881

Reviewed by: Karen Gorman, Chief Hearing Officer, Metro Transit Court, (213) 922-2975

A handwritten signature in blue ink, appearing to read "Karen Gorman", is written over a horizontal line.

Inspector General/Chief Hearing Officer



[illegible]

6-05-220.B								2	2		1	1									
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2019 Fare Evasion Data																					
Race	American Indian or Alaskan Native		American Indian or Alaskan Native Total	Asian or Pacific Islander		Asian or Pacific Islander Total	African-American		African-American Total	Hispanic		Hispanic Total	Other		Other Total	Unknown		Unknown Total	White		White Total
Gender	F	M		F	M		F	M		F	M		F	M		F	M		F	M	
Citation	4	12	16	50	194	244	1,369	7,377	8,746	663	3,567	4,230	162	829	991	42	169	211	318	1,637	1,955
Warning	2	13	15	41	105	146	433	1,659	2,092	441	1,270	1,711	77	223	300	23	38	61	159	471	630
Grand Total	6	25	31	91	299	390	1,802	9,036	10,838	1,104	4,837	5,941	239	1,052	1,291	65	207	272	477	2,108	2,585

2019 Fare All Others Data																					
Race	American Indian or Alaskan Native		American Indian or Alaskan Native Total	Asian or Pacific Islander		Asian or Pacific Islander Total	African-American		African-American Total	Hispanic		Hispanic Total	Other		Other Total	Unknown		Unknown Total	White		White Total
Gender		M		F	M		F	M		F	M		F	M		F	M		F	M	
Citation		1	1	1	8	9	81	590	671	18	248	266	1	26	27	3	3	6	13	100	113
Warning				2	1	3	6	22	28		13	13		2	2				1	10	11
Grand Total		1	1	3	9	12	87	612	699	18	261	279	1	28	29	3	3	6	14	110	124

2019 All Others Data																					
Race	American Indian or Alaskan Native		American Indian or Alaskan Native Total	Asian or Pacific Islander		Asian or Pacific Islander Total	African-American		African-American Total	Hispanic		Hispanic Total	Other		Other Total	Unknown		Unknown Total	White		White Total
Gender		M		F	M		F	M		F	M		F	M		F	M		F	M	
Citations		1	1	1	8	9	81	590	671	18	248	266	1	26	27	3	3	6	13	100	113
6-05-040.A					1	1	1	17	18		39	39		1	1					13	13
6-05-050.A							1	4	5		3	3								5	5
6-05-050.B							1	7	8		1	1								2	2
6-05-050.D								4	4		2	2								2	2
6-05-050.E								1	1												
6-05-050.F					2	2	27	180	207	5	61	66		1	1				2	14	16
6-05-050.G					1	1	16	112	128	3	41	44		2	2				6	25	31

6-05-050.H							1	5	6												
6-05-090.A								1	1												
6-05-100.A					1	1	1	14	15		5	5		1	1						
6-05-100.C							2	14	16		8	8		1	1					1	1
6-05-100.G								1	1												
6-05-100.H								1	1												
6-05-100.J								10	10	1	4	5								1	1
6-05-100.L							19	92	111	5	20	25		6	6		1	1	1	8	9
6-05-110.A					1	1	5	40	45	2	15	17		5	5		1	1	3	16	19
6-05-110.C								9	9		13	13		1	1		1	1		4	4
6-05-120.A		1	1		2	2	2	33	35		19	19		1	1					7	7
6-05-150.A								11	11	1	1	2				1		1			
6-05-150.B							1	7	8		3	3				1		1			
6-05-150.C							1	16	17	1	6	7		2	2	1		1		2	2
6-05-200.B								3	3												
6-05-200.C				1		1	3	6	9		7	7	1	4	5				1		1
6-05-210.A								1	1					1	1						
6-05-210.C								1	1												
Warnings				2	1	3	6	22	28		13	13		2	2			1	10	11	
6-05-040.A				1		1		2	2											1	1
6-05-040.D1											1	1									
6-05-050.F								4	4		1	1								2	2
6-05-050.G											1	1								1	1
6-05-050.H											1	1									
6-05-070.A				1		1	1	1	2		1	1								2	2
6-05-080.A								3	3												
6-05-080.E								2	2					1	1					2	2
6-05-100.A								1	1												
6-05-100.C											1	1									
6-05-100.L							1		1		1	1							1		1
6-05-110.A							1	1	2		3	3								1	1
6-05-110.D								1	1												
6-05-110.E								1	1		1	1								1	1
6-05-120.A								3	3												
6-05-160.A							3		3												
6-05-190.A.3					1	1															
6-05-190.A.5											1	1									
6-05-190.A.8								1	1		1	1									
6-05-200.C								1	1												
6-05-200.D														1	1						
6-05-210.C.7								1	1												

2020 Fare Evasion Data																		
Race	Asian or Pacific Islander		Asian or Pacific Islander Total	African-American		African-American Total	Hispanic		Hispanic Total	Other		Other Total	Unknown		Unknown Total	White		White Total
Gender	F	M		F	M		F	M		F	M		F	M		F	M	
Citation	8	46	54	242	1634	1876	109	735	844	32	259	291	6	36	42	55	411	466
Warning	3	7	10	68	206	274	41	163	204	6	26	32	3	7	10	18	65	83
Grand Total	11	53	64	310	1840	2150	150	898	1048	38	285	323	9	43	52	73	476	549

2020 Fare All Others Data																		
Race	Asian or Pacific Islander		Asian or Pacific Islander Total	African-American		African-American	Hispanic		Hispanic Total	Other		Other Total	Unknown		Unknown Total	White		White Total
Gender	F	M		F	M		F	M		F	M			M		F	M	
Citation	1	4	5	18	110	128	3	52	55	1	6	7		4	4	2	20	22
Warning		1	1	1	3	4	1	1	2		2	2					1	1
Grand Total	1	5	6	19	113	132	4	53	57	1	8	9		4	4	2	21	23

2020 All Others Data																		
Race	Asian or Pacific Islander		Asian or Pacific Islander Total	African-American		African-American	Hispanic		Hispanic Total	Other		Other Total	Unknown		Unknown Total	White		White Total
Gender	F	M		F	M		F	M		F	M			M		F	M	
Citations	1	4	5	18	110	128	3	52	55	1	6	7		4	4	2	20	22
6-05-040.A					2	2		4	4		1	1						
6-05-050.A				2	1	3		1	1									
6-05-050.B								1	1									
6-05-050.E				1		1												
6-05-050.F	1	1	2	5	33	38	1	7	8								5	5
6-05-050.G		1	1	4	25	29	1	10	11		2	2				2	4	6
6-05-050.H								1	1									
6-05-100.A					2	2		2	2									
6-05-100.C					9	9		1	1									
6-05-100.K								1	1									
6-05-100.L				1	16	17		4	4		1	1					1	1
6-05-100.M					1	1												
6-05-110.A		1	1	1	7	8	1	4	5	1	2	3		2	2		4	4
6-05-110.C				1	3	4		2	2									
6-05-120.A		1	1	2	5	7		12	12					1	1		6	6

[illegible]







## ATTACHMENT A – LEGISTAR FILE # 2021-0680

### CODE AMENDMENTS

#### LACMTA Administrative Code Penalty Schedule

6-05-050	Blocking				
6-05-050.A-E, H, I	Blocking, operating or obstructing Metro vehicle, <del>occupying more than one seat</del> , impeding safe boarding	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection > Exclusion for 30 days	> Notice of violation \$75 fine > Ejection > Exclusion for 60 days

#### LACMTA Administrative Code Schedule on Violations of the Customer Code That Will Be Addressed Through Ejection

6-05-050	Blocking				
6-05-050.E-G	Obstruction of doors <del>and seats</del>	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection

#### LACMTA Administrative Code Penalty Schedule Violations of the Customer Code That Will Be Addressed Through Alternative Means

6-05-050	Blocking				
6-05-050.F, G	<u>Obstruction of and occupying more than one seat</u>	<u>Warning, referral placement placement or other remedy</u>	<u>Warning, referral placement placement or other remedy</u>	<u>Warning, referral placement placement or other remedy</u>	<u>Warning, referral placement placement or other remedy</u>

## LACMTA Administrative Code section 6-05-010

### 6-05-010 Values

- A. Patrons shall use the Metro system in a responsible manner to preserve and protect the aesthetics, and promote the longevity, of this essential public resource for greater mobility in LA County.
- B. Patrons shall treat other patrons and Metro representatives with consideration, patience, respect, and civility to allow use, operation, and enjoyment of the Metro system in a safe and gratifying manner for all persons.
- C. **Metro and its representatives shall perform its duties hereunder with fairness, equity, civility, respect, compassion and without bias.**

## LACMTA Administrative Code section 6-05-050

### 6-05-050 Blocking

The following acts are prohibited in Metro facilities and vehicles:

- A. [.....]
- ~~F. Reclining on, placing objects on, or blocking a seat.~~
- ~~G. Occupying more than one seat. [.....]~~

## LACMTA Administrative Code Penalty Schedule

6-05-050	Blocking				
6-05-050.A-E, H, I	Blocking, operating or obstructing Metro vehicle, <del>occupying more than one seat</del> , impeding safe boarding	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection	> Notice of violation \$75 fine > Ejection > Exclusion for 30 days	> Notice of violation \$75 fine > Ejection > Exclusion for 60 days

## LACMTA Administrative Code Schedule on Violations of the Customer Code That Will Be Addressed Through Ejection

6-05-050	Blocking				
6-05-050.E-G	Obstruction of doors <del>and seats</del>	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection	Warning and/or ejection



**Metro**

# **CUSTOMER CODE OF CONDUCT AMENDMENTS TRANSIT COURT**

**Karen Gorman**

Inspector General / Chief Hearing Officer  
Office of the Inspector General / Transit Court

November 18, 2021



**Metro**

## **Code Amendments**

- A. *In the Penalty Schedule, replace “6-05-050.A-I” with “6-05-050.A-E, H, I”*
- B. *In the Schedule concerning Violations of The Customer Code That Will Be Addressed Through Ejection, replace “6-05-050.E-G” with “6-05-050.E”*
- C. *In the Schedule insert a new section “Violations Of The Customer Code That Will Addressed Through Alternative Means,” and insert thereunder “6.05-050.F, G Obstruction and occupying more than one seat First Offense or Greater, Warning and / or Referral”*
- D. *In the Values section of the Code add “6-05-010.C Metro and its representatives shall enforce the Code of Conduct with fairness, equity, civility, compassion and without bias.”*



**Metro**

## Code Amendments

*E. Within the Code deleting “6-05-050.F, G” and relevant sections on the schedule*

The proposed amendment will change section 6-05-050 of the Code to delete the strikethrough words and add the bolded underlined words as follows:

### 6-05-050 Blocking

The following acts are prohibited in Metro facilities and vehicles:

A. [.....]

~~F. Reclining on, placing objects on, or blocking a seat.~~

~~G. Occupying more than one seat. [.....]~~



**Metro**

## TRANSIT CITATIONS

ISSUANCE	
YEAR	CITATION COUNT
FY13	100,937
FY14	82,892
FY15	58,102
FY16	29,524
FY17	19,494
FY18	63,122
FY19	31,650
FY20	12,680
FY21	7



## Board Report

File #: 2021-0556, File Type: Motion / Motion Response

Agenda Number: 35.

**REVISED**  
**EXECUTIVE MANAGEMENT COMMITTEE**  
**NOVEMBER 18, 2021**

**SUBJECT: RESPONSE TO JUNE 2021 BOARD MOTION 49: LA RIVER BIKE PATH PROJECT DELIVERY**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to:

- A. NEGOTIATE and enter into a funding agreement between Metro and the City of Los Angeles in the amount not to exceed \$60 million for design and construction of the LA Riverway in the San Fernando Valley.
- B. NEGOTIATE and conditionally enter into a Cooperative Agreement with Los Angeles County Department of Public Works (LACDPW), City of Los Angeles and City of Vernon for Metro to manage and coordinate on final design and construction of the LA River Path through downtown Los Angeles. The conditions to be negotiated include:
  1. Accessibility to right of way owned by each entity for construction permits
  2. Commitment from each entity on cooperative engagement on securing additional funding when needed;
  3. Metro will partner with the City, County, and Federal agencies with ownership and responsibility in the LA River corridor in regards to the overall management structure of the completed project, but will not assume any financial responsibility for operating and maintaining the completed project. ~~Cities and County with ownership in the LA River corridor to partner and assume responsibility for operating and maintaining the completed project~~
- C. ENTER into a Funding Agreement with LACDPW in the amount not to exceed \$773,870 to support LACDPW to perform and lead the environmental clearance for the Lower LA River Bike Path.

**ISSUE**

In June 2021, the Board approved Motion 49 (Attachment A), directing staff to report the status of

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each of the following three projects (Attachment B) regarding funding plans, sustainability, equity assessments, milestone schedules, and execution of agreements with partner agencies.

- A. LA Riverway in the San Fernando Valley: Within the jurisdictions of the City of Los Angeles and led by the City, this project known as Complete LA River Bike Path in the Measure M Expenditure Plan will close a series of gaps in active transportation on a 12-mile stretch along the LA River from Canoga Park to Studio City.
- B. LA River Path through downtown Los Angeles: A Metro-led project known as the LA River Waterway & System Bike Path in the Measure M Expenditure Plan will close an eight-mile continuous gap between Elysian Valley and Vernon, through downtown Los Angeles.
- C. Lower LA River Bike Path in the Gateway Sub-region: Consisting of one or more elements defined by Motion 22.1 (Attachment C) authored by Supervisor Solis in October 2015. This project is within the jurisdiction of LACDPW.

## **BACKGROUND**

Bicycle and pedestrian paths already exist along much of the LA River, but large gaps in the LA River bicycle corridor make it impossible to travel along the entire length of the river. To close these gaps and provide additional bicycle facilities along the river, at least three distinct bike projects are planned, which are at different stages of development. When complete, these Active Transportation infrastructure along the LA River can act as a spine for Class I bicycle infrastructure throughout the river's 51-mile length across the county, thus providing a low-cost alternative mode of transportation to Angelenos and in turn creating a transportation system that reduces Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions. In addition to these benefits, active transportation infrastructure provides low-cost transportation that supports public health while protected and separated infrastructure improves traffic safety for all users and provides a safe space for all ages and the ability to exercise more.

Because the LA River passes through many of the historically underserved and marginalized communities that Metro has defined as Equity Focused Communities (EFC), completing a contiguous bike path along the river's 51 miles is a goal of both the County and the City of Los Angeles. This effort is supported through several planning documents, including the 2020 LA River Master Plan, City of Los Angeles General Plan Mobility Element (Mobility 2035), Metro's 2020 Long Range Transportation Plan, and 2016 Active Transportation Strategic Plan (ATSP).

## **DISCUSSION**

- A. LA Riverway in the San Fernando Valley  
The LA Riverway project in San Fernando Valley encompasses a 12-mile series of gap closure projects along this portion of the LA River Bike Path. The City of Los Angeles Public Works' Bureau of Engineering (LABOE) is the Lead Agency for these projects which are in various stages of project development. The project between Vanalden Avenue and Balboa Boulevard is the furthest along and nearing completion of the design phase, while the remaining projects are ready to begin the design phase.

The City of Los Angeles currently estimates the total project cost at \$154 million. The City has contributed \$5.5 million in local funds to date and Metro has programmed the \$60 million of Measure M funds in Fiscal Years (FY) 2022-2026. Attachment D shows the proposed distribution of Measure M funds for each fiscal year (FY22 through FY26). Per Measure M, the project is expected to be completed by FY27. The pursuit of additional funding will be led by the City of Los Angeles with support by Metro.

The design of these segments will be consistent with the LA River Master Plan and will employ sustainability strategies such as native landscaping elements to treat stormwater runoff, pervious hardscape to facilitate water conservation, and a bike-with-greenway approach to help lessen the urban heat island effect and serve as a greenhouse gas “sink.” The project will help to mitigate the elevated temperatures found in the San Fernando Valley by using vegetation and green infrastructure to increase permeability and greenhouse gas absorption and provide shade to cool temperatures. Furthermore, this project will support more sustainable travel mode choices than single-occupancy car driving by improving the viability and safety of active transportation and increasing connectivity to other public transit systems.

**B. LA River Path through downtown Los Angeles**

In September 2019, the Metro Board approved the Conceptual Design Report and authorized the project to enter into environmental clearance. In October 2019, the Notice of Preparation was published, and subsequently, four scoping meetings were held in November 2019. Staff is now preparing various environmental technical studies to support the evaluation of three alternatives as part of the Draft Environmental Impact Report (EIR) and advancing the design development to 15%.

On the administrative side, Metro has entered into Memorandum of Agreements (MOAs) with the United States Army Corps of Engineers (USACE) for issuance of Section 408 and Section 404 permits. Since the USACE currently operates and maintains the river as a flood control channel, both Section 408 and 404 permits are needed to deliver the project. In addition, staff is preparing draft Cooperative Agreements that will be vetted by County Counsel and partner agencies, including the City of Los Angeles, LACDPW to define roles and responsibilities of each partnering agency to facilitate efficient project delivery.

Metro anticipates releasing its Draft EIR in late 2022. Final EIR and selection of a Locally Preferred Alternative (LPA) are anticipated in late 2023. After the selection of the LPA, the project team will advance the LPA to at least 60% design for a NEPA Environmental Assessment (EA) to support the permitting process from USACE. Metro anticipates project completion in 2028 (following final design and construction).

One of the biggest limitations for Metro to construct this project is Metro’s insignificant share of right-of-way (ROW) along the 8-mile corridor. While the City of Los Angeles (including Los Angeles Department of Water and Power (LADWP)) and the County of Los Angeles (including LA Flood Control) in total own approximately 80% of the ROW along the corridor, Metro ownership is less than 1%. Of the remaining 20%, most is held as private ownership. Hence, the permitting agencies other than USACE which has flood control jurisdiction over the river,

will be the City of Los Angeles and the County of Los Angeles. As a result, Metro would require firm commitments from both entities on their active role in facilitating an efficient process and cooperation during permitting and construction of the project.

Upon completion of construction, Metro will partner with City, County, and Federal agencies with ownership and responsibility in the LA River corridor in regards to the overall management structure of the completed project. transfer the project to the City and County of Los Angeles and the City of Vernon, and the projects's operational governance post-construction must be negotiated between these three entities. However, Ggiven that Metro owns less than 1% of the project ROW, Metro will not be responsible for future operation and maintenance of the project, including both funding and labor. a partner, administrative, financially, or otherwise, in the future operation and maintenance of the project. In addition, as the designs and cost estimates progress, Metro will may evaluate other cost reduction strategies such as shorter segmentation.

The project is currently funded through Measure M (\$365 million in 2015\$). Based on in-progress 15% engineering and cost estimate efforts, the cost range for constructing this project, depending on the alternative, varies between \$392 million and \$486 million (2021\$). This early estimate points to a substantial funding shortfall of at least \$142 million (2021\$). Cost estimates will be further refined as design progresses. As the project moves forward through the environmental and early design process, Metro anticipates seeking partnership with the City and County of Los Angeles, as well as with City of Vernon and other potential funding partners to pursue additional funding, as needed.

Metro's 10-year Strategic Plan - Moving Beyond Sustainability (MBS) created the Sustainability Engagement Team to facilitate project specific sustainability assessments for major capital projects to help realize Metro's MBS goals. The LA River Path project will work with the Sustainability Engagement Team to identify opportunities to integrate sustainability elements into the project where feasible and cost effective.

C. Lower LA River Bike Path in the Gateway Sub-region

In October 2015, Motion 22.1 directed Metro staff to study three new Class I bike paths noted as items G, H, and I. In April 2017, Motion 5.1 (Attachment F) directed staff to advance Item J from Motion 22.1 into environmental review based on preliminary designs. From these motions, four items are listed below:

Motion 22.1 Item G: Construction of a new, 8-foot, Class I bike path and access points within the Los Angeles Flood Control District right-of-way on the western levee of the LA River Channel from the Pacific Coast Highway [Long Beach] to Imperial Highway [South Gate] (*approximately 10 miles*) to connect with the existing Los Angeles River Bike Path;

Motion 22.1 Item H: Construction of a new 8-foot, Class I bike path and access points within Southern California Edison (SCE) right-of-way, roughly parallel to Greenleaf Blvd. (*approximately 8 miles*) between the Los Angeles Blue Line and Sportsman Drive;

Motion 22.1 Item I: Construction of a new 8-foot, Class I bike path and access points within

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SCE and LADWP right-of-way from Willow/TI Freeway [Long Beach] to connect with the Rio Hondo Bike Trail at Garfield Avenue [South Gate] (*approximately 7 miles*);

Motion 22.1 Item J: Upgrades to the existing Los Angeles River Bike Path consisting of safety, landscaping, hardscape, lighting, access enhancements, and fix-it stations between Ocean Boulevard [Long Beach] and its northern terminus at Slauson Avenue [Vernon] (*approximately 15.5 miles*).

Metro staff completed the I-710 Bike Path Project Definition Study in 2017 as an initial step in responding to Motion 22.1. Aside from proposed improvements to the existing facility (Item J), the study proposed three new bike path projects identified as Western Levee (Item G), Compton Boulevard (Item H), and Terminal Island Freeway to Rio Hondo (Items I). The Compton Boulevard bike path, due to higher benefits and opportunities, was proposed in place of the SCE right-of-way paralleling Greenleaf Boulevard that was initially identified in Item H. Metro staff met with the City of Compton Public Works staff in July 2018 and were informed of a Complete Streets Plan in place for Compton Boulevard, which included bike path upgrades. As such, the need to pursue a bike path on Compton Boulevard in the City of Compton was obviated, leaving Items G and I as two new bike path options for further consideration. Therefore, Items G, I, and J, remain three options from Motion 22.1 to consider for the Lower LA River Path.

Furthermore, Metro intended to lead and perform the environmental clearance for Items G, I, and J for LACDPW. Coordination and discussion between Metro and LACDPW took place on several occasions during spring/summer of 2018 to determine a workplan involving staff support and oversight from Los Angeles County. Agreement on the amount to reimburse LACDPW for their support during the Metro-led environmental clearance was not reached, and efforts stalled.

As the Lower LA River Path is within the jurisdiction of LACDPW and LACDPW is the agency of record for environmental clearance and will construct, own, and maintain the project, staff recommends LACDPW to perform the environmental clearance for one or more Items (G, I and J) from Motion 22.1. In addition, the County of Los Angeles, through LACDPW, is the Lead Agency for the Programmatic EIR for the 2020 LA River Master Plan. LACDPW could also consider improvements recommended in the 2020 Plan.

The cost to develop the three independent bikeway projects initiated by Motion 22.1 was approved for \$1,196,596 as part of a contract modification for the I-710 South Corridor Project (Attachment G). Measure R Administrative Funds were budgeted for this effort under Cost Center 4730 (Highway Programs B). The completion of the I-710 Bike Path Project Definition Study drew down \$422,726 from the approved \$1,196,596, and \$773,870 remains under that contract. Staff recommends the reimbursement of \$773,870 to LACDPW. Discussions with LA County are ongoing, and should this initial amount be under their needs, staff will return to the Board to request additional funds. Should this amount be over their needs, remaining funds will stay with Metro.

To advance subsequent design and construction phases, LACDPW's identified project(s) for the Lower LA River Bike Path will be considered in the discussion and collaboration with corridor jurisdictions, stakeholders and the Gateway Cities Council of Governments on the I-710 Early Action Program and future Measure M funding allocations.

### **DETERMINATION OF SAFETY IMPACT**

- A. LA Riverway in the San Fernando Valley  
The implementation of this project will improve safety for active transportation users and the general public by providing a new shared-use path separated from vehicle traffic along High-Injury Network corridors, including Ventura Boulevard and Victory Boulevard. Staff will continue to coordinate with the City of Los Angeles on the development and eventual construction of the project to ensure that it does not adversely impact the continued safety of staff, contractors, and the public.
- B. LA River Path through downtown Los Angeles  
Currently, the action will have no impact on the safety of Metro's customers and/or employees since the project is in early stages of design and in the environmental phase. Subsequently, when the project advances into the construction phase, staff will continue to oversee construction activity to ensure the safety of staff, contractors and the public and ensure that steps are in place to mitigate any adverse effects during construction.
- C. Lower LA River Bike Path in the Gateway Sub-region  
The action will have no impact on the safety of Metro customers and/or employees as the project is still in the early planning phase.

### **FINANCIAL IMPACT**

- A. LA Riverway in the San Fernando Valley  
The LA River Bike Path in the San Fernando Valley subregion is a Measure M funded project funded yearly through the annual budget up to the approved programming amount. This is a multi-year contract/project, and the Project Manager, the Cost Center Manager, and the Chief Program Management Officer are responsible for budgeting in future fiscal years.
- B. LA River Path through downtown Los Angeles  
The FY 2022 proposed budget includes \$7 million in Cost Center 4310 (Mobility Corridor 1), Project 474303 (LARVR WaterWay Sys Bike Path). Since this is a multi-year effort, the Cost Center Manager and Chief Planning Officer (CPO) will be responsible for budgeting funds in future years. The recommended action, however, will have no impact on the overall project cost. The project is identified as one of Mayor Garcetti's "Twenty-Eight by '28 Initiative" and is considered a regionally-significant infrastructure project funded through Measure M (\$365M in 2018\$).
- C. Lower LA River Bike Path in the Gateway Sub-region  
Funding for completing the environmental clearance work by LACDPW will be programmed

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under the appropriate Cost Center as a subsidy using the Measure R Administrative funds consistent with the #2015-1656 action. Project 462316 subsequently budgeted funds for the I710 Bike Path Study. However, a new project number will be established for the Lower LA River Bike Path. Further coordination with LACDPW is needed to identify which one or more elements from Motion 22.1 (Items G, I, J) would be pursued and what associated costs would be funded. In addition, LA County could consider improvements recommended in the 2020 LA River Master Plan.

### Impact to Budget

- A. LA Riverway in the San Fernando Valley  
There are no impacts to the FY22 budget. Staff will fund the project on an annual basis up to the approved programming amount.
- B. LA River Path through Downtown Los Angeles  
The Board's decision will have no impact on the FY22 budget.
- C. Lower LA River Bike Path in the Gateway Sub-region  
There are no impacts to the FY22 budget. Staff will need to identify budget and future programming years.

### EQUITY PLATFORM

- A. LA Riverway in the San Fernando Valley  
The project will benefit disadvantaged communities by providing increased mobility/connectivity, safety, access to opportunities, improved sustainability, and public health. The project will add new separated biking and walking facilities that will provide a safer alternative route to nearby High Injury Network streets including Ventura Boulevard and Victory Boulevard where active transportation users experience disproportionate traffic injuries. The new path will connect Equity Focus Communities in Reseda, Canoga Park, and Burbank to many jobs and services in areas such as Ventura Boulevard and Universal City. The project will also improve access to recreational facilities along the river via sustainable modes for improved public health in communities including Lake Balboa and Reseda, which already have higher transit and bike mode share, but experience disparities in environmental quality with CalEnviroScreen scores above the 80th percentile. The project may potentially cause a burden through temporary construction impacts and potential gentrification and displacement pressures. However, these will be mitigated by construction management plans and continued community engagement throughout the project development process.

The City of Los Angeles conducted community engagement for this project through the City's LA River Revitalization Master Plan, the Bicycle Plan, and Feasibility Study Report; and included numerous public workshops, multilingual and accessible communications. These engagement efforts informed the plans. Metro will continue to support the City in ongoing efforts to ensure vulnerable communities are engaged as the project implementation advances.

**B. LA River Path through downtown Los Angeles**

This project will provide benefits including enhanced mobility and regional access to jobs, education, and other recreational opportunities for underserved populations within the Project area. A recent study for Parks Needs Assessment showed that Boyle Heights has the highest need for parks and open spaces in the areas directly adjacent to the river, followed by downtown Los Angeles.

For context, approximately 29% of the population within 3-miles of the project lives in poverty, with 92% of the population being people of color (BIPOC) with limited English proficiency. Moreover, 79% of the population is Latino and more than 22% of the population relies on multi-modal transportation options for getting to work, including walking, bicycling, and taking public transit.

The benefits, however, without proper protections, may increase the risk of displacement for existing residents and small businesses during construction and due to potential gentrification. To mitigate these impacts and ensure Metro can advance transit equity, the Project engaged the community early on during Conceptual Design phase and will continue to involve the community and other stakeholder groups in the decision-making process during environmental and final design phase. The Project team will further partner with Community Based Organizations (CBO) to support this work, and advance equity - the exact nature of engagement is yet to be defined. Finally, during construction, the team will work with Metro's Homeless Task Force and existing Metro programs and policies that address temporary interruptions to affected small businesses due to Metro project construction.

**C. Lower LA River Bike Path in the Gateway Sub-region**

The Lower LA River Path aims to increase safe active transportation facilities, enhance connections to transit, increase transportation choices for people with limited mobility options, encourage fewer car trips, promote active, healthy living, and connect to major activity centers and destinations. Analyzing Metro EFC data found that of the 24-mile cumulative project distance, nearly 14 miles intersect or touch EFC areas.

High-Injury network locations exist within one-mile of the study area for bicycle-auto collisions, particularly in Long Beach's Downtown, Eastside communities and the City of South Gate. Pedestrian collisions in the 2-mile study area notably occurred in Downtown, East and North Long Beach, and in the Cities of Huntington Park and South Gate. The study area's approximate 122 square miles are also major employment destinations for industrial facilities and shipping warehouses, generating close to 500,000 jobs. Additionally, 11 Metro A Line stations are within 1-2 miles of the Lower LA River from Compton to Long Beach. This information can help LACDPW further evaluate potential benefits through an equity lens and consider what projects will be environmentally cleared.

Metro staff will work with LACDPW to address equity concerns and potential burdens or negative impacts through the environmental work and specific project location(s) led and identified by LACDPW. Staff will coordinate and recommend incorporating equity focused terms and conditions in the funding agreement and provide support through administrative oversight and project monitoring.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The three bike paths along the LA River discussed in this board report contribute to implementing multiple goals of Metro's Vision 2028 Strategic Plan. In particular:

- Goal 1: Provide high-quality mobility options that enable people to spend less time traveling;
- Goal 3: Transform LA County through regional collaboration and national leadership; and
- Goal 4: Provide responsive, accountable, and trustworthy governance within the Metro organization.

## **ALTERNATIVES CONSIDERED**

### **A. LA Riverway in the San Fernando Valley**

The Board may choose not to approve the recommended action. This option is not recommended as it may hinder Metro's ability to deliver the Measure M Expenditure Plan on schedule. The recommended action will enable Metro to expend Measure M funds during the programmed year of FY22-23 for segments of the San Fernando Valley portion that have the most project-readiness.

### **B. LA River Path through downtown Los Angeles**

The Board may choose not to approve the recommendations, however, doing so may delay the delivery of this Measure M project by 2028. In addition, it will also be an impedance in fulfilling the City and County of Los Angeles' common goal of providing low cost and low impact alternative transportation options to marginalized communities.

### **C. Lower LA River Bike Path in the Gateway Sub-region**

The Board may choose not to approve the recommended action. This option is not recommended as it further hinders the ability to meet common goals, projects and programs identified by various plans including the LA River Master Plan led the County of LA and Metro's Long-Range Transportation Plan and Active Transportation Strategic Plan.

## **NEXT STEPS**

### **A. LA Riverway in the San Fernando Valley:**

Staff will finalize and execute the Funding Agreement between Metro and the City of Los Angeles to establish the scope, expenditure plan, and schedule. Staff will continue to administer the executed Funding Agreement to ensure project delivery.

### **B. LA River Path through downtown Los Angeles:**

Staff will finalize Cooperative Agreements delineating roles and responsibilities of LACDWP, cities of Los Angeles and Vernon and execute the same to facilitate collaboration through all phases of this project, especially during permitting and construction.

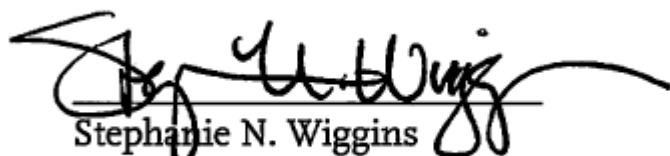
- C. Lower LA River Bike Path in the Gateway Sub-region:  
Staff will coordinate with LACDPW to identify updated costs for completing environmental clearance and budget needed for programming.

## **ATTACHMENTS**

Attachment A - Legistar File #: 2021-0436  
Attachment B - LA River Bike Path Projects  
Attachment C - Legistar File #: 2015-1595  
Attachment D - Proposed Measure M Expenditure  
Attachment E - Legistar File #: 2019-0443  
Attachment F - Legistar File #: 2017-0270  
Attachment G - Legistar File #: 2015-1656

Prepared by: Maressa Sah, Principal Transportation Planner, Countywide Planning & Development, (213) 922-2462  
Mitali Gupta, Manager, Countywide Planning & Development, (213) 922-5283  
Anthony Jusay, Manager, Countywide Planning & Development, (213) 922-7675  
Carolyn Mamaradlo, Manager, Countywide Planning & Development, (213) 922-5529  
Dolores Roybal-Saltarelli, DEO, Countywide Planning & Development, (213) 922-3024  
Cory Zelmer, DEO, Countywide Planning & Development, (213) 922-1079  
William Rider, EO, Countywide Planning & Development, Federal/State Policy & Programming, (213) 922-2887  
David Mieger, SEO, Countywide Planning & Development, (213) 922-3040  
Timothy Lindholm, SEO, Program Management, (213) 922-7297

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins  
Chief Executive Officer



Metro

## Board Report

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

File #: 2021-0436, File Type: Motion / Motion Response

Agenda Number: 49.

**REVISED**  
**EXECUTIVE MANAGEMENT COMMITTEE**  
**JUNE 17, 2021**

## Motion by:

**DIRECTORS GARCETTI, SOLIS, KUEHL, KREKORIAN, AND NAJARIAN**

## LA River Bike Path Project Delivery

Active Transportation infrastructure along the Los Angeles River, separated from automobile traffic, can act as a spine for Class I bicycle infrastructure throughout the river's 51-mile length across the county. High-quality, protected, and separated bicycle and pedestrian infrastructure that connects communities to transit and local destinations is a part of a transportation system that reduces Vehicle Miles Traveled and Greenhouse Gas emissions. Thus, the Class I bikeway along the LA River helps meet transportation climate goals set by state legislation and the Metro Board.

Additionally, Active Transportation infrastructure provides low-cost transportation that supports public health. Protected and separated infrastructure improves traffic safety for all users and provides a safe space for users of all ages and abilities to exercise more. The LA River passes through many historically marginalized communities that Metro has identified as Equity Focused Communities.

Completing the LA River Bike Path is a goal of both the County and City of Los Angeles, and projects to do so are contained in the most recent LA River Master Plans from both the County and City, as well as the City of Los Angeles General Plan Mobility Element, Mobility 2035. Metro's Long-Range Transportation Plan and Active Transportation Strategic Plan also contain projects to complete the path.

Specifically, Metro's capital project portfolio contains three distinct projects to complete the LA River Bike Path along its length. The three projects are:

- A. The LA Riverway in the San Fernando Valley, a 12-mile series of gaps along the LA River from Canoga Park to ~~North Hollywood~~ Studio City, is known as Complete LA River Bikepath in the Measure M Expenditure Plan. This project is entirely within the City of Los Angeles and, as such, is a City-led project. The City will perform all phases of development and, in partnership with the United States Army Corps of Engineers, will own and maintain the project after construction is complete.
- B. The LA River Path through Downtown Los Angeles, an eight-mile continuous path from

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Elysian Valley to Vernon, is known as the LA River Waterway & System Bikepath in the Measure M Expenditure Plan. This project is within the Cities of Los Angeles and Vernon and, as such, is a Metro-led project. Ownership and maintenance responsibilities will be decided in partnership with the Cities of Los Angeles and Vernon and the Los Angeles County Department of Public Works.

- C. The Lower LA River Bike Path in the Gateway sub-region, consisting of one or more elements defined by Motion 22.1 authored by Supervisor Solis in October 2015. This project is within the jurisdiction of the Los Angeles County Department of Public Works (LACDPW). LACDPW will act as the agency of record for environmental clearance and will construct, own, and maintain the project.

This action supersedes Board File 2018-0108 (May 2018).

**SUBJECT: LA RIVER BIKE PATH PROJECT DELIVERY**

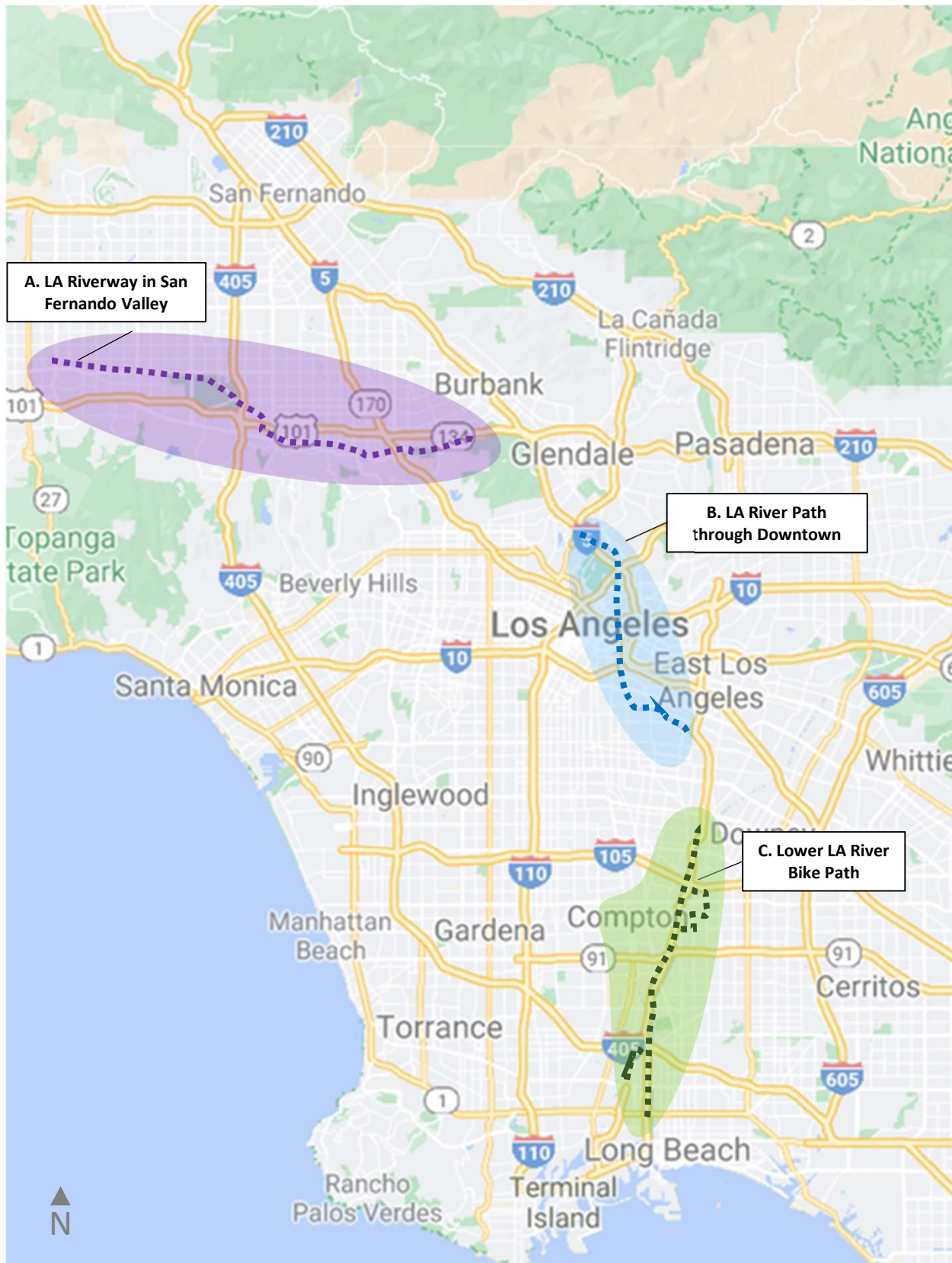
**RECOMMENDATION**

APPROVE Motion by Directors Garcetti, Solis, Kuehl, Krekorian, and Najarian that the Board of Directors direct the Chief Executive Officer to assume and maintain the following roles in the delivery of each section of LA River Bike Path currently in development and to report back within 90 days on the status of each project, including funding plans, Sustainability, and Equity Assessments, milestone schedules, and execution of agreements with partner agencies:

- A. For the LA Riverway in the San Fernando Valley, Metro shall act as the funding agency administering Measure M and coordinating and supporting the pursuit of additional funds.
- B. For the LA River Path through Downtown Los Angeles, Metro shall act as the funding agency administering Measure M and coordinating and pursuing additional funds, the agency of record for environmental clearance, the constructing agency, and a partner in operating and maintaining the completed project.
- C. For the Lower LA River Bike Path, Metro shall act as the funding agency administering Measure M and coordinating and pursuing additional funds, and shall provide resources to perform the environmental clearance to LACDPW.

Attachment B

# LA River Bike Path Projects





## Metro

## Board Report

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File #: 2015-1595, File Type: Motion / Motion Response

Agenda Number: 22.1

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PLANNING AND PROGRAMMING COMMITTEE  
OCTOBER 14, 2015SUBJECT: MOTION BY SOLIS AS AMENDED BY KNABE (I-710 SOUTH CORRIDOR PROJECT  
EIR/EIS SCOPE, BUDGET AND SCHEDULE)

## Motion by:

Supervisor Solis as Amended by Director Knabe

October 14, 2015

Relating to Item 22, File ID 2015-1345  
I-710 South Corridor Project EIR/EIS Scope, Budget and Schedule

The I-710 Corridor is a vital transportation artery, linking adjacent communities and the Ports of Los Angeles and Long Beach to Southern California and beyond. As an essential component of the regional, statewide, and national transportation system, it serves both passenger and goods movement vehicles. As a result of population growth, employment growth, increased demand for goods movement, increasing traffic volumes, and aging infrastructure, the I-710 Corridor experiences serious congestion and safety issues. Notably, the existing I-710 Corridor has elevated levels of health risks related to high levels of diesel particulate emissions, traffic congestion, high truck volumes, high accident rates, and many design features in need of modernization (the original freeway was built in the 1950s and 1960s).

The purpose of the I-710 Corridor Project is to improve air quality and public health, improve traffic safety, modernize the freeway design, address projected traffic volumes, and address projected growth in population, employment, and activities related to goods. The project includes an extensive community participation process that has provided a forum for residents, community advocates, and local municipalities comment and make recommendations for meeting the project purpose and need. Metro and Caltrans must ensure that we address the purpose and need of the project in a manner that is responsive to the community, yet feasible and fiscally responsible.

PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) approving the **MOTION by Director Solis** that the Board of Directors make approval of Item 22 contingent on **studying the following as a part of the evaluation of Alternatives 5C and 7 in the I-710 Recirculated Draft**

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**Environmental Impact Report/ Supplemental Environmental Impact Statement:**

- A. Geometric design for the I-710 Freight Corridor (under Alternative 7 only) that eliminates significant impacts and displacements of homes, businesses, or community resources, such as but not limited to the Bell Shelter or Senior Centers, and the implications of such a design on commuter and freight traffic demands; where significant impacts are unavoidable, provide documentation of the rationale and constraints;
- B. An option, under Alternative 7 only, to evaluate the feasibility should technology be available, to operate ~~only~~ zero-emissions trucks along the Freight Corridor as part of the project;
- C. Implementing high frequency Express Bus Transit service along the main 710 corridor and the impact of such a line on commuter and freight traffic demands;
- D. Adding transit service on the bus and rail lines serving the I-710 project area, including operating Blue and Green Line trains with a minimum of 10-minute headways and a minimum of 25% increase in local bus, express bus and community shuttles service frequencies;
- E. Traffic Control measures, traffic management, intelligent transportation systems and operational efficiency improvements, such as highway ramp metering and transit system signal prioritization, to reduce congestion on local streets and arterials before considering expanding lanes;
- F. The use of the best available control technology construction equipment as defined by the California Air Resources Board;
- G. Construction of a new, 8-foot, Class-I bike path and access points within the Los Angeles Flood Control District right-of-way on the western levee of the Los Angeles River Channel from the Pacific Coast Highway [Long Beach] to Imperial Highway [South Gate] to connect with the existing Los Angeles River Bike Path;
- H. Construction of a new 8-foot, Class I bike path and access points within SCE right-of-way, roughly parallel to Greenleaf Blvd., between the Los Angeles Blue Line and Sportsman Drive;

For items G, H and I above, conduct a study separate from the I-710 South Environmental Impact

Report. Work with the CEO to identify and recommend funds to support the study.

Instruct staff to report back within 60 days.

- I. Construction of a new 8-foot, Class I bike path and access points within SCE and LADWP right-of-way from Willow/TI Freeway [Long Beach] to connect with the Rio Hondo Bike trail at Garfield Avenue [South Gate] This new route would be approximately 12 miles in length;
- J. Upgrades to the existing Los Angeles River Bike Path consisting of safety, landscaping, hardscape, lighting and access enhancements and fix station including to locations, between Ocean Blvd. [Long Beach] and its northern terminus at Slauson Avenue [Vernon];
- K. The replacement/enhancement of approximately 28 existing bridges/underpasses and the construction of at least five new pedestrian/bike bridges/underpasses to ensure safe and easily accessible freeway and river crossings to reduce gaps between crossing over  $\frac{1}{2}$  a mile where demand for increased access exists along the project corridor;
- L. Ensure implementation of Complete Streets treatments that promote sustainable and “livable neighborhoods” for all those arterials, ramp termini, and intersections as part of the proposed I-710 Project. Designs shall be consistent with the principles outlined in Caltrans’ *Main Streets, California: A Guide for Improving Community and Transportation Vitality*;
- M. Consistent with Caltrans’ policy, maximize the number of new trees, shrubs and foliage within proposed state ROW that are drought resistant and have superior biosequestration and biofiltration capabilities, in an effort to surpass the minimum tree removal/replacement ratio;
- N. Consistent with the Regional Water Quality Control Board and their Municipal Separate Storm Sewer System permits, identify suitable locations within the state’s right of way to implement additional storm water Best Management Practices and enhance the water quality for the LA River and its tributaries; and
- O. Incorporate into the project design, avoidance and minimization measures to reduce the level of impacts to Los Angeles River’s riverbanks, trails, pocket parks, open space, wetlands and native landscaping within the project area.

FURTHER MOVE that the Board of Directors instruct the Chief Executive Officer to consider the following mitigation during construction, in parallel to the EIR/EIS process:

- A. Direct staff to monitor traffic congestion on all rail and bus routes in the I-710 construction area to identify and make needed adjustments to service based on actual traffic conditions and to determine if Metro services should operate on an incentive fee structure during the construction period;
- B. Direct staff to identify potential incentive programs for the Blue line and Metro buses in the I-710 corridor and affected by construction, to be considered as possible mitigation to help ease the impact of delays to bus service identified in the recirculated DEIR/DEIS;
- C. Develop a community outreach plan in conjunction with community stakeholders to provide quarterly reports on the progress of the I-710 project to the Gateway Cities Council of Governments (GCCOG) and the community at public meetings/hearings where there is the opportunity for community input;
- D. Establish a bike and pedestrian safety plan during construction; and
- E. Create a residential and school noise and air mitigation program, to be incorporated into the I-710 Community Health and Benefit Program.

FURTHER MOVE that the Board of Directors instruct the Chief Executive Officer take the following actions, working with Caltrans and partner agencies as necessary and in parallel to the EIR/EIS process:

- A. Direct staff to include an analysis of a Zero Emission Truck procurement and operations program (Alternative 7 only) in any Public Private Partnership analysis to be done for the Project;
- B. Work with the Gateway Cities Council Of Government jurisdictions to add, align and/or partner bus route stops with access points to surrounding Class-I bike paths to further promote the combination of active transportation and transit ridership; and

- C. Direct staff to work with community based partners (community groups, faith based groups and labor) on the development of a Local and Targeted Hiring Policy and PLA for construction jobs and a First Source Hiring Policy for permanent jobs created by the project. This should be completed, at the latest, by the completion of the recirculated DEIR/DEIS.

Attachment D

	PROPOSED MEASURE M EXPENDITURE (METRO RESPONSIBILITY)				
Project Limits	FY22-23	FY23-24	FY24-25	FY26+	TOTAL
LA Riverway  (Vanalden to Forest Lawn Drive)	\$18,945,000	\$3,945,000	\$12,010,000	\$25,100,000	\$60,000,000

Note: Annual amounts subject to change pending negotiation and execution of Funding Agreement.



## Metro

## Board Report

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**File #:** 2019-0443, **File Type:** Project

**Agenda Number:** 10.

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**PLANNING AND PROGRAMMING COMMITTEE  
SEPTEMBER 18, 2019**

**SUBJECT: LA RIVER PATH**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

CONSIDER:

- A. RECEIVING AND FILING the Conceptual Design Report; and
- B. AUTHORIZING the CEO to initiate the Draft Environmental Impact Report (DEIR).

**ISSUE**

The LA River Path is a Measure M project with a projected opening date during the FY 2025-27 period. Currently, \$365 million in Measure M funds are allocated for this project. This project is also included in the Twenty-Eight by '28 Initiative adopted by the Board in January 2018.

To meet the Measure M schedule, a Proposed Project needs to be identified and environmentally cleared. Initiating the environmental review will also support the application for U.S. Army Corps of Engineers (USACE) required permits. This report includes the findings from the Conceptual Design Phase and a recommendation for what alternatives to advance into environmental review.

**BACKGROUND**

The LA River Path is an approximately eight-mile active transportation path (e.g., walking and bicycling) along the Los Angeles River. The study area (Attachment A) extends between Elysian Valley and Maywood through downtown Los Angeles and the City of Vernon. The northern limit of the project area is the terminus of the Los Angeles River Greenway Trail at Riverside Drive and the southern limit is at Atlantic Boulevard where the Los Angeles River Bicycle Path begins in the City of Maywood. The project will close the longest remaining gap in the LA River Path to create a continuous 32-mile path for people walking, rolling and bicycling between the San Fernando Valley and Long Beach.

Many of the neighborhoods in the area surrounding the project corridor are predominately industrial with high volumes of truck traffic, deteriorated roadways, a lack of sidewalks and street lighting, and

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at-grade rail crossings. Additionally, there are freight and passenger train tracks adjacent to the River along several segments of the corridor. Approximately 1 million people live within three miles of the LA River Path project corridor. Of the 85,000 people who live within ½-mile of the project corridor, 18,000 (21%) working-age people walk, bicycle, or take public transit to work.

In June 2014, the Board passed a motion (Attachment B) which directed staff to study a path, including in-channel options, for this missing segment. In 2016, Metro staff completed a feasibility study for closing this gap, which considered top of bank, channel bottom and other path treatments and found that the project was feasible. This feasibility study was approved by the Metro Board of Directors in September 2016 (Legistar File 2016-0311). In May 2018, the Board authorized the CEO to award and execute Contract #AE4779500 with CH2M Hill, Inc. for technical services to support the LA River Path (Legistar File 2018-0108).

## **DISCUSSION**

Since May 2018, work has been underway to document the corridor's existing conditions, conduct community outreach, and to identify and screen potential alternatives. A Project Steering Committee comprised of a representative from Metro, the Cities of Los Angeles and Vernon, and the Los Angeles County Department of Public Works provides overall guidance to this project. The Steering Committee and overall project is supported by two advisory groups: a Project Development Team (PDT) and stakeholder roundtables. The PDT is comprised of Metro, USACE, City of Los Angeles, City of Vernon, Los Angeles County, and the Mountains Recreation & Conservation Authority and provides interagency coordination, technical guidance and problem-solving for the project. The stakeholder roundtables are comprised of local community-based organizations, employers and other local stakeholders who advise the project on community needs and priorities and provide overall project guidance.

The project is driven by six goals that were shaped by community input. These goals are safety, access, efficient and sustainable mobility, equity, user experience and health. The project goals are the basis of the evaluation criteria used to screen and refine potential alternatives during an early alternatives analysis. Metro relied heavily on community input on preferred access points and path types to develop potential alternatives, which were screened using these criteria. The Conceptual Design phase was completed in August 2019, leading to the development of a Conceptual Design Report (Attachment C - Executive Summary) which documents existing conditions, design guidance, community feedback and the results of the early alternatives analysis, which identified three alternatives recommended for further study during environmental review.

### **Community and Stakeholder Outreach**

In addition to the stakeholder engagement through the project advisory committees, Metro staff also conducted an extensive community outreach effort, completing nine community outreach meetings, two online surveys and two informational videos. Additionally, staff attended numerous briefings and attended dozens of pop-up events. Through these efforts, staff obtained 4,600 in-person comments and 3,800 survey responses.

This input included feedback on the LA River Path's goals, potential access points, and preferred path types. Stakeholders and community members indicated a strong desire for a path that was

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available for recreation as well as commuting and errands. Comments were categorized around project goals with the most cited themes being user experience, safety and access.

### Access Points

Community input indicated a desire for access points on both banks and prioritized access points that connect neighborhoods to the east and west of the river. Preferred access points included Los Angeles State Historic Park/Main Street, Union Station, 1<sup>st</sup> Street and Washington Boulevard. These preferences were used to develop and refine alternatives.

### Path Types

Because of the constrained nature of the corridor, there are limited places where the path can be located. Four primary path types were analyzed to inform the development of alternatives and Metro collected nearly 3,000 comments on preferences through community meetings and an online survey.

A top-of-bank/cantilevered path utilizes existing at-grade space and/or cantilevers over the channel at grade. This path type was the most popular with community members (40% of responses) as it would be reliably open and less subject to closures due to flooding. This path could accommodate amenities and features such as lighting, security features, landscaping and public art. Top-of-bank options are only feasible in select locations where the existing rail lines and utilities are set back to provide sufficient space for the path.

An elevated path would be above-grade supported by piers and could be utilized for ramping and crossing over roadways and other at-grade obstacles. This was the second most popular path type (32% of responses) as it would also be reliably open and could accommodate lighting, security features and public art.

An incised path cuts the path into the channel embankment and is commonly used when there is insufficient space at-grade for either a top-of-bank or elevated option. It is also utilized to go under bridges and other obstacles. This path type would be subject to closures during heavy rainfall but could utilize existing bridges that it passes under to provide lighting and other amenities. This path type was preferred by 17% of respondents.

The fourth path type evaluated is bottom-of-channel, which would locate the path on the flat bottom of the channel. This path type would not be impacted by adjacent top-of-bank conditions and would place users close to the water in the channel. This option was preferred by 11% of respondents due to its proximity to the water. This path type would be the most at-risk of seasonal flooding, would require the longest access ramps to get on and off the path, and would not be able to provide amenities and features such as lighting, landscaping, and security features as the path would be under water during rain events.

### Best Performing Alternatives

Three alternatives were identified as the best performing options to advance into environmental review. All three alternatives move back and forth across the river to utilize existing space, navigate around obstacles, and provide places to get on and off the path at desired access points. Additionally, each of these utilizes a combination of top-of-bank/cantilevered, elevated and incised path types. A bottom-of-channel option, which would not be reliably open during rain and could not

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accommodate many of the desired amenities, was not advanced as a primary alternative. However, Metro identified future opportunities to add a secondary path (e.g., “interpretive” nature path) near the water at the bottom of the channel as well as additional access points if additional funding were to become available.

Alternative A (Attachment D) crosses the river six times and adds 10 new access points. Alternative B (Attachment E) crosses the river seven times and adds 12 new access points. Alternative C (Attachment F) crosses the river seven times and adds 11 new access points. These alternatives contain many common access points and path types but identify some opportunities that are unique to each one that can be further evaluated to inform the project.

### Environmental Review

Initiating the DEIR will allow Metro to continue to study, analyze, and seek community input on these alternatives pursuant to CEQA. This project does not anticipate using federal funds. Environmental review pursuant to NEPA will be limited to applying for required permits from USACE. Staff proposes to initiate the CEQA analysis first in order to identify a Proposed Project, thoroughly analyze and document potential impacts, and advance the design of the alternatives in order to streamline the NEPA analysis for USACE.

### Equity Platform

The LA River Path Project will close the largest remaining gap to create a seamless 32-mile grade-separated corridor for walking, biking and rolling along the Los Angeles River and provide improved access to opportunities including jobs, education, and public recreational spaces. This Project is consistent with the Metro Equity Platform and will benefit existing communities, including many equity focus communities (EFC). One million people live within biking distance of the project corridor and 85,000 live within walking distance. Approximately 72% of the population located within ½ mile of the project corridor live in an EFC. Of those within biking distance, 79% of the residents are Hispanic and 29% of the residents are classified as living in poverty (2016, American Community Survey).

The LA River Path project’s three alternatives connect to local communities along the river corridor. EFCs exist along both sides of the project corridor. All three alternatives provide access to key destinations supported by the community such as Los Angeles State Historic Park/Main Street Access, Albion Park/Main Street Access, Mission Road/Cesar Chavez Avenue Access, Union Station Access, Washington Boulevard Access, Bandini-Soto Triangle Access, and Downey Road East Access.

Specifically, this Project will focus on the Equity Pillars of Listen and Learn and Focus and Deliver. During the environmental analysis, Metro will continue to engage the community in order to plan, design and implement a project that improves access to opportunities and reflects the needs of the local communities. During the conceptual design phase, robust community engagement included nine public meetings, numerous stakeholder presentations, community pop-up events, youth-focused activities, surveys and online engagement.

### **DETERMINATION OF SAFETY IMPACT**

These actions will not have any impact on the safety of Metro customers and/or employees because

this project is in the planning process phase and no capital or operational impacts result from this Board action.

### **FINANCIAL IMPACT**

The FY20 budget includes \$7.021M for Professional Services in Cost Center 4310 (Mobility Corridors Team 1), Project 474303 (LA River Path). Since this is a multi-year program, the Cost Center manager and Chief Planning Officer will be responsible for budgeting in future years.

#### **Impact to Budget**

The funding sources for the project are Measure M 2% Active Transportation Projects and Measure M 17% Highway Construction. As these funds are earmarked for the LA River Path project, they are not eligible for Metro bus and rail capital and operating expenditures.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The project will support the goals of the strategic plan by adding a new high-quality mobility option along the LA River that provides outstanding trip experiences and enhances communities and lives through mobility and access to opportunity.

### **ALTERNATIVES CONSIDERED**

The Metro Board could decide not to take action. This alternative is not recommended, as this would impact commencing the project's environmental clearance process and risk delay of construction, potentially hindering the project's ability to be completed by the Twenty-Eight by '28 Initiative.

### **NEXT STEPS**

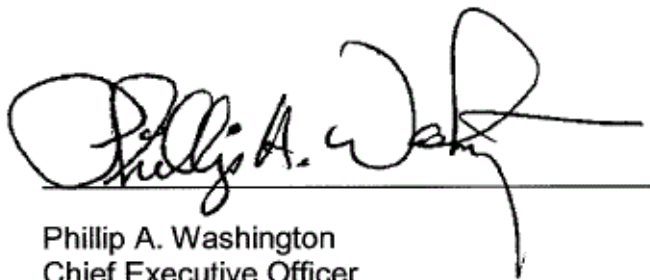
Upon Board approval, Metro Staff will initiate the Draft Environmental Impact Report and community engagement.

### **ATTACHMENTS**

Attachment A - Study Area  
Attachment B - June 2014 Metro Board Motion  
Attachment C - Executive Summary - Conceptual Design Report  
Attachment D - Alternative A  
Attachment E - Alternative B  
Attachment F - Alternative C

Prepared by: Maressa Sah, Principal Transportation Planner, Countywide Planning & Development, (213) 922-2462  
Lauren Cencic, Senior Director, Countywide Planning & Development, (213) 922-7417  
Manjeet Ranu, Senior Executive Officer, Countywide Planning & Development, (213) 418-3157

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



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Phillip A. Washington  
Chief Executive Officer



Metro

## Board Report

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

**File #:** 2017-0270, **File Type:** Motion / Motion Response

**Agenda Number:** 5.1

### PLANNING AND PROGRAMMING COMMITTEE APRIL 19, 2017

#### Motion by:

**DIRECTORS SOLIS, GARCIA, DUPONT-WALKER and HAHN**

#### **Related to Item 5: I-710 South Corridor Project and LA River Bike Path**

As a freight and goods movement corridor, the Interstate 710 is a significant contributor to the national and regional economy. However, the I-710 cannot sustain increasing import/export activity at the Ports of Long Beach and Los Angeles and surrounding population growth in its current condition. The I-710 has become a major source of traffic congestion and greenhouse gas emissions with devastating impacts on the quality of life for communities along the corridor. The I-710 Corridor Project proposes to modernize the freeway to better accommodate goods and freight movement, ease congestion and improve air quality.

Although modernizing the freeway is critically important and widely supported, many local residents successfully advocated for a more holistic approach to ensure robust community benefits, especially in disadvantaged communities that are disproportionately affected by freeway impacts. That holistic approach was reflected in Motion 22.1 that was unanimously approved by the Metro Board in October of 2015.

In compliance with Motion 22.1, the project team has been exploring alternative mobility options such as enhancing existing bus and rail services, new express bus service, expanding the active transportation network, traffic demand management, complete streets improvements and much more. While many elements of Motion 22.1 require additional evaluation and study, some active transportation elements can be advanced into environmental evaluation and final design.

**APPROVE Motion by Directors Solis, Garcia, Dupont-Walker and Hahn** that the Board direct the CEO to:

- A. Based on preliminary designs, advance Item J of Motion 22.1 into environmental review independently from the I-710 Corridor Project;

Motion 22.1 - Item J: Upgrades to the existing Los Angeles River Bike Path consisting of safety, landscaping, hardscape, lighting and access enhancements and fix-it stations including to locations, between Ocean Blvd. [Long Beach] and

its northern terminus at Slauson Avenue [Vernon];

- B. Establish a budget to advance Items J and G of Motion 22.1 into final design once they are cleared environmentally;

Motion 22.1 - Item G: Construction of a new, 8-foot, Class-I bike path and access points within the Los Angeles Flood Control District right-of-way on the western levee of the Los Angeles River Channel from the Pacific Coast Highway [Long Beach] to Imperial Highway [South Gate] to connect with the existing Los Angeles River Bike Path;

- C. Identify all eligible funding sources and develop a funding and project delivery strategy to accelerate implementation of Items J and G of Motion 22.1.
- D. Evaluate opportunities to streamline the timelines of Item J and G of Motion 22.1 with the Rail-to-Rail/River Project, AB530 Working Group, and the LA River Gap Closure Project (Downtown LA to Vernon); and
- E. Report back to the board within 90 days.



## Metro

## Board Report

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File #: 2015-1656, File Type: Contract

Agenda Number: 21.

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**PLANNING & PROGRAMMING COMMITTEE  
JANUARY 20, 2016****SUBJECT: I-710 SOUTH CORRIDOR PROJECT EIR/EIS, SCOPE, BUDGET, AND SCHEDULE****ACTION: APPROVE CONTRACT MODIFICATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Contract Modification No. 17 to **Contract No. PS4340-1939 for the I-710 South Corridor Project with URS Corporation (an AECOM Entity) to provide professional services for an additional four month period** in the not-to-exceed amount of \$3,729,598, increasing the total contract value from \$45,794,130 to \$49,523,728.

**ISSUE**

At the October 2015 meeting, the Board approved Motion 22.1 to evaluate additional scope elements for Alternatives 5C and 7 in the I-710 Corridor Project EIR/EIS and directed staff to report back in 60 days. The additional scope elements include bikeway and pedestrian improvements, right-of-way avoidance designs, and additional transit service analysis among other things (see Attachment D). Three independent bikeway projects were also recommended for study outside the EIR/EIS and staff was directed to return to the Board with recommendations on how to fund these studies.

Metro staff developed a statement of work and an independent cost estimate for the additional scope elements included in Motion 22.1. The contract modification covers the preliminary engineering and environmental studies associated with the additional scope items for the I-710 South Corridor EIR/EIS. The cost to develop the three independent bikeway projects (\$1,196,596) will come from Measure R Administrative funds and is included in this contract modification. Staff also determined that the additional work will delay the re-circulation date by at least four months.

**DISCUSSION**

The I-710 South Corridor Project (I-710 South) study encompasses an 18-mile long corridor that extends from Ocean Blvd in Long Beach to State Route 60. The I-710 South is a vital transportation artery linking the Ports of Los Angeles and Long Beach to Southern California and beyond. As a result of population growth, cargo container growth, increasing traffic volumes, and aging infrastructure, the I-710 South experiences serious congestion and safety issues. Among the major concerns in the corridor are higher than average truck accident rates; the projected growth in the study area, and effects of recurring congestion and diesel emissions on the quality of life in the

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surrounding communities. The I-710 South project alternatives seek to improve safety, air quality/public health, and mobility, and accommodate projected growth.

A Draft EIR/EIS circulated on June 28, 2012 evaluated four build alternatives, three of which included a grade-separated freight corridor. Close to 3,000 comments were received as part of the circulation. Community Alternative 7 (CA-7) was proposed by the Coalition for Environmental Health and Justice (CEHAJ) as a build alternative to be studied in the Draft EIR/EIS. CEHAJ consists of several environmental and community organizations including Communities for Better Environment, Legal Aid Foundation of Los Angeles, Natural Resources Defense Council, East Yard Communities for Environmental Justice, Physicians for Social Responsibility, and Coalition for Clean Air, among others. CA-7 proposes no additional general purpose lanes, a separate 4 lane elevated freight corridor restricted for use by zero emission trucks, no new right-of-way acquisition, an aggressive strategy to improve public transit via rail and bus in the I-710 Corridor, comprehensive regional active transportation improvements, comprehensive construction mitigation program, and extensive community benefits programs. As most of these proposed concepts are not fully developed, CEHAJ proposed that CA-7 be further developed by the Project Team and then studied in the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS).

In early 2014, the Project Team began working with the various I-710 advisory committees to present the work accomplished so far (traffic forecasting and alternatives development) and to further refine the preliminary build alternatives and geometric concepts. By the middle of 2014, the following two Build Alternatives were presented to the 710 Committees for inclusion in the RDEIR/SDEIS:

Alternative 5C - widen to 5 mixed flow lanes in each direction plus improvements at I-710/I-405 (including truck by-pass lanes), I-710/SR-91, I-710/I-5 and every local interchange between Ocean Blvd. and SR-60.

Alternative 7 - two dedicated lanes (in each direction) for clean technology trucks from Ocean Blvd. in Long Beach to the intermodal railroad yards in Commerce/Vernon, plus improvements at I-710/I-405, I-710/SR-91, I-710/I-5 and every local interchange between Ocean Blvd. and SR-60.

The Board approved Motion 22.1 after extensive coordination and collaboration with a variety of stakeholders. This Motion directed staff to evaluate certain CA-7 scope elements under Alternatives 5C and 7 in the I-710 Corridor Project EIR/EIS, and to report back in 60 days. The additional scope elements include bikeway and pedestrian improvements, right-of-way avoidance designs, and additional transit service analysis among other things (Attachment D). Three independent bikeway projects were also recommended for study outside the EIR/EIS and staff was directed to come back with recommendations on how to fund the studies.

## **DETERMINATION OF SAFETY IMPACT**

The I-710 South Corridor project scope, schedule, and budget revisions will have no impact to the safety of Metro's patrons or employees or the general public.

## **FINANCIAL IMPACT**

Funding for the scope elements to be added to the I-710 South Draft EIR/EIS is included in the \$13,886,695 FY16 budget in Cost Center 4730 (Highway Program B), Project 460316, (I-710 South Early Action Projects), Account 50316 (Services Professional/Technical). Funding for the independent bikeway projects will come from Measure R Administrative funds. Since this is a multi-year project, the cost center manager and the Managing Executive Officer of the Highway Program or designee will continue to be responsible for budgeting the cost in future years.

#### Impact to Budget

The additional sources of funds for this project will be from Measure R Highway Capital (20%) Funds from the I-710 South and/or Early Action Projects and Measure R Administrative funds. These funds are not eligible for bus and rail operating and capital expenditures.

#### **ALTERNATIVES CONSIDERED**

The Board may elect not to approve the proposed contract modification. This option is not recommended. Completing the environmental document for the project is a necessary step in developing the improvements described in Measure R for the corridor. Board approval would allow the project to move forward with continued community engagement and support which has been the trademark of this study.

#### **NEXT STEPS**

Upon approval by the Board, staff will execute the contract modification.

#### **ATTACHMENTS**

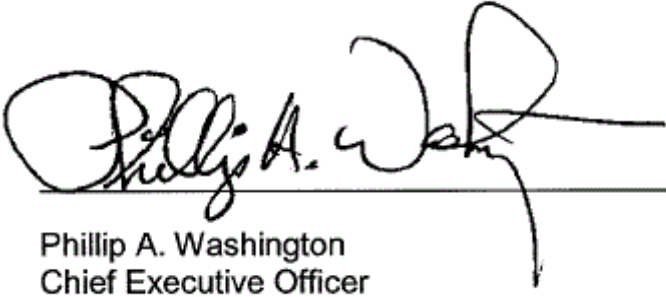
Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - DEOD Summary  
Attachment D - Board Motion 22.1

Prepared by: Lucy Olmos-Delgadillo, Transportation Planning Manager, Highway Program,  
(213) 922-7099

Ernesto Chaves, Director, Highway Program (213) 922-7343

Reviewed by: Ivan Page, Interim Executive Director, Vendor/Contract Management (213) 922-6383

Richard Clarke, Executive Director, Program Management, (213) 922-7557



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Phillip A. Washington  
Chief Executive Officer



# RESPONSE TO JUNE 2021 BOARD MOTION 49: LA RIVER BIKE PATH PROJECT DELIVERY

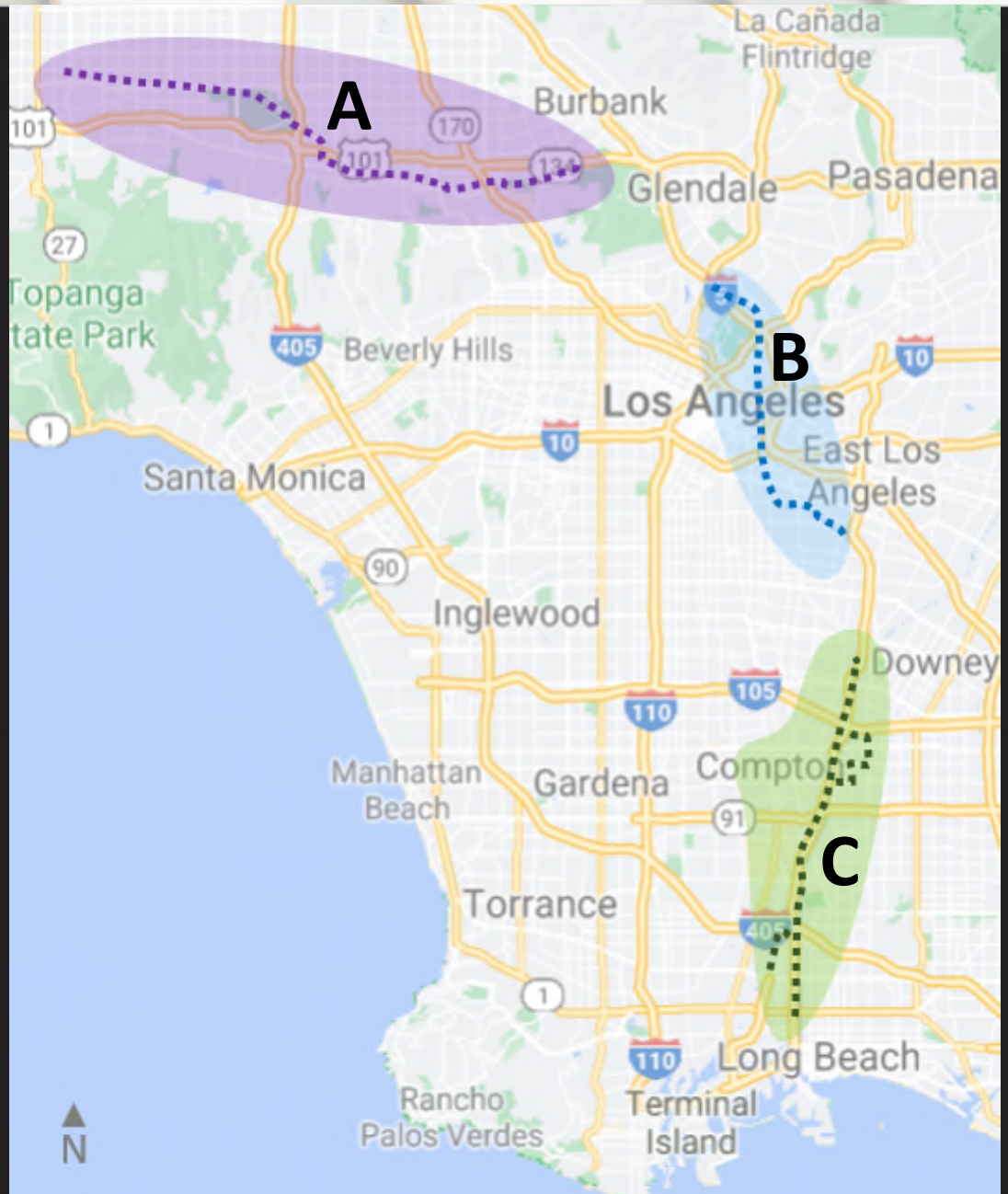


**Metro**

*Executive Management Committee  
November 18, 2021  
Item 35, Legistar file 2021-0556*

# Map of Three LA River Projects

- A. LA Riverway in the San Fernando Valley
- B. LA River Path through downtown Los Angeles
- C. Lower LA River Bike Path in the Gateway Sub-region



# Recommendation

AUTHORIZE the Chief Executive Officer (CEO) to:

- A. **NEGOTIATE** and enter into a funding agreement between Metro and the City of Los Angeles in the amount not to exceed \$60 million for design and construction of the LA Riverway in the San Fernando Valley.
- B. **NEGOTIATE** and conditionally enter into a Cooperative Agreement with LACDPW, City of Los Angeles and City of Vernon for Metro to manage and coordinate on final design and construction of the LA River Path through downtown Los Angeles. The conditions to be negotiated include:
  - 1. Accessibility to right of way owned by each entity for construction permits
  - 2. Commitment from each entity on cooperative engagement on securing additional funding when needed;
  - 3. Metro will partner with City, County, and Federal agencies with ownership and responsibility in the LA River corridor in regards to the overall management structure of the completed project, but will not assume any financial responsibility for operating and maintaining the completed project.
- C. **ENTER** into a Funding Agreement with LACDPW in the amount not to exceed \$773,870 to support LACDPW to perform and lead the environmental clearance for the Lower LA River Bike Path.



## Board Report

**File #:** 2021-0698, **File Type:** Informational Report

**Agenda Number:** 42.

**REVISED**  
**REGULAR BOARD MEETING**  
**DECEMBER 2, 2021**

**SUBJECT: WEST SANTA ANA BRANCH FUNDING PLAN AND P3 ASSESSMENT UPDATE**

**ACTION: RECEIVE AND FILE**

**RECOMMENDATION**

RECEIVE AND FILE the:

- A. West Santa Ana Branch (WSAB) Funding Plan; and
- B. WSAB P3 Assessment Update.

**ISSUE**

Metro released a draft environmental report (Draft EIS/EIR) for the West Santa Ana Branch Transit Corridor (WSAB) project in July 2021. The Draft EIS/EIR project cost estimates for the alternatives, based on 15% level of design, are higher than the prior estimate in the Measure M Ordinance and Long-Range Transportation Plan. The entire project's cost from the southern terminus to downtown Los Angeles increased from \$4.0 billion to \$8.567 billion. Because of the increase in cost, there is a significant funding gap. Metro staff is following the steps outlined in the Unified Cost Management Policy to address the increase and develop a proposed funding plan and schedule. The alternatives for addressing the cost increase include seeking additional federal funding, seeking additional state funding, and scope reductions (segmenting or phasing the project). Additional local funding was also reviewed.

**BACKGROUND**

The WSAB project is a 19-mile corridor that Metro is evaluating for a new light rail transit line that would connect southeast LA County to downtown Los Angeles. The Measure M Ordinance identified the cost of a "FY28" segment from Artesia to the C Line (Green) at \$1 billion and a "FY41" segment to downtown Los Angeles at approximately \$3 billion (in 2015 dollars). Metro staff identified funding for the FY28 segment, including allocated Measure R and M sales tax and a \$300 million State cap-and-trade grant, which has been awarded to Metro. The Draft EIS/EIR includes cost estimates for the segment to the C Line ranging as high as \$2.346 billion (Alternative 4, in 2020 dollars, based on 15% level of design) and from Artesia/Pioneer Station to Union Station at \$8.567 billion (Alternative 1a),

including a maintenance facility. The Draft EIS/EIR identifies a segment of the project from Pioneer to the Slauson (A Line) station as the Staff Preferred Alternative (SPA).

In 2016, LA County voters approved Measure M, which indicated that Metro could deliver the WSAB project through a public private partnership (P3). Metro also received several Unsolicited Proposals for P3 delivery of the project, which demonstrated both private sector interest and potential benefits to Metro. Since then, staff have developed a collaborative and interdepartmental process to identify, develop, evaluate, and implement procurement methods for Metro's major capital projects. WSAB has completed Step 6 of this process, as shown below. This process aims to identify the project delivery strategy with the lowest potential lifetime risks and costs for the WSAB project. The Eno Center recently recommended such a formal, evidence-based evaluation process to reduce cost and schedule risk in their report *Saving Time and Making Cents: A Blueprint for Building Transit Better*. The recently passed Infrastructure Investment and Jobs Act requires such an evaluation for all projects with budgets in excess of \$750 million that seek TIFIA loans.



## DISCUSSION

The Draft EIS/EIR cost estimates in 2020 dollars are shown below:

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Alt 1A	Alt 3	Alt 4
(Pioneer to Downtown)	(Pioneer to Slauson)	(Pioneer to Green Line)
<hr/> \$8.567B	<hr/> \$4.902B	<hr/> \$2.346B

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The proposed funding strategy would address the financial shortfall, with a more aggressive federal New Starts grant strategy.

The funding plan includes approximately \$3.15 billion of additional New Starts for Alternative 3. The amount of the New Starts request is limited to less than 50% of the cost of the project in order to garner a rating from the Federal Transit Administration above the minimum threshold. The existing State cap-and-trade grant award is used for the Alternative 3 segment and \$850 million more in State funds is needed to complete the SPA to Slauson. Value capture is not yet included as a secured source but Metro and the cities on the project corridor will continue to pursue their development. This process involves the cities and county and extensive analysis, which can take multiple years and can be used for the required 3% local agency contribution. The funding plan allows for completion of the project to Slauson as early as FY35 to FY38, in advance of the Measure M Ordinance FY41 date. This estimated schedule based on funding availability could be advanced if new funding is available. The estimated construction schedule independent of funding availability delivers the project as early as FY33 to FY35.

The balance of the project to downtown LA could be addressed with segmenting or phasing of future sections of the project and additional New Starts funding, State grants, and local sales tax, including Measure M designated for the Central City Area, which encompasses downtown LA. However, a detailed funding strategy and timing for the downtown LA segment will depend on the ultimate cost, alignment, and mode, which have yet to be determined. Based on the cost for Alternative 1A in the Draft EIS/EIR and funding availability, the segment to downtown LA could be completed as early as FY44 to FY53. But this estimated schedule will change depending on the ultimate features of the segment to downtown LA. This proposed plan is comparable to the approach taken by Metro with the Westside Purple Line Extension, which has 3 sections and was awarded separate New Starts grants for each section. A detailed funding plan for the SPA Alternative 3 and full alignment to downtown that shows the annual capital costs and funding by sources is included as Attachment A.

#### New Starts Strategy

The use of New Starts on the FY28 segment is a change from the 2020 Long Range Transportation Plan (LRTP) that the Board adopted in September 2020. The LRTP includes a \$1 billion cost estimate for the FY28 segment, and a New Starts grant was not needed to fund this segment.

New Starts is a competitive program under the federal Capital Investment Grants (CIG) program and the amount that Metro can expect to receive is limited by the total amount of New Starts funding that the federal government appropriates, the maximum grant awards and annual payments from the New Starts program, Metro's current and planned share of New Starts, the New Starts rating of the project assigned by the Federal Transit Administration (FTA), and the project's readiness.

The CIG program, which encompasses New Starts, currently receives \$2.3 billion per year in federal appropriations, and this is used to fund 13 projects nationwide that have New Starts grant

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agreements. The largest active New Starts grant is \$1.3 billion for the Metro Westside Purple Line Extension Section 3. The annual CIG appropriation has increased to \$4.6 billion with the recent passage of the Infrastructure Investment and Jobs Act (i.e., the 2021 Bipartisan Infrastructure Bill). The amount of the New Starts request is limited to less than 50%, as this is expected to increase the New Starts rating above the minimum threshold.

The overall New Starts ratings have a project justification and a financial capacity assessment component. A subcomponent of the financial capacity assessment, which involves a review of Metro's multiyear financial forecast, is the reasonableness of assumptions, and this constrains the amount of New Starts that Metro can assume for WSAB and other Metro projects. An excessive amount of assumed New Starts would tend to lower the rating.

#### State Funding

The proposed funding plan relies on a substantial amount of additional, future funding from the State, which provides needed non-federal match dollars for the planned New Starts grants. Metro staff will target existing grant programs funded from ongoing State excise taxes and other sources, as future grant cycles are made available, and monitor any new or one-time funding that may arise as part of the State budget.

#### Local Funding

WSAB has funding from both the Measure R and Measure M ordinances, which are included in the proposed funding plan for the segment to the C Line, segment to Slauson, and segment to downtown LA. Additional local funding is assumed from Proposition A and C sales tax and Measure M 3% local agency contributions. Other funds available along the corridor, including the Measure M multi-year subregional programs and city local return sales tax are not assumed as a separate funding source, as the subregions and cities have the discretion to use these funds for other purposes (including to help fund the 3% local agency contributions).

Value capture is identified as an unsecured local funding source given the uncertainty over the amount of funding, if any, that can be generated for WSAB. Nevertheless, Metro staff and the cities along the WSAB corridor are evaluating the formation of new taxing districts for funding of the project, and in the event future funding arises, it can be used to close the project funding gap, and/or offset or supplement the local funding, or provide funds for enhancements or other additional costs of the project. Metro staff estimated in August 2020 (Board report #2020-0335, Attachment B - Value Capture Assessment), that the WSAB corridor has the potential to generate up to \$5.957 billion of tax increment revenue over 45 years, which has a present value of \$2.3 billion (The present value gives an indication of the amount that can be debt financed; however, the total of any actual debt financings would be less due to uncertainty over the tax increment projections and timing of any financing).

#### P3 Finance and Market Sounding

Metro has also prepared a draft P3 delivery model for the project that would include private sector investment and finance with a goal of opening the Staff Preferred Alternative (SPA) to the public within 10 years of a Record of Decision (ROD) from FTA and right of way agreement with Union Pacific Railroad (UPRR). This delivery method, which continues to be updated and reviewed, would include approximately \$2 billion of private financing and equity, which Metro would repay with interest

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over time. Potential investors could include pension funds and environmental, social, and governance (ESG) funds. It also includes a Pre-Development Agreement (PDA) style opportunity to complete the line in Downtown LA.

Metro has prepared a draft evaluation comparing the total costs, including long term operations, maintenance, and state of good repair costs, of Design-Build and P3 delivery of the SPA. This evaluation has assumed a separate Construction Manager/General Contractor (CM/GC) contract for delivery of certain critical early scope items, such as UPRR relocation. Right of way (ROW) acquisition and UPRR relocation costs account for a significant portion of the total capital cost of this project, and Metro cannot transfer these costs to the private sector, under this conceptual approach. By procuring these items through a CM/GC method, Metro could potentially reduce the project's overall cost and schedule risk.

After incorporating risk adjustments and anticipated inflation costs, the CM/GC+P3 model is projected to cost Metro less over the life of the project when compared to the CM/GC+DB model. These potential savings result from the contractual model that requires the P3 contractor to meet specific requirements throughout the project lifecycle in order to receive payment from Metro. As the P3 contractor would take on debt and investments that they must repay, they are incentivized to open and operate the transit line at the customer experience levels that Metro specifies in order to be paid and meet their own payment obligations. Furthermore, under a potential P3, Metro would only pay the contractor for a portion of the total design and construction costs during that project phase. The P3 contractor would only receive full payment for these costs if they continued to operate and maintain the system over a 30-year term at Metro's specified service levels. This contrasts from traditional Design-Build delivery, where Metro pays in full for construction progress, regardless of the ultimate operational service levels or quality. In addition, the P3 procurement process would include performance specifications that would encourage submission of innovative alternative technical concepts that could improve service quality and customer experience, while also reducing costs. P3 delivery, as envisioned in the conceptual P3 model, requires additional upfront effort from Metro to develop an enforceable and commercially viable contract. Staff are available to provide more detailed briefings on the methodology and results of the assessment upon request.

In September 2021, Metro conducted a market-sounding by reviewing this potential project delivery method with nearly twenty design-build, engineering, operators, investment, and financial firms in confidential one-on-one sessions. The firms viewed this proposed delivery model as being an optimal model for both Metro and the marketplace. Firms appreciated that Metro had learned the lessons from its own experience and that of other agencies nationwide.

While firms understood the funding challenges, they suggested that a P3 could conceptually finance the gaps in funding and warned that segmenting the project into separate contracts would likely result in higher costs and integration challenges. Firms that would undertake the design-build work nearly unanimously recommended that Metro seek to begin the CM/GC process as soon as possible to remove risk elements from the design-build work. Alternatively, some firms suggested using a full PDA, especially if negotiations with UPRR became protracted, to identify significantly different technical solutions that would reduce interfaces with UPRR compared to those already analyzed during the environmental process.

Staff also presented Metro's labor strategy for the project, whereby a P3 contractor would be required to negotiate comparable agreements with Metro's existing labor unions. Firms viewed this type of requirement as industry standard and encouraged Metro to provide as much clarity as possible on this approach to the market in advance of the procurement. Throughout the sessions, firms emphasized the importance of Metro committing to a clear project scope and achieving project readiness before issuing a P3 procurement. Achieving project readiness on WSAB includes the aforementioned labor strategy, a clear process for UPRR negotiations, a ROW acquisition strategy, an Early Works strategy, a funding plan, and a ROD from the FTA. A summary of the P3 evaluation and recent market sounding effort are included in Attachment C.

## **EQUITY PLATFORM**

The WSAB project will provide a fixed guideway transit option that is a new high-quality transit investment intended to serve the predominantly minority and low-income populations within the project area (as defined in the Draft EIS/EIR). Most of the transit service in the project area is local bus with limited express buses, which operate on the congested roadway network. Minority residents are 66% of the total project area population and 25% of project area residents live below poverty, which is higher than the LA County average of 17%. The entire corridor has been identified as an environmental justice corridor.

WSAB is anticipated to significantly reduce travel times and Vehicle Miles Traveled (VMT) in the project area, which is expected to result in air quality, safety, and livability improvements for the project area, including Equity Focus Communities in Bellflower, Paramount, and Lynwood.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The WSAB project supports Strategic Plan Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. WSAB will provide light rail transit from the City of Artesia to downtown LA and intersect with the existing Metro A and C Lines. The WSAB corridor includes the county's most densely developed, historically underserved, and environmental justice communities, with transit-dependent populations that lack access to a reliable transit network. The area is currently served by buses that operate along a heavily congested freeway and arterial network and have limited connections to the Metro rail system. The WSAB project will provide mobility and travel options that reduce dependence on auto travel, increase mobility, reduce travel times on local and regional transportation networks, and accommodate population and employment growth.

## **NEXT STEPS**

Metro staff is continuing to work with FTA staff to pursue the environmental clearance of the project in light of the estimated cost of each segment or phase and the amount of funding from federal, State, and local sources, and will present the locally preferred alternative to the Metro Board in early 2022. Metro staff will proceed with the steps needed to secure federal and State grant funding, including the initial request for New Starts (referred to as the "request to enter project development").

Metro will continue to update its assessment of delivery methods for this project as the project scope, negotiations with UPRR, other project elements, and construction and financial marketplaces evolve.

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An important next step is to align the committed and anticipated available project funding, including any additional funding from the Infrastructure Investment and Jobs Act, with the anticipated costs of the delivery method in order to determine project affordability. Staff intends to return to the Board in Summer 2022 with a recommended delivery method for the project in order to release the procurement immediately following FTA's issuance of a ROD. Should Metro choose to begin a P3 procurement, we would incorporate the price proposals from contractors into the existing assessment in order to ensure that Metro is getting the best value for money for LA County. Metro would have the ability to choose an alternative method of delivery should the costs be higher than expected.

...Attachment

**Attachment**

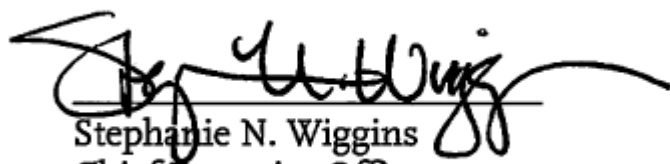
Attachment A - Funding Plan

Attachment B - Value Capture Assessment

Attachment C - WSAB P3 Assessment Update

Prepared by: Andrew Quinn, Interim Senior Director, Special Projects, Office of Extraordinary Innovation, (213) 418-3207  
Meghna Khanna, Senior Director, Countywide Planning & Development, (213) 922-3931  
Wil Ridder, EO, Countywide Planning & Development, (213) 922-2887  
Craig Hoshijima, EO, Countywide Planning & Development, (213) 928-3384  
Laurie Lombardi, SEO, Countywide Planning & Development, (213) 418-3251

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920  
Joshua Schank, Chief Innovation Officer, (213) 922-7447  
Nalini Ahuja, Chief Financial Officer, (213) 922-3088



Stephanie N. Wiggins  
Chief Executive Officer

**ATTACHMENT A**  
**West Santa Ana Branch**  
**Funding Plan (Alternative 3) (Dollars in Millions)**

	<u>TOTAL</u>	<u>PRIOR</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>	<u>2031</u>	<u>2032</u>	<u>2033</u>	<u>2034</u>	<u>2035</u>	<u>2036</u>	<u>2037</u>	<u>2038</u>
Project Cost	6,871.0	2,984.5	104.8	107.9	141.2	92.8	222.9	262.4	337.9	452.4	537.7	590.7	722.5	313.3
Total Uses	<u>\$ 6,871.0</u>	<u>\$ 2,984.5</u>	<u>\$ 104.8</u>	<u>\$ 107.9</u>	<u>\$ 141.2</u>	<u>\$ 92.8</u>	<u>\$ 222.9</u>	<u>\$ 262.4</u>	<u>\$ 337.9</u>	<u>\$ 452.4</u>	<u>\$ 537.7</u>	<u>\$ 590.7</u>	<u>\$ 722.5</u>	<u>\$ 313.3</u>
<u>Yet-To-Be-Secured Funding</u>														
Section 5309 New Starts/Grant Bonds*	2,574.5	1,246.0	-	-	-	-	222.9	262.4	337.9	278.4	226.9	-	-	-
SB1 Grants	850.0	-	-	-	-	-	-	-	-	57.4	264.6	228.0	150.0	150.0
Other Local (incl. Value Capture)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<u>Secured Funding</u>														
Other Federal Funds	2.0	2.0	-	-	-	-	-	-	-	-	-	-	-	-
Prop A/C	960.8	221.9	104.8	107.9	141.2	92.8	-	-	-	-	46.2	246.1	-	-
Measure R	348.9	348.9	-	-	-	-	-	-	-	-	-	-	-	-
Measure M	1,604.7	752.2	-	-	-	-	-	-	-	-	-	116.7	572.5	163.3
Local Agency Transit Project Contributions	206.1	89.5	-	-	-	-	-	-	-	116.6	-	-	-	-
Transit and Intercity Rail Capital Program	300.0	300.0	-	-	-	-	-	-	-	-	-	-	-	-
SB1 - Local Partnership Program	23.9	23.9	-	-	-	-	-	-	-	-	-	-	-	-
Total Sources	<u>\$ 6,871.0</u>	<u>\$ 2,984.5</u>	<u>\$ 104.8</u>	<u>\$ 107.9</u>	<u>\$ 141.2</u>	<u>\$ 92.8</u>	<u>\$ 222.9</u>	<u>\$ 262.4</u>	<u>\$ 337.9</u>	<u>\$ 452.4</u>	<u>\$ 537.7</u>	<u>\$ 590.7</u>	<u>\$ 722.5</u>	<u>\$ 313.3</u>

\* Net of interest cost

**ATTACHMENT A**  
**West Santa Ana Branch**  
**Funding Plan (Full Alignment) (Dollars in Millions)**

		<u>TOTAL</u>	<u>PRIOR</u>	<u>2041</u>	<u>2042</u>	<u>2043</u>	<u>2044</u>	<u>2045</u>	<u>2046</u>	<u>2047</u>	<u>2048</u>	<u>2049</u>	<u>2050</u>	<u>2051</u>	<u>2052</u>	<u>2053</u>
Project Cost	<b>\$15,531.4</b>	<u>14,831.5</u>	<u>6,871.0</u>	<u>227.3</u>	<u>234.1</u>	<u>241.1</u>	<u>67.1</u>	<u>207.2</u>	<u>498.0</u>	<u>586.2</u>	<u>754.7</u>	<u>1,010.5</u>	<u>1,201.0</u>	<u>1,319.5</u>	<u>1,613.9</u>	<u>699.9</u>
Total Uses	<b>\$15,531.4</b>	<u>\$ 14,831.5</u>	<u>\$ 6,871.0</u>	<u>\$ 227.3</u>	<u>\$ 234.1</u>	<u>\$ 241.1</u>	<u>\$ 67.1</u>	<u>\$ 207.2</u>	<u>\$ 498.0</u>	<u>\$ 586.2</u>	<u>\$ 754.7</u>	<u>\$ 1,010.5</u>	<u>\$ 1,201.0</u>	<u>\$ 1,319.5</u>	<u>\$ 1,613.9</u>	<u>\$ 699.9</u>
<u>Yet-To-Be-Secured Funding</u>																
Section 5309 New Starts/Grant Bonds*		5,424.2	2,574.5	-	-	-	-	200.0	498.0	586.2	295.2	350.7	501.0	418.6	-	-
State Grants		3,388.7	850.0	159.1	163.9	168.8	46.9	-	-	-	400.0	400.0	400.0	400.0	400.0	-
Other Local (incl. Value Capture)		500.0	-	-	-	-	-	-	-	-	-	-	250.0	250.0	-	-
<u>Secured Funding</u>																
Other Federal Funds		202.0	2.0	-	-	-	-	-	-	-	-	-	-	100.0	100.0	-
Prop A/C		2,191.7	960.8	68.2	70.2	72.3	20.1	7.2	-	-	59.5	-	50.0	150.9	732.5	-
Measure R		348.9	348.9	-	-	-	-	-	-	-	-	-	-	-	-	-
Measure M	<b>\$2,686.0</b>	<u>1,986.1</u>	<u>1,604.7</u>	-	-	-	-	-	-	-	-	-	-	-	381.4	699.9
Local Agency Transit Project Contributions		465.9	206.1	-	-	-	-	-	-	-	-	259.8	-	-	-	-
Transit and Intercity Rail Capital Program		300.0	300.0	-	-	-	-	-	-	-	-	-	-	-	-	-
SB1 - Local Partnership Program		23.9	23.9	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Sources	<b>\$15,531.4</b>	<u>\$ 14,831.5</u>	<u>\$ 6,871.0</u>	<u>\$ 227.3</u>	<u>\$ 234.1</u>	<u>\$ 241.1</u>	<u>\$ 67.1</u>	<u>\$ 207.2</u>	<u>\$ 498.0</u>	<u>\$ 586.2</u>	<u>\$ 754.7</u>	<u>\$ 1,010.5</u>	<u>\$ 1,201.0</u>	<u>\$ 1,319.5</u>	<u>\$ 1,613.9</u>	<u>\$ 699.9</u>

\* Net of interest cost

**Board Report**

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**File #:** 2020-0335, **File Type:** Informational Report**Agenda Number:** 18.

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**PLANNING AND PROGRAMMING COMMITTEE  
AUGUST 19, 2020****SUBJECT: VALUE CAPTURE ASSESSMENT****ACTION: RECEIVE AND FILE****RECOMMENDATION**

RECEIVE AND FILE Value Capture Assessment.

**ISSUE**

Staff has prepared a Value Capture Assessment, which is the initial step in a broader Value Capture Strategy, that identifies and quantifies value capture potential along Metro transit corridors and sets out next steps, including working with municipalities in an attempt to realize multi-beneficial impacts of Metro's transit investments.

**BACKGROUND**

Value capture enables communities to recover and reinvest land value increases that result from public investment, such as the expansion of the County's transportation system envisioned under Measures R and M. The opportunity for value capture is high in areas near Metro's current and planned transit infrastructure as there is potential for increased density and investment (if it does not already exist), and the resulting higher land value. The additional funding from value capture can help Metro and other stakeholders make betterments to stations; accelerate and/or enhance existing and new transit infrastructure; fund the local agency contribution for Metro transit projects; and realize transit-oriented communities.

Metro staff outlined a broad Value Capture Strategy for the Metro Board in July 2019 that begins with an assessment of value capture opportunities along existing and new transit corridors. The initial assessment has identified a rough estimate of the financial opportunity using tax increment and special tax districts, and the station locations that have the greatest potential.

**Metro Station Locations**

Metro's service territory currently has 93 rail stations in service. Much of the land surrounding the stations has been developed as the landowners have taken advantage of a higher level of density, both with and without the involvement of municipalities or other local government. On land that was initially purchased and then managed by Metro, we have also been successful in facilitating higher

density transit-oriented development.

Metro's service territory has over 75 additional station locations planned, and these locations may have a greater opportunity for value capture as the location may have not already been developed or entitled for future, higher density development.

## **DISCUSSION**

The Value Capture Assessment has estimated potential value related to 67 planned Metro rail stations. This was done by first documenting the characteristics of 8 representative locations, creating "buckets" of location types, then sorting most future stations into the buckets and applying the potential value to those locations. The projected increase in assessed value was converted to property tax increment. This methodology provides a high-level estimate of the value capture potential at each future station that will facilitate our discussions with the related municipalities and landowners.

### **Estimated Future Tax Increment**

When applied to all future stations included in the assessment, the estimated 45-year future tax increment at 100% build-out is \$56.4 billion. The following table shows the total estimated tax increment by future rail line.

<b>Future Tax Increment Planned Metro Stations</b> (\$ in millions)			
<b>Rail Line</b>	<b>Number of Stations</b>	<b>Opening Date</b>	<b>45-Year Tax Increment</b>
Crenshaw/LAX Transit	9	FY 2022	\$4,196
Regional Connector	4	FY 2024	\$9,730
Purple Line Extension Section 1	3	FY 2024	\$6,869
Purple Line Extension Section 2	2	FY 2026	\$10,871
Purple Line Extension Section 3	2	FY 2027	\$2,851
East San Fernando Valley	14	FY 2027	\$6,632
Gold Line Foothill to Claremont	4	FY 2028	\$1,258
West Santa Ana Branch	11	FY 2028	\$5,967
Green Line to Torrance	2	FY 2030	\$1,677
Sepulveda Transit Phase 2	6	FY 2033	\$2,991
Eastside 2	6	FY 2035	\$2,051
Sepulveda Transit Phase 3 to LAX	4	FY 2022	\$1,304
<b>Total</b>	<b>67</b>		<b>\$56,396</b>

The analysis identifies between \$18 and \$22 billion of potential future tax increment (in present value) that would result from increased development density and land values surrounding future stations. The estimates derived from this analysis create a rough order of magnitude picture of the scale of the opportunity from the completion of new stations and rail lines. The actual value captured and available for infrastructure will likely be less due to the timing of the creation of future taxing districts and completing bond financings. In addition, the formation of an Enhanced Infrastructure

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Finance District (EIFD) would require the cooperation and consent of the affected taxing entities including the jurisdiction(s) in which the district is located, the county, and other impacted tax districts. In addition, the amount that can be financed upfront at the time the transit investments are made will be less than the present value because of significant uncertainty over the revenue (i.e., assessed values can go up and down over time). Nevertheless, the estimates do identify potential that can help with future decisions and prioritize Metro's efforts going forward.

### Special Tax Findings

An alternative to tax increment financing that can also capture value from future development is the special tax from a community facilities district (CFD). These are much more prevalent than the EIFD and many currently exist in Metro's service territory. If a CFD is used at future Metro station locations, the estimated amount of annual special tax capacity is \$785 million, which if extended over 45 years has a present value of \$14 to \$19 billion. We estimated the special tax capacity using the assessed value surrounding future stations and assuming the properties could be taxed from the current property tax rate to the statutory maximum of 2%.

### EQUITY PLATFORM

The Value Capture Assessment is consistent with the equity platform's third pillar: "Focus and Deliver." If any value capture strategies are pursued, Metro would require broad stakeholder engagement to determine priorities for use of any funds generated.

### DETERMINATION OF SAFETY IMPACT

The Value Capture Assessment will have no impact on safety. If value capture strategies are pursued and funding is generated, future infrastructure improvements could improve safety for both users and non-users of transit.

### FINANCIAL IMPACT

There is no direct financial impact related to this receive and file.

### IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Value Capture Assessment could lead to additional funding sources that can be invested in transit and active transportation infrastructure as well as community-serving uses around transit. These support three Strategic Plan Goals: under Goal 1, improve connectivity to provide seamless journeys; Goal 3.2, leverage transit investments to catalyze transit oriented communities and help stabilize neighborhoods where these investments are made; and Goal 5.1, leverage funding to accelerate the achievement of goals and initiatives. The Value Capture Assessment also supports realization of Goal 5 in the Board-adopted Transit Oriented Communities Policy, "Capture Value Created by Transit".

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## **NEXT STEPS**

The Value Capture Assessment shows:

- There is significant value generated by Metro's transit investment that may be recaptured either through tax increment or special taxes.
- Some areas may present an opportunity to participate immediately where significant new growth is anticipated, while others present a longer-term opportunity to capture incremental values that are currently underutilized but, with the transit investment, represent long-term growth potential.
- Transit-supportive land use policies will be critical to driving value around Metro stations.
- Funds collected can direct value generated by Metro's investment back into station areas and communities.

Our next steps will be to share the results and initiate discussions with municipalities, the county, and other stakeholders to determine if there is interest in advancing value capture around station areas or along corridors, and where Metro can be informed about current or planned development opportunities, including those that may grow from Metro-funded transit-oriented development studies. Metro can facilitate future discussions by providing additional technical information including debt financing plans, and use of state and federal grant funding, other countywide and local funding sources, and subsidized financing. This process may also result in recommendations for legislation to amend existing or create new value capture tools.

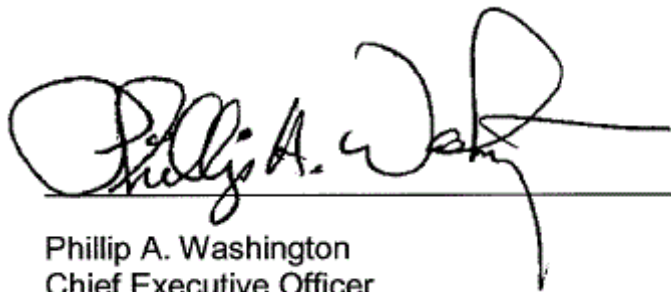
If municipalities are interested in partnering with Metro to pursue value capture, Metro would require broad stakeholder engagement including affected taxing entities, community-based organizations, the county, and property owners to determine priorities for use of any funds generated. There are, and will be, compatible and competing demands for funds generated by value capture, both market driven and in consideration of public policy objectives. Many stakeholders must be at the table to discuss potential funding levels and tools, and to prioritize any funds generated through implementation of value capture.

## **ATTACHMENTS**

Attachment A - Value Capture Strategy Report Executive Summary

Prepared by: Craig Hoshijima, DEO, Countywide Planning & Development, (213) 418-3384  
Laurie Lombardi, SEO, Countywide Planning & Development, (213) 418-3251

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



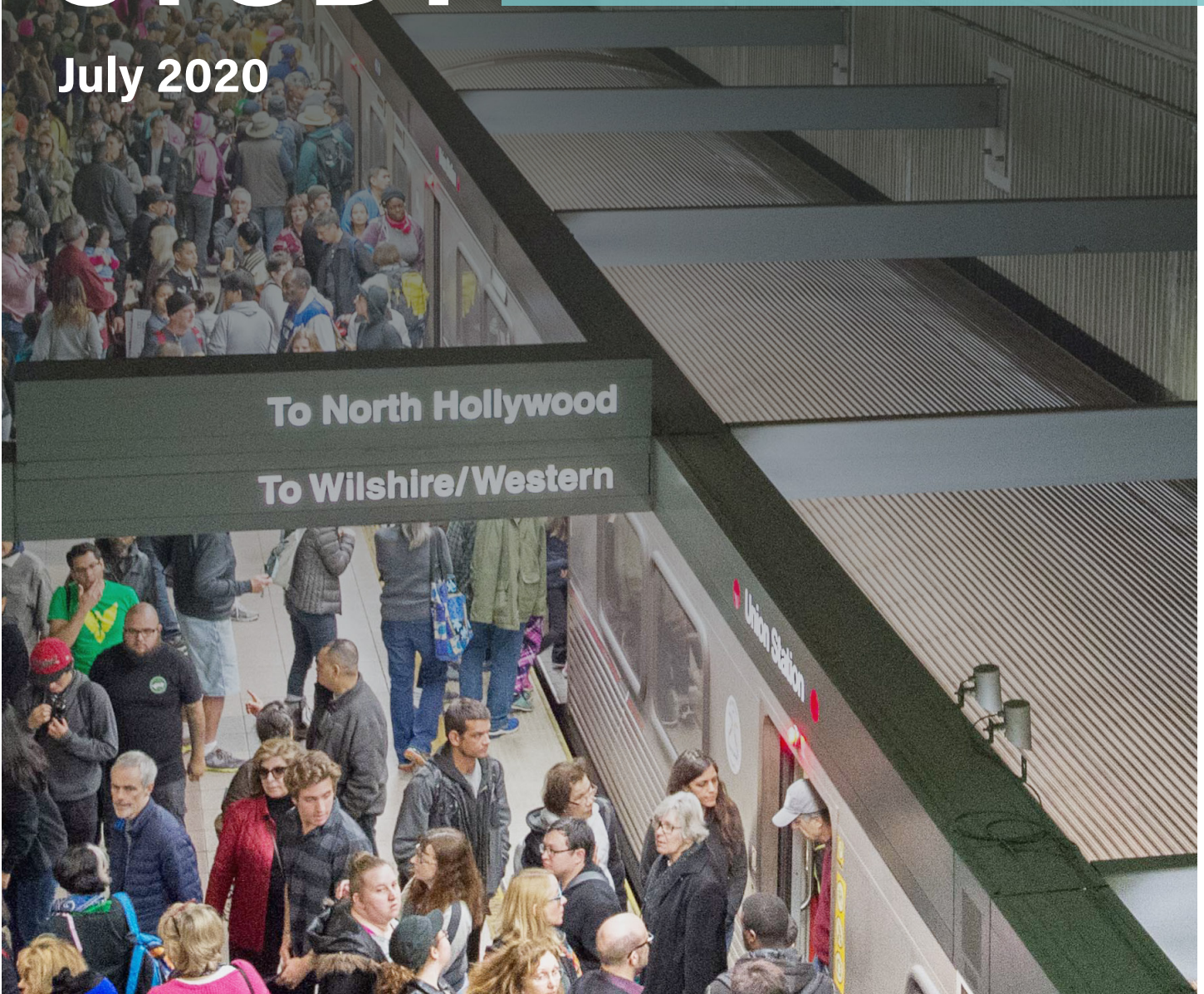
Phillip A. Washington  
Chief Executive Officer

Los Angeles County Metropolitan Transportation Authority

# VALUE CAPTURE ASSESSMENT STUDY

Executive Summary

July 2020



**PREPARED BY:**

Morgner Enterprise  
Keyser Marston Associates  
NBS Government Finance Group

D'Leon Consulting Engineers  
Casamar Group, LLC



## Executive Summary

### Introduction and Goals

A study was conducted to identify potential opportunities for Metro and local communities to capitalize on value capture (VC) tools available today. The study, led by Morgner Enterprise and supported by Keyser Marston and NBS, first and foremost provides an initial assessment of the magnitude of potential additional funding that could be secured, in particular, through two of the more prevalent VC tools—i.e., (1) Existing tax based Tax Increment Financing (TIF) utilizing the Enhanced Infrastructure Financing District (EIFD) vehicle, and (2) Special tax based Special Financing Districts (SFD), in particular, the Community Facilities District (CFD) vehicle. Informed by the initial assessment, the study also recommends components of a longer term VC strategy, including implementation priorities and phasing, potential use of other effective and innovative VC tools, and new legislative needs to facilitate VC implementation.

Propelled by the capital funding gap issues that are becoming increasingly acute in the midst of the COVID-19 pandemic, the future use of VC tools could prove essential and precedent-setting both for Metro and local communities to keep apace of the planned transit projects and public spending that could in turn support the timely economic recovery.

### Initial Assessment— Understanding Potential Magnitude Of VC Funding

#### Effectiveness of TIF and EIFD Tools

VC tools are many and their uses involve many stakeholders—be they taxpayers, land and property owners, business owners and tenants, and developers—who are directly impacted both on the benefit and cost side of the VC equation. Among others,

one of the most prevalent VC tools used historically has been TIF based on the existing tax base without involving new assessments to stakeholders. California was the first to use the TIF tool and subsequently the first to overextend its use causing undesirable and lasting fiscal impacts. With the Great Recession, the State eliminated the TIF program and subsequently broadened the use of the existing infrastructure financing district (IFD) to create a better and improved version of TIF in the way of the EIFD. The EIFD is still in its infancy and its effectiveness is yet to be proven. However, a series of amendments since its initial legislation in 2015 (the most recent being the removal of voter approval for issuing EIFD bonds) are making the tool much more flexible and robust, empowering cities and counties with powerful means to raise much needed funding for critical infrastructure projects, including transit.

Over three dozen EIFD feasibility studies have been initiated by local and regional agencies since the 2015 EIFD legislation. To date, however, only a handful has been formally approved and, among those, only two (2) EIFDs identified below are of sufficient size with a detailed infrastructure financing plan (IFP) having substantive commitment of local tax increments that exceed \$1 billion in scale:

1. West Sacramento EIFD No. 1 to provide \$1.5 billion in infrastructure funding to help transition 4,100-acre waterfront properties from heavy industrial to mixed use
2. Otay Mesa EIFD to provide \$1.2 billion in infrastructure funding to support 9,300-acre Otay Mesa Community Plan Area (CPA) development envisioned by City of San Diego

There are others that are much smaller in scale, e.g., *City of La Verne EIFD* No. 1 for \$33 million in infrastructure funding to support the Old Town La Verne Specific Plan implementation. Although La Verne's Specific Plan hinges on transit-oriented developments

(TODs) around a future Gold Line station, its EIFD infrastructure financing plan does not include the Metro Station as part of its financing requirements. Of note in this regard, most of the EIFD feasibility studies to date—including the Redondo Beach EIFD in LA County currently under consideration to support a coastal community park and wetlands restoration—and a majority of TOD-driven local specific plans (many in LA County funded through Metro's TOD grants) are similar to La Verne in that they are small in scale where core transit facilities are excluded in their infrastructure financing requirements with the presumption that the transit will be paid for elsewhere. At minimum, the 3% local contribution for transit investments by local jurisdictions required by the Measure M sales tax should become a pre-established consideration in these studies and plans.

Notwithstanding West Sacramento and Otay Mesa EIFDs, it is clear that the EIFD tool is not applied currently in its full capacity for major infrastructure improvements. More specific to Metro, the recent West Hollywood EIFD feasibility assessment along the Crenshaw Northern Corridor demonstrates the tool's potential utility in addressing Metro's capital funding needs specifically. If done right, the EIFD feasibility studies for West Santa Ana Branch (WSAB) and Vermont Transit corridors currently under consideration by SCAG should also provide opportunities to set the course for how best the EIFD tool could be utilized specifically to help fund Metro's major transit projects. The initial assessment for this study thus focuses on the TIF and EIFD potential to help Metro gain a better grasp of the magnitude of additional funding that could be achieved through these tools.

## Assessment Methodology Based on TOC Planning Principles and Guidelines

The initial assessment was guided by the established industry standards and planning principles pertaining to TODs. Several TOD guidelines at federal, state, and local levels were consulted. In particular, to characterize a VC opportunity area, the study applied: (1) TOD

amenability factor as recommended by the Center for Transit Oriented Development (CTOD) (mapped along the average vehicle miles traveled (VMT) per household and employment concentration dimensions) and (2) TOD density guidelines (dwelling units/acre and floor area ratio (FAR)), respectively, for residential and commercial land uses) recommended by Federal Transit Authority (FTA).

Given the sheer size of Metro's operational domain and time limitations, VC opportunity areas (OAs) had to be prioritized to include those with relatively higher VC potential. For the initial assessment, therefore, only the rail (not bus) transit facilities and only those rail corridors under construction or in planning stages (not existing) were included for initial quantitative analyses. Many station areas having already developed, the VC potential for existing transit stations were generally considered lower than those for future stations and, as discussed later, only a select few with significant development potential were considered as part of the initial assessment.

Excluding Crenshaw Northern (because EIFD assessments have been performed by West Hollywood and Arts District/6th St corridors (which is undertaking an independent VC assessment)), the remaining OAs were represented by 67 separate stations across 11 corridors along 8 major lines. Performing detailed analyses on all 67 stations was deemed virtually impossible given the time/budget constraints. As a result, with close coordination with Metro, a set of stations representative of key TOD categories (e.g., along urban vs. suburban groupings with varying densities) established by CTOD and FTA were selected for more detailed quantitative analyses. The results of these stations were then reviewed to gain insight into VC potential for each category and used as the basis for system-wide extrapolation. It should be recognized that the results of these initial assessments reflect at best a rough order-of-magnitude estimate of the VC tools' potential relative to Metro's larger overall portfolio.

## Representative Stations and Their VC Characteristics and Potential

According to FTA guidelines, the TOD influence area for a light and heavy rail transit system is represented by 1/2-mile buffer zones around each station along its corridor. Detailed quantitative assessments were performed on eight (8) select representative stations spread across multiple corridors. For each 1/2-mile buffer zones, parcel level data characterizing each station were first obtained, including land use/zoning, dwelling units, lot and building size, current assessed valuations, and assigned tax rate areas (TRA) and County/City tax allocations. In addition, relevant demographic data (population, employment, household, business) were also collected for each 1/2 mile buffer zone as well as for a 2-mile radius surrounding each station for additional insights. Several data sources were used for this purpose, including those from Metro (station GIS), LA County Assessor and Auditor (assessed value and tax), SCAG (land use GIS), and ESRI (demographics).

Based on the existing demographics, each station was categorized according to the aforementioned CTOD/FTA typology defined largely in terms of TOD amenability and TOD density guidelines. To develop the TOD buildout scenario for each station, the existing densities for residential and commercial zones were increased to reach the higher recommended TOD density (specifically, recommended residential dwelling units/acre and commercial FAR) for that category. In general, where additional land is required to accommodate the new density, industrial zones (and vacant land, where available) were converted to residential and commercial uses. For each station, both general plans and specific plans for local jurisdictions were consulted for specific land use and zoning guidelines. With few exceptions, the TOD densities applied were within the maximum density allowed by the localities for a given land use and zoning specification.



Purple Line 2 Station Credit: Metro

In assessing the EIFD funding potential, the new assessed value (AV) for the TOD buildout Scenario for each station was estimated based on the increased density and higher unit pricing projected for the new properties. Commensurate with the EIFD financing terms, 45-year cash flow was then developed for the TOD buildout Scenario using the same assumptions on all stations for apples-to-apples comparisons. Using 2020 as the base year, these assumptions, generally consistent with other EIFD assessments, included 20-year TOD buildout starting 2025, 2% statutory appreciation of AV with additional consideration for turnovers, and 3% discount rate for the present value analysis.<sup>1</sup>

**Table ES-1** summarizes the results of the 8 representative stations. Collectively, the 8 stations are capable of securing over \$5 billion in additional funding (almost \$2 billion in present value) and 78% increase in total AV if the stations can reach their TOD buildout potential. In reviewing the results, not surprisingly, it was found that the magnitude of the current AV within each station buffer zone had significant bearing on the TOD buildout AV more than any other variables. As presented, the increase in AVs between the current and TOD buildout for individual stations is shown to range from 60% on the low end to not much more than 100% on the high end.

<sup>1</sup> Assumptions on turnovers reflect the findings from a recent UCLA study that indicates that LA County experienced a 16% increase in the number of gentrified neighborhoods (and resulting displacements) between 1990 and 2015.

**TABLE ES-1: Potential VC for Representative Future Stations (in \$Million)**

Station	Current AV	TOD Buildout AV	% Increase in AV	45-Year Tax Increment	Present Value
Westwood/UCLA	\$6,284	\$10,053	60%	\$2,304	\$905
Van Nuys/MOL	\$1,203	\$2,069	72%	\$548	\$215
Westchester/Veteran	\$1,079	\$2,088	94%	\$486	\$191
Lambert	\$992	\$2,488	151%	\$524	\$205
Greenwood	\$738	\$1,188	61%	\$274	\$108
Sylmar	\$722	\$1,452	101%	\$361	\$142
Norwalk	\$676	\$1,283	90%	\$203	\$80
Pomona	\$611	\$1,237	102%	\$320	\$126
<b>Total</b>	<b>\$12,305</b>	<b>\$21,858</b>	<b>78%</b>	<b>\$5,020</b>	<b>\$1,972</b>

### Systemwide EIFD VC Estimation through Extrapolation

The insights gained from the representative station results were applied to the remaining 59 stations for system-wide extrapolation. In particular, the TOD buildout scenario for each of the remaining stations was developed based on (1) potential increase in the current AV of the 1/2-mile buffer zones informed by its TOD-relevant demographics and (2) TRA and tax allocations specific to each station. In general, the current AV was increased by 60 to 100% to provide a reasonable range of TOD buildout AV potential for each station. This range was not applied to the 8 representative stations (where detailed analyses were undertaken) and several other stations that were considered to have less development potential due to (a) their connection with an already-developed existing station, (b) overlap of the market area between stations, and/or (c) the existence of large public land holdings that limit private development.

The same underlying assumptions as the 8 stations were used in developing the 45-year cash flow except, respectively, the EIFD base year and the start of the 20-year TOD buildout schedule were assumed to coincide with the expected groundbreaking and opening date of each corridor as shown in **Exhibit ES-1**.

**Table ES-2** summarizes both the systemwide and corridor specific VC potential. Collectively, 67 future stations are capable of capturing additional funding that could range between \$46 to 56 billion (\$18 to 22 billion in present values) with as much as \$70 to \$100 billion in incremental total AV that could be attributable to these future stations. At the corridor level, the VC potential varies widely from as low as \$1.1 billion (\$0.4 billion in present value) for Sepulveda Westside-LAX Corridor to as high as \$17.7 billion (\$6.9 billion in present value) for Purple Line Extension Sections 1 and 2.

**EXHIBIT ES-1: VC Assessment Phasing Based on Expected Opening Date (2020-2080)**

Line	Opening Date (No. Stations)	2020-2030	2030-2040	2040-2050	2050-2060	2060-2070	2070-2080
<b>Crenshaw/LAX</b>	2022 (9)						
<b>Regional Connector</b>	2024 (4)						
<b>Purple Line Extension</b>	2024-2026 (5)						
	2027 (2)						
<b>Gold Line Extension</b>	2028 (4)						
	2035 (6)						
<b>East San Fernando Valley</b>	2027 (14)						
<b>Green Line to Torrance</b>	2030 (2)						
<b>West Santa Ana Branch</b>	2028 (11)						
<b>Sepulveda Transit Corridor</b>	2033 (6)						
	2057 (4)						

**TABLE ES-2: Systemwide EIFD VC Potential for Future Transit Corridors (in \$Billion)**

Rail Corridor	Project Status	Current AV	TOD Buildout AV	45-Year Tax Increment	Present Value
Crenshaw/LAX	Construction	\$9.6	\$14.8~\$17.1	\$3.3~\$4.2	\$1.3~\$1.7
Regional Connector	Construction	\$47.4	\$55.8	\$9.8	\$3.9
Purple Line Ext. (Sect 1/2)	Construction	\$32.6	\$52.2~\$65.2	\$12.5~\$17.7	\$4.9~\$6.9
Purple Line Ext. (Sect. 3)	Construction	\$8.2	\$12.5	\$2.9	\$1.1
Gold Line Foothill-Claremont	Construction	\$2.9	\$5.0~\$5.9	\$1.0~\$1.3	\$0.4~\$0.5
Gold Line Eastside Phase 2	Planning	\$5.0	\$8.7~\$9.7	\$1.7~\$2.1	\$0.7~\$0.8
Green Line to Torrance	Planning	\$2.9	\$4.6~\$5.7	\$1.2~\$1.7	\$0.5~\$0.6
East San Fernando Valley	Planning	\$12.9	\$21.2~\$25.6	\$5.1~\$6.6	\$2.0~\$2.6
West Santa Ana Branch	Planning	\$18.6	\$26.6~\$30.5	\$4.8~\$6.0	\$1.9~\$2.3
Sepulveda Valley-Westside	Planning	\$12.5	\$16.6	\$3.0	\$1.1
Sepulveda Westside-LAX	Planning	\$8.0	\$12.3~\$14.3	\$1.1~\$1.3	\$0.4~\$0.5
<b>Total</b>		<b>\$160.7</b>	<b>\$230.1~\$258.9</b>	<b>\$46.3~\$56.4</b>	<b>\$18.1~\$22.1</b>

## Use of Special Financing District Tool

In addition to TIF and EIFD, potential VC opportunity for the second prevalent tool, i.e., special taxes using special financing districts, in particular, CFD, was examined.

CFDs are more prevalent than EIFD with many currently existing in Metro's service territory. At a very conceptual level, an initial assessment of CFD VC potential was

performed for the 67 stations based on the same TOD buildout scenarios assumed under the EIFD analyses. **Table ES-3** shows, in present value, both the system-wide and corridor specific CFD VC potential if the TOD buildout were to materialize and if the effective tax rate were to be raised to the industry standard maximum of 2% allowable for each station.

**TABLE ES-3: Systemwide CFD VC Potential for Future Transit Corridors (in \$Billion)**

Rail Corridor	Current AV	TOD Buildout AV	CFD VC in Present Value	
			EIFD Assumption (45-Year @ 3% discount rate)	CFD Financing Term (30-Year @ 5% interest rate)
Crenshaw/LAX	\$9.6	\$14.8~\$17.1	\$1.0~\$1.5	\$0.6~\$0.9
Regional Connector	\$47.4	\$55.8	\$1.6	\$1.0
Purple Line Ext. (Sect 1/2)	\$32.6	\$52.2~\$65.2	\$3.8~\$6.4	\$2.4~\$4.0
Purple Line Ext. (Sect. 3)	\$8.2	\$12.5	\$0.9	\$0.5
Gold Line Foothill-Claremont	\$2.9	\$5.0~\$5.9	\$0.4~\$0.6	\$0.2~\$0.4
Gold Line Eastside Phase 2	\$5.0	\$8.7~\$9.7	\$0.7~\$0.9	\$0.5~\$0.6
Green Line to Torrance	\$2.9	\$4.6~\$5.7	\$0.3~\$0.6	\$0.2~\$0.4
East San Fernando Valley	\$12.9	\$21.2~\$25.6	\$1.6~\$2.5	\$1.0~\$1.5
West Santa Ana Branch	\$18.6	\$26.6~\$30.5	\$1.6~\$2.3	\$1.0~\$1.5
Sepulveda Valley-Westside	\$12.5	\$16.6	\$0.8	\$0.5
Sepulveda Westside-LAX	\$8.0	\$12.3~\$14.3	\$0.8~\$1.2	\$0.5~\$0.8
<b>Total</b>	<b>\$160.7</b>	<b>\$230.1~\$258.9</b>	<b>\$13.6~\$19.2</b>	<b>\$8.5~\$12.1</b>

As shown, under the same conceptual present value assumptions used for EIFD (i.e., 45-year term at 3% discount rate), the maximum CFD VC potential could range between \$13.6 to \$19.2 billion for the 67 stations. Under the financing terms that are more typical of CFD (i.e., 30-year term at 5% interest rate), CFD VC upfront potential could range between \$8.5 to \$12.1 billion. It is important to recognize that there may be significant challenges in using the CFD for VC purposes. CFDs require a 2/3 voter approval from either property owners or registered voters depending on the number of registered voters within the proposed CFD. Further, CFDs are typically smaller in scale created on an individual development project basis with each issuance requiring the 2/3 voter approval (from property owners or registered voters, as the case may be). For each station with a 1/2-mile TOD buffer zone, numerous districts, each burdened with the voter approval requirement, may be necessary before the VC potential shown can be achieved. Nevertheless, a CFD was successfully implemented for the planned Historic Downtown Streetcar project, and a CFD is being considered for a potential Arts District Red Line station.

### VC Potential for Existing Stations

As mentioned earlier, with the help from Metro, a select few existing stations having significant development potential were identified, including Willowbrook/Rosa Parks (Blue Line), Vermont/Beverly and Westlake/MacArthur Park (Red Line), and El Segundo (Green Line). Among these, the El Segundo station was considered as being relatively less developed with higher VC potential and thus selected for more detailed analysis of the level similar to the eight representative stations described earlier. Near the El Segundo station is a large parcel developed as industrial formerly owned by Raytheon (recently merged with United Technologies). The TOD buildout scenario entailed redeveloping the low density industrial parcel to high density, high value commercial developments. The analysis showed that, through the TOD buildout, this station can achieve close to a 45% increase in AV (from \$3.0 billion to \$4.4 billion) with a VC potential of \$826 million (\$325 million in present value) over the 45-year period.

More qualitatively, the study team also reviewed the current development activity near Metro stations provided in Metro's CY2019 Development Review. The Review identifies 22 proposed or under development projects near existing station sites which would require some level of Metro involvement. Many of these sites could be "TOD-amenable" with substantive VC potential, especially where large parcel sizes are available and where the existing density is low (e.g., FAR under 1.0). A very preliminary review indicates that these projects could generate between 1,400 and 1,600 new residential units and between 700,000 and 1,000,000 square feet of new commercial or industrial space. The incremental AV of these new developments could range between \$900 million to \$1.2 billion. If a tax increment VC program were in place and if, for example, the share of tax revenues devoted to Metro infrastructure was 15%, then these projects could mean additional VC potential of between \$1.4 and \$1.8 million annually.

Over and beyond the direct monetization, at minimum, these sites could also serve as potential candidates for affordable housing where grants and subsidies (e.g., affordable housing sustainable communities grants) could be sought to further Metro's policy priorities. In short, with better information about future station-vicinity development plans, further and more detailed assessment of the overall VC potential for existing stations, inclusive of the availability of relevant grants and subsidies, could be beneficial.

## Short and Long Term Value Capture Strategy

An effective VC strategy is ultimately about starting **early** when there is a general recognition of TOD's potential value and **before** it is given away without proper assessment of its monetization potential based

on benefits and costs to each major stakeholder involved. For each major corridor, a long term value capture strategy should be integrated, phased, and risk-adjusted across multiple stakeholders and planned well in advance alongside the capital project planning process and long before the opening date.

In general, various VC tools presented in this study can be used on a case-by-case basis. At a strategic level over a longer term, the basic approach should be to start with those tools that have the least new impact on stakeholders (real or perceived) and proceed with new charges in a manner that is risk-adjusted so that the stakeholders can better bear the VC financial burden. The following two broad risk-adjusted VC implementation layers are thus recommended:

1. Given that it can be multi-jurisdictional and non-contiguous, the use of EIFD/TIF tool is recommended at an entire corridor level<sup>2</sup>, tapping on organic increase in tax revenues from TODs linked to all new stations along a new corridor without imposing new taxes. Not all affected local jurisdictions along a given corridor may be interested in participating initially but, over the long run, with the appropriate value proposition and emphasis on the "but-for" factor<sup>3</sup>, the EIFD/TIF tool has a potential to trigger a ripple effect and help maximize local contributions.
2. The use of CFD is recommended at an individual station level because it is likely triggered by developers and property owners based on their individual development projects around each station. As CFD involves new taxes and requires voter approval, its applications may be easier where the project does not involve multiple and diverse voter communities. At the station level, as called for by the funding needs, it may also be desirable to combine CFD (new owners) with SFD (existing owners) and various forms of developer exactions (e.g., impact fees) that are implemented in phases

<sup>2</sup> The recent West Hollywood EIFD feasibility was a corridor-level assessment for the Crenshaw Northern Corridor. Likewise, the WSAB and Vermont Transit Corridor EIFD feasibility studies under consideration by SCAG should be at corridor-level to maximize the tool's benefits.

<sup>3</sup> The "but-for" factor refers to the recognition from the outset that the TOC VC opportunities and the resulting increase in local revenues would not be possible without the transit facilities.



7th Street Metro Train Station Rendering. Credit Metro

such that developers' contributions kick-in later in the development phase when their risks are lower and their willingness to pay is higher.

The two implementation layers should be explored in parallel to determine the best and most practical path forward. More importantly, regardless of the path chosen in the end, the overall VC implementation framework for how various VC tools are to be used should be laid out well in advance as an integral part of the overall VC strategy for each corridor for purposes of providing full transparency from the outset for local jurisdictions, property owners, and developer community.

A broad stakeholder engagement both at the municipal and state levels would also be an essential element of a VC strategy. Close coordination with municipal partners is needed, for example, to prioritize VC generated funds amongst competing demands and to implement a new taxing district. As the best path forward is identified and select VC tools are pursued, the VC strategy may also entail legislative recommendations to amend existing tools or create new tools, requiring close coordination at

the state level. It is recommended that an internal inter-departmental VC task force within Metro be established to facilitate not only the stakeholder engagement efforts but also overall implementation of the VC strategy both in the short- and long-term.

Finally, as practical, other innovative VC tools gleaned from global best practices should also be explored in developing the long term VC strategy, particularly when new sources of funding can be identified to further spread the VC financial burden. Of particular interest in this regard is CEPAC bonds from Sao Paulo, Brazil, where the effective use of innovative VC tools has been prevalent and long standing. By leveraging less than 0.1% of their developable land and directly adding the larger investor community to the VC stakeholder equation, the City has been able to convert TOD-driven incremental density into tradable securities sold through public auctions. The CEPAC proceeds alone helped the City to raise as much as 15% of its overall capital spending needs, including much needed affordable housing provisions to help mitigate the larger gentrification issues facing the City.

# Glossary

AV	Assessed Value
BRT	Bus Rapid Transit
CBA	Community Benefits Agreement
CEPAC	Certificate for Potential Additional Construction
CFD	Community Facilities District
CID	Community Improvement District
CTOD	Center for Transit Oriented Development
DA	Development Agreement
EIFD	Enhanced Infrastructure Financing District
ESFV	East San Fernando Valley
ESRI	Environmental Systems Research Institute
FAR	Floor Area Ratio
FTA	Federal Transit Authority
IFD	Infrastructure Financing District
IFP	Infrastructure Financing Plan
JD	Joint Development
JPA	Joint Powers Authority
LMD	Landscape Maintenance District
MOL	Metro Orange Line
ROW	Right of Way
SCAG	Southern California Association of Governments
SFD	Special Financing District
TFAR	Transfer of Floor Area Rights
TIF	Tax Increment Financing
TOC	Transit Oriented Community
TOD	Transit Oriented Development
TRA	Tax Rate Area
VC	Value Capture
VMT	Vehicle Mile Traveled
VNY	Van Nuys
WeHo	West Hollywood
WSAB	West Santa Ana Branch

# WSAB P3 Assessment Update

Regular Board Meeting

December 2, 2021

OEI

# Metro's P3 Assessment Process

Voter approved  
Measure M  
indicates WSAB  
could be  
delivered by P3

## Step 1

Project  
Screening &  
Identification

## Step 2

Qualitative  
Project  
Assessment

## Step 3

Market  
Sounding

## Step 4

Project Cost  
Report

## Step 5

Project Risk  
Assessment

## Step 6

Value-for-  
Money &  
Financial  
Analysis

## Step 7

Project  
Funding &  
Affordability  
Assessment

## Step 8

Metro Board  
Approval of  
Project  
Delivery

## Step 9

Final Project  
Performance  
Specifications

## Step 10

Release  
Procurement  
Package



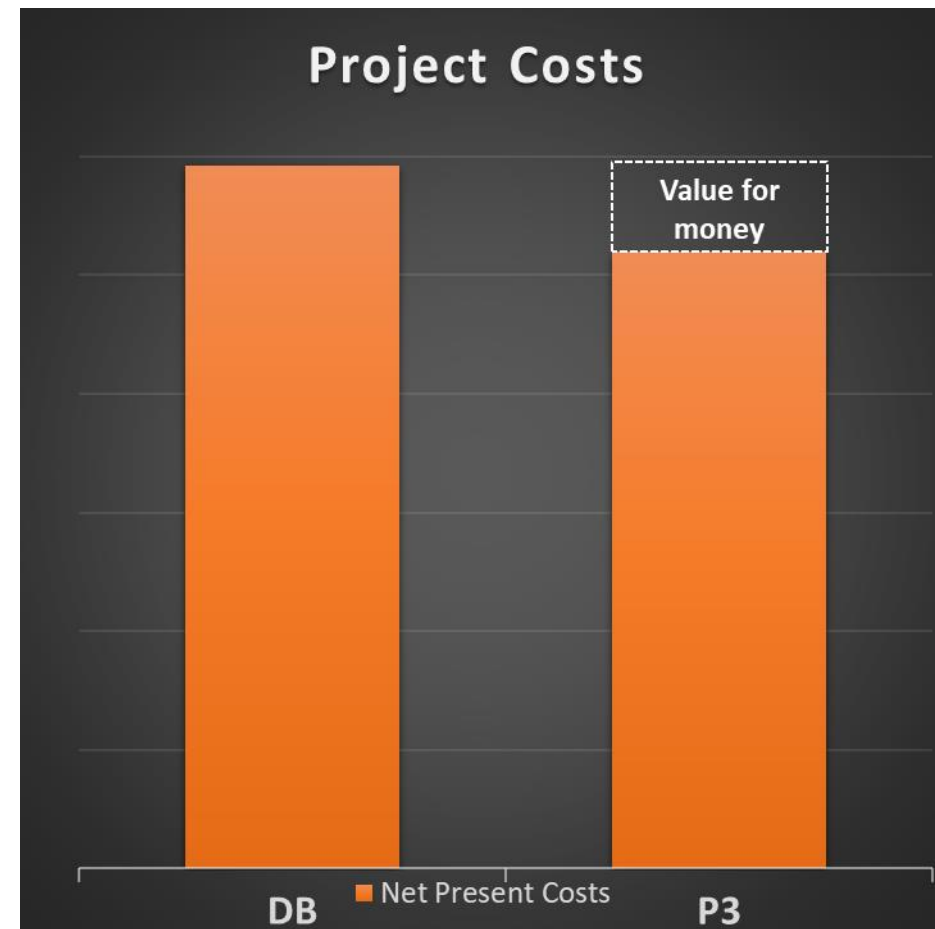
Completed step of assessment



Metro

# Value for Money (VfM) Evaluation

- Identifies the project delivery strategy with the lowest potential lifetime risks and costs for the WSAB project
- In line with Eno recommendation to adopt “a formal evaluation process to determine the appropriate procurement method on a project-by-project basis” in order to control cost and schedule risk, as well as Infrastructure bill requirements
- Staff are available to provide detailed briefings on VfM evaluation and results



# Project Delivery Strategy

- Staff are developing a unique strategy to deliver WSAB:



- CM/GC contract for delivery of Early Works
  - Including freight rail relocation, utility relocation, and other 3<sup>rd</sup> party items
- P3/DBFOM contract for delivery of the LRT
  - Includes PDA style opportunity to complete the line to Downtown LA

# CM/GC+P3 Benefits

- CM/GC Early Works could reduce the risk of change orders in the LRT contract
- P3 investors, including pension and ESG funds among others, could raise ~\$2 billion of private financing for the project, reducing Metro's cash required to complete design and construction and allowing us to build more of the project sooner
- P3 contract would directly link Metro's payments to the P3 Developer's performance, incentivizing Developer to open, operate, and maintain the WSAB transit line according to our performance requirements

# Market Sounding

- Project team staff re-engaged with infrastructure firms through one-on-one interviews to review and refine Metro's project delivery strategy in September 2021
- 18 firms, including design-builders, investors, light rail vehicle suppliers, operators, and multi-industry conglomerates participated
- Broad and enthusiastic market interest in proposing on this potential WSAB procurement



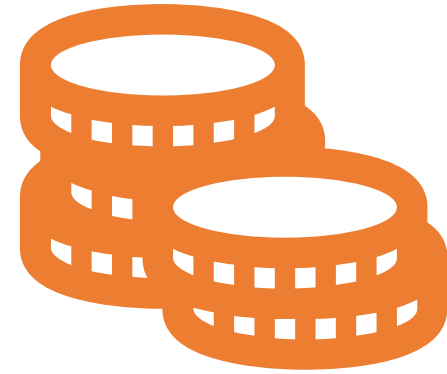
# Market Sounding

- Firms appreciated Metro's pragmatic and innovative approach that has incorporated lessons learned from Metro's major projects and others (e.g., Maryland Purple Line)
- Current strategy was viewed as the optimum delivery model across a range of perspectives
  - Competition
  - Affordability
  - Schedule
  - Risk, responsibility, and performance



# Market Sounding

- Firms advised that segmenting the project could increase project costs due to interface challenges, cost inflation, and additional mobilization and demobilization work
- Metro's labor requirements were viewed as acceptable and industry standard



# Market Sounding

- Firms recommended that Metro continue to achieve project readiness and commit to a clear project scope before beginning P3 procurement
  - UPRR Approach
  - ROW Acquisition Strategy
  - Labor Strategy
  - Early Works
  - FTA Record of Decision
- PDA style opportunity to complete the line to Downtown LA was viewed as an exciting prospect that would incentivize potential teams

# P3 Assessment Next Steps

- Align committed and potential project funding, including new funding from Infrastructure Investment and Jobs Act and value capture strategies, with estimated costs of CM/GC+P3 delivery model
- Continually update assessment as project evolves to ensure Metro delivers the highest quality transit service in the most affordable and efficient way
- Recommend best value procurement strategy for Board selection in Summer 2022 to ensure procurement can begin immediately following ROD

# Next stop: new rail to southeast LA County.

WEST SANTA ANA BRANCH TRANSIT CORRIDOR



**FUNDING PLAN AND P3 ASSESSMENT UPDATE**

Regular Board Meeting  
Item 42

December 2, 2021



# West Santa Ana Branch Funding Plan and P3 Assessment Update

- Goal is to deliver the WSAB from Pioneer to Downtown LA
- The Draft EIS/EIR project cost estimates for the alternatives are higher than the prior estimate (in current dollars)

Alt 1A	Alt 3	Alt 4
(Pioneer to Downtown)	(Pioneer to Slauson)	(Pioneer to Green Line)
<hr/>	<hr/>	<hr/>
<b>\$8.567B</b>	<b>\$4.902B</b>	<b>\$2.346B</b>

- There is a shortfall in identified funding and the proposed funding strategy would address this with a more aggressive federal New Starts grant strategy
- The funding gap for the full alignment is at least \$4.6B
- Analysis of P3 project delivery is ongoing

# Funding Sources

- A \$3.15 billion New Starts for Alternative 3 – limited to less than 50% of the cost
- Target State funding (\$850 million)
- Compile \$3.12 billion in total local funds including Measure M, Measure R, 3% local contribution, innovative finance (pension funds)
- Working to secure value capture as a funding source; Metro and cities will continue to pursue their development
  - this process involves the cities and county and extensive analysis, which can take multiple years
  - can be used for 3% contribution
- Funding plan allows completion to Slauson as early as FY35 to FY38, in advance of the Measure M Ordinance (new funding can advance schedule)

# Downtown Segment

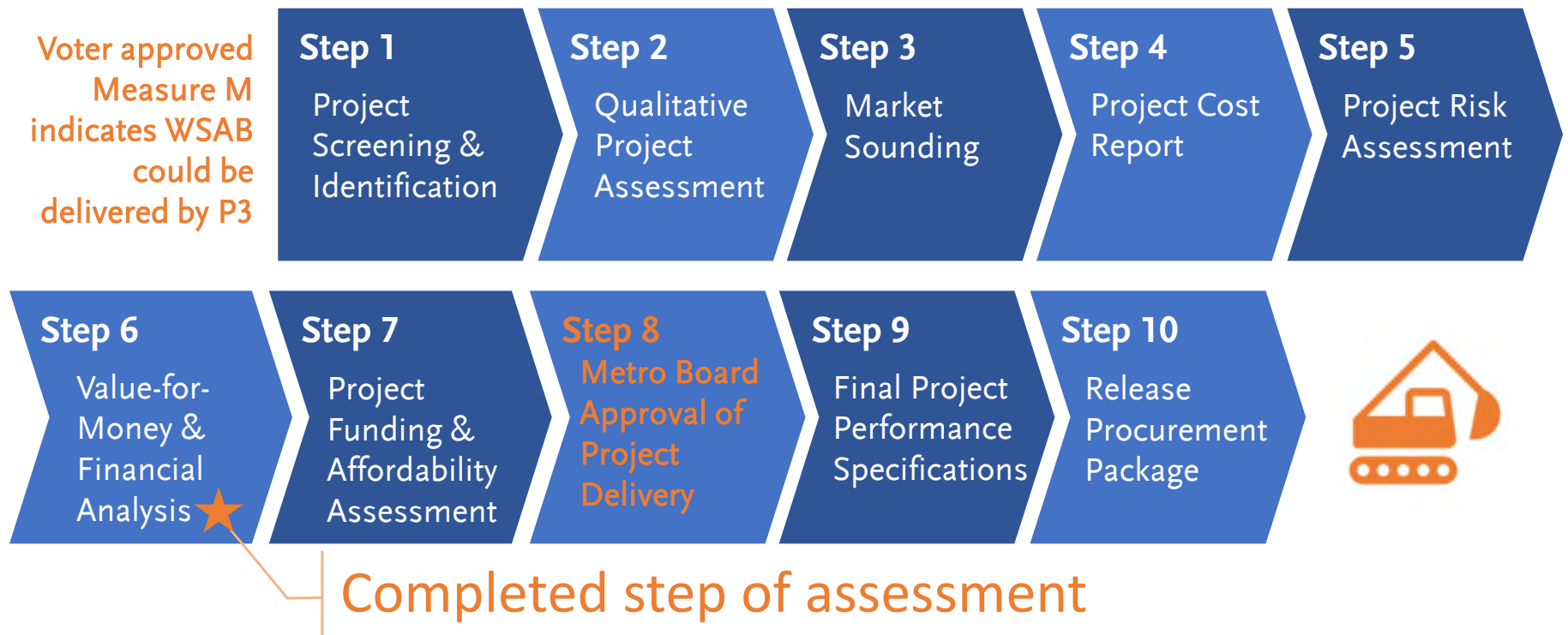
- Board action in Jan 2022 to:
  - Approve a terminus in downtown
  - Work with downtown communities to address impacts and evaluate ways to reduce cost on northern segment
  - Select an **Initial Operable Segment (IOS)** for initial grant funding and as the Locally Preferred Alternative (LPA)

# Project Schedule for Initial Segment

LPA Selection:	January 2022
First Last Mile Planning:	Following LPA Selection
Work with Communities; Evaluate Ways to Reduce Cost on Northern Segment:	Following LPA Selection
Board Selection of Project Delivery Method:	Summer 2022
Metro Board to Certify Final EIR:	Winter 2022
FTA to issue Record of Decision:	Spring 2023
Begin CPUC Application*	2023 to 2025 (18-month process)
Begin Right of Way Acquisition*	2023 to 2026 (2 to 3-year process)
Groundbreaking:	As early as 2023/25
Advanced Engineering Works (IOS):	2023 to 2026 (3 years)
LRT Construction (IOS):	2026 to 2033/35 (7 years)

*\* Final EIR Certification/ROD prerequisite*

# Metro P3 Assessment Process



# Metro P3 Costs and Benefits

- Investors, including pension and ESG funds among others, could raise ~\$2 billion of private financing for the project
  - Reducing Metro's funding required during construction and allowing us to build more of the project sooner
- P3 delivery could provide greater cost and schedule certainty than DB delivery by tying payment to performance
- P3 contractor would be required to negotiate comparable agreements with existing labor unions for operations and maintenance

# Additional Actions

- Request entry into FTA New Starts project development for the IOS
- Board action on project delivery method in Summer 2022
- Procure technical advisors for value capture financings that will help initiate a potential multiyear process – proceeds can be used for 3% contribution



Metro

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

## Board Report

File #: 2021-0536, File Type: Contract

Agenda Number: 49.

### REGULAR BOARD MEETING DECEMBER 2, 2021

**SUBJECT: LONG-TERM ADVERTISING - CULVER CITY STATION**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

APPROVE a long-term advertising purchase, up to 12 months, at Culver City Station from HBO, generating up to \$400,000 plus, estimated net revenues for Metro. This is not a title sponsorship, and will not affect Culver City Station's title nor the adjacent private property's title, Ivy Station.

#### **ISSUE**

In compliance with the Commercial Sponsorship and Adoption Policy, 'station activation' advertising beyond 90 days require Board approval (*Attachment A*). Staff is bringing to the Board's attention a request for long-term advertising and activity from HBO at Culver City Station on the Metro E Line (Expo). Approval of this long-term advertising purchase will authorize Metro's rail advertising broker, Intersection, to manage the extended 12-month purchase and advertising activities stated in this report.

#### **BACKGROUND**

In February 2021, the Board approved the Commercial Sponsorship and Adoption Policy. The policy enables Marketing Communications to establish a sponsorship program to generate additional revenues for the agency.

#### **DISCUSSION**

##### **Findings**

HBO has moved their corporate headquarters to the newly completed Ivy Station - a mixed-use complex adjacent to Culver City Station on the E Line; and has purchased a station activation beginning fall 2021. Metro's rail advertising broker, Intersection, has also been coordinating with HBO on purchasing long-term advertising beyond the maximum 90 days as authorized in the current advertising contract - the inquiry in summary:

- Buyer: Home Box Office, Inc (media and entertainment company)

- Duration: HBO previously entered into a 90-day agreement with Intersection for advertising at Culver City Station. Approval is now sought to extend the program for an additional nine months beginning in early 2022 and extending through fall 2022.
- Revenue to Metro: Up to \$400,000 plus, estimated net revenues (total advertising buy ranging from \$500,000-\$750,000 of which Metro will receive 55%)
- Advertising Activities: Station Activation - The advertising purchase will include various large-format media on station elements such as columns wraps, pillar wraps, trestle wraps, and a wallscape via direct decal to the surfaces of station property. Visual samples are provided in *Attachment A - HBO Advertising - Culver City*, displaying the type of creative content HBO and Intersection may post. Within the 12-month duration, creative content may be updated at the discretion of HBO and Intersection. All creative content will comply with Metro's System Advertising Policy and be vetted by the Content Advertising Committee.

Metro Communications (Marketing and Community Relations) reached out to Culver City with the advertising proposal and have received a green light to proceed from Culver City Community Development, City Manager, and City Attorney.

### **DETERMINATION OF SAFETY IMPACT**

The contractor will install advertising following Rail Safety Policy and Guidelines to ensure the safety of Metro's riders and employees.

### **FINANCIAL IMPACT**

There is no negative financial impact with the approval of this item. The contractor is responsible for material costs and maintenance of HBO advertising for the duration of the sale.

Revenues generated from this long-term advertising sale will be designated as Commercial Sponsorship and will be tracked separately from Commercial Advertising.

The project manager and the Accounting department will be responsible for monitoring performance, compliance, costs, and resources in support of this task. Since this sale will extend over two fiscal years, the program manager, cost center manager, and Chief Communications Officer will ensure all project resources are budgeted in future fiscal years.

### **Impact to Budget**

Commercial Advertising and Sponsorships are revenue-generating programs and do not incur capital costs to Metro; however, labor support is warranted to ensure safety compliance during material installations. Metro will receive 55% revenue share, approximately \$412,500, and the contractor will receive 45% revenue share, approximately \$337,500, from the total gross sale of \$750,000; with an estimated \$5,000 in Metro labor expenditure.

Summary of estimated revenues and expenditures:

\$750,000      Advertising Buy (gross sale)

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\$337,500	Contractor's 45% revenue share
\$412,500	Metro's 55% revenue share
\$5,000	Metro Expenditures (Operations labor support)

### **EQUITY PLATFORM**

Long-term advertising purchases generate significant revenues upfront and they also command the attention of future media buyers. This initial media purchase may be a catalyst for consistent and long-term revenues generated through advertising and sponsorship at a singular station - creating a reliable funding source for equitable initiatives. At this time, there are no equity impacts anticipated as a result of this action.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The revenue advertising program supports the Strategic Plan by fulfilling Goal 5.2 - Exercising good public policy judgment and sound fiscal stewardship by monetizing Metro's capital assets to generate non-tax revenues.

### **ALTERNATIVES CONSIDERED**

The Board may choose not to approve this long-term advertising request, however, this is not recommended. Metro would be turning away up to \$400,000 plus estimated revenue earnings from an individual station, and miss other fruitful opportunities to generate unrestricted local funding.

### **NEXT STEPS**

Upon Board approval, staff will authorize the advertising broker to complete the advertising sale and begin executing the long-term media placement with HBO and Culver City Station on E Line.

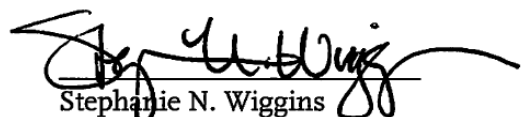
### **ATTACHMENTS**

Attachment A - Commercial Sponsorship and Adoption Policy

Attachment B - HBO Advertising-Culver City Station

Prepared by: Lan-Chi Lam, Director of Communications, (213) 922-2349  
Glen Becerra, Executive Officer of Marketing, (213) 418-3265

Reviewed by: Yvette Rapose, Chief Communications Officer, (213) 418-3154

  
Stephanie N. Wiggins  
Chief Executive Officer

## **Commercial Sponsorship and Adoption Policy**

### **POLICY STATEMENT**

Commercial Sponsorship and Adoption is a form of advertising in which entities will compensate Metro in order to be associated with certain Metro facilities, services, programs, or events. Compensation to Metro can include, but is not limited to: monetary payments; resources and finance; payment-in-kind; value-in-kind to develop new facilities, services, programs, or events; or, funding to operate and enhance existing facilities, services, programs, or events.

Through implementation of the Commercial Sponsorship and Adoption Policy ("Policy"), Metro seeks to establish guidelines to execute a responsible and consistent process regarding Sponsorship and Adoption business activities. Metro's Communications department administers the Commercial Sponsorship and Adoption Program ("Program") as part of its overall responsibility of revenue-generating advertising and Metro's overarching goal of partnering with businesses on activities that can increase mobility and brand awareness for customers in the Los Angeles region.

As sponsorship is a form of advertising, the Program will adhere to Metro's System Advertising Policy (COM 6) and apply the same content restrictions in considering sponsors' core business, brand, and services. Commercial Sponsorship and Adoption may impact Metro facilities, services, programs, amenities, or events. As Metro facilities, services, programs, and events have already been named, the program will also adhere to Metro's Property Naming Policy (COM 11) and apply the same public outreach processes and principles pertaining to area location, neighborhood identity and system legibility in considering sponsors' core business, brand, and services.

### **PURPOSE**

Through implementation of this Policy, Metro seeks to establish guidelines regarding Commercial Sponsorship and Adoption of Metro services, facilities, amenities, programs, and events.

### **Goals and Principles**

This Policy will set direction for how Metro plans and implements Commercial Sponsorship and Adoptions on the Metro system. Specific Program goals include, but are not limited to:

- **Generate long-term revenues to support agency programs and initiatives**  
Metro has the fiscal responsibility to maximize the utilization of available resources effectively and efficiently to create long-term, agency-generated revenues. Furthermore, diversifying Metro's revenue sources prepares the agency for future economic shortfalls and unexpected agency impacts.
- **Enhance service and/or amenities that improve customer experience**  
Partnerships with local businesses and entities may offset costs of desired customer amenities, such as technology (Wi-Fi, mobile charging stations), commerce (vending kiosks, retail), and convenience (food trucks, parcel pickup). These partnerships allow Metro to focus on operating a world-class transit system while specialist(s) provide amenities enhancing the customer experience.
- **Position corporate social responsibilities towards equity-focused communities**  
Metro can create more opportunities to promote small, disadvantaged, and disabled veteran business enterprises through commercial programs by allowing them involvement in the system. Concurrently, corporate entities may provide equity opportunities to communities through Metro's program.

## **PROCESS AND PROCEDURE**

### **Eligible Agency Assets**

Metro is the transportation planner and coordinator, designer, builder, and operator of a large and expanding transit system. The infrastructure capital investment and other assets are significant within Metro's county-wide system of bus, rail, and other services; property portfolio; numerous facilities; programs and events. The various facilities, programs, and services that may be eligible for sponsorships and adoption are:

- **Facilities** – Any rail station or bus stop, parking lots and parking structures, regional facilities, maintenance buildings and other structures, Metro headquarters building, and any other property owned, leased, managed, or operated by Metro. Example facilities include Pico Station, Sierra Madre Villa parking structure, and El Monte bus station.
- **Transit Services** – Any light & heavy rail lines, bus service lines & routes, transitway service lines & routes, and any mode of transit service owned, leased, managed, or operated by Metro. Example transit services include A Line, E Line, and Dodgers Stadium Express.

- **Programs** – Selected established Metro-operated effort/initiative for the benefit of customers and communities that Metro serves, generally in the form of customer service actions and functions. Example programs include Freeway Service Patrol and Metro Micro.
- **Events** – Selected one-time, seasonal, or annual event initiated, partnered with, coordinated by, or conducted by Metro. Example events include Older Adult Expo and Faith Leaders Roundtable.

### **Program Models**

Metro will engage in two types of program models, Adoptions and Sponsorships. Within these two models, proposals may include customized packages of varying marketing techniques and tactics; combine financial payments and value-in-kind amenities; or only provide financial payments or value-in-kind amenities. Metro defines amenities as selected resources, features, or utility that may provide additional enhancement to an established Metro facility, station, or stop. Examples amenities may include technologies such as mobile data and Wi-Fi services, commerce such as retail and vending machines, and convenience such as restrooms.

- **Adoption** - A partnership between Metro and a third party, which provides benefit to Metro riders in the form of sponsored amenities, services, equity opportunities, and customer experience improvements. In an Adoption, third parties may provide resources and/or financing, payment-in-kind, or value-in-kind to develop operating or new facilities, services, programs, or events. Examples: providing free Wi-Fi to a particular station, funding additional maintenance to a particular station.
- **Sponsorship** - A partnership between Metro and a third party, which provides benefit to Metro in the form of financial payments - revenues from sponsorships may be directed towards Metro programs and initiatives. In a Sponsorship, a third party may provide resources and funding, payment-in-kind, or value-in-kind to develop operating or new facilities, services, programs, or events. Examples: temporary station name take-over, long-term media buyouts of a particular station or facility.

### **Terms and Durations**

Sponsorships and Adoptions can take on various forms of advertising in which companies contract with Metro to associate their name, identity and branding with facilities, services, programs or events. Metro may engage in Temporary and Long-Term Sponsorships/Adoptions that provide value and benefit both parties.

- **Temporary** – Sponsorship/Adoption/Advertising activity lasting up to ninety consecutive days — temporary commercial activity is within CEO's approval

authority. Contractor shall not allow or authorize any single advertiser to engage in Station Domination of a single station for a period of more than 90 consecutive days. Immediately following the period of Station Domination by an advertiser, said advertiser shall not be permitted to engage in Station Domination of that same station for at least 90 consecutive days.

- **Long-term** – Sponsorship/Adoption/Advertising activity lasting greater than ninety consecutive days with a maximum length of 10 years — all long-term commercial activity require Board reviewed and approval. The renaming of a facility or station requires a minimum five year commitment. Additionally, any activity affecting facility/station/service names requires Board notification: short-term renaming/co-naming requires Board notification while long-term renaming/co-naming requires Board approval.

### **Eligibility and Criteria**

In line with Metro's System Advertising Policy (COM 6), business entities selling products or services in the prohibited categories will not be considered for participation in the Program including Alcohol, Tobacco and Electronic Cigarettes, Adult Entertainment and Content, Arms/Guns and Weapons, Political Parties, Political Groups, Political Organizations, and Political Candidates or Campaigns, causes (including Religious Groups and Religious Associations, social advocacy groups, lobbyist, etc), or any other category prohibited by COM 6.

Metro shall consider Sponsorships and Adoptions with qualified entities meeting these criteria:

- Businesses already established in the U.S. or have fulfilled all legal requirements and compliance to establish a business within the United States;
- Businesses must establish current financial stability as well as financial stability for the five years prior to proposal submission;
- Businesses with current responsible practices and positive business history within the last five years prior to proposal submission;
- Businesses with satisfactory record of contractual performance within the last five years prior to proposal submission;
- Businesses must not have been awarded a Metro contract as a prime contractor six months prior to proposal submittal. Businesses will also not be considered for Metro contract as a prime contractor six months following proposal submittal.

### **Proposal Review Committee**

A Proposal Review Committee will be established to review and vet each proposal submitted to the agency. The Proposal Review Committee will be managed by

Marketing with concurrence from the Chief Communications Officer and will be composed of stakeholder departments to provide feedback and advisory recommendations for Board review and approval. Committee members may include, but are not limited to the following:

- **Compliance Panel** - The Compliance Panel ensures interested sponsors are in compliance with Metro policies and neither discriminate nor pose a conflict of interest. The Compliance Panel does not score the proposal, instead providing review and comment on the sponsoree, the Compliance Panel may include:
  - Civil Rights
  - Ethics
  - Legal Counsel
  - Office of Inspector General
  - Vendor/Contract Management
- **Evaluation Panel** - The Evaluation Panel reviews and scores each proposal based on the Evaluation Criteria. The Evaluation Panel may be composed of scoring members, and non-scoring members that provide comments but do not participate in scoring; comments and recommendations are submitted to the CEO and Board for final review and approval, the Evaluation Panel may include:
  - Communications (Arts & Design, Community Relations, Marketing, Public Relations)
  - Countywide Planning (Real Estate, Systemwide Design)
  - Customer Experience
  - Equity & Race
  - Respective Asset or Program Owner

### **Evaluation and Criteria**

If a business meets all Eligibility and Criteria, Metro will take into consideration the financial offers and implementation proposals. The Proposal Review Committee will score proposals based on the following evaluation criteria:

- Alignment with Metro's existing brand and agency mission, themes, and priorities
- Innovative sponsorship and business plan(s) that address value-transfers and potential customer experience enhancements
- Reach of cross promotion between Metro and Sponsor/Adoptee, providing Equity Opportunity activities for Metro communities and riders
- Financial offer, including total value and duration, payment options, and package offerings
- Determination of conflicts of interest based on other business activities with Metro

### **Corporate Responsibilities**

All costs related to Sponsorship/Adoption activities of an existing facility, service, or program – including, but not limited to, the costs of replacing affected signage and customer information collateral, Metro materials, media materials, and Metro staff labor – shall be borne by the Adoptee/Sponsor.

Metro expects Sponsorship and Adoption partners to remain in good financial stability and to conduct responsible business practices for the duration of granted Sponsorship/Adoption. Metro may terminate granted Sponsorship/Adoption with partners who fails to maintain these financial and business requirements.

All granted Sponsorship/Adoption must respect and adhere to Metro's System Advertising Policy and Metro's Property Naming Policy.

### **Equity Opportunity and Community**

Metro's mission is to provide a world-class transportation system that enhances quality of life for all who live, work and play within LA County. Under its Equity Platform, Metro recognizes that access to opportunities – including housing, jobs, education, mobility, and healthy communities – is critical for enhanced quality of life. Metro also recognizes that vast disparities exist in access to opportunities and strives to identify and implement projects or programs that reduce and ultimately eliminate those disparities.

Sponsors must include Equity Opportunity in each proposal - which will be scored in the Evaluation Criteria; however, sponsors should consider the qualitative engagement rather than the quantitative engagement within their proposal. While Metro sponsorships will vary, all sponsorships must advance Metro's mission by supporting Equity Opportunity to:

- Increased access to opportunities
- Removal of barriers to access
- Partnership with local communities

Acceptable partnerships will vary. Examples include, but are not limited to:

1. Connecting communities to healthy food especially when they lack such options via the provision of gift cards to grocery stores or health snacks at a community event
2. Promoting safety in high injury areas via bike helmet or bike safety light giveaways
3. Supporting community events via hosting a Wi-Fi hot spots or cooling station

**Process and Implementation**

Metro may negotiate Sponsorships and Adoptions directly or contract with outside specialist(s) to liaise, negotiate and manage Sponsorships.

**Metro's Right of Rejection**

Metro and its authorized sponsorship specialist(s) will screen all proposals, Metro reserves the right to reject any Sponsorships submitted for consideration. Decisions regarding the rejection or termination of Sponsorships are made by Metro's Chief Communications Officer or their designee based upon the criteria in this Policy.

**System Integration**

Metro has an established transit system with known nomenclature, customer information, and service names, thus, coordination with stakeholder departments will be critical to:


- Conclude acceptable enhancements to system facilities affecting customer experience - such as station identity and signage wayfinding.
- Establish reasonable implementation schedules and deliverables - such as those affecting operational logistics in stations, trains, and buses; fabrication logistics such as signage; and customer information materials.

**Public Information**

All granted Sponsorship/Adoption are subject to the provisions of the California Public Records Act (California Code Government Code §6250 et seq.), including monies paid to Metro.

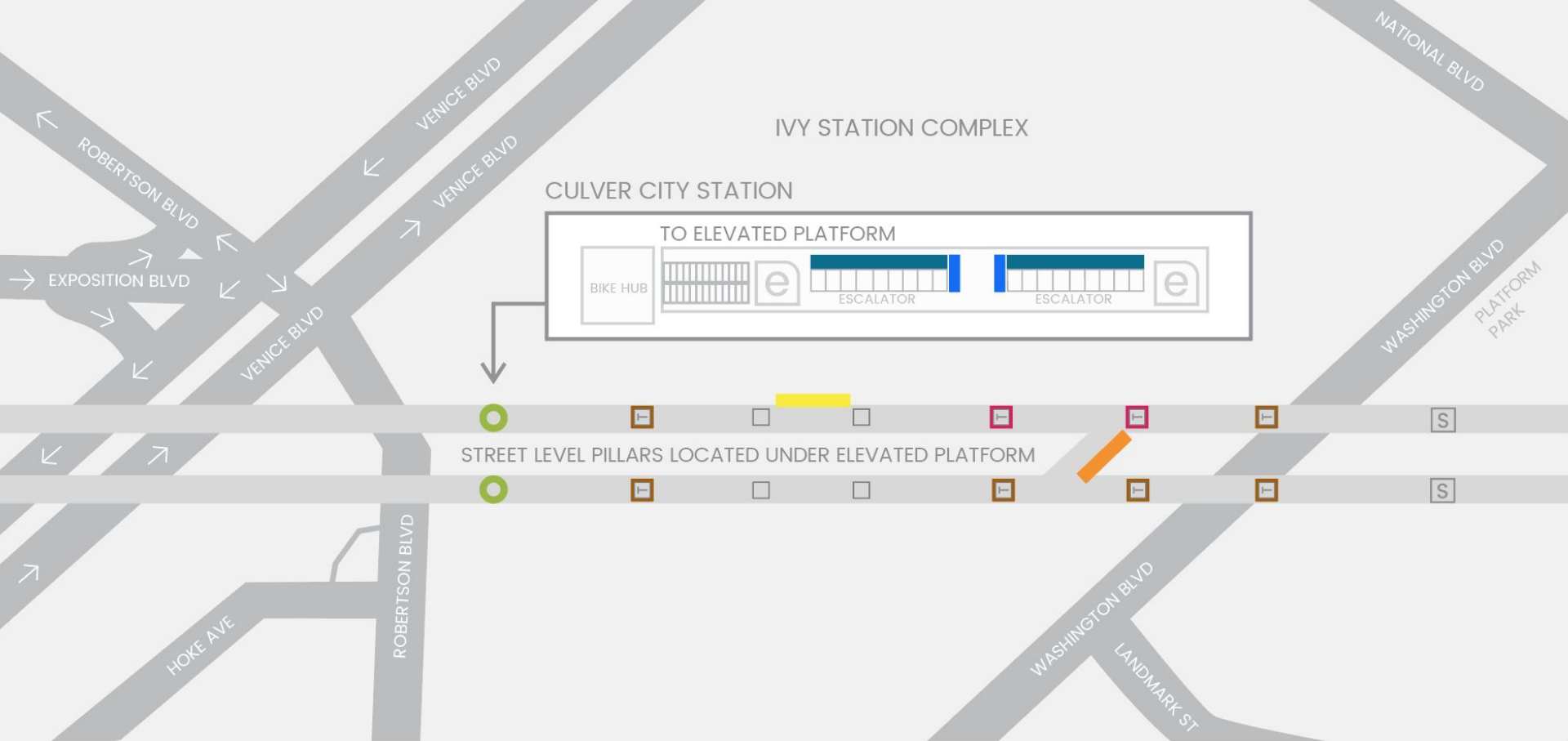
**HBO**

**& Culver City Station  
Los Angeles**



**We propose a custom  
station domination for  
HBO at Culver City Station**

# Culver City Station Street Level



TCW  
HWT  
RCW  
TTW

TAPERED COLUMN WRAP  
HALF WRAP TAPERED COLUMN  
ROUND COLUMN WRAP  
TRAIN TRESTLE WRAP

EP  
TS  
TTS

ESCALATOR PANEL  
TRESTLE SOFFIT WRAP  
TRAIN TRESTLE SPECTACULAR



ELEVATOR  
TICKET MACHINE  
STATION SIGN

WASTE RECEPTACLE



POWER OUTLET  
TELEPHONE  
INFORMATION  
BENCH

# Before



Enhanced

Bring  
vibrance to  
the  
structural  
elements at  
street level  
near Ivy  
Station

*Image depicts: Pillar wrap  
near Robertson Blvd*





Before





Enhanced

**Tower  
overhead  
with massive  
pillar wraps  
and custom  
media along  
the station  
walkway**

*Image depicts:: Pillar wraps,  
partial pillar wraps, and  
overhead trestle near  
Washington Blvd*



Before



Enhanced

*Image depicts: Escalator wrap*



Before



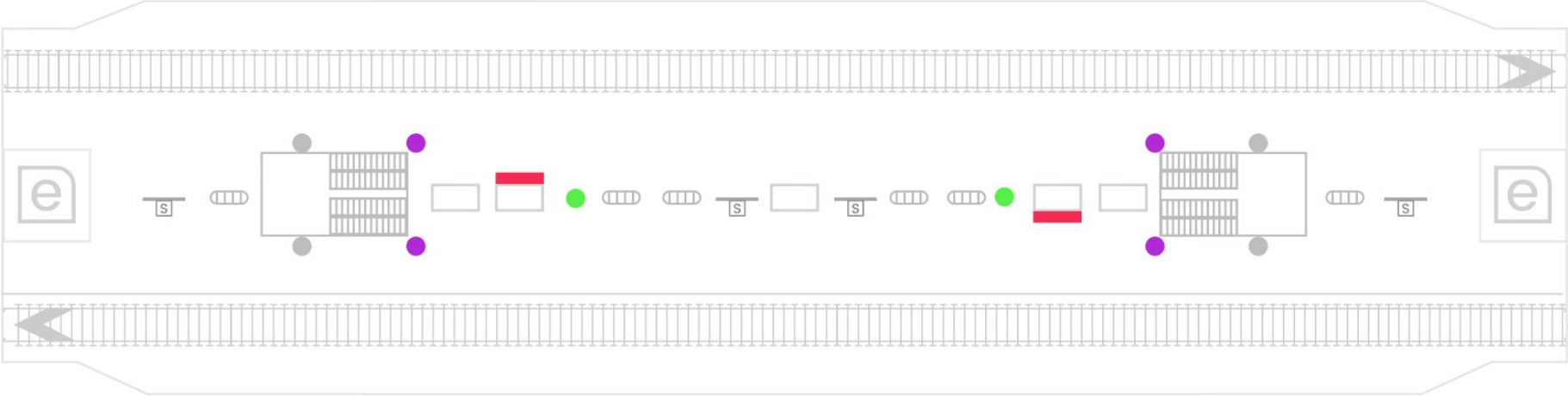
Enhanced

*Rendering depicts: Trestle  
Spectacular*





# Culver City Station Platform Level



# Platform



- LC LARGE COLUMN WRAP
- CW COLUMN WRAP
- PP PLATFORM PANEL

-  ELEVATOR
-  TICKET MACHINE
-  STATION SIGN
-  WASTE RECEPTACLE

-  POWER OUTLET
-  TELEPHONE
-  INFORMATION
-  BENCH

# Before



Enhanced

Reach arriving  
& departing  
commuters at  
the platform  
level

*Image depicts: Column Wrap*





Enhanced

And tower  
overhead  
along the  
trestle facing  
Ivy Station's  
plaza to truly  
make a  
creative  
statement

*Image depicts: Overhead  
Banner facing Ivy Station  
Courtyard*



Metro

## Board Report

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

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**File #:** 2021-0752, **File Type:** Minutes

**Agenda Number:** 2.

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### REGULAR BOARD MEETING DECEMBER 2, 2021

**SUBJECT: MINUTES**

**RECOMMENDATION**

APPROVE Minutes of the Regular Board Meeting held October 28, 2021.



## **MINUTES**

**Thursday, October 28, 2021**

**10:00 AM**

### **Board of Directors - Regular Board Meeting**

**DIRECTORS PRESENT:**

**Hilda L. Solis, Chair**  
**Ara Najarian, 1st Vice Chair**  
**Jacquelyn Dupont-Walker, 2nd Vice Chair**  
**Kathryn Barger**  
**Mike Bonin**  
**James Butts**  
**Fernando Dutra**  
**Eric Garcetti**  
**Janice Hahn**  
**Paul Krekorian**  
**Sheila Kuehl**  
**Holly Mitchell**  
**Tim Sandoval**  
**Tony Tavares, non-voting member**

**Stephanie Wiggins, Chief Executive Officer**

**CALLED TO ORDER: 10:00 A.M.**

## ROLL CALL

1. APPROVED Consent Calendar Items: 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 19, 20, 24, 28\*, 29, 30, 31, 35, and 36.

\*Item required 2/3 vote.

Consent Calendar items were approved by one vote unless held by a Director for discussion and/or separate action.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HM	TS	HS
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

### 2. SUBJECT: MINUTES

2021-0700

APPROVED ON CONSENT CALENDAR Minutes of the Regular Board Meeting held September 23, 2021.

### 3. SUBJECT: REMARKS BY THE CHAIR

2021-0695

RECEIVED remarks by the Chair.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HM	TS	HS
P	P	P	P	P	P	P	P	P	P	P	P	P

### 4. SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER

2021-0696

RECEIVED report by the Chief Executive Officer.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HM	TS	HS
P	P	P	P	P	P	P	P	P	P	P	P	P

\*\*\*\*\*

KB = K. Barger	FD = F. Dutra	SK = S. Kuehl	HS = H. Solis
MB = M. Bonin	EG = E. Garcetti	HM = H. Mitchell	
JB = J. Butts	JH = J. Hahn	AN = A. Najarian	
JDW = J. Dupont Walker	PK = P. Krekorian	TS = T. Sandoval	

LEGEND: Y = YES, N = NO, C = CONFLICT, ABS = ABSTAIN, A = ABSENT, P = PRESENT

5. **SUBJECT: I-605/VALLEY BOULEVARD INTERCHANGE IMPROVEMENT PROJECT THIRD-PARTY AGREEMENTS** **2021-0091**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute all necessary agreements with third parties to complete the I-605 at Valley Boulevard Interchange Improvements Project.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HM	TS	HS
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	C	Y	Y

6. **SUBJECT: I-105 EXPRESSLANES PLANS, SPECIFICATIONS, AND ESTIMATES (PS&E) AND RIGHT-OF-WAY (ROW) COOPERATIVE AGREEMENT** **2021-0417**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute a Cooperative Agreement with the California Department of Transportation (Caltrans) for the I-105 ExpressLanes project for the Plans, Specifications, and Estimates (PS&E) and Right-of-Way (ROW) phases in an amount not to exceed \$7,260,000.

7. **SUBJECT: JOINT DEVELOPMENT POLICY GOAL** **2021-0496**

APPROVED ON CONSENT CALENDAR:

- A. a ten-year Joint Development goal of completing 10,000 housing units, at least 5,000 of which will be income-restricted; and
- B. RECEIVING AND FILING the response to Motion 15.1 (Dupont-Walker and Solis).

8. **SUBJECT: I-405 SEPULVEDA PASS (PHASE 1) EXPRESSLANES INVESTMENT GRADE TRAFFIC AND REVENUE STUDY; AND I-10 EXPRESSLANES EXTENSION INVESTMENT GRADE TRAFFIC AND REVENUE STUDY** **2021-0624**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to:

- A. EXECUTE firm fixed price Contract No. PS67379000 with CDM Smith for comprehensive investment grade Traffic and Revenue (T&R) modeling services to produce the I-405 (Sepulveda Pass (Phase 1) ExpressLanes Investment Grade Traffic and Revenue (T&R) Study, for a three-year performance period, effective on November 20, 2021, in the amount of \$1,455,718 subject to the resolution of properly submitted protest(s), if any; and

(continued on next page)

(Item 8 – continued from previous page)

- B. EXECUTE firm fixed price Contract No. PS67450000 with CDM Smith for comprehensive investment grade Traffic and Revenue (T&R) modeling services to produce the I-10 ExpressLanes Extension Investment Grade Traffic & Revenue (T&R) Study, for a two-year performance period, effective on November 20, 2021, in the amount of \$1,363,452 subject to the resolution of properly submitted protest(s), if any.

**9. SUBJECT: STATE ACTIVE TRANSPORTATION PROGRAM**

**2021-0587**

APPROVED ON CONSENT CALENDAR the:

- A. State Active Transportation Program (ATP) Cycle 6 Grant Assistance Priorities; and
- B. Regional ATP Point Assignment Method.

**10. SUBJECT: LINK UNION STATION (LINK US) PROJECT**

**2021-0548**

APPROVED ON CONSENT CALENDAR:

- A. Addendum No.1 to the California Environmental Quality Act (CEQA) Final Environmental Impact Report (FEIR); and
- B. ADOPTING a Revised Mitigation Monitoring and Reporting Plan (MMRP).

**12. SUBJECT: EIGHTH AMENDMENT TO LEASE AGREEMENT WITH DOWNTOWN PROPERTIES, LLC FOR THE OFFICE OF INSPECTOR GENERAL**

**2021-0518**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer or their designee to execute a 65-month (5 years, 5 months) lease amendment commencing March 1, 2022 with Downtown Properties, LLC ("Lessor"), for the Office of the Inspector General ("OIG") located at 818 West 7th Street in Los Angeles at a rate of \$38,736 per month with 3% annual escalations for a total of \$2,486,730 over the 65-month term.

**13. SUBJECT: FIRST LEASE AMENDMENT AGREEMENT WITH THE STATE OF CALIFORNIA**

**2021-0619**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO), or their designee, to execute a five (5) year First Lease Amendment commencing October 1, 2021 with the State of California, ("Lessor") for the Division 2 Employee Parking Lot ("Location 403") located at 17th Street and Griffith Avenue in Los Angeles at a rate of \$13,447.00 per month with annual increases of three percent (3%) for a total of \$858,192.00 over the five (5) year term.

**14. SUBJECT: CALIFORNIA SB1 STATE OF GOOD REPAIR PROGRAM** **2021-0579**

APPROVED ON CONSENT CALENDAR the Resolution in Attachment A to:

- A. AUTHORIZE the Chief Executive Officer (CEO) or designee to claim \$30,484,780 in fiscal year (FY) 2021-22 State of Good Repair Program (SGR) grant funds as the Regional Entity for Los Angeles County for this program;
- B. APPROVE the regional SGR Project List for FY2021-22; and
- C. CERTIFY that Metro will comply with all conditions and requirements set forth in the SGR Certification and Assurances document and applicable statutes, regulations, and guidelines.

**15. SUBJECT: AUDIT SERVICES BENCH AMENDMENT** **2021-0594**

APPROVED ON CONSENT CALENDAR:

- A. AUTHORIZING the Chief Executive Officer to execute Modification No. 4 to Contract Nos. PS36627000 through PS36627004, PS36627006, PS36627008, PS36627009, PS36627011 through PS36627018 to exercise the second, one-year option, extending the contract term from January 1, 2022 to December 31, 2022; and increasing the total authorized not-to-exceed amount by \$2,288,000 from \$9,152,000 to \$11,440,000; and
- B. AWARDING AND EXECUTING task orders for an aggregate not-to-exceed amount of \$11,440,000.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HM	TS	HS
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	C	Y	Y

**16. SUBJECT: SUBSTITUTE MOTION - 710 SOUTH CLEAN TRUCK PROGRAM** **2021-0708**

APPROVED Motion by Directors Hahn and Dutra that directs the CEO to take the following actions:

- A. Recommit \$50 million from Measure R I-710 South Corridor Project funds as "seed funding" for a 710 South Clean Truck Program,

(continued on next page)

(Item 16 – continued from previous page)

- B. Collaborate with the I-710 Task Force, local and regional stakeholders, cities, the Ports, the I-710 South Task Force, and the Gateway Cities COG to develop a 710 South Clean Truck Program that seeks to deploy Zero Emissions trucks in the I-710 Corridor as soon as possible,
- C. Conduct aggressive Federal and State advocacy to secure funding for a 710 South Clean Truck Program, including as many as possible of the 1,000 Zero Emissions trucks included in the FY22 California State budget.
- D. Report back to the Board in February 2022 and May 2022 with updates on stakeholder engagement and Program development and implementation, including areas for possible further study, consideration, and development to achieve Zero Emissions goods movement objectives along the I-710 South Corridor.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HM	TS	HS
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**19. SUBJECT: AUTOMATED STORAGE AND RETRIEVAL SYSTEM  
(ASRS) UPGRADE**

**2021-0592**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a single source, 24-month, firm fixed price Contract No. PS76506000 to Dematic Corporation, for a total amount of \$3,396,686, inclusive of sales tax subject to resolution of protest(s), if any.

**20. SUBJECT: PURCHASE OF SAFETY VESTS**

**2021-0576**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a two-year, Indefinite Delivery/Indefinite Quantity (IDIQ) Contract No. MA75908000 for reflective safety vests with Safety Vibe Inc. The Contract one-year base amount is \$577,649 inclusive of sales tax, and the one-year option amount is \$595,869, inclusive of sales tax, for a total contract amount of \$1,173,518, subject to resolution of any properly submitted protest(s).

**24. SUBJECT: CONTRACT MODIFICATION - LA COUNTY DEPARTMENT 2021-0550  
OF HEALTH SERVICES C3 HOMELESS OUTREACH  
TEAMS HOME AT LAST (HAL) SHELTER BED PILOT  
EXTENSION**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Amendment No. 4 to the Letter of Agreement for Multidisciplinary Street-Based Engagement Services (Contract No. MO136727000-32385), to include extending the homeless shelter bed program (Home At Last (HAL)) through January 31, 2022, for outreach team enhancements and capabilities in an amount not-to-exceed \$1,250,000, increasing the total cost from \$26,200,000, to \$27,450,000, inclusive of administrative fees and other pilot initiatives.

**28. SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT 2021-0543  
PROJECT**

APPROVED ON CONSENT CALENDAR:

- A. FINDING that authorization of the use of alternative delivery methods, including Progressive Design-Build (PDB), will achieve integration of design, project works, and other components in an efficient manner the East San Fernando Valley (ESFV) Light Rail Transit Project (Project) pursuant to Public Utilities Code Section 130242; and
- B. APPROVING a competitive solicitation of a PDB contract to achieve the proposed design approach, specific project features and functions, and other project criteria in addition to price, pursuant to Public Utilities Code 130242 (e).

(REQUIRED 2/3 VOTE OF THE FULL BOARD)

**29. SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT 2021-0544  
PROJECT**

APPROVED ON CONSENT CALENDAR:

- A. FINDING that authorization of the use of Public/Private Partnership (P3) will achieve the design, build, finance, and participation in oversight of Operation and Maintenance of solar photovoltaic (PV) power (commonly known as solar panels) generation system at the Maintenance and Storage Facility for the East San Fernando Valley Transit Corridor Project (ESFV) pursuant to Public Utilities Code Section 130242; and

(continued on next page)

(Item 29 – continued from previous page)

- B. APPROVING a competitive solicitation of a P3 contract to achieve the proposed design, specific features and functions, and other qualifications in addition to price, pursuant to Public Utilities Code Section 130242.

**30. SUBJECT: CONSTRUCTION MANAGEMENT SUPPORT SERVICES 2021-0572  
FOR CAPITAL PROJECTS**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to:

- A. AWARD AND EXECUTE a three-year cost plus fixed fee contract, Contract No. AE76301MC081 with Zephyr Rail, to provide Construction Management Support Services for Capital Projects, in an amount not-to-exceed \$3,519,211.94 for the three-year base period, plus two (2) one-year options if deemed appropriate, subject to resolution of any properly submitted protest(s); and
- B. EXECUTE individual Task Orders within the Board approved not-to-exceed amount.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HM	TS	HS
Y	Y	C	Y	C	C	C	C	Y	Y	C	Y	Y

**31. SUBJECT: LOCAL PREFERENCE 2021-0686**

APPROVED ON CONSENT CALENDAR Motion by Directors Hahn, Dupont-Walker, Butts, Mitchell, Dutra, and Kuehl that directs the CEO to:

- A. Survey local preference best practices nationally and make recommendations for local preference criteria;
- B. Evaluate and recommend changes to Metro policies regarding advancing local preference in small, medium, and disadvantaged business contracting;
- C. Review State and Federal laws and regulations and make recommendations for inclusion in future Federal and State Legislative Priorities; and,
- D. Report back on these requests in February 2022.

**35. SUBJECT: FARE POLICY CHANGE**

**2021-0679**

APPROVED ON CONSENT CALENDAR:

- A. The results of the Fare Equity analysis for changing free fares to 5 years and under.
- B. Changing the fare policy to raise the maximum age of free fare from under age 5 to under age 6.

**36. SUBJECT: TICKETS OR PASSES DISTRIBUTION POLICY**

**2021-0634**

APPROVED ON CONSENT CALENDAR:

- A. the Tickets or Passes Distribution Policy; and
- B. AUTHORIZING the Chief Ethics Officer to amend the policy consistent with any changes in state law or Metro priorities.

**37. SUBJECT: ZERO EMISSIONS TRANSPORTATION  
INFRASTRUCTURE WORKING GROUP**

**2021-0689**

APPROVED AS AMENDED Motion by Directors Krekorian, Garcetti, Kuehl, Barger, Hahn, and Solis that the CEO and or her designee participate along with other appropriate staff in the City of Los Angeles' ZE Transportation Infrastructure working group to work collaboratively to meet the following objectives;

- A. Identify opportunities for collaboration on deploying shared charging infrastructure for all fleet needs (all vehicle classes, both revenue and non-revenue vehicles), while ensuring that renewable and resilience measures are included. This effort should optimize the amount of shared or multi-agency accessible zero-emission fueling infrastructure in the region.
- B. Analyze any potential efficiencies in joint procurement and long-term planning.
- C. Evaluate opportunities for co-locating and co-developing zero-emissions vehicle charging infrastructure with both public and private agencies.
- D. Maximize capacity for EVs through deploying electric vehicle charging/fueling equipment in underutilized parking lot facilities for public and/or agency use. Each agency (where applicable) should provide a report back to its respective governing board listing such opportunities in parking lots, including the number of available parking spaces in each lot.

(continued on next page)

(Item 37 – continued from previous page)

- E. Maximize and coordinate funding and grant applications for shared charging, storing, and other infrastructure opportunities.
- F. Explore collective procurement opportunities and other procurement innovations, such as common bid language that allows all agencies to take advantage of a contract awarded by any of the other agencies, with special emphasis on encouraging and incentivizing local businesses to benefit from such procurement.
- G. To the greatest extent possible, set cross-agency standards for charging, materials, measurement (hourly need), and telematics needs to ensure a regional standard.
- H. Explore ways to maximize coordination with private industry investments in zero-emission fuel infrastructure in order to facilitate meeting current or anticipated agency EV needs (for example, relating to construction, power, and storage). Such steps might include a notification protocols to ensure that all agencies will be able to take advantage of any potential electrification infrastructure synergies during large private sector electrification projects.
- I. Explore the use of battery storage and energy management for shared charging infrastructure projects between working group members. Work with LADWP and Southern California Edison to identify strategies to leverage battery storage to achieve system resiliency alongside fleet electrification projects.
- J. Share lists and maps of assets that can be used in a unified plan for zero-emission infrastructure, including parking lots, layover locations, park and rides, and existing EV facilities.
- K. Identify other public agencies, including the County of Los Angeles Department of Public Works, Internal Services Department, and Chief Executive Office, that can participate in the work of the working group to expand long-term zero-emission infrastructure planning further.

**WE FURTHER MOVE** that the CEO report back to the board on a quarterly basis to provide updates on these goals.

**DUPONT-WALKER AMENDMENT:** Prioritize the deployment of Zero Emission Infrastructure based on equity criteria.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HM	TS	HS
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**41. SUBJECT: PUBLIC EDUCATION CAMPAIGN FOR ENHANCED LIFE PROGRAM, HALF-PRICED PASSES AND FARE RESUMPTION** 2021-0646

RECEIVED AND FILED the Communications plan update supporting LIFE program expansion, half-priced passes and fare resumption.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HM	TS	HS
P	P	P	P	P	P	P	P	P	P	P	P	P

**42. SUBJECT: FINDINGS REQUIRED TO CONTINUE TO MEET VIA TELECONFERENCE IN COMPLIANCE WITH AB 361 WHILE UNDER A STATE OF EMERGENCY AND WHILE STATE AND LOCAL OFFICIALS CONTINUE TO PROMOTE SOCIAL DISTANCING** 2021-0707

**THE BOARD FOUND:**

Pursuant to AB 361, the Metro Board, on behalf of itself and other bodies created by the Board and subject to the Ralph M. Brown Act, including Metro's standing Board committees, advisory bodies, and councils, finds:

The Metro Board has reconsidered the circumstances of the state of emergency, and that:

- A. The state of emergency continues to directly impact the ability of the members to meet safely in person, and
- B. State or local officials continue to impose or recommend measures to promote social distancing.

Therefore, all such bodies will continue to meet via teleconference subject to the requirements of AB 361.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HM	TS	HS
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**43. SUBJECT: CLOSED SESSION**

**2021-0699**

- A. Conference with Legal Counsel - Anticipated Litigation - G.C.54956.9(d)(4):  
Initiation of Litigation (One Case)

NO REPORT

- B. Public Employee Performance Evaluations - G.C. 54957(b)(1)  
Titles: Chief Executive Officer, General Counsel, Board Clerk, Chief Ethics  
Officer, Inspector General

NO REPORT

**ADJOURNED AT 1:55 P.M.**

Prepared by: Jessica Vasquez Gamez  
Administrative Analyst, Board Administration



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Collette Langston, Board Clerk



## Board Report

**File #:** 2021-0601, **File Type:** Contract

**Agenda Number:** 5.

### PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 17, 2021

**SUBJECT: METRO RIDESHARE PROGRAM SUPPORT**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 4 to the Metro Rideshare Program Support Contract No. PS42183000 with Innovative TDM Solutions (ITS) to exercise the second, one-year option in the amount of \$630,555, increasing the total contract value from \$2,462,863 to \$3,093,418 and extending the period of performance from February 1, 2022 to January 31, 2023.

#### **ISSUE**

The Metro Board approved the Metro Rideshare Program Support Contract for a three-year base period, with two, one-year options, which began on October 13, 2017. The three-year base contract ended October 12, 2020, and a term extension was executed through January 31, 2021. Option Year 1 was executed from February 1, 2021 to January 31, 2022. Metro requires the modification of this contract to exercise Option Year 2 from February 1, 2022, to January 31, 2023. The one-year term extension is required to continue services and support of the Metro Rideshare Program.

#### **BACKGROUND**

The Metro Rideshare Program is a one-stop transportation demand management (TDM) resource for Los Angeles County employers, Transportation Management Associations/Organizations (TMA/O), Employee Transportation Coordinators (ETC) and individual commuters committed to reducing vehicle miles traveled (VMT) by single occupancy vehicles (SOV). In FY21, more than 21.7 million miles were reduced. The program provides options and resources, including teleworking support and information, Guaranteed Ride Home, ride-matching for carpoolers, and vanpool SeatFinding through ridematch.info. It also encourages and promotes Commuter Benefits, flex/tiered work schedules, employer-based transit subsidies, vanpool subsidies, and incentive and rewards programs such as Metro Rewards and Go Metro to Work Free for new hires. The Rideshare Program is also part of Metro's Long Range Transportation Plan to assist the region in reducing traffic congestion and improving air quality.

In addition, through the Program, Metro's Implementation team provides personalized assistance for

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compliance with the South Coast Air Quality Management District (SCAQMD) Rule 2202 Employee Commute Reduction Program (ECRP) and Trip Reduction Plan (TRP) which includes SiSense training (data management and reporting), Average Vehicle Ridership (AVR) surveying and reporting, and the production and distribution of customized RideGuides. The program also provides semi-annual Rideshare certification workshops, facilitates regional events and recognitions (California Rideshare Week and ETC Diamond Awards). Ridesharing/ assistance is also provided to drive-alone commuters and employer ETCs as a way to meet air quality regulations and/or implement congestion management strategies by offering, promoting and encouraging their employees to participate in a variety of green trip options, such as transit, carpooling, vanpooling, biking, walking and telecommuting. This program also directly supports TDM Board Motion #60.

Metro's program is also part of the Five County Transportation Commissions (CTC) Partnership with Orange County Transportation Authority (OCTA), Ventura County Transportation Commission (VCTC), Riverside County Transportation Commission (RCTC), and San Bernardino County Transportation Authority (SBCTA). The CTCs share a regional database that provides access to commuter information and provides support to ETCs. The main focus of this collaborative effort is to provide systematic regional information. The partnership also produces the ridesharing/ "On The Go" newsletter(s) and fosters regional publicity, assists with outreach activities, and works collaboratively with TMA/Os and the SCAQMD.

## **DISCUSSION**

Managing congestion-reduction strategies and air quality compliance regulations is complex and requires a solid knowledge base and strong industry-specific relationships. Metro relies on a trained and specialized contractor to assist with and provide the required broad range of services. This contract will enable Metro to continue to provide Rideshare services to Los Angeles County Employer ETCs, non-regulated employers, and individual commuters. This will become even more critical when implementing strategies in a post-COVID commute environment.

The current contractor will continue with their proven and effective work style in managing several primary tasks and deliverables. These activities include: RidePro-RP35 and SiSense Program Software and database maintenance; AVR transportation survey and reporting; TRP support and RideGuide processing and distribution; respond to in/outbound calls, emails and online inquiries; incentive program eligibility and fulfillment; personalized support to commuters; one-on-one training and support to employer ETCs and TMA/TMOs; organize and provide assistance at county Rideshare events; and support overall program growth initiatives, as well as conduct monthly ETC briefings training.

In addition, the contractor will oversee the Los Angeles County portion of the regional database, which will ensure a standardized Rideshare operating system with OCTA, SBCTA, RCTC and VCTC thus providing a seamless experience for users across all counties. This customized RP35 proprietary software product provided by TripSpark Technologies, a business unit of Trapeze Software Group, Inc., is under a separate funding agreement (FA) with SBCTA. All CTC partners have participated in designing and building the multi-regional ridesharing/share mobility database and reporting system.

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## COVID-19 Response

In response to the COVID-19 pandemic, the contractor has provided additional support to employers seeking guidance and information regarding teleworking. The contractor has provided web-based information and has responded to inquiries regarding guidelines, best practices, and regulations pertaining to Rule 2202. As the agency continues to implement an overall recovery plan, Metro staff will be working closely with the contractor to develop changes that can support employers, essential workers, and many Los Angeles County residents who continue to telework. In addition, a Retention and Recovery Task Force has been put in place under this working group. The focus is to continue and further VMT reductions achieved under telecommuting, biking, and walking participation while continuing to encourage transit, vanpool and carpooling under a COVID safe environment.

## **DETERMINATION OF SAFETY IMPACT**

The Board action will not have a negative impact on the safety of Metro's patrons or employees. The Metro Rideshare Program has demonstrated effectiveness in reducing the number of cars on the road during peak commute periods through the variety of programs offered and contributes to public safety, reduced traffic congestion, and improved air quality.

## **FINANCIAL IMPACT**

Approval of this recommendation will not impact the FY22 budget, since funding for this contract is already included under Project 405547, Task 01.10, Cost Center 4540 (Regional Rideshare). Since this is a multi-year project, the Cost Center Manager and department's executive staff will be accountable for budgeting the cost in future years.

### Impact to Budget

The source of funds for this action is Proposition C 25% Streets and Highway, which is not eligible to fund bus and rail operating and capital expenditures.

## **EQUITY PLATFORM**

Under this program's initiatives, employers will be encouraged to offer and market their internal rideshare mobility program(s) to their employees in diverse languages to enhance resources offered by this platform.

This was an open solicitation and included a Small Business Enterprise (SBE) goal of 12% and a Disabled Veteran Business Enterprise (DVBE) goal of 3% for the Metro Rideshare/Shared Mobility Program Support contract. ITS made a 13.21% SBE commitment and a 3.650% DVBE commitment. The current level of participation is 14.07% SBE and 3.54% DVBE. ITS is currently on track to meet or exceed both the SBE and DVBE commitments.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports the following strategic plan goals:

1. Provide high-quality mobility options that enable people to spend less time traveling;
2. Deliver outstanding trip experiences for all users of the transportation system; and
3. Enhance communities and lives through mobility and access to opportunity.

### **ALTERNATIVES CONSIDERED**

The Board could choose not to modify the contract and allow the contract to end on January 31, 2022. Staff, however, does not recommend this because the Metro Rideshare Program provides support to regulated employers throughout Los Angeles County. This program also provides options and information to commuters throughout the region by promoting and supporting ridesharing/carpooling, vanpooling, transit, bike, walk and telecommuting assistance.

### **NEXT STEPS**

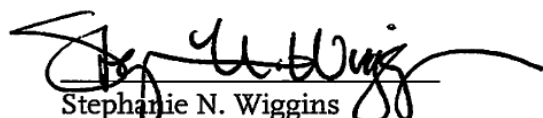
Upon Board approval, staff will execute Modification No. 4 to exercise Option Year 2 of Contract No. PS42183000 with Innovative TDM Solutions.

### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - DEOD Summary

Prepared by: Martin Buford, Senior Manager, Countywide Planning & Development, (213) 922-2601  
Paula Carvajal-Paez, Senior Director, Operations, (213) 922-4258  
Frank Ching, DEO, Countywide Planning & Development, (213) 922-3033  
Holly Rockwell, SEO - Real Estate, Transit Oriented Communities and Transportation Demand Management, (213) 922-5585

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920  
Debra Avila, Deputy Chief Vendor/Contract Management Officer, (213) 418-3051  
Shahrzad Amiri, Deputy Chief of Operations (Interim), (213) 922-3061

  
Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

## METRO RIDESHARE/SHARED MOBILITY PROGRAM SUPPORT/PS42183000

1.	<b>Contract Number:</b> PS42813000			
2.	<b>Contractor:</b> Innovative TDM Solutions			
3.	<b>Mod. Work Description:</b> Exercise Second One-Year Option Term			
4.	<b>Contract Work Description:</b> Metro Rideshare/Shared Mobility Program Support			
5.	<b>The following data is current as of:</b> 10/12/21			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>	09/28/17	<b>Contract Award Amount:</b>	\$1,767,264
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b>	\$695,599
	<b>Original Complete Date:</b>	10/12/20	<b>Pending Modifications (including this action):</b>	\$630,555
	<b>Current Est. Complete Date:</b>	01/31/23	<b>Current Contract Value (with this action):</b>	\$3,093,418
7.	<b>Contract Administrator:</b> Samira Baghdikian		<b>Telephone Number:</b> (213) 922-1033	
8.	<b>Project Manager:</b> Martin Buford		<b>Telephone Number:</b> (213) 922-2601	

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 4 issued to exercise the second one-year option term of the Metro Rideshare/Shared Mobility Program Support Contract No. PS42183000 to Innovative TDM Solutions.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is firm fixed price.

On September 28, 2017, the Board awarded firm fixed price Contract No. PS42183000 to Innovative TDM Solutions for a three-year base period in the amount of \$1,767,264 with two one-year options, each in the amount of \$596,591, for a total Contract Value of \$2,960,456 effective October 13, 2017.

Three modifications have been issued to date.

Refer to Attachment B – Contract Modification/Change Order Log.

## **B. Cost Analysis**

The recommended price has been determined to be fair and reasonable based on pricing that was evaluated as part of the competitive contract award in 2017. Pricing remains unchanged.

<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
\$630,555	\$708,535	\$630,555

## CONTRACT MODIFICATION/CHANGE ORDER LOG

## METRO RIDESHARE/SHARED MOBILITY PROGRAM SUPPORT/PS42183000

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Added the Guaranteed Ride Home program.	Approved	11/01/18	\$65,044
2	No cost extension of period of performance (POP) through 1/31/21.	Approved	08/20/20	\$0
3	Exercise One-Year Option extending POP through 1/31/22.	Approved	01/28/21	\$630,555
4	Exercise One-Year Option extending POP through 1/31/23.	<b>Pending</b>	<b>Pending</b>	<b>\$630,555</b>
	<b>Modification Total:</b>			<b>\$1,326,154</b>
	<b>Original Contract:</b>	<b>Approved</b>	<b>09/28/17</b>	<b>\$1,767,264</b>
	<b>Total:</b>			<b>\$3,093,418</b>

## DEOD SUMMARY

## METRO RIDESHARE PROGRAM SUPPORT/PS42183000

**A. Small Business Participation**

Innovative TDM Solutions (ITS) made a 13.21% Small Business Enterprise (SBE) and a 3.65% Disabled Veterans Business Enterprise (DVBE) commitment. The contract is 82.03% complete and the current level of participation is 14.07% SBE and 3.54% DVBE. ITS is exceeding the SBE commitment by 0.86% but has a slight shortfall in DVBE participation of 0.11%.

ITS stated that payments were made to both the SBE and DVBE subconsultants in October 2021, which will be reflected in the November 2021 reporting. The payments are projected to increase SBE participation to 14.21% and DVBE participation to 3.66%, thereby eliminating the DVBE shortfall.

Metro Project Managers and Contract Administrators will work in conjunction with DEOD to ensure that maximum SBE/DVBE participation is achieved by ITS. Accordingly, these teams have been provided access to Metro's web-based monitoring system to ensure that all parties are actively tracking Small Business progress.

<b>Small Business Commitment</b>	<b>SBE 13.21% DVBE 3.65%</b>	<b>Small Business Participation</b>	<b>SBE 14.07% DVBE 3.54%</b>
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	<b>SBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	The Van Stratten Group, Inc.	13.21%	14.07%
	<b>Total</b>	<b>13.21%</b>	<b>14.07%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Bayfish Creative Management (Agustin D. Grube)	3.65%	3.54%
	<b>Total</b>	<b>3.65%</b>	<b>3.54%</b>

<sup>1</sup>Current Participation = Total Actual amount Paid-to-Date to certified firms ÷ Total Actual Amount Paid-to-date to Prime.

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.



## Board Report

File #: 2021-0684, File Type: Contract

Agenda Number: 6.

### PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 17, 2021

**SUBJECT: METRO FREEWAY SERVICE PATROL**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a firm fixed unit rate Contract No. FS73888-2000 to Navarro's Towing, the lowest responsive & responsible bidder, for Metro Freeway Service Patrol (FSP) towing services in the amount of \$7,530,460 for Beat 3 & Beat 43 for 56 months, subject to resolution of protest(s), if any;
- B. AWARD a firm fixed unit rate Contract No. FS73888-2001 to Classic Tow, dba Tip Top Tow, the lowest responsive & responsible bidder, for FSP towing services in the amount of \$7,581,984.20 for Beat 5 & Beat 17 for 56 months, subject to resolution of protest(s), if any;
- C. AWARD a firm fixed unit rate Contract No. FS73888-2002 to Neighborhood Towing 4U, the lowest responsive & responsible bidder, for FSP towing services in the amount of \$7,926,007.32 for Beat 6 & Beat 39 for 56 months, subject to resolution of protest(s), if any;
- D. AWARD a firm fixed unit rate Contract No. FS73888-2004 to Bob & Dave's Towing, the lowest responsive & responsible bidder, for FSP towing services in the amount of \$8,243,687.38 for Beat 18 & Beat 38 for 56 months, subject to resolution of protest(s), if any;
- E. AWARD a firm fixed unit rate Contract No. FS73888-2005 to Safeway Towing Services, Inc., dba Bob's Towing, the lowest responsive & responsible bidder, for FSP towing services in the amount of \$6,949,125 for Beat 20 & Beat 37 for 56 months, subject to resolution of protest(s), if any;
- F. AWARD a firm fixed unit rate Contract No. FS73888-2006 to Hovanwil, Inc., dba Jon's Towing, the lowest responsive & responsible bidder, for FSP towing services in the amount of \$5,418,511.17 for Beat 31 for 56 months, subject to resolution of protest(s), if any; and,
- G. INCREASE Contract Modification Authority (CMA) to 19 existing FSP contracts for an aggregate amount of \$7,250,000 thereby increasing the CMA amount from \$21,750,632 to

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\$29,000,632 and extend periods of performance for the following contracts to assure no gap in service as follows:

- Beat 3: Hollywood Car Carrier Contract No. FSP3469400B3/43, for \$565,000 for up to 5 months
- Beat 5: Sonic Towing, Inc. Contract No. FSP3469500B5/17, for \$365,000 for up to 5 months
- Beat 6: Neighborhood Towing 4 U Contract No. FSP3469600B6, for \$670,000 for up to 5 months
- Beat 17: Sonic Towing, Inc. Contract No. FSP3469500B5/17, for \$505,000 for up to 5 months
- Beat 18: Bob & Dave's Towing, Inc. Contract No. FSP2690300FSP1418, for \$605,000 for up to 5 months
- Beat 20: Bob's Towing Contract No. FSP2836600FSP1420, for \$480,000 for up to 5 months
- Beat 24: T.G. Towing, Inc. Contract No. FSP2833200FSP1424, for \$460,000 for up to 5 months
- Beat 27: Hovanwil, Inc. dba Jon's Towing Contract No. FSP3470400B27/39, for \$195,000 for up to 5 months
- Beat 29: Platinum Tow & Transport, Inc. Contract No. FSP3470600B29, for \$350,000 for up to 5 months
- Beat 31: Navarro's Towing Contract No. FSP3470700B31/50, for \$300,000 for up to 5 months
- Beat 33: Mid Valley Towing Contract No. FSP2851900FSP1433, for \$320,000 for up to 5 months
- Beat 37: Reliable Delivery Service Contract No. FSP3696000FSP1437, for \$600,000 for up to 5 months
- Beat 38: Steve's Towing Contract No. FSP38468001438, for \$245,000 for up to 5 months
- Beat 39: Hovanwil, Inc. dba Jon's Towing Contract No. FSP5966400FSPB39, for \$325,000 for up to 5 months
- Beat 42: Platinum Tow & Transport Contract No. FSP2842100FSP1442, for \$350,000 for up to 5 months
- Beat 43: Hollywood Car Carrier Contract No. FSP3469400B3/43, for \$635,000 for up to 5 months
- Beat 50: Navarro's Towing Contract No. FSP3470700B31/50, for \$280,000 for up to 5 months
- Beat 60: Freeway Towing, Inc. Contract No. FSP5768900B60, for up to 16 months
- Beat 61: All City Tow Service Contract No. FSP5769100B61, for up to 16 months.

## **ISSUE**

The award of 6 FSP light duty tow service contracts (11 beats) in Recommendations A, B, C, D, E, and F is intended to replace expired or expiring contracts.

Recommendation G authorizes Contract Modification Authority (CMA) in the aggregate amount of

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\$7,250,000 to execute contract modifications to existing FSP light and heavy-duty tow service contracts and extend periods of performance.

## **BACKGROUND**

In March 2020, the COVID-19 pandemic caused Los Angeles County to shut down due to the stay-at-home order. The impact to LA County's freeways was swift and unprecedented. Some of the worst congestion in the world had disappeared in a matter of days resulting in a need to modify service delivery for the FSP program. As a congestion mitigation program, there was no justification to maintain service levels that were designed to address severe congestion levels. Additionally, due to the impact of COVID on the Agency's revenues, the program's budget was decreased resulting in a service reduction of 40% on April 1, 2020. Since that time, FSP has continued to operate at reduced service levels. However, as commuters have begun to return to their normal driving patterns, congestion has increased along many freeway segments requiring service increases toward a return to pre-pandemic levels.

FSP is managed in partnership with Metro, CHP and Caltrans serving motorists on all major freeways in Los Angeles County. Metro's FSP program has the highest benefit to cost ratio of all FSP programs within California.

The program utilizes a fleet of roving tow and service trucks designed to reduce traffic congestion by efficiently rendering disabled vehicles operational or by quickly towing those vehicles from the freeway to a designated safe location. Quickly removing motorists and their disabled vehicles from the freeway reduces the chances of further incidents caused by onlookers and impatient drivers. FSP helps save fuel and reduce air polluting emissions by reducing stop-and-go traffic through the provision of free services to motorists and operates seven days a week during peak commuting hours.

Metro contracts with independent tow service providers for light duty tow service on general purpose lanes on all major freeways in Los Angeles County, 2 light duty contracts on the ExpressLanes (I-110 and I-10), and 2 heavy duty (Big Rig) contracts (I-710 and SR-91) to assist and remove trucks. Each weekday, 138 tow and service trucks are normally deployed during peak commuting hours.

The annual benefit of the program is as follows:

- For individual beats, an annual Benefit to Cost Ratio of 9:1 - For every \$1 spent there is a \$9 benefit to motorists.
- 300,000 motorist assists
- 5,175,845 hours motorists saved from sitting in traffic
- 8,897,277 gallons of fuel savings
- Approximately 78,296,040 kg of CO2 reductions
- The average motorist wait time for FSP service is 7 minutes (the average wait time for other roadside service is over 30 minutes)
- The Los Angeles County FSP program generates one-half of the cumulative benefits of the 14 FSP programs in the state.

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**DISCUSSION**

Award of contracts for beats 3, 5, 6, 17, 18, 20, 31, 37, 38, 39, and 43 will replace expiring contracts. The beats are comprised of a total of 114 centerline miles of freeway using a combination of 40 tow and service trucks.

Beats not awarded as a result of IFB No. FS73888-2 will be included in the next solicitation for FSP light duty tow service. In the interim, recommendation G provides CMA and extensions to periods of performance to extend contracts and redeploy service to ensure there are no gaps in service. Also, contractors recommended for award as a result of this solicitation may currently possess contracts for beats that were not included this solicitation. The combination of existing contracts and new awarded contracts creates a temporary situation where a contractor exceeds the program's two beat cap policy. This normally occurs during the transition period for all new FSP contracts. If all beats included in this solicitation had been awarded, the temporary overlap causing contractors to exceed the beat cap policy would be approximately 3 to 4 months before the new contracts could mobilize and replace the older contracts. However, due to the lack of responsive and responsible bidders for this solicitation, several contracts were not awarded and will be included in a subsequent solicitation. This creates an extended temporary overlap of the beat cap policy, for contractors, for approximately 8 to 10 months until a new solicitation can be released, and contracts awarded. Without this overlap period, it would not be possible for an existing contractor with 2 beats to bid on new contracts. The alternative is for contractors to wait for their contracts to expire before bidding on new contracts. This alternative is not recommended as it may not be possible to fill all of the gaps in service created by the vacant contracts while waiting for new contracts to be solicited, awarded and mobilization activities completed.

Once contracts are awarded, Contractors will have a mobilization period to complete the required startup activities to begin service. The following list summarizes the major activities that must be completed in order to provide FSP service:

- Purchase vehicle chassis and beds
- Build vehicles to FSP specifications (6-8 weeks)
- Metro Radio Shop installation of communications equipment (2-3 weeks)
- Hire and train prospective FSP drivers
- CHP testing and certification of FSP drivers
- Obtain program supplies
- CHP inspection and certification of contract vehicles

Authorizing contract modification authority and extending the period of performance for the light duty contracts will ensure seamless and efficient operation of the FSP program while the new contractors conduct mobilization activities and the next solicitation for FSP tow service can be issued. Increased CMA will also provide funds to address increased operating costs such as insurance and fuel and will also replenish funding to contracts that provide support to Caltrans through a Cooperative Agreement. The FSP program expends up to \$75,000 each month to support Caltrans construction projects for which Caltrans reimburses Metro.

Authorizing extending the period of performance for heavy duty tow service contracts Beats 60 & 61 will allow these contracts to expend surplus of funding not utilized due to pandemic related service

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reductions. These two contracts were awarded in September 2016 and will expire in March and February 2022 respectively. The funds remaining in these contracts will support extensions of 16 months. The heavy-duty vehicles purchased for these contracts have significantly longer life than the vehicles purchased for the FSP light duty beats so there should be no service reliability issues to extend the period of performance.

As motorists return to their normal driving patterns, congestion is increasing in LA County. Currently operating at over 80% of pre-pandemic service levels, CMA will provide funds to return service to normal where and when needed.

Due to the global computer chip shortage and its impact on truck manufacturers to deliver new vehicles, Contractors may experience difficulties purchasing the required number of vehicles for each contract which will in turn delay the start of service. To anticipate this possibility, funding is included to extend and replenish the existing contracts beyond the normal mobilization period. If the Contractors are able to purchase their vehicles and begin service within the normal mobilization period, the existing contracts will end and the remaining contract funds will not be used.

### Increased Program Costs

Within the past 6 years, the towing industry has been greatly impacted by rising operating costs. Liability insurance premiums, in some cases have increased over 300%, the cost of new tow trucks has increased 50% due to the global chip shortage, fuel (which is a major expenditure of FSP contractors) is near its highest levels for diesel, and the implementation of Living Wage Standards has almost doubled the cost of labor. Vehicle maintenance costs have also increased due to changing emissions standards and the lack of availability of replacement parts (supply chain issues) allows parts suppliers to increase prices. These increased industry costs translate into higher hourly rates bid for FSP contracts. Between 2015 and 2019 hourly rates awarded increased approximately 49%, in 2020 hourly rates awarded increased an additional 7% and for contracts recommended for award in this report, the hourly rates increased an additional 5%.

### Cost Reduction Efforts

Over the years, staff have implemented strategies to reduce program costs through a variety of methods.

- Introduction of the FSP Regions - Consolidating 6 beats into a single contract and reducing the number of required backup trucks.
- Outreach efforts to increase the number of firms bidding on FSP contracts to increase competition.
  - o FSP management attend annual towing industry convention sponsored by the California Tow Truck Association. A booth is staffed by FSP agencies throughout the state to increase awareness of the FSP program and the contracting opportunities.
  - o DEOD sponsored training seminars to provide potential bidders a better understanding of the bid submittal requirements.
  - o FSP Staff outreach to local tow firms to increase awareness of FSP program and encourage firms to bid on contracts.

- o outreach to former FSP contractors to obtain feedback and encourage competition.
- o Staff have created a bidders list of firms contacted at the annual convention, local outreach, and unsolicited requests for information about the FSP program from various tow firms. This list is used as a supplement to the firms that are registered with VC/M when releasing solicitations.
- Five of the contracts recommended for award in this report are two beat contracts. For the purposes of this solicitation, two beat contracts were offered to reduce the number of backup trucks in an effort to reduce program costs. Normally each beat will have its own backup truck, but due to the shortage of new truck chassis (chip shortage) and the higher cost, two beats were combined into a single contract and one backup truck was eliminated to reduce program costs. A reduction of one tow truck (each cost approximately \$120,000) for each of the five contracts should create a savings opportunity of approximately \$600,000.

### Program Funding

Each year Caltrans allocates and manages funding dedicated to FSP programs statewide from two funding sources. The first is through legislation (state highway funds) provided when the program was established.

The second source of funding comes through Senate Bill 1 (SB-1) passed in 2017. Metro staff worked proactively to assure a discrete funding source for FSP as part of SB-1 development and upon passage of SB-1, worked collaboratively in the development of guidelines for funding allocation.

LA County has the worst congestion in the nation and Metro's FSP program is the largest in the state. In comparison to the state's other FSP programs, it consistently performs at the highest B/C ratio, generates approximately 50% of the state's performance metrics (number of assists, emissions/fuel/motorist delay savings), and does so while receiving only 32% of state allocated funds. While Metro is required to provide a 25% match to the state funds, due to the level of congestion and the size of the program, Metro provides over 50% of the total FSP program funding using local funds

### **DETERMINATION OF SAFETY IMPACT**

The FSP Program enhances safety on Los Angeles County freeways by assisting motorists with disabled vehicles, towing vehicles from freeway lanes to prevent secondary accidents, and removing debris/obstacles from lanes that can be a hazard to motorists.

### **FINANCIAL IMPACT**

The amount of \$7,250,000 for CMA, and first year startup and operational costs of approximately \$1,950,000 for beats 3, 5, 6, 17, 18, 20, 31, 37, 38, 39, and 43 is included in the FY22 budget in cost center 3352, Metro Freeway Service Patrol, under project number 300070. Since this action includes multi-year contracts, the cost center manager and Executive Officer, Congestion Reduction, will be responsible for budgeting funds in future years.

### Impact to Budget

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The FSP program is funded through a combination of dedicated state funds, SB1 funding and Proposition C 25% sales tax. These funds are not eligible for Metro Bus and Rail Operating and Capital expenses. Metro is also reimbursed for the services provided to support Caltrans construction projects.

### **EQUITY PLATFORM**

Metro gathers general information from each motorist assist and provides that data to Caltrans for analysis and annual reporting. The program management team will consider what information could be collected, the method of collection and what the data might provide to inform program refinement and to analyze the impact that the FSP Program may have on low-income, marginalized and more vulnerable motorists.

The Diversity and Economic Opportunity Department (DEOD) established a 3% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. Of the six firms recommended for contract award, four of the firms are certified SBE contractors.

- For Beat 3 and 43, Navarro's Towing made a 97% SBE and 3% DVBE commitment.
- For Beat 5 and 17, Classic Tow, dba Tip Top Tow made a 5.98% SBE and 6.24% DVBE commitment.
- For Beat 6 and 39, Neighborhood Towing 4U made a 95% SBE and 3% DVBE commitment.
- For Beat 18 and 38, Bob & Dave's Towing made a 94% SBE and 6% DVBE commitment.
- For Beat 20 and 37, Safeway Towing Services, Inc., dba Bob's Towing made a 3.02% SBE and 3.45% DVBE commitment.
- For Beat 31, Hovanwil, Inc., dba Jon's Towing made a 94% SBE and 3.6% DVBE commitment.

DEOD has implemented a two-phased Small Business Recruitment Strategy to increase the number of SBE/DVBE certified vendors specific to the towing industry and tow service providers. Through the Metro Connect Outreach Program (DEOD), Congestion Reduction's Project Management and Contact Administration staff have scheduled two separate pre-solicitation outreach events targeting untapped SBE, DVBE and DBE-eligible firms within specific North American Industry Classification System (NAICS) codes. In addition, program management staff will continue to outreach to the towing community by attending the annual tow show sponsored by the California Tow Truck Association, contact local towing firms via phone or in person, and reach out to former FSP tow contractors.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The FSP Program aligns with Strategic Goal 1: Provide high quality mobility options that enable people to spend less time traveling. The program mitigates congestion on all major freeways in Los Angeles County.

### **ALTERNATIVES CONSIDERED**

The Board may decide not to award the contracts or authorize the increase in contract modification authority. This alternative is not recommended as it will adversely impact the existing contracts and

the level and quality of FSP service provided in Los Angeles County.

### **NEXT STEPS**

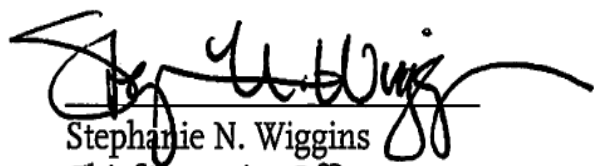
Upon Board approval, staff will execute the necessary contracts to assure efficient and seamless delivery of FSP services.

### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Procurement Summary (Various Beats)  
Attachment C - Contract Modification Authority Summary  
Attachment D - Contract Modification/Change Order Log  
Attachment E - DEOD Summary  
Attachment F - FSP Beat Map

Prepared by: John Takahashi, Senior Highway Operations Manager, (213) 418-3271

Reviewed by: Jim Gallagher, Chief Operations Officer, (213) 418-3108  
Debra Avila Deputy Chief, Vendor/Contract Management, (213) 418-3051



Stephanie N. Wiggins  
Chief Executive Officer

**PROCUREMENT SUMMARY**  
**IFB No. FS73888-2**  
**FREEWAY SERVICE PATROL (FSP) LIGHT DUTY TOWING 2021**

1.	<b>Contract Numbers:</b> FS73888-2000, FS73888-2001, FS73888-2002, FS73888-2004, FS73888-2005, FS73888-2006	
2.	<b>Recommended Vendors:</b> Navarro's Towing Classic Tow, Inc. dba Tip-Top Tow Service Neighborhood Towing 4U, Inc. Bob & Dave's Towing, Inc. Safeway Towing Services, Inc., dba Bob's Towing Hovanwil, Inc., dba Jon's Towing	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> IFB <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> May 19, 2021	
	<b>B. Advertised/Publicized:</b> May 24 and May 27, 2021	
	<b>C. Pre-Bid Conference:</b> June 8, 2021	
	<b>D. Bids Due:</b> June 24, 2021	
	<b>E. Pre-Qualification Completed:</b> September 30, 2021	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> July 15, 2021	
	<b>G. Protest Period End Date:</b> October 14, 2021	
5.	<b>Solicitations Picked up/Downloaded:</b> 36	<b>Bids Received:</b> 14
6.	<b>Contract Administrator:</b> DeValory Donahue	<b>Telephone Number:</b> (213) 922-4726
7.	<b>Project Manager:</b> John Takahashi	<b>Telephone Number:</b> (213) 418- 3271

**A. Procurement Background**

This Board Action is to approve FSP Light Duty Towing Contract Nos. FS73888-2000 (Navarro's Towing), FS73888-2001 (Classic Tow, Inc. dba Tip-Top Tow Service), FS73888-2002 (Neighborhood Towing 4U), FS73888-2004 (Bob & Dave's Towing, Inc), FS73888-2005 (Safeway Towing Services, Inc., dba Bob's Towing) and FS73888-2006 (Hovanwil, Inc., dba Jon's Towing) in support of the Freeway Services Patrol program for a 56-month contract term. These services will be performed on beats covering a designated area within Los Angeles County. Board approval of contract awards are subject to resolution of any properly submitted protest.

Invitation for Bids (IFB) No. FS73888-2 was released on May 19, 2021 and three amendments were issued during the solicitation phase of this IFB:

- Amendment No. 1, issued on June 9, 2021 updated SBE/DVBE Forms.
- Amendment No. 2, issued on June 11, 2021 revised the statement of work.
- Amendment No. 3, issued on June 17, 2021 updated the DEOD compliance manual.

A pre-bid conference was held on June 8, 2021 and was attended by 28 participants representing 17 firms. Fifteen (15) questions were received, and Metro provided responses prior to the bid due date.

## **B. Evaluation of Bids**

A total of 14 bids were received on June 24, 2021 from the firms listed below in alphabetical order to cover 22 towing beats:

1. Bob & Dave's Towing, Inc.
2. Classic Tow, Inc. dba Tip-Top Tow Service
3. Dickson Motor Service
4. F & G Towing, Inc. dba Helms ad Hill
5. Freeway Towing, Inc.
6. Hadley Tow, Inc.
7. Hovanwil, Inc. dba Jon's Towing
8. Metro Towing, Inc.
9. Mid Valley Towing, Inc.
10. Navarro's Towing
11. Neighborhood Towing 4 U, Inc.
12. Reliable Delivery Service, Inc.
13. Safeway Towing Services, Inc. dba Bob's Towing
14. T.G. Towing, Inc.

The IFB was issued requesting bids on two-beat packages. The 14 bids received from the firms above were evaluated based on the requirements of the IFB.

Six (6) of the 14 firms are being recommended for contract award to the following firms: Bob & Dave's Towing, Inc., Classic Tow, Inc. dba Tip-Top Tow Service, Hovanwil, Inc. dba Jon's Towing, Navarro's Towing, Neighborhood Towing 4 U, Inc., and Safeway Towing Services, Inc. dba Bob's Towing. The other 8 firms were deemed ineligible for contract award for not meeting the SBE/DVBE requirements, minimum eligibility criteria or passing the vehicle inspection.

## **C. Price Analysis**

The six (6) firms that will be awarded 11 beats for a total of \$43,649,775.07 are in alphabetical order as follows:

### **Package A-Beats 3 & 43**

<b>BIDDER</b>	<b>BID AMOUNT</b>	<b>METRO ICE</b>	<b>AWARD AMOUNT</b>
Navarro's Towing	\$7,530,460.00	\$6,439,335.98	\$7,530,460.00
Classic Tow, Inc. dba Tip Top Tow Service	\$7,646,983.96		
Neighborhood Towing 4 U, Inc.	\$7,926,007.32		

### **Package B-Beats 5 & 17**

<b>BIDDER</b>	<b>BID AMOUNT</b>	<b>METRO ICE</b>	<b>AWARD AMOUNT</b>
Classic Tow, Inc. dba Tip-Top Tow Service	\$7,581,984.20	\$6,439,335.98	\$7,581,984.20
Neighborhood Towing 4 U, Inc.	\$7,926,007.32		

**Package C- Beats 6 & 39 \***

BIDDER	BID AMOUNT	METRO ICE	AWARD AMOUNT
Neighborhood Towing 4 U, Inc.	\$7,926,007.32	\$6,439,335.98	\$7,926,007.32
Classic Tow, Inc. dba Tip Top Tow Service	\$7,768,264.00		
Navarro's Towing	\$7,926,800.00		

**Package F- Beats 18 & 38**

BIDDER	BID AMOUNT	METRO ICE	AWARD AMOUNT
Bob & Dave's Towing, Inc.	\$8,243,687.38	\$7,080,523.84	\$8,243,687.38
Navarro's Towing	\$8,411,036.50		
Neighborhood Towing 4 U, Inc.	\$9,587,710.00		

**Package G- Beats 20 & 37**

BIDDER	BID AMOUNT	METRO ICE	AWARD AMOUNT
Safeway Towing Services, Inc. dba Bob's Towing	\$6,949,125.00	\$6,488,645.63	\$6,949,125.00
Navarro's Towing	\$7,588,125.00		
Bob & Dave's Towing, Inc.	\$7,711,931.25		
Classic Tow, Inc. dba Tip Top Tow Service	\$7,787,812.50		
Neighborhood Towing 4 U, Inc.	\$8,386,875.00		

**Package K-Beat 31**

BIDDER	BID AMOUNT	METRO ICE	AWARD AMOUNT
Hovanwil, Inc. dba Jon's Towing	\$5,418,511.17	\$4,860,858.70	\$5,418,511.17
Classic Tow, Inc. dba Tip Top Tow Service	\$5,957,757.50		
Neighborhood Towing 4 U, Inc.	\$6,650,520.00		

\* For Package C (Beats 6 & 39), while Classic Tow, Inc. dba Tip Top Tow Service's bid was lower than Neighborhood Towing 4 U, Inc., Classic Tow, Inc. dba Tip Top Tow Service is not eligible for award because they would exceed the two-beat cap as they are being recommended for award on Package B (Beats 5 and 17). Therefore, Neighborhood Towing 4 U, Inc. is being recommended for award as the second lowest responsive, responsible bidder.

Pricing is deemed to be fair and reasonable based on the competitive bidding process. The towing industry has been greatly impacted by rising liability and workers compensation insurance premiums as well as a steady increase in the price of fuel, tow trucks, maintenance and repairs due to changing emissions standards. This coupled with Metro's living wage and minimum insurance limits with minimum insurer ratings requirements has resulted in some beat packages exceeding the ICE.

#### **D. Background on Recommended Contractors**

##### **Bob & Dave's Towing, Inc.**

The recommended firm, Bob & Dave's Towing has been a family-owned towing company since 1967 in Whittier, CA. Bob & Dave's has certified FSP operators and has been a Metro contractor for many years.

##### **Classic Tow, Inc. dba Tip-Top Tow Service**

The recommended firm, Classic Tow, Inc. dba Tip-Top Tow Service has been a provider of quality towing and roadside assistance in Santa Monica and surrounding communities since 1989. Classic Tow has certified FSP operators and has been a Metro contractor for many years.

##### **Hovanwil, Inc. dba Jon's Towing**

The recommended firm, Jon's Towing, located in Sun Valley, CA has been in business for 17 years, and is a leader in the towing industry. Jon's Towing has certified FSP operators and has been a Metro contractor for many years.

##### **Navarro's Towing**

The recommended firm, Navarro's Towing has served the Monterey Park, CA community since 2000. Navarro's Towing has certified FSP operators and has been a Metro contractor for many years.

##### **Neighborhood Towing 4 U, Inc.**

The recommended firm, Neighborhood Towing 4 U, Inc. has been conducting business in Los Angeles since 2000. Neighborhood Towing 4U has certified FSP operators and has been a Metro contractor for many years.

##### **Safeway Towing, Inc. dba Bob's Towing**

The recommended firm, Safeway Towing, Inc., dba Bob's Towing of La Puente, CA has been serving the community since 2001. Safeway Towing has certified FSP operators and has been a Metro contractor for many years.

## PROCUREMENT SUMMARY

## METRO FREEWAY SERVICE PATROL/VARIOUS BEATS

1.	<b>Contract Number:</b> Various, See Attachment C			
2.	<b>Contractor:</b> Various, See Attachment C			
3.	<b>Mod. Work Description:</b> General Redeployment Support, Caltrans Construction, Special Event Support, Service Coverage			
4.	<b>Contract Work Description:</b> Freeway Service Patrol Service			
5.	<b>The following data is current as of:</b> September 28, 2021			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>	Various	<b>Contract Award Amount:</b>	Various, See Attachment C
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b>	Various, See Attachment C
	<b>Original Complete Date:</b>	N/A	<b>Pending Modifications (including this action):</b>	Various, See Attachment C
	<b>Current Est. Complete Date:</b>	Various	<b>Current Contract Value (with this action):</b>	Various, See Attachment C
7.	<b>Contract Administrator:</b> DeValory Donahue		<b>Telephone Number:</b> (213)-922-4147	
8.	<b>Project Manager:</b> John Takahashi		<b>Telephone Number:</b> (213) 418-3271	

**A. Procurement Background**

This Board Action is to approve an increase in Contract Modification Authority (CMA) for multiple firm, fixed unit rate contracts (see Attachment C-Contract Modification Authority Summary) for towing services in support of the Metro Freeway Service Patrol (FSP) program and to extend their periods of performance to assure no gap in service.

The proposed CMA increase for 19 FSP general purpose lane contracts in the amount of \$7,250,000.00 will continue required towing services for the FSP program and extend the period of performance to support unanticipated events, redeployment, and support during freeway construction work, and service delivery until new FSP contracts are in place.

Attachment C-Contract Modification Authority Summary shows the list of contracts that require an increase in CMA.

**B. Cost**

For contract modifications that are required in the future, prices will be determined fair and reasonable based upon an independent cost estimate, fact-finding, technical analysis, and cost negotiations.

**ATTACHMENT C**  
**CONTRACT MODIFICATION AUTHORITY (CMA) SUMMARY**  
**METRO FREEWAY SERVICE PATROL**  
**TOWING SERVICES FOR GENERAL PURPOSE LANES**  
**October 21, 2021**

Beat	Contractor	Contract No.	Original Contract Value	Approved CMA	Requested CMA Increase	Revised Total CMA
3	Hollywood Car Carrier	FSP3469400B3/43	\$1,915,326.00	\$1,735,532.00	\$565,000.00	\$2,300,532.00
5	Sonic Towing, Inc.	FSP3469500B5/17	\$1,808,057.00	\$1,505,000.00	\$365,000.00	\$1,870,000.00
6	Neighborhood Towing 4 U	FSP3469600B6	\$1,760,238.00	\$1,338,000.00	\$670,000.00	\$2,008,000.00
17	Sonic Towing, Inc.	FSP3469500B5/17	\$1,782,209.00	\$1,211,000.00	\$505,000.00	\$1,716,000.00
18	Bob & Dave's Towing, Inc.	FSP2690300FSP1418	\$2,486,760.00	\$1,655,000.00	\$605,000.00	\$2,260,000.00
20	Bob's Towing	FSP2836600FSP1420	\$2,292,530.00	\$1,211,000.00	\$480,000.00	\$1,691,000.00
24	T.G. Towing, Inc.	FSP2833200FSP1424	\$1,753,911.00	\$1,900,391.00	\$460,000.00	\$2,360,391.00
27	Hovanwil, Inc. dba Jon's Towing	FSP3470400B27/39	\$2,594,126.00	\$1,090,000.00	\$195,000.00	\$1,285,000.00
29	Platinum Tow & Transport, Inc.	FSP3470600B29	\$3,012,024.00	\$345,000.00	\$350,000.00	\$695,000.00
31	Navarro's Towing	FSP3470700B31/50	\$2,909,952.00	\$845,000.00	\$300,000.00	\$1,145,000.00
33	Mid Valley Towing	FSP2851900FSP1433	\$1,671,437.00	\$1,598,143.00	\$320,000.00	\$1,918,143.00
37	Reliable Delivery Service	FSP3696000FSP1437	\$1,898,072.00	\$1,430,000.00	\$600,000.00	\$2,030,000.00
38	Steve's Towing	FSP38468001438	\$2,263,556.00	\$1,001,000.00	\$245,000.00	\$1,246,000.00
39	Hovanwil, Inc. dba Jon's Towing	FSP5966400FSPB39	\$2,152,353.00	\$1,228,000.00	\$325,000.00	\$1,553,000.00
42	Platinum Tow & Transport, Inc.	FSP2842100FSP1442	\$1,765,665.00	\$1,411,566.00	\$350,000.00	\$1,761,566.00
43	Hollywood Car Carrier	FSP3469400B3/43	\$1,915,326.00	\$1,618,000.00	\$635,000.00	\$2,253,000.00
50	Navarro's Towing	FSP3470700B31/50	\$3,283,230.00	\$630,000.00	\$280,000.00	\$910,000.00
60	Freeway Towing, Inc.	FSP5768900B60	\$5,255,700.00	\$0.00	\$0.00	\$0.00
61	All City Tow Service	FSP5769100B61	\$4,741,020.00	\$0.00	\$0.00	\$0.00
Totals				\$21,752,632.00	<b>\$7,250,000.00</b>	\$29,002,632.00

## CONTRACT MODIFICATION/CHANGE ORDER LOG

**METRO FREEWAY SERVICE PATROL  
TOWING SERVICES FOR GENERAL PURPOSE LANES**

<b>Contract No. FSP3469400B3/43</b>		<b>BEAT No. 3</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Change Service Start Date	Approved	5/10/2016	\$0.00
2	Add Funding and Period of Performance	Approved	5/20/2020	\$191,532.00
3	Add Funding and Period of Performance	Approved	7/19/2019	\$849,000.00
4	Service Reduction	Approved	4/3/2020	\$0.00
5	Add Funding and Period of Performance	Approved	5/20/2020	\$240,000.00
6	Add Funding and Period of Performance	Approved	10/22/2020	\$210,000.00
7	Add Funding and Period of Performance	Approved	6/24/2021	\$245,000.00
	<b>Modification Total</b>			<b>\$1,735,532.00</b>
	<b>Original Contract:</b>			<b>\$1,915,326.00</b>
	<b>Total:</b>			<b>\$3,650,858.00</b>

<b>CONTRACT No. FSP3469500B5/17</b>		<b>BEAT No. 5</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Period of Performance	Approved	6/27/2019	\$0.00
2	Add Funding and Period of Performance	Approved	7/18/2019	\$320,000.00
3	Service Reduction	Approved	4/3/2020	\$0.00
4	Add Funding and Period of Performance	Approved	5/21/2020	\$490,000.00
5	Add Funding and Period of Performance	Approved	10/22/2020	\$240,000.00
6	Add Funding and Period of Performance	Approved	6/24/2021	\$455,000.00
	<b>Modification Total</b>			<b>\$1,505,000.00</b>
	<b>Original Contract:</b>			<b>\$1,808,057.00</b>
	<b>Total:</b>			<b>\$3,313,057.00</b>

<b>CONTRACT No. FSP346960B6</b>		<b>BEAT No. 6</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Period of Performance	Approved	6/27/2019	\$0.00
2	Add Funding and Extend Period of Performance	Approved	7/18/2019	\$338,000.00
3	Service Reduction	Approved	4/3/2020	\$0.00

4	Add Funding and Extend Period of Performance	Approved	5/21/2020	\$500,000.00
5	Add Funding and Extend Period of Performance	Approved	10/22/2020	\$180,000.00
6	Add Funding and Extend Period of Performance	Approved	6/24/2021	\$320,000.00
	<b>Modification Total</b>			<b>\$1,338,000.00</b>
	<b>Original Contract:</b>			<b>\$1,760,238.00</b>
	<b>Total:</b>			<b>\$3,098,238.00</b>

<b>CONTRACT No. FSP2690300FSP14-18</b>		<b>BEAT No. 18</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Change Start Date	Approved	5/16/2015	\$0.00
2	Extend Period of Performance	Approved	5/16/2019	\$0.00
3	Extend Period of Performance	Approved	6/14/2019	\$0.00
4	Add Funding and Extend Period of Performance	Approved	8/1/2019	\$695,000.00
5	Service Reduction	Approved	4/3/2020	\$0.00
6	Service Reduction	Approved	7/6/2020	\$0.00
7	Add Funding and Extend Period of Performance	Approved	10/22/2020	\$280,000.00
8	Add Funding and Extend Period of Performance	Approved	11/9/2020	\$315,000.00
9	Add Funding and Extend Period of Performance	Approved	6/24/2021	\$365,000.00
	<b>Modification Total:</b>			<b>\$1,655,000.00</b>
	<b>Original Contract:</b>			<b>\$2,486,760.00</b>
	<b>Total:</b>			<b>\$4,141,760.00</b>

<b>CONTRACT No. FSP2836600FSP1420</b>		<b>BEAT No. 20</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Add Funding and Extend Period of Performance	Approved	7/18/2019	\$211,000.00
2	Service Reduction	Approved	4/3/2020	\$0.00
3	Add Funding and Extend Period of Performance	Approved	7/29/2020	\$200,000.00
4	Add Funding and Extend Period of Performance	Approved	10/22/2020	\$460,000.00
5	Add Funding and Extend Period of Performance	Approved	6/24/2021	\$340,000.00

	<b>Modification Total:</b>		<b>\$1,211,000.00</b>
	<b>Original Contract:</b>		<b>\$2,292,530.00</b>
	<b>Total:</b>		<b>\$3,503,530.00</b>

<b>CONTRACT No. FSP2833200FSP1424</b>		<b>BEAT No. 24</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Extend Period of Performance	Approved	5/11/2018	\$0.00
2	Extend Period of Performance	Approved	8/3/2018	\$0.00
3	Add Funding and Extend Period of Performance	Approved	12/21/2018	\$175,391.00
4	Add Funding and Extend Period of Performance	Approved	5/17/2019	\$330,000.00
5	Extend Period of Performance	Approved	8/30/2019	\$0.00
6	Extend Period of Performance		9/27/2019	
7	Extend Period of Performance		10/31/2019	
8	Extend Period of Performance		11/27/2019	
9	Extend Period of Performance		12/6/2019	\$275,000.00
10	Service Reduction	Approved	4/3/2020	\$0.00
11	Add Funding and Extend Period of Performance	Approved	5/12/2020	\$580,000.00
12	Add Funding and Extend Period of Performance	Approved	11/9/2020	\$410,000.00
13	Add Funding and Extend Period of Performance	Approved	6/24/2021	\$130,000.00
	<b>Modification Total:</b>			<b>\$1,900,391.00</b>
	<b>Original Contract:</b>			<b>\$1,753,911.00</b>
	<b>Total:</b>			<b>\$3,654,302.00</b>

<b>CONTRACT No. FSP34700400B27</b>		<b>BEAT No. 27</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Add Funding and Period of Performance	Approved	2/27/2020	\$355,000.00
2	Service Reduction	Approved	4/3/2020	\$0.00
3	Add Funding and Period of Performance	Approved	10/22/2020	\$295,000.00
4	Add Funding and Period of Performance	Approved	6/24/2021	\$440,000.00
	<b>Modification Total:</b>			<b>\$1,090,000.00</b>
	<b>Original Contract:</b>			<b>\$2,594,126.00</b>
	<b>Total:</b>			<b>\$3,684,126.00</b>

<b>CONTRACT No. FSP3470600B29</b>		<b>BEAT No. 29</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Service Reduction	Approved	4/3/2020	\$0.00
2	Period of Performance	Approved	4/17/2020	\$0.00
3	Service Reduction	Approved	7/2/2020	\$0.00
4	Add Funding and Period of Performance	Approved	10/22/2020	\$170,000.00
5	Add Funding and Period of Performance	Approved	6/24/2021	\$175,000.00
	<b>Modification Total:</b>			<b>\$345,000.00</b>
	<b>Original Contract:</b>			<b>\$3,012,024.00</b>
	<b>Total:</b>			<b>\$3,357,024.00</b>

<b>CONTRACT No. FSP3470700B31/50</b>		<b>BEAT No. 31</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Service Reduction	Approved	4/3/2020	\$0.00
2	Add Funding and Period of Performance	Approved	5/21/2020	\$375,000.00
3	Service Reduction	Approved	7/6/2020	\$0.00
4	Add Funding and Period of Performance	Approved	10/22/2020	\$360,000.00
5	Add Funding and Period of Performance	Approved	6/24/2021	\$110,000.00
	<b>Modification Total:</b>			<b>\$845,000.00</b>
	<b>Original Contract:</b>			<b>\$2,909,952.00</b>
	<b>Total:</b>			<b>\$3,754,952.00</b>

<b>CONTRACT No. FSP2851900FSP14-33</b>		<b>BEAT No. 33</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Period of Performance	Approved	6/12/2018	\$0.00
2	Add Funding and Period of Performance	Approved	1/9/2019	\$167,143.00
3	Add Funding and Period of Performance	Approved	5/17/2019	\$380,000.00
4	Add Funding and Period of Performance	Approved	7/25/2019	\$266,000.00
5	Service Reduction	Approved	4/3/2020	\$0.00
6	Add Funding and Period of Performance	Approved	7/23/2020	\$180,000.00
7	Add Funding and Period of Performance	Approved	10/22/2020	\$325,000.00
8	Add Funding and Period of Performance	Approved	6/24/2021	\$280,000.00
	<b>Modification Total:</b>			<b>\$1,598,143.00</b>
	<b>Original Contract:</b>			<b>\$1,671,437.00</b>

	<b>Total:</b>		<b>\$3,269,580.00</b>
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<b>CONTRACT No. FSP363600FSP1437</b>		<b>BEAT No. 37</b>		
<b>Mod.</b>	<b>Description</b>	<b>Status</b>	<b>Date</b>	<b>\$ Amount</b>
<b>No.</b>		<b>(approved or pending)</b>		
1	Add Funding and Period of Performance	Approved	7/18/2019	\$690,000.00
2	Service Reduction	Approved	4/3/2020	\$0.00
3	Add Funding and Period of Performance	Approved	7/23/2020	\$200,000.00
4	Add Funding and Period of Performance	Approved	10/22/2020	\$330,000.00
5	Add Funding and Period of Performance	Approved	6/24/2021	\$210,000.00
	<b>Modification Total:</b>			<b>\$1,430,000.00</b>
	<b>Original Contract:</b>			<b>\$1,898,072.00</b>
	<b>Total:</b>			<b>\$3,328,072.00</b>

<b>CONTRACT No. FSP38468001438</b>		<b>BEAT No. 38</b>		
<b>Mod.</b>	<b>Description</b>	<b>Status</b>	<b>Date</b>	<b>\$ Amount</b>
<b>No.</b>		<b>(approved or pending)</b>		
1	Add Funding and Period of Performance	Approved	7/18/2019	\$106,000.00
2	Service Reduction	Approved	4/3/2020	\$0.00
3	Add Funding and Period of Performance	Approved	7/29/2020	\$215,000.00
4	Add Funding and Period of Performance	Approved	10/22/2020	\$475,000.00
5	Add Funding and Period of Performance	Approved	6/24/2021	\$205,000.00
	<b>Modification Total:</b>			<b>\$1,001,000.00</b>
	<b>Original Contract:</b>			<b>\$2,263,556.00</b>
	<b>Total:</b>			<b>\$3,264,556.00</b>

<b>CONTRACT No. FSP5966400FSP39</b>		<b>BEAT 39</b>		
<b>Mod.</b>	<b>Description</b>	<b>Status</b>	<b>Date</b>	<b>\$ Amount</b>
<b>No.</b>		<b>(approved or pending)</b>		
1	Add Funding and Period of Performance	Approved	7/18/2019	\$253,000.00
2	Service Reduction	Approved	4/3/2020	\$0.00
3	Add Funding and Period of Performance	Approved	5/26/2020	\$470,000.00
4	Add Funding and Period of Performance	Approved	10/22/2020	\$170,000.00
5	Add Funding and Period of Performance	Approved	6/24/2021	\$335,000.00
	<b>Modification Total:</b>			<b>\$1,228,000.00</b>
	<b>Original Contract:</b>			<b>\$2,152,353.00</b>
	<b>Total:</b>			<b>\$3,380,353.00</b>

<b>CONTRACT No. FSP2842100FSP14-42</b>		<b>BEAT 42</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Period of Performance	Approved	7/10/2018	\$0.00
2	Add Funding and Period of Performance	Approved	12/18/2018	\$176,566.00
3	Add Funding and Period of Performance	Approved	7/18/2019	\$585,000.00
4	Service Reduction	Approved	4/3/2020	\$0.00
5	Add Funding and Period of Performance	Approved	7/31/2020	\$100,000.00
6	Add Funding and Period of Performance	Approved	10/22/2020	\$345,000.00
7	Add Funding and Period of Performance	Approved	6/24/2021	\$205,000.00
	<b>Modification Total:</b>			<b>\$1,411,566.00</b>
	<b>Original Contract:</b>			<b>\$1,765,665.00</b>
	<b>Total:</b>			<b>\$3,177,231.00</b>

<b>CONTRACT No. FSP6064300FSPB43</b>		<b>BEAT No. 43</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Add Funding and Period of Performance	Approved	7/18/2019	\$828,000.00
2	Service Reduction	Approved	4/3/2020	\$0.00
3	Add Funding and Period of Performance	Approved	5/21/2020	\$300,000.00
4	Service Reduction	Approved	4/3/2020	\$240,000.00
5	Add Funding and Period of Performance	Approved	5/21/2020	\$250,000.00
	<b>Modification Total:</b>			<b>\$1,618,000.00</b>
	<b>Original Contract:</b>			<b>\$1,915,326.00</b>
	<b>Total:</b>			<b>\$3,533,326.00</b>

<b>CONTRACT No. FSP3470700B31/50</b>		<b>BEAT No. 50</b>		
<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Service Reduction	Approved	4/3/2020	\$0.00
2	Add Funding and Period of Performance	Approved	5/21/2020	\$220,000.00
3	Service Reduction	Approved	7/6/2020	
4	Add Funding and Period of Performance	Approved	10/22/2020	\$280,000.00
5	Add Funding and Period of Performance	Approved	6/24/2021	\$130,000.00
	<b>Modification Total:</b>			<b>\$630,000.00</b>
	<b>Original Contract:</b>			<b>\$3,283,230.00</b>
	<b>Total:</b>			<b>\$3,913,230.00</b>

## DEOD SUMMARY

## METRO FREEWAY SERVICES PATROL/VARIOUS BEATS

**A. Small Business Participation (Award)**

The Diversity and Economic Opportunity Department (DEOD) established a 3% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. For Beats 3 and 43, Navarro's Towing made a 97% SBE and 3% DVBE commitment. For Beats 5 and 17, Classic Tow, dba Tip Top Tow made a 5.98% SBE and 6.24% DVBE commitment. For Beats 6 and 39, Neighborhood Towing 4U made a 95% SBE and 3% DVBE commitment. For Beats 18 and 38, Bob & Dave's Towing made a 94% SBE and 6% DVBE commitment. For Beats 20 and 37, Safeway Towing Services, Inc., dba Bob's Towing made a 3.02% SBE and 3.45% DVBE commitment. For Beat 31, Hovanwil, Inc., dba Jon's Towing made a 94% SBE and 3.6% DVBE commitment.

**Beat 3 and 43 – Navarro's Towing**

Small Business Goal	SBE 3% DVBE 3%	Small Business Commitment	SBE 97% DVBE 3%
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	SBE Subcontractors	% Committed
1.	Navarro's Towing (SBE Prime)	97%
	<b>Total SBE Commitment</b>	<b>97%</b>

	DVBE Subcontractors	% Committed
1.	Hunter Tires Inc.	3%
	<b>Total DVBE Commitment</b>	<b>3%</b>

**Beat 5 and 17 – Classic Tow, dba Tip Top Tow**

Small Business Goal	SBE 3% DVBE 3%	Small Business Commitment	SBE 5.98% DVBE 6.24%
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	SBE Subcontractors	% Committed
1.	Hunter Tires, Inc.	3.37%
2.	JCM & Associates, Inc., dba Blue Goose Uniforms	0.60%
3.	Bob and Dave's Towing	2.01%
	<b>Total SBE Commitment</b>	<b>5.98%</b>

	DVBE Subcontractors	% Committed
1.	Oasis Fuel, Inc.	1.21%
2.	Warrior Fuel Corporation	5.03%
	<b>Total DVBE Commitment</b>	<b>6.24%</b>

**Beat 6 and 39 – Neighborhood Towing 4U**

<b>Small Business Goal</b>	<b>SBE 3% DVBE 3%</b>	<b>Small Business Commitment</b>	<b>SBE 95% DVBE 3%</b>
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	<b>SBE Subcontractors</b>	<b>% Committed</b>
1.	Neighborhood Towing 4U (SBE Prime)	95%
	<b>Total SBE Commitment</b>	<b>95%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>
1.	Oasis Fuel, Inc.	3%
	<b>Total DVBE Commitment</b>	<b>3%</b>

**Beat 18 and 38 – Bob & Dave's Towing**

<b>Small Business Goal</b>	<b>SBE 3% DVBE 3%</b>	<b>Small Business Commitment</b>	<b>SBE 94% DVBE 6%</b>
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	<b>SBE Subcontractors</b>	<b>% Committed</b>
1.	Bob & Dave's Towing (SBE Prime)	94%
	<b>Total SBE Commitment</b>	<b>94%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>
1.	J316 Builder	1.14%
2.	Hunter Tires Inc.	1.86%
3.	Warrior Fuel Corporation	3.00%
	<b>Total DVBE Commitment</b>	<b>6.00%</b>

**Beat 20 and 37 – Safeway Towing Services, Inc. dba Bob's Towing**

<b>Small Business Goal</b>	<b>SBE 3% DVBE 3%</b>	<b>Small Business Commitment</b>	<b>SBE 3.02% DVBE 3.45%</b>
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	<b>SBE Subcontractors</b>	<b>% Committed</b>
1.	Hunter Tires Inc.	3.02%
	<b>Total SBE Commitment</b>	<b>3.02%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>
1.	Oasis Fuel, Inc.	3.45%
	<b>Total DVBE Commitment</b>	<b>3.45%</b>

**Beat 31 – Hovanwil, Inc., dba Jon’s Towing**

<b>Small Business Goal</b>	<b>SBE 3% DVBE 3%</b>	<b>Small Business Commitment</b>	<b>SBE 94% DVBE 3.6%</b>
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	<b>SBE Subcontractors</b>	<b>% Committed</b>
1.	Hovanwil, Inc, dba Jon’s Towing (SBE Prime)	94%
	<b>Total SBE Commitment</b>	<b>94%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>
1.	Oasis Fuel, Inc.	3.60%
	<b>Total DVBE Commitment</b>	<b>3.60%</b>

**B. Small Business Participation (Modification)**

Of the 19 FSP contracts included in this modification, Contractors made Small Business Enterprise (SBE) commitments for 15 Beats, 9 of which are meeting or exceeding their SBE commitment(s) and 9 of which are SBE Primes.

The FSP Contractors for Beats 27, 33, 38, and 39 did not make SBE commitments and have no SBE participation. These contracts were procured prior to the 2016 legislative change to the Public Utilities Code that authorized meeting the SBE goal as a condition of award for non-federal IFB procurements.

The FSP Contractors for Beats 3, 31, 43, 50, 60, and 61 have participation levels below their respective commitment levels and are in shortfall. Metro’s Project Manager worked closely with DEOD in reviewing corrective action plans submitted by these Contractors, and confirmed that service increases as proposed toward a return to pre-pandemic levels should significantly improve participation of small business subcontractors.

For Beats 3 and 43, Disco Auto Sales dba Hollywood Car Carrier (HCC) made a 10.20% SBE commitment on each, which are 93% and 100% complete, respectively. Current SBE participation is 0.85% and 0.72%, representing shortfalls of 9.35% and 9.48%, respectively. HCC explained that their shortfalls result from their SBE firm being decertified prior to the execution of a sub agreement. To mitigate the shortfalls, HCC added an SBE tire provider and an SBE fuel supplier/broker which increased their level of participation from 0.11% to 0.85% and 0.00 to 0.72% for both beats, respectively. As of September 23, 2021, Oasis Fuels added Fuel Wholesalers NAICS codes to their SBE certification. HCC will receive 60% SBE credit for their fuel supplies (applicable to all FSP Contractors using Oasis Fuels) and projects that it will meet its SBE commitment by the end of contract.

For Beats 31 and 50, Navarro’s Towing made a 6.00% SBE commitment on each, which are 99% and 92% complete, respectively. Current SBE participation is 2.30% and 3.46%, representing shortfalls of 3.70% and 3.46%, respectively. Navarro’s

Towing became SBE certified June 22, 2021 and is in the process of adding a certified fuel supplier, which will significantly increase their level of participation on both beats.

For Beat 60, Freeway Towing made a 7.23% SBE and 3.42% DVBE commitment. The project is 67% complete. Current SBE participation is 5.38% and DVBE participation is 3.67%, representing an SBE shortfall of 1.85% while exceeding the DVBE commitment by 0.25%. Freeway Towing explained that their SBE subcontractor, Casanova Towing Equipment, Inc.'s services were impacted by mobility restrictions due to COVID-19, which delayed post-warranty repairs for their trucks. Freeway Towing further explained that their FSP trucks are due for maintenance services and expects to meet its SBE commitment.

For Beat 61, All City Tow Service, made a 7% SBE and 3.24% DVBE commitment. The project is 45% complete. Current SBE participation is 0.00% and current DVBE participation is 0.08%, representing shortfalls of 7% SBE and 3.16% DVBE. All City Tow Service explained that their shortfall resulted from their SBE firm being decertified prior to the execution of a sub agreement. All City Tow Services is in the process of adding an SBE Insurance Broker and an additional SBE fuel supplier. All City Towing further explained that DVBE subcontractor, Arciero & Sons Inc.'s services were impacted by mobility restrictions (60% service reduction) due to COVID-19, which delayed post-warranty repairs for their trucks. The Prime also stated that while the reduction in services eliminated the need to purchase uniforms in the past 2 years, it will continue to work with DVBE subcontractor Image Gear dba Reflective Stripe to procure uniforms during the proposed contract extension.

Notwithstanding, Metro Project Managers and Contract Administrators will continue to meet bi-monthly with DEOD and the FSP Contractors in shortfall to review participation levels and ensure that they are on schedule to meet or exceed their SBE/DVBE commitments. These key stakeholders have access to Metro's online monitoring system and will make real-time recommendations to correct any future issues impeding achievement of SBE/DVBE commitments.

### **Beat 3 – Disco Auto Sales dba Hollywood Car Carrier**

	SBE Contractor(s)	% Commitment	% Participation
1.	AAA Oils, Inc. dba California Fuels	10.20%	0.00%
2.	Hunter Tires	Added	0.13%
3.	Oasis Fuels	Added	0.19%
4.	Manatek Commercial Insurance Services	Added	0.53%
	<b>Total</b>	<b>10.20%</b>	<b>0.85%</b>

**Beat 5 – Sonic Towing, Inc.**

	SBE Contractor(s)	% Commitment	% Participation
1.	Casanova Towing Equipment	16.70%	0.00%
2.	Sonic Towing, Inc. (SBE Prime)	-	76.33%
	<b>Total</b>	<b>16.70%</b>	<b>76.33%</b>

**Beat 6 – Neighborhood Towing 4U**

	SBE Contractor(s)	% Commitment	% Participation
1.	Casanova Towing Equipment	16.70%	0.00%
2.	Neighborhood Towing 4U, Inc. (SBE Prime)	-	54.66%
	<b>Total</b>	<b>16.70%</b>	<b>54.66%</b>

**Beat 17 – Sonic Towing, Inc.**

	SBE Contractor(s)	% Commitment	% Participation
1.	Casanova Towing Equipment	16.70%	0.00%
2.	Sonic Towing (SBE Prime)	-	74.73%
	<b>Total</b>	<b>16.70%</b>	<b>74.73%</b>

**Beat 18 – Bob & Dave's Towing**

	SBE Contractor(s)	% Commitment	% Participation
1.	Deborah Dyson Electrical	4.95%	7.42%
2.	JCM & Associates	0.07%	0.44%
	<b>Total</b>	<b>5.02%</b>	<b>7.86%</b>

**Beats 20 – Safeway Towing Services, Inc. dba Bob's Towing**

	SBE Contractor(s)	% Commitment	% Participation
1.	Bob's Towing (SBE Prime)	100%	100%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

**Beat 24 – T.G. Towing, Inc.**

	SBE Contractor(s)	% Commitment	% Participation
1.	T. G. Towing, Inc. (SBE Prime)	100%	100%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

**Beats 29 and 42 – Platinum Tow & Transport**

	SBE Contractor(s)	% Commitment	% Participation
1.	Platinum Tow & Transport (SBE Prime)	100%	100%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

**Beat 31 – Navarro’s Towing, LLC**

	SBE Contractor(s)	% Commitment	% Participation
1.	AAA Oils, Inc. dba California Fuel	6.00%	0.00%
2.	Navarro’s Towing, LLC (SBE Prime)	Added	2.30%
	<b>Total</b>	<b>6.00%</b>	<b>2.30%</b>

**Beat 37 – Reliable Delivery Service**

	SBE Contractor(s)	% Commitment	% Participation
1.	Reliable Delivery Service (SBE Prime)	100%	100%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

**Beat 43 – Disco Auto Sales dba Hollywood Car Carrier**

	SBE Contractor(s)	% Commitment	% Participation
1.	AAA Oils, Inc. dba California Fuel	10.20%	0.00%
2.	Hunter Tires	Added	0.11%
3.	Oasis Fuels	Added	0.16%
4.	Manatek Commercial Insurance Services	Added	0.45%
	<b>Total</b>	<b>10.20%</b>	<b>0.72%</b>

**Beat 50 – Navarro’s Towing, LLC**

	SBE Contractor(s)	% Commitment	% Participation
1.	AAA Oils, Inc.	6.00%	0.00%
2.	Navarro’s Towing, LLC (SBE Prime)	Added	2.54%
	<b>Total</b>	<b>6.00%</b>	<b>2.54%</b>

**Beat 60 – Freeway Towing, Inc.**

	SBE Contractor(s)	% Commitment	% Participation
1.	Casanova Towing Equipment, Inc.	6.79%	4.93%
2.	Manatek Commercial Insurance Services, Inc.	0.44%	0.45%
	<b>Total</b>	<b>7.23%</b>	<b>5.38%</b>

	DVBE Subcontractor(s)	% Commitment	% Participation
1.	Oasis Fuels, Inc.	3.42%	3.67%
	<b>Total</b>	<b>3.42%</b>	<b>3.50%</b>

**Beat 61 – All City Towing**

	SBE Contractor(s)	% Commitment	% Participation
1.	Casanova Towing Equipment, Inc.	7.00%	0.00%
	<b>Total</b>	<b>7.00%</b>	<b>0.00%</b>

	DVBE Subcontractor(s)	% Commitment	% Participation
1.	Arciero and Sons	1.39%	0.00%
2.	Image Gear dba Reflective Stripe	0.56%	0.02%
3.	Oasis Fuels, Inc.	1.29%	0.06%
	<b>Total</b>	<b>3.24%</b>	<b>0.08%</b>

<sup>1</sup>Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.

### **C. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is applicable to this modification. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of \$22.67 per hour (\$17.00 base + \$5.67 health benefits), including yearly increases. The increase may be up to 3% of the total wage, annually. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy).

### **D. Prevailing Wage Applicability**

Prevailing wage is not applicable to this modification.

### **E. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.

## Attachment F





## Board Report

**File #:** 2021-0666, **File Type:** Program

**Agenda Number:** 7.

### PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 17, 2021

**SUBJECT: 2022 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

APPROVE:

- A. PROGRAMMING of up to \$60,514,000 in Regional Transportation Improvement Program funds to the proposed projects and the program amendments shown in Attachment A; and
- B. SUBMITTAL of the 2022 Los Angeles County Regional Transportation Improvement Program (RTIP) to the California Transportation Commission (CTC).

#### **ISSUE**

In August 2021, the California Transportation Commission (CTC) adopted the 2022 State Transportation Improvement Program (STIP) Fund Estimate, which provides new funding capacity over the five-year STIP period from Fiscal Year (FY) 2023 through FY 2027. As such, Metro is charged with preparing and managing the Regional Transportation Improvement Plan (RTIP) for Los Angeles County. The RTIP must be adopted by the Board prior to the December 15, 2021 RTIP submittal deadline to the CTC to program funds in the 2022 STIP.

#### **BACKGROUND**

The STIP is a five-year capital improvement program of transportation projects that is updated every two years (the last STIP was adopted by the CTC in March 2020). The STIP contains two portions. The first portion, the RTIP, accounts for 75% of the total STIP and is programmed by County Transportation Commissions, such as Metro. The second portion is the Interregional Transportation Improvement Program (ITIP), which consists of the remaining 25% of the STIP and is developed by Caltrans. The CTC adopted STIP Fund Estimate identifies available RTIP funding shares by each county of California for programming over the five-year STIP period. The RTIP portion is the subject of the recommendations of this report.

#### **DISCUSSION**

Metro staff proposes to request RTIP funding of a total of \$53,830,000 for Mobility Improvement Projects (MIPs), previously approved by the Board ([file # 2019-0245](#))

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<https://metro.legistar.com/LegislationDetail.aspx?ID=4136467&GUID=B480634A-20D0-4FA3-9CE6-1A20E1E2B7DB&Options=&Search=>>), for the Los Angeles County projects in lieu of previously programmed funding for the SR-710 North project. The request will be made in the form of advanced programming of future funding shares, as the current STIP fund estimate for Los Angeles County is zero, due to successful requests for advance programming in the previous two STIP cycles. Staff also proposes to request \$6,684,000 in funds that have been reserved for Planning, Programming, and Monitoring. The total request is \$60,514,000. Also included in the submittal are program schedule amendments to three previously programmed projects to allow prudent delivery of projects.

Caltrans is responsible for developing the ITIP, consistent with the Interregional Transportation Strategic Plan (ITSP), which the CTC adopts as a component of the STIP. Staff worked with Caltrans District 7 to propose projects in LA County for the 2022 ITIP to be considered by Caltrans Headquarters to be included in their Draft 2022 ITIP.

### **USC Medical Center Project, LA County/Soto St. Project, LA City:**

Two Mobility Improvement Projects are proposed for RTIP funding as part of a large package of Transportation System Management projects to be developed in lieu of the SR-710 North freeway extension project, which was cancelled by the Metro Board due to community opposition from residents near the proposed alignment, some of which also include Equity Focus Communities.

The two projects proposed by the City and County of Los Angeles are streetscape projects, which will provide new and improved active transportation improvements. The Soto Street project will address a bottleneck by adding a safety median and a new lane in one direction, plant new trees, and widen sidewalks. The USC Medical Center project will improve pedestrian crossings and Metro J Line (formerly Silver Line).

### **DETERMINATION OF SAFETY IMPACT**

Approval of the 2022 RTIP for Los Angeles County will have no negative impact to Metro patrons or employees. The 2022 RTIP fulfills prior and anticipated commitments of the Long-Range Transportation Plan and the Measure M Expenditure Plan.

### **FINANCIAL IMPACT**

The CTC Fund Estimate contains a zero-funding share target for Los Angeles County, as previous years' advance programming continues to be directed to offset previous cycles' advances. However, STIP guidelines allow for Metro to continue drawing Planning, Programming, and Monitoring funding and request additional advances up to our maximum funding share target of \$57,061,000. Following CTC action on the 2022 RTIP in March 2022, staff will include the programmed resources in the corresponding budgets.

#### **Impact to Budget**

The 2022 RTIP includes funding for FY 2023 through FY 2027 and has no impact to the FY22

budget.

## **EQUITY PLATFORM**

The projects and their equity impacts are described below.

### **USC Medical Center Project, LA County/Soto St. Project, LA City:**

Both of these projects are located in or near Equity Focus Communities, and residents in these areas are expected to receive the primary safety and streetscape benefits. Secondary benefits are anticipated to accrue to USC Medical Center patients and employees, and longer-distance cyclists traveling to or through the area.

Each of the two project sponsors are planning additional community engagement and are responsible to their agencies to conduct equitable outreach and responsive planning.

Typical outreach for the County of Los Angeles includes:

- Outreach materials in both English and other predominant languages of the communities along the project corridor;
- Collaboration with key stakeholders from Community-Based Organizations, Service Organizations, churches, special needs groups, advocacy groups, local schools, and arts community members;
- Participation in community events and set up information tables and workshops at schools and/or activity centers to promote the project and solicit feedback; and
- Mobile friendly project website and social media outlets

### **Planning, Programming, and Monitoring:**

The State sets aside 5% of RTIP funds for planning activities. Metro uses this funding to support the Countywide Planning Department's labor and professional services budget. At this time, there are no equity concerns anticipated as a part of this funding action.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports Strategic Plan goal #1 to "provide high-quality mobility options that enable people to spend less time traveling" by obtaining funding to support the delivery of transportation improvements that support the safety and performance of the highway system and expand high-quality transit options.

## **ALTERNATIVES CONSIDERED**

The Board could elect not to approve the staff recommendation for the 2022 RTIP. This option is not recommended as it would defer the potential programming and access to up to \$60,680,000 in RTIP funds within the 2022 STIP period for the new projects proposed. Additionally, failure to adopt the RTIP could cause negative impacts to the delivery of existing RTIP projects that require programming amendments to align RTIP funding with their current schedules.

## **NEXT STEPS**

With Board approval of staff's recommendation, staff will proceed with and monitor the following steps to securing the 2020 LA County RTIP submittal:

- Submit RTIP request to CTC - December 15, 2021
- CTC publishes staff recommendations - February 28, 2022
- CTC adopts STIP - March 23-24, 2022

## **ATTACHMENTS**

Attachment A - 2022 LA County RTIP Summary and Program

Attachment B - 2022 LA RTIP Project Descriptions

Prepared by: Dominica Smith, Manager, Countywide Planning & Development, (213) 922-2795  
Patricia Chen, Senior Director, Countywide Planning & Development, (213) 922-3041  
Michael Cano, DEO, Countywide Planning & Development, (213) 418-3010  
Wil Ridder, EO, Countywide Planning & Development, (213) 922-2887 Laurie  
Lombardi, SEO, Countywide Planning & Development, (213) 418-3251

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins  
Chief Executive Officer

# 2022 LA County Regional Transportation Improvement Program

## Summary and Program

[illegible]

## **2022 Los Angeles Regional Transportation Improvement Program Project Descriptions**

### **LA County + USC Medical Center Mobility Improvements - Valley Blvd Multimodal Transportation Improvements** **RTIP Request: \$27,500,000**

Design and construct multimodal corridor improvements along Valley Boulevard which may include active transportation safety and accessibility enhancements as well as additional necessary infrastructure upgrades along Valley Boulevard. This would include various improvements to the Los Angeles County + USC Medical Center including enhancements to the Silver Line Bus Stop as well as improvements along Valley Blvd, San Pablo St, Marengo St and other streets in the vicinity. Coordination with Metro and Los Angeles City will be needed to design and construct the project. This project would also include coordinating with UPRR and other stakeholders to process the acquisition of necessary right-of-way to accommodate sidewalks and transit stop amenities and access improvements; and grade crossing improvements at Boca Avenue, Vineburn Avenue and San Pablo Street.

### **City of Los Angeles Soto St. Widening (Multnomah St. to Mission Rd.)** **RTIP Request: \$26,330,000**

Located within the City of Los Angeles on Soto Street between Multnomah Street and Mission Road. This project's scope of work will: (1) Widen Soto St between Multnomah St and North Mission Rd (0.6 mile) from three lanes to four lanes (two lanes in each direction) by adding an additional through lane in the southbound direction; (2) Widen existing sidewalks from 4 ft to 8 ft for wheelchair accessibility; (3) Construct Class II bike lane in both directions, pedestrian lighting, a new striped median, and shoulders on both sides of the street.

### **Planning, Programming, and Monitoring (PPM)** **RTIP Request: \$6,684,000**

Planning, Programming, and Monitoring (PPM) funds are used to fund the planning activities of Metro. Funds are proposed for FY25 and FY 26.



# 2022 Regional Transportation Improvement Program

*Planning and Programming Committee*

*November 17, 2021*



**Metro**

# Recommendation

Approve the 2022 Regional Transportation Improvement Program (RTIP) for Los Angeles County, which includes:

- Up to \$60,514,000 in new programming, and
- The submittal of the 2022 RTIP program to the California Transportation Commission (CTC).

# Background

- The county RTIPs are 75% of the State Transportation Improvement Program (STIP):
  - Every two years, Metro prepares and approves the RTIP for LA County.
  - The 2022 RTIP programs the region's RTIP formula shares for the 2022 STIP period from Fiscal Year (FY) 2023 through FY 2027.
  - California Transportation Commission (CTC) adopts through their 2022 STIP process.

# 2018 RTIP Success and Reduced Capacity

## 2018 RTIP

\$317 M  
County Shares

\$110 M  
Max Target  
Advance  
(from future shares)

## 2020 RTIP

\$0 M  
County Shares

\$46.34 M  
Max Target  
Advance  
(from future shares)

## 2022 RTIP

**\$0 M**  
County Shares

**\$57 M**  
Potential Max  
Target Advance  
(from future shares)



**Metro**

# 2022 Programming Priorities

Consistent with Evaluative Criteria Framework, Measure M, Measure R and LRTP Priorities:

- Funding Program Alignment/Readiness/Competitiveness
- Low Risk Tolerance for Use of Formula Funds
- Geographic Balance
- Consistent with Board Policies and Directives, LRTP and RTP

Equity Assessment Approval

# Proposed 2022 RTIP (\$ in thousands)

PROPOSED PROGRAMMING	Prior	FY22/23	FY23/24	FY24/25	FY25/26	FY26/27	Total
<b>No Change</b>							
Bus Acquisition Project #2		17,096					17,096
East San Fernando Valley Transit Corridor Project	72,819	167,509					240,328
SR 71 (North Segment)			20,000				20,000
Planning, Programming & Monitoring		2,836	2,836	3,425			9,097
<b>Subtotal No Change</b>	<b>72,819</b>	<b>187,441</b>	<b>22,836</b>	<b>3,425</b>			<b>286,521</b>
<b>Reprogramming (Schedule Only)</b>							
Bus and Bus Infrastructure #2 (A)				40,749			40,749
Bus and Bus Infrastructure #2 (B)			500				500
SR 138 Segment 4	11,950		20,000				31,950
SR 138 Segment 13	17,800		40,300				58,100
<b>Subtotal Reprogramming</b>	<b>29,750</b>		<b>60,800</b>	<b>40,749</b>			<b>131,299</b>
<b>New Requests</b>							
LA County, USC Medical Center Mobility Improvements					27,500		27,500
LA City, Soto St. Widening Project					26,330		26,330
Planning, Programming & Monitoring					3,342	3,342	6,684
<b>Subtotal New Requests</b>					<b>57,172</b>	<b>3,342</b>	<b>60,514</b>
<b>TOTAL PROPOSED PROGRAMMING</b>	<b>102,569</b>	<b>187,441</b>	<b>83,636</b>	<b>44,174</b>	<b>57,172</b>	<b>3,342</b>	<b>478,334</b>



Metro

## Board Report

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

**File #:** 2021-0521, **File Type:** Contract

**Agenda Number:** 8.

### PLANNING & PROGRAMMING COMMITTEE NOVEMBER 17, 2021

**SUBJECT: WEST SANTA ANA BRANCH TRANSIT CORRIDOR PROJECT**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 13 to Contract No. AE5999300 with WSP USA Inc. to provide additional environmental technical work during the completion of the Draft Environmental Impact Statement / Environmental Impact Report (EIS/EIR) in the amount of \$1,302,845, increasing the Total Contract Value from \$28,484,036 to \$29,786,881, and extend the period of performance through June 30, 2022.

#### **ISSUE**

This is a request to authorize the necessary additional funds to professional services Contract No. AE5999300. A Contract Modification is necessary as additional Conceptual Engineering (CE) and technical analysis is needed for the Draft EIS/EIR in response to FTA comments and in coordination with Metro Departments and direction from Metro's Senior Leadership. The additional work will also help to inform and support the Final EIS/EIR once the Locally Preferred Alternative (LPA) is selected by the Board, currently anticipated in January 2022. As the additional work is part of a separate, but related, work effort from the Final EIS/EIR, extending the period of performance through June 30, 2022 is necessary. Delaying this additional work to a future date would pose significant delays to the overall project schedule and risk that the project would be unable to meet its Measure M schedule.

#### **BACKGROUND**

The West Santa Ana Branch (WSAB) Project (Attachment A) is a proposed light rail transit (LRT) line along a 19-mile corridor from southeast Los Angeles County to Downtown Los Angeles serving the cities and communities of Artesia, Cerritos, Bellflower, Paramount, Downey, South Gate, Cudahy, Bell, Huntington Park, Vernon, unincorporated Florence-Graham community, and downtown Los Angeles. This rail corridor is anticipated to serve commuters in a high travel demand corridor by providing relief to the limited transportation systems currently available to these communities. In addition, the project is expected to provide a direct connection to the Metro C Line (Green), Metro A Line (Blue) and the LA County regional transit network.

Due to the environmental complexity of the Project, additional Contract Modification Authority (CMA)

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was granted for this Project in July 2019 (2019-0218). Since then, staff has continued to advance the conceptual plans and environmental analysis for the Project requiring additional modifications to the Contract as well as to extend the contract period of performance from April 30, 2021 through December 31, 2021. Board approval is required to execute this modification.

## **DISCUSSION**

A critical path to environmentally clearing the Project is continued close coordination with the Federal Transit Administration (FTA). As the lead federal agency for Metro projects, the FTA is responsible for National Environmental Policy Act (NEPA) compliance and review. The FTA Region 9 Regional Administrator's signature is required on both the Draft EIS/EIR and the Final EIS/EIR prior to publication. Although Metro staff works closely with the FTA throughout the planning and environmental process, FTA is most involved with the review of the Draft EIS/EIR and Final EIS/EIR prior to publication of the documents. It is not unusual for the Draft EIS/EIR and Final EIS/EIR documents, and accompanying technical reports, to undergo several rounds of FTA review prior to publication. Over the past year, staff has received numerous additional comments and direction from the FTA and Metro Departments, resulting in additional technical and environmental work needed to complete the Draft EIS/EIR.

Additionally, a separate, but related work effort will be undertaken at the direction of Metro Senior Leadership, to provide an additional evaluation of implementation strategies to help inform the Board in the selection of the LPA. The additional work will also help to inform and support the analysis conducted in the Final EIS/EIR. The Board is currently anticipated to select the LPA for the Project and authorize the contract option for the Final EIS/EIR in January 2022. Major tasks included in the Modification 13 scope of work include:

- Update Environmental Impact Reports and Draft EIS/EIR in response to FTA and Metro Department comments;
- Additional workshops with the FTA to resolve their comments on the Draft EIS/EIR;
- Respond to stakeholder issues and comment letters through the preparation of draft letters and/or memoranda to stakeholders;
- Update other (non-environmental) reports to be consistent with the latest project description in support of the Draft EIS/EIR;
- Draft outline and review Cost and Financial Appendix;
- Prepare SCAG Air Conformity Memorandum;
- Prepare text comparing 2016 vs 2020 SCAG Regional Transportation Plan (RTP) for the Draft EIS/EIR;
- Update Slauson/A Line Station Plans;
- Update Pioneer Station Crossover Engineering Plans and Environmental Analysis;
- Additional evaluation of implementation strategies; and
- Additional Planning and Technical Meetings.

## **DETERMINATION OF SAFETY IMPACT**

These actions will not impact the safety of Metro customers and/or employees because this Project is

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in the planning process phase and no capital or operational impacts result from this Board action.

## **FINANCIAL IMPACT**

The FY 2021-22 budget contains \$4,487,319 in Cost Center 4370 (Mobility Corridors), Project 460201 (WSAB Corridor Administration) for professional services. Since this is a multi-year contract, the Cost Center Manager and Chief Planning Officer will be responsible for budgeting in future years.

### **Impact to Budget**

The funding for this project is in the Measures R and M Expenditure Plans. The fund source for the above activity is Measure R 35%. As these funds are earmarked for the WSAB Transit Corridor project, they are not eligible for Metro bus and rail capital and operating expenditures.

## **EQUITY ASSESSMENT**

If selected by the Board, this Project will benefit communities through the addition of a new high-quality reliable transit service which will increase mobility and connectivity for the historically underserved and transit-dependent communities in the corridor. Approval of the contract modification will allow staff to complete the Draft EIS/EIR on schedule, which will be followed by a public review period allowing the corridor communities and other stakeholders the opportunity to provide their comments and feedback on the Project. The public review period was extended from 45-days to 60-days to allow the public additional time to review and comment on the document.

Various Project Measures and Mitigation Measures have been developed as part of the environmental document to mitigate potential impacts related to construction and/or operation of the Project. In addition, Metro has developed the WSAB Transit Oriented Development Strategic Implementation Plan (TOD SIP) to help cities maximize the transit investment that will be made in the corridor and to ensure that communities along the corridor equitably benefit from the investment. Metro will also be pursuing Transit Oriented Communities (TOC) Corridor Baseline Assessments for all Metro transit corridors, starting with Measure M, to support corridor communities in identifying strategies to equitably leverage the positive benefits on the transit investment while also preparing for potential unintended consequences around issues like gentrification and displacement.

Since initiating the Project study, Metro has conducted extensive outreach efforts with corridor communities and other stakeholders for a greater understanding of any potential harm or burdens that may potentially result from the Project. Targeted outreach efforts have been made to reach out to people of color, low-income, and limited English proficiency populations, and persons with disabilities. As a result of the comments received during the scoping process, as well as ongoing coordination with the corridor cities and continued technical analysis, several changes were made to the Project Definition. Additionally, Metro has introduced numerous efforts, such as the upcoming TOC Corridor Baseline Assessments, TOC Grant Writing Assistance Program, and the upcoming TOC Technical Assistance Program to support communities in equitably leveraging the transit investments and preparing for potential unintended consequences of gentrification and displacement to improve

equitable TOC outcomes for the WSAB corridor communities.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project supports the following strategic plan goals identified in Vision 2028: Goal 1: Provide high-quality mobility options that enable people to spend less time traveling, Goal 3: Enhance communities and lives through mobility and access to opportunity and Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization.

### **ALTERNATIVES CONSIDERED**

The Board could decide not to approve the recommended contract modification. However, this alternative is not recommended, as this would impact the project's environmental clearance schedule and would pose significant delays to the overall project schedule and increase the risk of not meeting the Project's Measure M timeline.

### **NEXT STEPS**

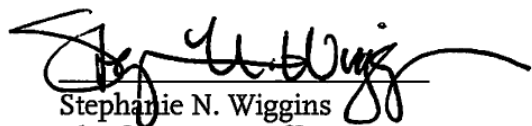
Upon Board approval, staff will execute Modification No. 13 to Contract No. AE5999300 with WSP USA Inc. for technical services to perform the necessary additional environmental analyses, and evaluation of implementation strategies. The findings of the Draft EIS/EIR are anticipated to be presented to the Board in January 2022.

### **ATTACHMENTS**

Attachment A - WSAB Build Alternatives Map  
Attachment B - Procurement Summary  
Attachment C - Contract Modification/Change Order Log  
Attachment D - DEOD Summary

Prepared by: Matthew Abbott, Principal Transportation Planner, Countywide Planning & Development, (213) 922-3071  
Meghna Khanna, Senior Director, Countywide Planning & Development, (213) 922-3931  
Dolores Roybal, DEO, Countywide Planning & Development, (213) 922-3024  
Allison Yoh, EO, Countywide Planning & Development, (213) 922-4812  
David Mieger, SEO, Countywide Planning & Development, (213) 922-3040  
Laurie Lombardi, SEO, Countywide Planning & Development, (213) 418 3251

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920  
Debra Avila, Deputy Chief Vendor/Contract Management Officer, (213) 418-3051



Stephanie N. Wiggins  
Chief Executive Officer

# West Santa Ana Branch Transit Corridor

## Project Alternatives Overview



Northern endpoint for Alternative 1 would be located at the LA Union Station Forecourt or behind the Metropolitan Water District Building on the east side of LA Union Station.

## PROCUREMENT SUMMARY

## WEST SANTA ANA BRANCH TRANSIT CORRIDOR/AE5999300

1.	<b>Contract Number:</b> AE5999300			
2.	<b>Contractor:</b> WSP USA Inc.			
3.	<b>Mod. Work Description:</b> Additional conceptual engineering, environmental review and technical analysis to complete the Environmental Impact Statement/Environmental Impact Report (EIS/EIR).			
4.	<b>Contract Work Description:</b> West Santa Ana Branch Transit Corridor Technical Services			
5.	<b>The following data is current as of:</b> November 5, 2021			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>		<b>Contract Award Amount:</b>	\$9,392,326
	<b>Notice to Proceed (NTP):</b>	09/26/16	<b>Total of Modifications Approved:</b>	\$19,091,710
	<b>Original Complete Date:</b>	09/30/20	<b>Pending Modifications (including this action):</b>	\$1,302,845
	<b>Current Est. Complete Date:</b>	06/30/22	<b>Current Contract Value (with this action):</b>	\$29,786,881
7.	<b>Contract Administrator:</b> Samira Baghdikian		<b>Telephone Number:</b> (213) 922-1033	
8.	<b>Project Manager:</b> Matt Abbott		<b>Telephone Number:</b> (213) 922-3071	

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 13 issued for additional conceptual engineering, environmental review and technical analysis to complete the Environmental Impact Statement/Environmental Impact Report for the West Santa Ana Branch Transit Corridor. This Modification will also extend the period of performance through June 30, 2022.

This Contract Modification was processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

On September 26, 2016, the Board awarded a firm fixed price Contract No. AE5999300 to Parsons Brinckerhoff, Inc., now WSP USA Inc., in the amount of \$9,392,326 for the West Santa Ana Branch Transit Corridor.

Twelve modifications have been issued to date.

Refer to Attachment B – Contract Modification/Change Order Log.

**B. Cost Analysis**

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate, cost analysis, technical analysis, fact finding and negotiations. Fee remains unchanged from the original contract.

<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated</b>
\$1,302,862	\$1,348,900	\$1,302,845

**CONTRACT MODIFICATION/CHANGE ORDER LOG**  
**WEST SANTA ANA BRANCH TRANSIT CORRIDOR/AE5999300**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Addition of a travel demand model review and calibration of six main tasks.	Approved	10/20/17	\$252,166
2	Environmental review and technical analysis on the three northern alignments in the Draft EIR/EIS (EIR/EIS) for the West Santa Ana Branch Transit Corridor.	Approved	06/28/18	\$2,760,752
3	Conduct additional environmental review and technical analyses to complete the Draft EIS/EIR.	Approved	01/09/19	\$335,484
4	Conduct additional environmental review and technical analyses related to Minimum Operating Segment (MOS) to complete the Draft and Final EIS/EIR.	Approved	01/11/19	\$494,230
5	Conduct additional environmental review and technical analyses related to identifying and evaluating two additional maintenance facility sites to complete the Draft and Final EIS/EIR.	Approved	01/11/19	\$316,332
6	Technical services to advance the level of design to 15% to support Draft EIS/EIR and optional third-party coordination.	Approved	12/06/18	\$7,978,444
7	Additional environmental technical work to be included in the Draft EIS/EIR.	Approved	07/25/19	\$6,476,982
8	No cost descoping and rescoping of tasks.	Approved	10/31/19	\$0
9	No cost reallocation of tasks.	Approved	03/24/20	\$0
10	Additional conceptual engineering and technical analysis associated with design changes to I-105/C	Approved	09/22/20	\$477,320

	Line and extension of period of performance (POP) through 04/30/21.			
11	Extension of POP through 10/31/21.	Approved	03/30/21	\$0
12	Extension of POP through 12/31/21.	Approved	10/14/21	\$0
13	Additional conceptual engineering, environmental review and technical analysis to complete the Environmental Impact Statement/Environmental Impact Report and extension of POP through 06/30/22.	<b>Pending</b>	<b>Pending</b>	<b>\$1,302,845</b>
	<b>Modification Total:</b>			<b>\$20,394,555</b>
	<b>Original Contract:</b>	<b>Approved</b>	<b>09/26/16</b>	<b>\$9,392,326</b>
	<b>Total:</b>			<b>\$29,786,881</b>

## DEOD SUMMARY

## WEST SANTA ANA BRANCH TRANSIT CORRIDOR/AE5999300

**A. Small Business Participation**

WSP USA Inc. (WSP) made a 25.03% Disadvantaged Business Enterprise (DBE) commitment. The project is 85% complete and the current DBE participation is 23.01%, representing a shortfall of 2.02%. A shortfall mitigation plan was requested and received. WSP explained that their 25.03% DBE commitment assumes authorization of Scenario 1 – Option 2 of the contract, which has not been executed by Metro but is necessary for the DBE goal to be met. WSP contends that they anticipate Option 2 being executed in Fall 2021, which will increase the DBE utilization. Further, the current modification includes a higher DBE percentage and once invoiced, the DBE utilization will increase. WSP projects that they will meet or exceed their 25.03% DBE utilization commitment.

Notwithstanding, Metro Project Managers and Contract Administrators will work in conjunction with DEOD to ensure that WSP is on schedule to meet or exceed its DBE commitment. Additionally, key stakeholders associated with the contract have been provided access to Metro's web-based monitoring system to ensure that all parties are actively tracking Small Business progress.

<b>Small Business Commitment</b>	<b>DBE 25.03%</b>	<b>Small Business Participation</b>	<b>DBE 23.01%</b>
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	<b>DBE/SBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	BA, Inc.	Black American	1.66%	2.18%
2.	Cityworks Design	Hispanic American	3.68%	3.69%
3.	Connetics Transportation Group	Asian-Pacific American	0.79%	0.54%
4.	Epic Land Solutions	Caucasian Female	1.18%	0.79%
5.	Geospatial Professional Services	Asian-Pacific American	0.25%	0.86%
6.	Lenax Construction	Caucasian Female	2.31%	2.16%
7.	Terry A. Hayes Associates	Black American	11.40%	5.76%

8.	Translinks Consulting	Asian-Pacific American	3.76%	2.54%
9.	Bette Spaghetti Productions (Media Arts, LLC)	Caucasian Female	Added	0.06%
10.	Del Richardson & Associates	Black American	Added	1.34%
11.	Dunbar Transportation Consulting LLC	Caucasian Female	Added	0.22%
12.	Wiltec	Black American	Added	0.50%
13.	RSE Corporation (formerly Rail Surveyors and Engineers Inc.)	Asian-Pacific American	Added	1.84%
14.	Yunsoo Kim Design, Inc.	Asian-Pacific American	Added	0.53%
	<b>Total</b>		<b>25.03%</b>	<b>23.01%</b>

<sup>1</sup>Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.

#### **B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

#### **C. Prevailing Wage Applicability**

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

#### **D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.

# Next stop: new rail to southeast LA County.

WEST SANTA ANA BRANCH TRANSIT CORRIDOR



Metro

Planning & Programming Committee : November 17, 2021

File 2021-0521

# Recommendation

**AUTHORIZE** the Chief Executive Officer to execute Modification No. 12 to Contract No. AE5999300 with WSP USA Inc. to provide additional environmental technical work during the completion of the Draft Environmental Impact Statement / Environmental Impact Report (EIS/EIR) in the amount of \$1,302,845, increasing the Total Contract Value from \$28,484,036 to \$29,786,881, and extend the period of performance through January 31, 2022.

# Project Overview



- > 19-mile corridor
- > Up to 12 new stations
- > Up to 5 new park & ride facilities
- > **Study Area:** 98 square miles

Study Area	Current	Projected (2042)
Pop.	1.4 M	1.6 M
Emp.	618,500	746,000

Metro Travel Demand Model 2017 to 2042

- > Populations and employment densities are **five times higher than LA County**

# Contract Modification No. 12

- Additional technical and environmental work including, but not limited to, the following:
  - Update environmental and other non-environmental reports in response to FTA and Metro Department comments
  - Additional workshops to resolve FTA comments
  - Respond to stakeholder issues and comment letters through preparation of draft letters and/or memoranda to stakeholders
  - Prepare SCAG Air Conformity Memorandum
  - Additional Evaluation of Implementation Strategies

# Project Consistency with Agency Goals and Near Term Next Steps

- Project is consistent with Metro's Equity Platform Framework
  - Rapid Equity Assessment tool was reviewed and approved by Metro's Office of Equity and Race
- Project is aligned with Metro Vision 2028 Strategic Plan goals
  - Goal #1 - Provide high quality mobility options that will enable people to spend less time traveling
  - Goal #3 – Enhance communities and lives through mobility and access to opportunity
  - Goal #5 – Provide responsive, accountable, and trustworthy governance within the Metro organization
- Selection of the LPA anticipated at the January 2022 Board meeting



## Board Report

File #: 2021-0667, File Type: Project

Agenda Number: 10.

### PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 17, 2021

**SUBJECT: ANTELOPE VALLEY LINE SERVICE AND CAPACITY IMPROVEMENT PROJECT  
FINAL ENVIRONMENTAL IMPACT REPORT**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

CONSIDER:

- A. CERTIFYING the Final Environmental Impact Report for the Antelope Valley Line Service and Capacity Improvement Project, in accordance with the California Environmental Quality Act (CEQA) and file the Notice of Determination for the Project with the Los Angeles County Clerk and the State of California Clearinghouse;
- B. ADOPTING, in accordance with CEQA, the:
  - 1. Findings of Fact and Statement of Overriding Considerations, and
  - 2. Mitigation Monitoring and Reporting Plan; and
- C. FINDING that the Project meets all Public Resources Code Section 21080 (b)(10) requirements and is declared statutorily exempt under CEQA, and AUTHORIZING Metro staff to file the Notice of Exemption for the Project with Los Angeles County Clerk and the State of California Clearinghouse.

#### **ISSUE**

In partnership with Metrolink and the North Los Angeles County Transportation Coalition, the Final Environmental Impact Report for the Antelope Valley Line Service and Capacity Improvement Project has completed all necessary steps to be considered by the Board in accordance with the California Environmental Quality Act. Staff is requesting certification of the Final EIR, including approval of the Findings of Fact and Statement of Overriding Considerations (Attachment A) and the Mitigation Monitoring and Reporting Plan (Attachment B). Staff is also requesting approval of the findings that the project is statutorily exempt and that the Board authorize a notice of exemption.

## **BACKGROUND**

The Antelope Valley Line Service and Capacity Improvements project proposes the expansion of 30 minute bi-directional commuter rail service to the City of Santa Clarita and hourly service to the City of Lancaster through four infrastructure improvement projects collectively required to facilitate the proposed service increase. The four infrastructure improvement projects are Balboa Double Track Extension, Canyon Siding Extension, Lancaster Terminal Improvements, and the Brighton to McGinley Double Track. It is important to note the Brighton to McGinley Double Track Improvements have already been environmentally cleared under CEQA through the Brighton to Roxford Double Track Project along the Antelope Valley Line entirely in Los Angeles County.

The Antelope Valley Line (AVL) is a 76.6-mile-long commuter rail line that serves Northern Los Angeles County as part of the Metrolink system. The AVL extends from Los Angeles Union Station in the City of Los Angeles and terminates in the City of Lancaster with stations in the cities and communities of Los Angeles, Glendale, Burbank, Sun Valley, Sylmar, San Fernando, Newhall, Santa Clarita, Acton, Palmdale, and Lancaster. The AVL corridor is owned entirely by Metro with operating rights to Metrolink up to Palmdale. Metro starts a 40-foot easement between Palmdale and the end of the Metrolink line at Lancaster Station with the remaining right-of-way owned by Union Pacific Railroad (UPRR) starting at Palmdale. The AVL also supports Los Angeles-San Diego - San Luis Obispo Rail Corridor between LAUS and Burbank Junction for 11.4 miles, leaving the remaining 56.2 miles currently operated solely by Metrolink and UPRR.

At the July 2019 meeting, the Board Motion 5.1 (Attachment C) authorized the programming of \$6.6 million in unprogrammed FY18-22 Multi-year Subregional Programming (MSP) Transit Program funds and \$6.15 million in FY23 MSP Transit Program funds from the North County Subregion to enable the intended commuter rail service expansion and construction of four infrastructure improvement projects to a “shovel ready” level.

## **DISCUSSION**

The Antelope Valley Line Service and Capacity Improvement Project will enable improved service frequency and reliability to the commuter rail service to meet the mobility needs of residents, employees, and visitors throughout the region. The AVL corridor is anticipated to experience strong population and employment growth over the next 20 years and solutions to realize the full potential of the AVL will be crucial to support this growth. Around 66% of the AVL corridor is single track, meaning that only one track is provided to operate trains in both directions. This limits the ability to run more frequent services and a regularized schedule, especially during the off-peak and weekends. There are limited maintenance and storage facilities at Lancaster Terminal, and therefore, the operational capacity and flexibility for commuter rail services on the AVL corridor are constrained. There are a total of three (3) capital projects as part of the Antelope Valley Line Service and Capacity Improvement Project that are fully funded.

- 1. Balboa Double Track.** The Balboa Double Track Extension would extend the existing Sylmar siding approximately 6,300 feet north from Balboa Boulevard to Sierra Highway.
- 2. Canyon to Santa Clarita Double Track.** The Canyon Siding Extension would extend the existing Saugus Siding by adding approximately 8,400 feet of new track between Soledad

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Canyon Road and Golden Oak Road with optional platform configurations.

- 3. Lancaster Terminal Improvements.** The Lancaster terminal improvements would include expansion of the existing yard with two new 500-foot long and one 1,000-foot long train storage tracks and provisions for fueling with optional platform configurations.

### Public Engagement

Metro staff initiated a comprehensive outreach program focused on increasing awareness and education, disseminating information, garnering public input, and supporting the technical and legal environmental processes. To encourage the submittal of comments during the Public Scoping period, legal advertisement notices were published in 11 English, Spanish, Armenian and Chinese language newspapers; 479 notices were mailed to occupants, property and business owners located within 500 feet of each of the infrastructure improvement sites; social media posts published in advance of the virtual scoping meetings; blog publications; email outreach to 4,965 stakeholders; and 10,000 notices delivered door-to-door in the Town of Acton where Metro was notified of difficulty of accessing social media. All public meetings conducted during scoping and as part of the public review of the Draft EIR have been conducted virtually consistent with County of Los Angeles health guidelines and Metro Community Relations policy. Physical copies of the Draft EIR were left at eight public libraries along the entire corridor to allow the public to review a hard copy, if desired from the electronic versions made available through the project webpage. The AVL project was added to the October 18, 2021, North Los Angeles County Transportation Coalition (NCTC) JPA board of directors meeting agenda for consideration. The NCTC JPA approved the board item unanimously on consent. All public comments received have been included with responses in the Final EIR for record in order received.

### Environmental Considerations

The staff recommended actions will complete the CEQA environmental clearance for the Antelope Valley Line Service and Capacity Improvement Project is part of the Metrolink's Southern California Optimized Rail Expansion (SCORE) Program Phase 1B and the California State Rail Plan and the Southern California Association of Governments (SCAG) and Regional Transportation Plan (RTP). The Board must find that notwithstanding the disclosure of these significant and unavoidable impacts, there are specific overriding reasons for approving this Project. These reasons serve to override and outweigh the Project's significant unavoidable impacts. These findings are included in the Project's Statement of Overriding Considerations (Attachment A). In addition, the purpose of the Mitigation Monitoring and Reporting Plan (MMRP) is to ensure that the mitigation measures identified in the Final EIR that mitigate the potentially significant environmental effects of the Project are, in fact, properly carried out. Metro in conjunction with Metrolink is responsible for assuring full compliance with the provisions of the MMRP (Attachment B).

Furthermore, section 21080 (b)(10) of the California Public Resources Code declares the Antelope Valley Line Service and Capacity Improvement Project is statutorily exempt since this is a project for the institution or increase of passenger and commuter services on rail already in use, including the modernization of existing stations and parking facilities. Metro has nevertheless elected to prepare this Final EIR in the interest of comprehensively addressing community and stakeholder concerns and to provide a clear record of the potential environmental impacts of the Project.

### **DETERMINATION OF SAFETY IMPACT**

Recommended actions will not impact the safety of Metro customers and/or employees because this Project is in the planning phase and no infrastructure or operational impacts result from this Board action.

Safety is expected to be improved as a result of the Project primarily due to the reduction of 5.9 billion VMT over 39 years (or 154.9 million VMT averaged annually over that time period) as commuters shift from automobile to commuter rail, which experiences far fewer incidents per passenger mile than travel by private vehicle. Recent data shows that during the two years from February 2017 through January 2019, Caltrans Transportation Management Center (TMC) responded to 455 incidents on I-5 between LA and Santa Clarita, and 124 incidents on SR-14 between I-5 and Lancaster. Rail safety is improved by increasing the percentage of the AVL that is double tracked from 34% to 44%, thus reducing the number of train-meets and associated risks.

## **FINANCIAL IMPACT**

With Board approval of the certification of the Final EIR, the CEQA process will be complete. Metro anticipates staff will issue a ROD in January 2022, which will conclude the environmental document and as such, additional budget is not required at this time. Project staff will continue coordinating with the SCRRA to transition the lead role for final design and construction for three infrastructure projects: Balboa Double Track, Canyon Siding Extension and Lancaster Terminal Improvements. Metro financial planning staff will continue cashflow coordination with SCRRA and will return to the Board with a request for funding for design and construction services if required outside of the SCRRA Annual Subsidy.

The Project has capital funding programmed in the Measure M Expenditure Plan for \$6.6 million in unprogrammed FY18-22 Multi-year Subregional Programming (MSP) Transit Program funds and \$6.15 million in FY23 MSP Transit Program funds from the North County Subregion towards environmental and final design activities. The total capital funding cost is \$220.85 million which includes \$113.8 million of Measure M funds, and \$107.05 million of CalSTA 2020 TIRCP state grant funds awarded to the Project. The estimated cost to complete the Project could be higher if additional design options are approved, as the design level increases and pre-construction activities are completed. If the project capital cost exceeds currently identified funding, SCRRA may need to evaluate value engineering, scope reductions, and potential additional funding sources.

## **EQUITY PLATFORM**

The data provided were gathered and assembled during the preparation of technical studies in support of the EIR for the project in 2021. Of a total project catchment population of 3.3 million, over 1 million people (32%) reside in census tracts categorized as SB 535 Disadvantaged Communities (DACs). 58% of the total catchment area population live in census tracts defined as AB 1550 Low-Income Communities. An additional 6% live in areas defined as Low-Income Buffer census tracts. Of the 11 cities and communities of Los Angeles County that this project will provide increased service to, nine are Equity Focus Communities. The project improves mobility and

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economic opportunities for the most disadvantaged and low-income communities in North LA County and large populations experiencing environmental burdens and/or living in low-income communities from Sylmar/San Fernando station to LAUS. The AVL project will serve North LA County, which is very ethnically diverse, more so than the Metrolink system as a whole. For example, the AVL has the highest percent of African American riders (19%). Overall, 73% of Metrolink North LA County riders are non-Caucasian, vs. 66% systemwide. It should be noted that the Antelope Valley Line has the lowest percent of riders with annual household income over \$50,000 at 65% as compared to the systemwide average of 80%.

Once completed, the project will increase regional accessibility to employment opportunities along the AVL corridor, and in the jobs-rich downtown area, as well as access to employment opportunities throughout the Metrolink and Metro transit system. All design options were created, added, refined, and now fully integrated into the Final EIR through public engagement. The overall project budget is anticipated to support around 2,900 new full-time jobs. At project completion, ridership (based on average weekday boarding) is expected to increase to 22,800 in 2028 compared to the 7,000 recorded in 2019 for the AVL. The projected increase in ridership reduces congestion and air pollution in adjacent disadvantaged communities associated with high roadway passenger and freight volumes on I-5 and SR-14. The AVL Project will reduce 590,199 metric tons of CO2 equivalent (MTCO2e).

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Recommendation supports strategic plan goals of the Metro Vision 2028 Strategic Plan:

Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. The incremental service and proposed infrastructure projects improve LA County's overall transit network and assets.

Goal 4: Transform LA County through regional collaboration and national leadership. The goal was achieved by partnering with Metrolink, North County Transportation Coalition and the local jurisdictions to implement the Antelope Valley Line Service and Capacity Improvement Project as directed by the Board under motion 5.1.

### **ALTERNATIVES CONSIDERED**

The board can elect not to certify the Final EIR, approve the project exemptions or adopt the findings and statement of overriding considerations, as well as the MMRP. However, this action is not recommended as it would jeopardize the Project schedule which, according to the state grant award workplan, is to be constructed by or before 2028. The current schedule has final design award in 2022 through Metrolink procurement. Delaying the Project would delay these efforts and could increase project capital costs.

### **NEXT STEPS**

Upon Board approval, staff will file the Notice of Determination and/or Notice of Exemption for the

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Project with the Los Angeles County Clerk and State of California Clearinghouse. Staff will complete the environmental work for the Antelope Valley Line Service and Capacity Improvement Project and transition all future phases of project development to Metrolink. Metrolink will continue all the design and construction work on the Antelope Valley Line Service and Capacity Improvement Project.

## **ATTACHMENTS**

Attachment A - Findings of Fact and Statement of Overriding Considerations

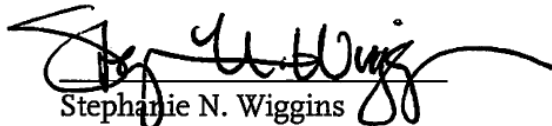
Attachment B - Mitigation Monitoring and Reporting Plan

Attachment C - Board Motion 5.1

Prepared by: Brian Balderrama, Deputy Executive Officer, Program Management, (213) 418-3177

Jeanet Owens, Senior Executive Officer, Regional Rail, (213) 418-3189

Reviewed by: Bryan Pennington, Chief Program Management Officer, (213) 922-7449



Stephanie N. Wiggins  
Chief Executive Officer

CEQA Findings of Fact  
and  
Statement of Overriding Considerations

Pursuant to CEQA Guidelines Section 15091 and  
Public Resources Code Section 21081

Antelope Valley Line  
Capacity and Service Improvements Program

December 2021



In Association with:

Mott MacDonald Group, Inc.	Paleo Solutions, Inc.
Terry A. Hayes Associates Inc.	Zephyr UAS, Inc.
Cross Spectrum Acoustics, Inc.	Leyland Saylor Associates
Watearth, Inc.	

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## ABBREVIATIONS/ACRONYMS

AVL	Antelope Valley Line
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CO	Carbon Monoxide
CRHR	California Register of Historical Resources
dBA	A-weighted Scale
EIR	Environmental Impact Report
GHG	Greenhouse Gas
LAUS	Los Angeles Union Station
Metro	Los Angeles County Metropolitan Transportation Authority
NO <sub>x</sub>	Nitrogen
NPDES	National Pollution Discharge Elimination System
O <sub>3</sub>	Ozone
PM <sub>10</sub>	Respirable Particulate Matter Ten Microns or Less in Diameter
PM <sub>2.5</sub>	Fine Particulate Matter 2.5 Microns or Less in Diameter
PRC	Public Resources Code
ROW	Right-of-Way
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SCORE	Southern California Optimized Rail Expansion
SCRRA	Southern California Regional Rail Authority
SWPPP	Stormwater Pollution Prevention Plan
TCR	Tribal Cultural Resource
UPRR	Union Pacific Railroad
USFWS	U.S. Fish & Wildlife Services
VMT	Vehicle Mile Traveled
VOC	Volatile Organic Compound

## 1. INTRODUCTION

The Antelope Valley Line (AVL) Capacity and Service Improvement Program (Proposed Project) qualifies for a statutory exemption from the California Environmental Quality Act (CEQA) granted by the State legislature. In particular, the Proposed Project is statutorily exempt from CEQA under Section 21080 (b)(10) of the California Public Resources Code (PRC) (also found in State CEQA Guidelines [Title 14 California Code Regulations, § 15000 et seq], Section 15275(b), Specified Mass Transit Projects), which provides that CEQA does not apply to:

*A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including the modernization of existing stations and parking facilities.*

The Proposed Project is a project for the institution or increase of passenger and commuter services on rail already in use, including the modernization of existing stations and parking facilities. Therefore, the Proposed Project is exempt from CEQA under PRC Section 21080(b)(10) and CEQA Guidelines Section 15275(b). The Los Angeles County Metropolitan Transportation Authority (Metro) has nevertheless elected to prepare an Environmental Impact Report (EIR) in the interest of comprehensively addressing community and stakeholder concerns and in an effort to provide a clear record of the potential environmental impacts of the Proposed Project. It also provides mitigation measures to address potential impacts to decision-makers and the public.

Metro followed a prescribed process, in accordance with CEQA regulations, to identify the issues to be analyzed in the EIR, including the solicitation of input from the public, stakeholders, elected officials, and other affected parties. Implementation of the Proposed Project would result in significant and unavoidable environmental impacts related to air quality, greenhouse gas emissions and construction-period noise and vibration, even with the incorporation of certain mitigation measures as part of the Proposed Project's approval. Section, 5. Environmental Impacts Found to be Significant and Unavoidable, below provides greater detail on the Proposed Project's significant and unavoidable environmental impacts. The statement of overriding considerations in Section 10.0 of this document identifies economic, social, technical, and other benefits of the Proposed Project that override any significant and unavoidable environmental impacts that would result from the Proposed Project. In accordance with CEQA, Metro, in adopting these Findings of Fact, also adopts a Mitigation Monitoring and Reporting Program (MMRP). Metro finds that the MMRP, which is included in Chapter 4 of the Proposed Project's Final EIR and is provided as Attachment B to the December Metro Board Report, meets the requirements of Public Resources Code (PRC) Section 21081.6 by providing for the implementation and monitoring of measures to mitigate potentially significant effects of the Proposed Project.

In accordance with the CEQA Guidelines, Metro adopts these findings as part of the approval of the Proposed Project. Pursuant to PRC Section 21082.1(c)(3) and CEQA Guidelines Section 15090, Metro certifies the Final EIR:

- 1) Has been completed in compliance with the CEQA;

- 2) Was presented to the Metro Board of Directors and the Board considered the information contained therein prior to approving the Proposed Project; and
- 3) Reflects Metro's independent judgment and analysis.

## **2. ORGANIZATION**

The CEQ Findings of Fact and Statement of Overriding Considerations is comprised of the following sections:

- Section 1. Introduction to the Proposed Project and Final EIR
- Section 2. Organization of this document
- Section 3. A brief description of the Proposed Project and its objectives
- Section 4. Statutory requirements of the findings and a record of proceedings
- Section 5. Significant environmental impacts of the Proposed Project that cannot be mitigated to a less-than-significant level even with the identification and incorporation of all feasible mitigation measures
- Section 6. Potentially significant environmental impacts of the Proposed Project that can be mitigated to a less-than-significant level
- Section 7. Environmental impacts that are less than significant or have no impact
- Section 8. Findings regarding alternatives
- Section 9. Findings regarding mitigation measures
- Section 10. Statement of Overriding Considerations

## **3. PROJECT DESCRIPTION AND OBJECTIVES**

The AVL plays a critical role in connecting communities in North Los Angeles County to Los Angeles Union Station (LAUS) and the cities in between. Prior to the Coronavirus Disease 19 (COVID 19) pandemic, the AVL carried the third highest ridership in Metrolink's commuter rail system and was responsible for removing approximately one million weekday automobile trips from the region's roadways a year. Consistent with the State Rail 20240 Plan and Metrolink's Southern California Optimized Rail Expansion (SCORE) program, and in anticipation of substantial population and employment growth in the North Los Angeles County region over the next 20 years, Metro seeks to improve rail service on the AVL to realize its full potential as a regional mobility enhancement and not just a peak-hour commuter service. Accordingly, the AVL Capacity and Service Improvement Program (Proposed Project) seeks to:

- Provide regular and more frequent Metrolink services to improve regional connectivity and accessibility through the enabling of 30-minute bi-directional passenger rail service to the Santa Clarita Valley and 60-minute bi-directional service to Lancaster along the AVL corridor.

- Improve passenger service reliability and efficiency on the AVL rail corridor.
- Provide necessary infrastructure improvements to enhance operational flexibility and reliability along the AVL corridor.
- Support the vision and goals for rail service in the region consistent with the California State Rail 2040 Plan and Metrolink's SCORE program.

The Proposed Project involves the construction of three capital improvements which would provide the capacity required to allow Metrolink commuter rail service to increase along the AVL to 30-minute bi-directional headways between Los Angeles Union Station (LAUS) and the Santa Clarita Valley and up to 60-minute bi-directional headways between the Santa Clarita Valley and the Lancaster Terminal by the year 2028. The three capital improvements include the Balboa Double Track Extension located in the City of Los Angeles, the Canyon Siding Extension located in the City of Santa Clarita, and the Lancaster Terminal Improvements located in the City of Lancaster.

The three capital improvements are described below, with two of the capital improvements having options for alternate station platform configurations, which are proposed to provide additional flexibility for future operation. Construction of each capital improvement and their associated options, as well as the operational impacts of increased Metrolink service, have been assessed in the EIR:

- **Balboa Double Track Extension.** The Balboa Double Track Extension would extend the existing double track approximately 6,300 feet north from Balboa Boulevard to Sierra Highway in the City of Los Angeles. This would provide operational capacity for Metrolink to schedule more regular services, especially in the off-peak period. Subject to design, retaining structures will be considered to avoid encroachments outside of the right-of-way (ROW).
- **Canyon Siding Extension.** The Canyon Siding Extension would add approximately 8,400 feet of new double track between Soledad Canyon Road and Golden Oak Road in the City of Santa Clarita. This improvement would include a second side-platform at the existing Santa Clarita Station and a new crossover track south of the Station. This new crossover track would be added to facilitate turnback of Metrolink trains at Santa Clarita Station and improve operational flexibility and reliability.
  - *Platform to Platform Pedestrian Undercrossing Design Option* – This design option would provide a grade separated pedestrian undercrossing at Santa Clarita Station to connect the existing platform to the proposed second platform.
  - *Island Platform with Platform to Parking Lot Pedestrian Undercrossing Design Option* – This design option would provide a new island platform (with two platform faces) and would include a grade separated pedestrian undercrossing connecting the Santa Clarita Station parking area to the new island platform.

- **Lancaster Terminal Improvements.** The Lancaster Terminal Improvements would include expansion of the existing train layover facilities by adding one new 1,000-foot-long and two 500-foot-long train storage tracks in the vicinity of the existing Lancaster Station in the City of Lancaster with provisions for fueling.
  - *Island Platform with Pedestrian Undercrossing Design Option* – This design option would provide an island platform with two platform faces at Lancaster Station and a grade separated pedestrian undercrossing (tunnel) to provide access to the new platform.
  - *Island Platform with Pedestrian Overcrossing Design Option* – This design option would provide an island platform with two platform faces at Lancaster Station and a grade separated pedestrian overcrossing (bridge) to provide access to the new platform.
  - *Island Platform with Pedestrian At-Grade Crossing Design Option* – This design option would provide an island platform with two platform faces at Lancaster Station and two at-grade pedestrian crossings at the north and south ends of the new platform.

## 4. STATUTORY REQUIREMENTS

CEQA (PRC Section 21081), and particularly the CEQA Guidelines (Title 14 California Code Regulations Section 15091) require that:

- (a) No public agency shall approve or carry out a project for which a certified EIR identifies one or more significant environmental effects of the Proposed Project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1. Changes or alterations have been required in, or incorporated into, the Proposed Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. (CEQA Finding 1)
  - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CEQA Finding 2)
  - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. (CEQA Finding 3)
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation

measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would otherwise occur with implementation of the Proposed Project. However, mitigation or alternatives are not required if they are infeasible or if the responsibility for modifying the Proposed Project lies with another agency.<sup>1</sup>

For those significant impacts that cannot be mitigated to less-than-significant levels, the lead agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the Proposed Project outweigh the significant impacts on the environment.<sup>2</sup> CEQA Guidelines Section 15093(a) states that, "If the specific economic, legal, social, technological, or other benefits of a Proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" If the adverse environmental effects are considered acceptable, as is the case with the Proposed Project, the lead agency is required to prepare a Statement of Overriding Considerations.

## 4.1 RECORD OF PROCEEDINGS

For purposes of CEQA and the findings set forth herein, the record of proceedings for Metro's decision on the Proposed Project consists of: (a) matters of common knowledge to Metro, including, but not limited to, federal, State, and local laws and regulations; and (b) the following documents which are in the custody of Metro, One Gateway Plaza, Records Management, MS 99-PL-5, Los Angeles, CA 90012:

- Notice of Preparation and other public notices issued by Metro in conjunction with the Proposed Project;
- The Draft EIR dated July 2021, including all associated appendices and documents that were incorporated by reference;

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<sup>1</sup> CEQA Guidelines Section 15091 (a) and (b).

<sup>2</sup> Public Resources Code Section 21081 (b).

- All testimony, documentary evidence, and all correspondence submitted in response to the Proposed Project during the scoping meeting or by agencies or members of the public during the public comment period on the Draft EIR, and responses to those comments (Chapter 3, Response to Comments, of the Final EIR);
- The Final EIR dated November 2021, including all associated appendices and documents that were incorporated by reference;
- The MMRP (Chapter 4, Mitigation Monitoring and Reporting Program, of the Final EIR);
- All findings and resolutions adopted by Metro in connection with the Proposed Project, and all documents cited or referred to therein;
- All final technical reports and addenda, studies, memoranda, maps, correspondence, and all planning documents prepared by Metro or the consultants relating to the Proposed Project;
- All documents submitted to Metro by agencies or members of the public in connection with development of the Proposed Project;
- All actions of Metro with respect to the Proposed Project; and
- Any other materials required by PRC Section 21167.6(e) to be in the record of proceedings.

## **5. ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE**

### **5.1 AIR QUALITY**

The Proposed Project would create a significant impact related to air quality if it were to:

- Conflict with or obstruct implementation of the applicable air quality plan (Operations Only);
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (Operations Only).

**Impact.** Operation of the Proposed Project would generate new air pollutant emissions related to increased locomotive activity. The results of the air quality emissions analysis determined that implementation of the Proposed Project would increase daily regional emissions from rail propulsion within the South Coast Air Quality Management District (SCAQMD) jurisdiction by a maximum of 4.9 pounds of volatile organic compounds (VOC), 138.1 pounds of nitrogen oxides (NO<sub>x</sub>), 231.5 pounds of carbon monoxide (CO), less than a pound of sulfur oxides (SO<sub>x</sub>), 5.9 pounds of particulate matter – less than 10 microns (PM<sub>10</sub>), and 5.7 pounds of particulate matter – less than 2.5 microns (PM<sub>2.5</sub>) and would exceed the regional NO<sub>x</sub> threshold. Accordingly, the Proposed Project would conflict with the SCAQMD 2016 Air Quality Management Plan (AQMP) as the Proposed Project would generate emissions of nitrogen oxides (NO<sub>x</sub>) that would exceed SCAQMD regional thresholds.

Related to cumulatively considerable net increases in criteria pollutants for which the region is non-attainment, emissions of NO<sub>x</sub> contribute to the formation of ozone (O<sub>3</sub>) in the atmosphere through photochemical reactions and are considered ozone precursors. The South Coast Air Basin (SCAB) is designated nonattainment of the O<sub>3</sub> air quality standards at both the federal and

state level. The SCAQMD applies its regional project-level thresholds to its cumulative analysis, and therefore operation of the Proposed Project would result in a significant and unavoidable impact related to cumulatively considerable net increases in Nonattainment pollutants.

### **Mitigation Measures**

No mitigation measures were identified to reduce AVL corridor rail propulsion NO<sub>x</sub> emissions. Therefore, this impact is considered significant and unavoidable.

**Finding.** The application of emerging technologies such as renewable diesel fuel could substantially reduce future emissions. Metrolink is pursuing various emission reduction strategies through separate planning efforts. However, it would be speculative and provide no further informational value to evaluate hypothetical NO<sub>x</sub> emissions scenarios based on a presumed implementation schedule, as Metrolink research efforts are still underway. Metro adopts CEQA Finding 3, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

**Reference.** Section 3.3, Air Quality, of the Draft EIR, pages 3.3-30 through 3.3-42.

## **5.2 GREENHOUSE GAS EMISSIONS**

The Proposed Project would have a significant impact related to climate change and greenhouse gas (GHG) if it would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (Construction and Operation).

The Proposed Project would change long-term GHG emissions by increasing locomotive emissions in the AVL corridor and removing passenger vehicles from the roadway network. The total net annual GHG emissions increase resulting from the Proposed Project relative to existing conditions would be approximately 11,169.5 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) after accounting for the vehicle miles traveled (VMT) reductions and the amortized construction emissions. This estimated annual increase represents a conservative approximation as it does not account for any future enhancements to Metrolink's operations that could substantially reduce carbon dioxide (CO<sub>2</sub>) emissions from rail propulsion. As an example, Metrolink is exploring the potential to rely on renewable diesel fuel for its rail operations, which can achieve up to 80 percent reductions in CO<sub>2</sub> emissions depending on the fuel feedstock. However, implementation of future enhancements is uncertain at this time. As the significance threshold has been established as net-zero emissions, the Proposed Project would result in a significant impact related to direct and indirect GHG emissions.

### **Mitigation Measures**

**GHG-1** The following control techniques shall be included in project specifications and shall be implemented by the construction contractor.

- Prepare a comprehensive inventory list of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) (i.e., make, model, engine year, horsepower, emission rates) that could be used an aggregate of 40 or more hours throughout the duration of construction to demonstrate how the construction fleet is consistent with the requirements of Metro's Green Construction Policy
- Ensure that all construction equipment is properly tuned and maintained
- Minimize idling time to 5 minutes, whenever feasible, which saves fuel and reduces emissions
- Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators.
- Arrange for appropriate consultations with CARB or SCAQMD to determine registration and permitting requirements prior to equipment operation at the site and obtain CARB Portable Equipment Registration with the State or a local district permit for portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, as applicable

**GHG-2** In compliance with Metro's Green Construction Policy, all off-road diesel powered construction equipment greater than 50 horsepower shall comply with USEPA Tier 4 final exhaust emission standards (40 CFR Part 1039). In addition, if not already supplied with a factory-equipped diesel particulate filter, all construction equipment shall be outfitted with best available control technology devices certified by the CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine, as defined by CARB regulations. In addition to the use of Tier 4 equipment, all off-road construction equipment shall be fueled using 100 percent renewable diesel.

Regarding operational activities, no mitigation measures were identified to reduce AVL corridor rail propulsion GHG emissions.

**Finding.** Metro will continue to cooperate with and encourage Metrolink to implement strategies identified in the Metrolink Climate Action Plan to reduce GHG emissions, including those associated with rail propulsion, to meet the CAP's stated targets and goals. However, Metro cannot guarantee Metrolink will successfully attain the emission reductions necessary to reduce the Proposed Project's GHG emissions to net zero. Mitigation Measures **GHG-1** and **GHG-2** would contribute to reductions in GHG construction emissions. No mitigation measures have been identified to significantly reduce operational emissions, which would be the primary source of impactful emissions. Therefore, impacts associated with the Proposed Project's direct and indirect increase in GHG emissions would remain significant and unavoidable. Metro adopts CEQA Finding 3, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

**Reference.** Section 3.8, Greenhouse Gas Emissions, of the Draft EIR, pages 3.8-26 through 3.8-30.

### 5.3 NOISE AND VIBRATION

The Proposed Project would have a significant impact related to noise and vibration if it would:

- Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Construction Only);
- Generate excessive groundborne vibration or groundborne noise levels (Construction Only);

Construction noise predictions for the Balboa Double Track Extension in the City of Los Angeles show there is only one sensitive receiver potentially impacted in the area at 14748 San Fernando Road. Due to the proximity of this receiver to the proposed construction activities, it is predicted this receiver will experience noise exceedances by up to 13 decibels (dBA) during the noisiest construction activities. Construction noise predictions for sensitive receivers near construction activities associated with the Canyon Siding Extension in the City of Santa Clarita show exceedances of the noise limit at several locations, including one commercial building along the western edge of the Canyon Siding Extension site and several residences along the eastern side of the Canyon Siding Extension site. Construction of the Lancaster Terminal Improvements are predicted to result in noise exceedances at two sensitive receiver locations including a commercial building (44738 Sierra Highway) and a homeless shelter (44611 Yucca Avenue).

Regarding construction-related vibration impacts, while the predicted vibration does not reach levels that risk damage to any of the affected receivers described above, vibration levels would exceed the annoyance threshold at one sensitive receiver near the Balboa Double Track Extension site (14748 San Fernando Road), one sensitive receiver near the Canyon Siding Extension site (22840 Soledad Canyon Road), and two sensitive receivers near the Lancaster Terminal Improvements site (44738 Sierra Highway and 44611 Yucca Avenue).

## Mitigation Measures

**NV-1** Metro/MetroLink's contractor shall develop a Noise Control Plan demonstrating how noise criteria would be achieved during construction. The Noise Control Plan shall be designed to follow Metro requirements, include construction noise control measures, measurements of existing noise, a list of the major pieces of construction equipment that would be used, and predictions of the noise levels at the closest noise-sensitive receivers (residences, hotels, schools, churches, temples, and similar facilities). The Noise Control Plan shall be approved by Metro/MetroLink prior to initiating construction. Where the construction cannot be performed in accordance with the local noise ordinances construction noise standards, the contractor would investigate alternative construction measures that would result in lower sound levels. The noise limits for each jurisdiction are shown in the following table, NV-1 Noise Limits.

**NV-1 - Noise Limits**

Land Use	Noise Limit – Daytime <sup>1</sup> L <sub>eq</sub> (dBA)	Noise Limit – Nighttime L <sub>eq</sub> (dBA)
Any Residential – City of Los Angeles	Ambient +5 dBA	Ambient +5 dBA <sup>2</sup>
Single-Family Residential – Santa Clarita and Lancaster	75 <sup>2</sup>	60 <sup>2, 3</sup>
Multi-Family Residential – Santa Clarita and Lancaster	80 <sup>2</sup>	64 <sup>2, 3</sup>
Commercial	85 <sup>2</sup>	n/a <sup>4</sup>

<sup>1</sup> Daytime is defined as follows:

Los Angeles: 7 am – 9 pm (Mon-Fri), 8 am – 6 pm (Sat)

Santa Clarita: 7 am – 7 pm (Mon – Fri), 8 am – 6 pm (Sat)

Lancaster: 7 am – 8 pm (Mon – Sat)

<sup>2</sup> L.A County Code Limit

<sup>3</sup> Recommended limit if written permission is allowed for work outside of the "Daytime" defined hours

<sup>4</sup> Commercial properties are not typically sensitive at night.

The contractor would conduct noise monitoring to demonstrate compliance with contract noise limits. Noise-reducing methods that may be implemented by the contractor include:

- If nighttime construction is planned, a noise variance may be prepared by the contractor, if required by the jurisdiction, that demonstrates the implementation of control measures to achieve noise levels as close to the nighttime limits of the applicable City of Los Angeles, City of Santa Clarita or City of Lancaster standards as possible.
- Use specialty equipment with enclosed engines, acoustically attenuating shields, and/or high-performance mufflers.
- Locate equipment and staging areas away from noise-sensitive receivers.
- Limit unnecessary idling of equipment.
- Install temporary noise barriers, noise control curtains, and/or noise enclosures. This approach can be particularly effective for stationary noise sources such as

compressors and generators. These methods may not be effective for elevated receivers; blocking line-of-sight is necessary.

- Reroute construction-related truck traffic away from local residential streets and/or sensitive receivers.
- Avoid impact pile driving where possible. Where geological conditions permit, the use of drilled piles or a vibratory pile driver is generally quieter.
- Use electric instead of diesel-powered equipment and hydraulic instead of pneumatic tools.
- Where possible, minimize the use of impact devices such as jackhammers and hoe rams, using concrete crushers and pavement saws instead.
- If all conventional noise control measures cannot achieve the noise levels of the applicable City of Los Angeles, City of Santa Clarita or City of Lancaster standards and unavoidable excessive exceedances of the noise limits are predicted, Metro/Metrolink shall offer to temporarily relocate residents to a hotel. The Noise Control Plan shall define excessive exceedance of the noise limits and shall be approved by Metro/Metrolink.

**NV-2** Specific measures to be employed to reduce or mitigate construction vibration impacts shall be developed by the contractor and presented in the form of a Vibration Monitoring Plan as part of the Noise Control Plan. Measurements shall be taken during peak vibration generating construction activities, and the results must be submitted to Metro/Metrolink on a weekly basis.

The following precautionary vibration mitigation strategies should be implemented to minimize the potential for annoyance to occupants in the project area:

- **Alternative Construction Procedures:** If high-vibration construction activities must be performed close to structures, it may be necessary for the contractor to use an alternative procedure that produces lower vibration levels. Examples of high-vibration construction activities include the use of vibratory compaction or hoe rams next to sensitive uses. Alternative procedures include use of non-vibratory compaction in limited areas and a concrete saw in place of a hoe ram to break up pavement.
- **Occupant Temporary Relocation.** When construction or demolition activity must occur very close to the receiver, other less conventional vibration reduction techniques shall be employed. A vibration disturbance coordinator shall be established for affected sensitive occupants regarding vibration annoyance. Vibration levels shall be monitored at the affected uses to determine if vibration levels exceed the vibration annoyance criteria of 0.016 inches per second at residential uses and 0.022 inches per second at commercial uses during construction activity. If construction vibration results in exceedances of the vibration annoyance criteria, occupants shall be temporarily relocated to a hotel during construction times when vibration will be the

greatest and most intrusive. Construction activities in non-residential areas shall be scheduled during non-operational hours of commercial uses.

**Finding.** Implementation of Mitigation Measure **NV-1** would reduce noise levels through various noise reduction methods such as: use of an acoustically attenuating shield. High performance mufflers, temporary noise barriers, and use of electric instead of diesel-powered equipment. It is anticipated that with implementation of Mitigation Measure **NV-1**, impacts at commercial and residential receivers in Santa Clarita would reduce noise levels below the impact thresholds. However, where larger noise exceedances are predicted, mitigation may not reduce noise below impact thresholds, and impacts would be significant and unavoidable. It is anticipated that implementation of Mitigation Measure **NV-2** would reduce noise impacts at the sensitive receiver commercial building along the western edge of the Canyon Siding Extension site in the City of Santa Clarita to less than significant. Where vibration exceedances are predicted, mitigation may not reduce vibration below impact thresholds, and annoyance impacts may be unavoidable. Where unavoidable impacts are predicted, unconventional mitigation measures shall be considered. Unconventional mitigation may be required for the impacted City of Los Angeles residential receivers during construction of the Balboa Double Track Extension and possibly for the impacted Lancaster receivers during construction of the Lancaster Terminal Improvements. For a residential receiver, an unconventional mitigation measure is to relocate the residents to a hotel during construction phases that are loudest and most intrusive. Metro adopts CEQA Finding 3, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

**Reference.** Section 3.10, Noise, of the Draft EIR, pages 3.10-23 through 3.10-35.

## **6. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT WITH MITIGATION**

Metro finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the Proposed Project are significant, but can be reduced to less-than-significant levels through the proposed mitigation measures listed below and in the MMRP. Therefore, as identified in the EIR, changes or alterations which avoid or substantially lessen the significant environmental effects have been required in, or incorporated into, the Proposed Project.

### **6.1 TRANSPORTATION**

The Proposed Project would create a significant impact related to transportation if it were to:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities (Construction Only);

**Impact.** Construction would require the import and export of materials and equipment, and the localized movement of equipment on local streets and highways, particularly in the areas surrounding each of the capital improvements. The additional traffic generated during construction would consist of equipment, employee vehicles, and material deliveries in trucks. In addition,

construction would require temporary lane reductions as well as potential street closures where construction work is proposed within existing at-grade crossings, including Golden Oak Road in the City of Santa Clarita and Lancaster Boulevard in the City of Lancaster.

In addition, construction may affect portions of the AVL mainline track as part of the Balboa Double Track Extension or Canyon Siding Extension improvements and there is potential for construction to result in schedule delays, increased dwell times, and overall decreased performance of the AVL as well as Union Pacific Railroad (UPRR) operations. Similarly, Construction activities associated with the Canyon Siding Extension at the Santa Clarita Station may affect passengers due to temporary access impediments, pedestrian detours, and/or temporary shuttle service to nearby stations. Under the Island Platform design option, it is anticipated that the Santa Clarita Station would be out of service for periods of construction and a shuttle service would be provided.

No construction activities are proposed within an existing bicycle facility such that a designated bike route or lane would be affected by construction. Construction activities at the Golden Oak Road crossing would include restriping adjacent to the bicycle facility along Soledad Canyon Road, as well as installation of chicanes; however, regular use of the bicycle facility east of the Golden Oak Road intersection would not be impeded during construction. Pedestrian and bicycle movements through the Golden Oak Road crossing would be restricted during construction in a similar fashion as vehicle traffic. Similarly, construction of the layover facility associated with the Lancaster Terminal improvements would place restrictions on pedestrian and bicycle movements through the Lancaster Boulevard crossing. Access to and from the existing platform at the Santa Clarita Station would be modified to facilitate construction. Appropriate safety provisions would be required to be in place to minimize disruptions to pedestrian ingress and egress. Pedestrian and bicycle access to the Lancaster Terminal would also be temporarily affected under the Island Platform Design Option.

**Reference.** Section 3.1, Transportation, of the Draft EIR, pages 3.1-21 through 3.1-27. Chapter 2, Corrections and Additions, of the Final EIR, pages 2- 2 through 2-3.

### **Mitigation Measures**

**TR-1** During the final engineering phase and at least 30 days prior to the start of construction of each capital improvement, a construction Traffic Management Plan (TMP) shall be prepared by the contractor for each capital improvement including the Balboa Double Track Extension in the City of Los Angeles, the Canyon Siding Extension in the City of Santa Clarita, and the Lancaster Terminal Improvements in the City of Lancaster. Each TMP shall be reviewed and approved by Metro/Metrolink, City of Los Angeles, City of Santa Clarita, City of Lancaster, and Caltrans, where applicable. The TMP shall identify proposed detour routes, as well as construction traffic routes, including haul truck routes, and preferred delivery/haul-out locations and hours. Lane and/or road closures shall be scheduled in consultation with the local public works departments associated with each capital improvement site to minimize disruptions to community traffic. The nearest local fire responders shall be notified, as appropriate, of traffic control plans, and lane and/or road closures as well as detour routes and construction vehicle routes shall be

coordinated with fire responders to minimize disruptions to emergency response routes. The TMP shall identify pedestrian and bicycle circulation and access detours in and around the affected stations as well as temporary bus stop locations and signage, as applicable.

**TR-2** During final engineering design and prior to construction, Metro/Metrolink shall establish rail operating agreements and/or memoranda with Metrolink and Union Pacific Railroad (UPRR) to outline mutually agreed upon work windows and contractor operating restrictions. Such agreements shall identify performance objectives such as maximum allowed dwell times and/or on-time performance requirements to be achieved throughout construction, and how construction sequencing and railroad operational protocols would be incorporated into applicable construction documents (plans and specifications) and implemented to maintain the mutually agreed upon performance objectives during construction. Prior to construction, Metro/Metrolink and the construction contractor shall prepare detailed construction phasing plans for each phase of construction that identify appropriate means and methods to maintain mutually agreed upon on-time performance objectives while minimizing impacts on pedestrians and passengers at Santa Clarita Station and/or Lancaster Terminal. Prior to construction, Metro/Metrolink and the construction contractor shall also coordinate with current rail operators to establish temporary construction detours for passengers at the Santa Clarita Station and Lancaster Terminal that correspond to detailed construction phasing plans to minimize impacts on passenger transfer times. Detailed construction phasing plans shall be deemed acceptable by Metrolink prior to commencement of construction activities that could affect regular Metrolink operations.

Throughout the duration of construction, Metro/Metrolink shall solicit UPRR's participation, as-needed, in construction coordination meetings to evaluate the efficiency of the measures in place and Metro/Metrolink and the construction contractor shall implement changes to means and methods during construction to ensure the performance objectives are maintained at an acceptable level throughout construction.

**Finding.** The potential impacts would be mitigated through the development of Traffic Management Plans and through the establishment of rail operating agreements with operators on the AVL. Metro finds that, through implementation of Mitigation Measures **TR-1** and **TR-2**, these impacts related to transportation would be reduced to a less-than-significant level. Metro adopts CEQA Finding 1, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

## 6.2 AESTHETICS

The Proposed Project would create a significant impact related to aesthetics if it were to:

- Have a substantial adverse effect on a scenic vista (Construction and Operations);
- In non-urbanized areas, would the Proposed Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized

area, would the project conflict with applicable zoning and other regulations governing scenic quality (Construction Only).

- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Construction Only).

**Impact.** During construction, the Proposed Project would introduce heavy equipment (e.g., loaders, excavators, scrapers), security fencing, barricade materials, stockpiled building materials, and safety and directional signage into the visual environment of the capital improvement sites. These elements would present visually disruptive elements to views of surrounding hillsides and scenic vistas. At the Balboa Double Track Extension site, less than significant impacts would occur since the construction site would be situated at a lower elevation than the I-5 and thus views of the surrounding hills would not be obstructed or otherwise affected. At the Lancaster Terminal Improvements site, there are no scenic vistas available. However, at the Canyon Siding Extension site, views available to residents north of the Santa Clara River and users of the Santa Clara River Trail would be affected by the presence of construction-related equipment and activities. In addition to affecting this scenic vista, construction activities would temporarily alter the visual character of the hillsides from the perspective of residents north of the Santa Clara River and users of the Santa Clara River Trail.

During operations, portions of the hillside within and adjacent to the rail ROW at the Canyon Siding Extension site would be cut into and soil/rock cut slopes would be installed. From the Santa Clara River Trail and residential neighborhood north of the Santa Clara River, the proposed soil/rock cut slopes would be visible. While views of the Santa Susana River would remain unobstructed and undisturbed, views of the undeveloped hillside would be altered by the proposed soil/rock cut slope if no vegetation is planted on the disturbed slopes. In addition to affecting this scenic vista, after the soil/rock cut slopes are installed, the proposed soil/rock cut slopes would be inconsistent with the visual character of the undeveloped hillsides, and sensitive viewers (i.e., residents north of the Santa Clara River and users of the Santa Clara River Trail) would notice this change.

Regarding lighting and glare, most construction activities would occur during daytime hours; however, if necessary, nighttime construction work could potentially increase nighttime light or glare, temporarily affecting visibility and may result in temporary adverse effects related to spillover lighting and glare.

**Reference.** Section 3.2, Aesthetics, of the Draft EIR, pages 3.2-24 through 3.2 -37.

### **Mitigation Measures**

- AES-1** During construction in the City Santa Clarita, the perimeter of construction areas, including but not limited to, staging and laydown areas, shall be screened to shield views of construction activities from the residential neighborhood north of Santa Clara River and the Santa Clara River Trail.

**AES-2** In areas where the slope ratio of the soil/rock cut slopes permits vegetation growth, plants shall be placed on the soil/rock cut slopes. The type of vegetation to be planted shall be consistent with the natural vegetation that is generally associated with the undeveloped hillsides adjacent to the rail right-of-way.

**AES-3** During construction, nighttime construction lighting shall be directed toward the interior of the construction area and shielded with temporary construction screening to limit light spillover into adjacent areas.

**Finding.** The potential impacts would be mitigated by limiting views of most construction activities at the residential neighborhood north of Santa Clara River and the Santa Clara River Trail and by revegetating the hillside upon completion of grading activities at the Canyon Siding Extension Site. To address lighting and glare concerns during nighttime construction activities, potential impacts would be mitigated by limiting construction lighting to the construction areas. For the reasons stated above and as set forth in the EIR, Metro finds that, through implementation Mitigation Measures **AES-1**, **AES-2**, and **AES-3**, these impacts related to aesthetics would be reduced to less-than-significant. Metro adopts CEQA Finding 1, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

## 6.3 BIOLOGICAL RESOURCES

The Proposed Project would create a significant impact related to biological resources if it were to:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (Construction Only);
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service (Construction Only);
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (Construction Only);
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (Construction Only);
- Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance (Construction Only); and

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (Construction Only).

**Impact.** Though the majority of the Proposed Project improvements would be constructed within the existing AVL ROW, some natural areas still exist primarily in open space areas immediately outside of the existing ROW. Such habitats have the potential or are known to support sensitive plant and animal species. Construction activities have the potential to disturb wildlife due to vegetation removal and construction equipment moving through the capital improvement sites. Certain species of birds are protected by the Migratory Birds Treaty Act (MBTA) and California Fish and Game Code from removal or destruction of an active nest (defined as a nest with eggs or young being attended by one or more adults) or direct mortality or injury of individual birds. In addition to birds, removal of vegetation, trees, and construction activities occurring on or around bridge structures such as Interstate 5 (I-5), as proposed under the Balboa Double Track Extension, has the potential to disturb bat species or roosts.

Construction activities have the potential to affect special-status wildlife species by removing habitat, disturbing breeding and/or foraging, or by causing injury and/or mortality. Such special-status species may include coastal California gnatcatcher, least Bell's vireo, Santa Ana sucker, unarmored threespine stickleback, San Diego desert woodrat, coastal whiptail, and western spadefoot toad, among others. While biological surveys conducted at the three capital improvement sites did not identify presence of any special-status species, the potential exists for these species to be present or to utilize areas affected by the Proposed Project for habitat, breeding and foraging.

Additionally, there is potential for special-status plant species and sensitive plant communities to be present on the capital improvement sites or their surroundings. The removal of special-status plant species may cause adverse effects on sensitive natural communities important to the State of California. Similarly, construction activities can contribute dust, construction-related chemicals such as fuels and refuse, and run-off from the construction site can accumulate within water courses or other areas supporting riparian vegetation or other sensitive plant communities, particularly in low-lying areas along edges of the AVL ROW. There is one identified western Joshua tree located approximately 280 feet east of the Lancaster Terminal Station platform at the intersection of Yucca Avenue and Milling Street. On September 22, 2020, the California Fish and Game Commission determined that listing western Joshua tree as threatened under the California Endangered Species Act may be warranted. While no construction activities are anticipated at this location, movement of construction equipment and personnel near the western Joshua tree has the potential to disturb the root zone and soils supporting the tree potentially resulting in impacts to the tree's health and seedbank. Potential impacts would be most likely under any of the proposed Island Platform design options as construction work would occur along the existing station platform, within 250 feet of the tree.

Southern California black walnut trees have been observed along the slopes adjacent to the Balboa Double Track Extension site and coast live oak trees are present along the south side of

the Canyon Siding Extension site near the Santa Clarita Station platform. The California Department of Fish and Wildlife considers both California walnut groves and coast live oak woodland to be sensitive natural communities. Grading activities at both locations have the potential to require removal of these sensitive trees which are part of sensitive natural communities.

There are multiple riverine and freshwater pond features within the vicinity of the capital improvement sites, including one riverine feature that demonstrates indicators of wetland presence adjacent to the Balboa Double Track Extension site. None of these features contain state or federally protected wetlands. However, construction activities have the potential to result in hydrological interruption through the inadvertent disturbance of water features associated with grading activities.

**Reference.** Section 3.4, Biological Resources, of the Draft EIR, pages 3.4-7 through 3.4-19. Chapter 2.0, Corrections and Additions, of the Final EIR, pages 2-3 through 2-21.

### **Mitigation Measures**

**BIO-1** Vegetation removal shall be conducted outside of the bird nesting season (nesting typically occurs between February 1 through September 30) to the extent feasible. If vegetation removal cannot be conducted outside of the nesting season, a Metro-approved qualified bird biologist shall conduct preconstruction surveys to locate active nests within seven days prior to vegetation removal in each area with suitable nesting habitat. If nesting birds are found during preconstruction surveys, an exclusionary buffer (150 feet for passerines and 500 feet for raptors) suitable to prevent nest disturbance shall be established by the biologist. The buffer may be reduced based on species-specific and site-specific conditions as determined by the qualified biologist. This buffer shall be clearly marked in the field by construction personnel under the guidance of the biologist, and construction or vegetation removal shall not be conducted within the buffer until the biologist determines that the young have fledged or the nest is no longer active.

If work occurs on existing bridges with potential nest sites that will be removed or will have modifications to the substructure, these should be conducted between February 1 and September 30. All bird nests shall be removed prior to February 1. Immediately prior to nest removal, a qualified biologist shall inspect each nest for the presence of torpid bats, which are known to use old swallow nests.

Nest removal shall be conducted under the guidance and observation of a qualified biologist. Removal of nests on bridges that are under construction shall be repeated as frequently as necessary to prevent nest completion unless a nest exclusion device has already been installed. Nest removal and exclusion device installation shall be monitored by a qualified biologist. Such exclusion efforts shall be continued to keep the structures free of birds until October or the completion of construction.

A biological monitor shall be present during all ground-disturbing activities to ensure no impacts occur to nesting birds during nesting bird season (mid-March to mid-May), if applicable, as well as to ensure minimal impacts to other plant and animal species.

**BIO-2**

To avoid impacts to nesting birds, Metro/Metrolink shall submit to the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) a Nesting Bird Management, Monitoring, and Reporting Plan for review and approval prior to commencement of Proposed Project construction activities during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). The Nesting Bird Management, Monitoring, and Reporting Plan should include the following:

- Nest survey protocols describing the nest survey methodologies, including the following:
  - A management plan describing the methods to be used to avoid nesting birds and their nests, eggs, and chicks;
  - A monitoring and reporting plan detailing the information to be collected for incorporation into a regular Nest Monitoring Log (NML) with sufficient details to enable USFSW and CDFW to monitor Metro/Metrolink's compliance with California Fish and Game Code Sections 3503, 3503.5, 3511, and 3513;
  - A schedule for the submittal (usually weekly) of the NML;
  - Standard buffer widths deemed adequate to avoid or minimize significant project related edge effects (disturbance) on nesting birds and their nests, eggs, and chicks;
  - A detailed explanation of how the buffer widths were determined; and
  - All measures the applicant will implement to preclude birds from utilizing project related structures (i.e., construction equipment, facilities, or materials) for nesting.
- Preconstruction nesting bird surveys shall be completed within 72 hours of construction-related activities and implement appropriate avoidance measures for identified nesting birds. To determine the presence of nesting birds that the project activities may affect, surveys should be conducted beyond the Project Area - 300 feet for passerine birds and 500 feet for raptors. The survey protocols should include a detailed description of methodologies utilized by CDFW-approved avian biologists to search for nests and describe avian behaviors that indicate active nests. The protocols should include but are not limited to the size of the Project Area being surveyed, method of search, and behavior that indicates active nests. Each nest identified in the Project Area should be included in the NML.

The NMLs should be updated daily and submitted to the CDFW weekly. Since the purpose of the NMLs is to allow the CDFW to track compliance,

the NMLs should include information necessary to allow comparison between nests protected by standard buffer widths recommended for the Proposed Project (300 feet for passerine birds, 500 feet for raptors) and nests whose standard buffer width was reduced by encroachment of project-related activities. The NMLs should provide a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. The NMLs will allow for tracking the success and failure of the buffers and will provide data on the adequacy of the buffers for certain species. The applicant(s) will rely on its avian biologists to determine the appropriate standard buffer widths for nests within the Project Area to employ based on the sensitivity levels of specific species or guilds of avian species. The determination of the standard buffer widths should be site- and species-/guild-specific and data-driven and not based on generalized assumptions regarding all nesting birds.

- The determination of the buffer widths should consider the following factors:
  - Nesting chronologies;
  - Geographic location;
  - Existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise);
  - Type and extent of disturbance (e.g., noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations proximate to tern colonies are known to make the ground-nesting birds flush the nests);
  - Visibility of disturbance;
  - Duration and timing of disturbance;
  - Influence of other environmental factors; and
  - Species' site-specific level of habituation to the disturbance. Application of the standard buffer widths should avoid the potential for project-related nest abandonment and failure of fledging, and minimize any disturbance to the nesting behavior. If project activities cause or contribute to a bird being flushed from a nest, the buffer must be widened.

### BIO-3

Prior to tree removal or demolition activities, Metro/Metrolink shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites within buildings to be demolished or trees to be removed. The surveys can be conducted by visual identification and can assume presence of hoary and/or pallid bats or the bats can be identified to a species level with the use of a bat echolocation detector such as an "Anabat" unit. If no roosting sites or bats are found, a letter report confirming absence shall be sent to the CDFW and no further mitigation is required. If roosting sites or hoary bats are found, then the following monitoring and exclusion, and habitat replacement measures shall be implemented.

If bats are found roosting outside of nursery season (nursery season typically occurs between May 1 through October 1), then they shall be evicted as described below. If bats are found roosting during the nursery season, then they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. A 250-foot (or as determined in consultation with CDFW) buffer zone shall be established around the roosting site within which no construction or tree removal shall occur.

Eviction of bats shall be conducted using bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with CDFW that allow the bats to exit the roosting site but prevent re-entry to the site. This would include, but not be limited to, the installation of one-way exclusion devices. The devices shall remain in place for seven days and then the exclusion points and any other potential entrances shall be sealed. This work shall be completed by a BCI-recommended exclusion professional. The exclusion of bats shall be timed and carried concurrently with any scheduled bird exclusion activities.

Each roost lost (if any) will be replaced in consultation with the California Department of Fish and Game and may include construction and installation of BCI-approved bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the structures may be removed or sealed.

- BIO-4** A revegetation plan will be developed by a qualified biologist to guide the restoration of native vegetation temporarily or permanently impacted by project implementation.
- BIO-5** Limits of disturbance will be staked during construction activities to ensure that impacts to the Project Area are minimized, and staking will stay in place until final site stabilization.
- BIO-6** If construction must occur during nighttime hours, lighting that produces a green colored beam with an automatic sensor shall be utilized.
- BIO-7** Metro/Metrolink shall retain a qualified biologist with a gnatcatcher survey permit. The qualified biologist shall survey the Project site and adjacent areas to determine presence/absence of gnatcatcher. The qualified biologist shall conduct surveys according to USFWS Coastal California Gnatcatcher (*Polioptila californica californica*) Presence/Absence Survey Guidelines. The protocol shall be followed

for all surveys unless otherwise authorized by the USFWS in writing. Gnatcatcher surveys shall be conducted and USFWS notified (per protocol guidance) prior to starting any Project construction and activities within and adjacent to California coastal gnatcatcher habitat.

Where Project construction and activities would occur within and/or adjacent to California coastal gnatcatcher habitat, no work shall occur from February 15 through August 31.

There shall be no clearing, removing, or cutting any California coastal gnatcatcher habitat.

If California coastal gnatcatcher habitat is identified within the construction footprint of any of the capital improvement sites, Metro/Metrolink shall provide compensatory mitigation for loss of any California coastal gnatcatcher habitat at no less than a 2:1. Mitigation lands shall occur within the same watershed, and support California coastal gnatcatcher habitat of similar vegetation composition, density, coverage, and species richness and abundance.

**BIO-8**

Prior to Proposed Project construction activities at the Balboa Double Track Extension site, a qualified biologist shall conduct protocol surveys for least Bell's vireo. All riparian areas and any other potential least Bell's vireo habitat shall be surveyed at least eight times during the period from April 10 to July 31. Survey results, including negative findings, shall be submitted to CDFW and USFWS within 45 calendar days following the completion of protocol-level surveys. If least Bell's vireo is detected, no construction work, including staging, mobilization, and site preparation, shall occur during the least Bell's vireo nesting season (April 10 to July 31). No habitat supporting least Bell's vireo shall be removed at any time.

If least Bell's vireo is detected and work must occur during the least Bell's vireo nesting season for the duration of the Proposed Project, and/or if habitat supporting least Bell's vireo needs to be removed, Metro/Metrolink shall seek appropriate take authorization under the California Endangered Species Act. Metro/Metrolink shall obtain a permit from California Department of Fish and Wildlife prior to starting any Project construction and activities.

**BIO-9**

There shall be no impacts on western Joshua trees and seedbank. Access to the Lancaster Terminal Improvements site shall not be allowed from Yucca Avenue/West Milling Street. No activities shall occur within a 250-foot radius of the western Joshua tree to avoid impacts to the tree and potential seedbank. This shall include no site access, vehicle parking, staging areas, refueling, and any activities that may result in ground disturbance. If necessary, Metro/Metrolink shall seek appropriate take authorization under the California Endangered Species Act before starting any construction and activities where impacts to the western Joshua tree and seedbank cannot be avoided.

**BIO-10** At least one year prior to starting any Proposed Project construction and activities, a qualified biologist shall conduct season appropriate pre-Project presence/absence fish surveys and habitat at the Balboa Double Track Extension site. Surveys shall be performed by a qualified biologists with an appropriate Scientific Collecting Permit. Also, surveys shall be performed in consultation and coordination with CDFW. If a California Endangered Species Act (CESA) and/or Endangered Species Act (ESA)-listed fish species is detected and impacts on those fish and habitat cannot be avoided, Metro/Metrolink shall consult with CDFW and/or USFWS to obtain necessary permits for take of CESA and/or ESA-listed fish species. Metro/Metrolink shall have a permit from CDFW and/or USFWS prior to starting any Proposed Project construction and activities.

If a Species of Special Concern is detected and impacts on those fish and habitat cannot be avoided, Proposed Project construction and activities shall only occur after fish are relocated in accordance with a CDFW-approved Fish Species Relocation Plan. Metro/Metrolink, in consultation with a qualified biologist shall prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Proposed Project site (either way, at least 200 feet from the work area). Special status wildlife shall be captured only by a qualified biologist with proper handling permits.

**BIO-11** At least one year prior to starting any Proposed Project construction and activities, a CDFW-approved biologist shall conduct focused surveys for unarmored threespine stickleback where there is potential habitat at the Canyon Siding Extension site and any locations within the Canyon Siding Extension site that is hydrologically connected to the Santa Clara River. Surveys shall be performed by a qualified biologist with appropriate Scientific Collecting Permit. Also, surveys shall be performed in consultation and coordination with CDFW. Survey results, including negative findings, shall be provided to CDFW.

Metro/Metrolink shall coordinate with CDFW if unarmored threespine stickleback is found. If unarmored threespine stickleback is found, Metro/Metrolink shall fully avoid all impacts to unarmored threespine stickleback and habitat supporting this California Fully Protected species. No work shall be performed when water is present in tributaries supporting unarmored threespine stickleback. Also, no dewatering of tributaries shall be performed at any time as draining water and reducing water levels could strand, injure, or cause mortality of unarmored threespine stickleback.

**BIO-12** During final design and at least one year prior to construction, a qualified biologist with access to the rail right-of-way, shall conduct a field assessment within the

Balboa Double Track Extension and Canyon Siding Extension sites. The assessment shall include an inventory of observable plant and animal species, mapping and characterization of on-site habitats, and an evaluation of each site's potential to support special status species. Presence/absence surveys shall be conducted for special status plants, San Diego desert woodrat, coastal whiptail, western spadefoot toad, arroyo toad, silvery legless lizard, coast horned lizard, as well as small mammals, and bats. Results of the field assessment shall be provided to CDFW. In consultation with CDFW, the qualified biologist shall make recommendations for the avoidance of any identified species including but not limited to additional preconstruction surveys, capture and relocation of terrestrial species by a qualified biologist with proper scientific collection and handling permits, additional restrictions on construction equipment and/or means, and application for appropriate take authorization.

**BIO-13**

Riparian zones within the three capital improvement sites shall be protected through control of invasive plant species. All construction vehicles and heavy equipment shall be washed (including treads, wheels, and undercarriage) prior to delivery to the Project site to minimize weed seeds entering the construction area via vehicles. Slope stabilization and replanting materials used during construction shall be certified as weed-free. Invasive plant species (such as giant reed) located on the Proposed Project site shall be removed during construction. Invasive plant species shall be removed using best management practices that contain and properly dispose of the species' seeds and plant materials (which may reproduce asexually). Transport of any invasive plant material offsite shall be stored in securely covered containers or vehicles and disposed of at facilities that shall properly eliminate the ability of these materials to grow or colonize new areas.

**BIO-14**

In areas where riparian features are below upland features, a qualified biologist shall determine if any disturbance would occur in upland areas such that runoff could affect wetlands or riparian habitat. If riparian features are identified in locations that may be subject to construction-relate runoff, the qualified biologist shall identify these areas, clearly delineate sensitive site conditions on-site, and recommend best management practices for the control of runoff including but not limited to:

- Minimizing the extent of disturbed areas and duration of exposure;
- Stabilizing and protecting disturbed areas;
- Keeping runoff velocities low;
- Retaining sediment within the construction area;
- Use of silt fences or straw wattles;
- Temporary soil stabilization;
- Temporary drainage inlet protection;
- Temporary water diversion around the immediate work area; and

- Minimizing debris from construction vehicles on roads providing construction access.

**BIO-15** Metro/Metrolink shall provide no less than 2:1 ratio for direct impacts on streams and associated riparian plant community. Metro/Metrolink shall provide additional mitigation for impacts on riparian plant communities that have a State Rarity Ranking of S1 and S2 and an additional ranking of 0.1 and 0.2 to be determined through consultation with California Department of Fish and Wildlife and/or Department of Fish and Wildlife, as applicable.

**BIO-16** Metro/Metrolink shall replace no less than three trees for every one southern California black walnut and coast live oak tree that is removed.

**BIO-17** Metro/Metrolink shall create or restore no less than one acre for every one acre of impact on a sensitive plant community. Metro/Metrolink shall create or restore no less than two acres for impacts on a sensitive plant community that consists of heritage-sized trees, vigorous trees, or seedlings/saplings. Mitigation shall be provided on lands within the same watershed as the area impacted. The density of trees at the mitigation site shall be at least the same as the density of trees in the habitat that was impacted. The mitigation site shall also provide the same understory species as found in the impacted area.

**BIO-18** To prevent inadvertent disturbance to areas outside the limits of grading, all grading shall be monitored by a biologist. A Metro-approved Project Biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities.

The following shall be completed:

- The Project Biologist shall perform the monitoring duties before, occasionally during, and after construction. The Project Biologist shall perform the following duties:
  - Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);
  - Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading;
  - Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;
  - Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;

- Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;
- Be present during initial vegetation clearing, grubbing, and grading;
- Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earthmoving activities; and
- To address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan.

**BIO-19**

To comply with the state and federal regulations for impacts to “waters of the United States and state,” the following agency permits are required, or verification that they are not required shall be obtained.

- The following permit and agreement shall be obtained, or provide evidence from the respective resource agency that such an agreement or permit is not required:
  - A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board (RWQCB) and the United States Army Corps of Engineers (USACE) for all project-related disturbances of waters of the United States and/or associated wetlands.
  - A Section 1602 Streambed Alteration Agreement (LSA) issued by the CDFW for all project related disturbances of any streambed.
    - If required, the Streambed Alteration Agreement notification shall include the following information and analyses:
      1. Quantification of the linear feet of streams and area of associated riparian vegetation that would be impacted.
      2. An analysis providing information on whether impacts to streams within the immediate project area could cause impacts downstream where there is hydrologic connectivity;
      3. A hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to provide information on how water and sediment is conveyed through the Project site;
      4. A scour analysis demonstrating that stream banks, bed, and channel would not erode and be impaired (e.g., aggrade, incised) as a result of Project activities;
      5. An analysis demonstrating that the Project would not impact stream underflow supporting riparian vegetation;
      6. Identification, analysis, and discussion of potential impacts on streams and associated vegetation as a result of upland Project construction and activities;
      7. Specific activities and actions Metro/Metrolink proposes to take to mitigate for impacts on streams and riparian vegetation,

specifically, actions to control invasive plants and animals and reintroducing native biota;

8. A complete description of routine maintenance activities that may be required for the life of the Project including measures to avoid impacts on streams and riparian vegetation during routine maintenance activities occurring for the life of the Project; and
9. Protocol survey results (see Mitigation Measures **BIO-7** through **BIO-12**), including negative findings, shall be included as part of the LSA Notification. Survey reports shall include information on habitat within the Project site and whether the Project would impact habitat supporting those species.

- Documentation: Metro/Metrolink shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this Proposed Project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required for compliance.
- Timing: Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits.
- Monitoring: Metro/Metrolink shall review the permits/agreement for compliance with this condition. Copies of these permits should be implemented on the grading plans.

#### **BIO-20**

Preconstruction surveys for protected trees (native trees four inches or more in cumulative diameter, as measured at 4.5 feet above the ground level, that are subject to protection under any relevant tree protection ordinance, shall be conducted by a registered consulting arborist with the American Society of Consulting Arborists at least 120 days prior to construction. The locations and sizes of all protected trees shall be identified prior to construction and overlaid on project footprint maps. The registered consulting arborist shall prepare a Protected Tree Report and shall submit three copies to the relevant local jurisdiction. Any protected trees that must be removed due to project construction shall be replaced at a 2:1 ratio (or up to a 4:1 ratio for protected trees on private property) except when the protected tree is relocated on the same property, the relevant local agency has approved the tree for removal, and the relocation is economically reasonable and favorable to the survival of the tree. Each replacement tree shall be at least a 15-gallon specimen, measuring one inch or more in diameter, one foot above the base, and shall be at least seven feet in height measured from the base.

#### **BIO-21**

Protect trees that will possibly receive impacts to the root system by restricting root cuts to the outer region of the roots using a distance formula recommended by the International Society of Arboriculture. Adjust utility relocations to avoid as many tree trunks and root clusters as possible and eliminate direct impacts/removal of trees.

Hand digging the root protection zones will reduce indirect impacts to the root systems.

- BIO-22** Provide temporary supplemental irrigation to existing trees during construction, as necessary.
- BIO-23** Replace all impacted trees that cannot be saved with trees of the same genus, species, and variety (if applicable) as the tree that is removed. Replacement trees shall be locally sourced from within the same watershed and not from a supplier. Replacement trees shall come from a local native plant nursery that implements Phytophthora/Clean Nursery Stock protocols
- BIO-24** Determine proven methods of stabilizing the existing landscape to minimize disturbances beyond the area of cut and fill.
- BIO-25** Consider “Geo-cell” type planted retaining wall stabilization structures if they can be planted with native chaparral seed.
- BIO-26** Provide compost to hold moisture in the soil. Utilize watering bags for the establishment period.
- BIO-27** All tree material, especially tree material infected with pests, pathogens, and diseases, shall be left on site, chipping the material for use as ground cover or mulch.

**Findings.** The potential impacts would be mitigated by requiring qualified biologists to conduct site surveys including focused/protocol surveys both during final design and prior to construction, restricting vegetation removal activities to outside of bird nesting and bat roosting seasons, monitoring construction activities, obtaining proper permits, and by providing compensatory or replacement mitigation for removed sensitive plant communities. For the reasons stated above and as set forth in the EIR, Metro finds that, through implementation of Mitigation Measures **BIO-1** through **BIO-27**, these impacts related to biological resources would be reduced to a less-than-significant level. Metro adopts CEQA Finding 1, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

## 6.4 CULTURAL RESOURCES

The Proposed Project would create a significant impact related to cultural resources if it were to:

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (Construction Only).

**Impact.** The Proposed Project is located within the existing railroad alignment that has been subject to disruption by development activities. Surficial archaeological resources that may have existed have likely been displaced or destroyed. However, there is the possibility that ground-disturbing activities during the excavation of the cut slopes and addition of retaining walls could impact previously undiscovered prehistoric or archaeological resources. Additional

excavation activities at the Santa Clarita Station associated with the Platform to Platform Pedestrian Undercrossing, Island Platform with Platform to Parking Lot Pedestrian Undercrossing, and Island Platform with Pedestrian Undercrossing Design Options present further risk of impact to these resources.

**Reference.** Section 3.5, Cultural Resources, of the Draft EIR, pages 3.5-12 through 3.5-14. Section 2.0, Corrections and Additions, of the Final EIR, pages 2-21 through 2-24.

## Mitigation Measures

**CUL-1** Mitigation Measure **CUL-1** pertains specifically to archaeological involvement. The involvement of the Fernandeano Tataviam Band of Mission Indians and Gabrieleno Band of Mission Indians – Kizh Nation (Consulting Tribes) is detailed in Mitigation Measure **TCR-1**. For the purposes of Mitigation Measures **CUL-1** and **TCR-1**, ground disturbing activities include, but are not limited to, excavation, trenching, grading, and drilling.

Prior to issuance of grading permits for each capital improvement site, a qualified archeologist, meeting the Secretary of the Interior's Standards shall be retained to serve as Project Archaeologist to develop and supervise the archaeological monitoring program.

Prior to commencement of any grading activities on site, the Program Archaeologist shall prepare a Cultural Resources Monitoring Plan (CRMP). The CRMP shall be reviewed by the Lead Agency. The Consulting Tribes shall also be provided an opportunity to review and comment on the CRMP. The CRMP should include at a minimum: (1) the roles and responsibilities of the Program Archaeologist, archaeological monitor, and Native American monitor; (2) the definition of an Environmentally Sensitive Area (ESA) around the previously-identified prehistoric resources adjacent to the Canyon Siding Extension capital improvements area, (3) a description of monitoring procedures; (4) a description of the frequency of monitoring (e.g., full-time, part-time, spot checking); (5) a description of what types of resources may be encountered; (6) a description of circumstances that would result in the halting of work at the program site (e.g., what is considered a "significant" archaeological site); (7) a description of procedures to follow when a resource is encountered including curation procedures agreed upon by the Consulting Tribes; (8) communication/notification protocols; and (9) a description of monitoring reporting procedures.

At the commencement of construction, an archaeologist shall provide a Worker Environmental Awareness Program (WEAP) training for all earth moving personnel and their supervisors. WEAP materials shall be developed and distributed to construction personnel over the lifetime of the Program. The Program shall inform personnel of the types of artifacts and features that may be encountered, the procedures to be followed if archaeological materials are unearthed during Program

excavation, contact information for the archaeological and Consulting Tribe personnel, and the regulatory requirements for the protection of archaeological resources including penalties for violations.

The archaeological monitors shall be present for all ground-disturbing activities in native soil (i.e., undisturbed, non-fill sediments) within the Balboa Double Track Extension and Lancaster Terminal Improvements sites. Within the Canyon Siding Extension site, the archaeological monitor shall be present for all ground-disturbing activities within the ESA, including those in disturbed fill sediments. During ground-disturbing activities outside of the ESA within the Canyon Siding Extension site, archaeological monitoring shall be limited to ground-disturbing activities within native soil only.

All archaeological monitors, working under the supervision of the Project Archaeologist, shall have construction monitoring experience and be familiar with the types of historical and prehistoric resources that could be encountered. A sufficient number of archaeological monitors shall be present each workday to ensure that simultaneously-occurring ground-disturbing activities receive thorough levels of monitoring coverage. The Project Archaeologist shall have the ability to recommend, with written and photographic justification, the reduction or termination of monitoring efforts to the Lead Agency (i.e., Metro), and should the Lead Agency and the Consulting Tribes concur with this assessment, then monitoring shall be reduced or ceased.

If an inadvertent discovery of archaeological materials is made during project-related construction activities, the archaeological monitors shall have the authority to halt ground-disturbing activities within 50 feet of the resource(s) and an ESA physical demarcation shall be constructed. The Project Archaeologist and Lead Agency shall be notified regarding the discovery. If prehistoric or potential tribal cultural resources (TCRs) are identified within disturbed or native sediments, the Consulting Tribes shall be notified. The procedures outlined in a CRMP shall then be implemented.

**Finding.** The potential impacts would be mitigated by requiring a qualified archeologist to oversee construction activities. Metro finds that, through implementation of Mitigation Measure **CUL-1**, this impact related to cultural resources would be reduced to a less-than-significant level. Metro adopts CEQA Finding 1, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

## 6.5 GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES

The Proposed Project would create a significant impact related to geology, soils, and paleontological resources if it were to:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:

- Strong seismic ground shaking (Construction Only);
- Seismic-related ground failure, including liquefaction (Construction Only); and/or
- Landslides (Construction Only).
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potential result in on- or off-site landslide (Construction Only).
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Construction Only).

**Impact.** The Proposed Project is located in a geologically active region prone to earthquakes, liquefaction, seismically-induced slope failure, and landslides. All three of the capital improvement sites lie within an Alquist-Priolo Earthquake Zone and cross multiple major earthquake fault zones. The Balboa Double Track Extension site is intersected by the San Fernando and Santa Susana faults within the Sierra Madre Fault Zone; to the south of the Balboa Double Track Extension site lies the Mission Hills Fault Zone and Northridge Fault. The Canyon Siding Extension site is intersected by the Honor Rancho section of the San Gabriel Fault Zone. Major earthquake fault zones underlay other portions of the AVL outside of the capital improvement sites, including the Soledad Fault and the Mojave Section of the San Andreas Fault Zone. The Balboa Double Track Extension site and the Canyon Siding Extension site are both within areas that are susceptible to landslides and debris flows.

Regarding paleontological resources, there is potential for excavation activities associated with construction of the capital improvements and design options to unearth or destroy unique paleontological or geologic features and without mitigation, the Proposed Project would result in a significant impact on paleontological resources.

**Reference.** Section 3.7, Geology and Soils, of the Draft EIR, pages 3.7-26 through 3.7-31 and pages 3.7-35 through 3.7-36.

### **Mitigation Measures**

**GEO-1** Prior to the construction of the Proposed Project, Metro/Metrolink shall develop a geotechnical design report to address geological, seismic, and soil-related constraints encountered by the Proposed Project construction. The Proposed Project shall be designed based on the latest versions of local and State building codes and regulations in order to construct seismically-resistant structures that help counteract the adverse effects of ground shaking. During final design, site-specific geotechnical investigations shall be performed at the sites where structures are proposed within liquefaction-prone designated areas. The investigations shall include exploratory soil borings with groundwater measurements. The exploratory soil borings shall be advanced, as a minimum, to the depths required by local and State jurisdictions to conduct liquefaction analyses. Similarly, the investigations shall include earthquake-induced settlement analyses of the dry substrata (i.e., above the groundwater table). The investigations shall also include seismic risk solutions to be incorporated into final design (e.g., deep foundations, ground improvement, remove and replace, among others) for those areas where liquefaction potential may be

experienced. The investigation shall include stability analyses of slopes located within earthquake-induced landslide areas and provide appropriate slope stabilization measures (e.g., retaining walls, slopes with shotcrete faces, slopes re-grading, among others). The geotechnical investigations and design solutions shall follow the “Guidelines for Evaluating and Mitigating Seismic Hazards in California” Special Publication 117A of the California Geologic Service, as well as Metro’s Design Criteria and the latest federal and State seismic and environmental requirements.

- PAL-1** Full-time paleontological monitoring shall be implemented when Saugus Formation (QTs, Tsr), Pico Formation (Tps, Tp), Towsley Formation (Ttos), or older sedimentary deposits (Qog, Qoa) are impacted. Excavations into artificial fill (af) and younger sedimentary deposits (Qf, Qyfc, Qa, Qg) shall be initially spot-checked during excavations that exceed depths of 5 feet to check for underlying, paleontologically sensitive older sedimentary deposits. If it is determined that only artificial fill (af), modern alluvial fan deposits (Qf), younger alluvial fan deposits (Qyfc), alluvial gravel, and clay of valley areas (Qa), or stream channel deposits (Qg) are impacted, the monitoring program may be reduced or suspended.
- PAL-2** Prior to construction, a Paleontological Resources Impact Mitigation Program (PRIMP) shall be prepared that provides detailed recommended monitoring locations; a description of a paleontological resources worker environmental awareness program to inform construction personnel of the potential for fossil discoveries and of the types of fossils that may be encountered; detailed procedures for monitoring, fossil recovery, laboratory analysis, and museum curation; and notification procedures in the event of a fossil discovery by a paleontological monitor or other project personnel. A curation agreement from the NHMLA, or another accredited repository, shall also be obtained prior to excavation in the event that paleontological resources are discovered during the construction phase of the Proposed Project.

**Finding.** The potential impacts related to strong seismic ground shaking, liquefaction, and landslides would be mitigated by designing the Proposed Project elements according to State and local building codes. Potential impacts to paleontological resources would be mitigated by requiring a qualified paleontologist to oversee Proposed Project construction activities. For the reasons stated above and as set forth in the EIR, Metro finds that, through implementation of Mitigation Measures **GEO-1**, **PAL-1**, and **PAL-2** these impacts related to geology, soils, and paleontological resources would be reduced to a less-than-significant level. Metro adopts CEQA Finding 1, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

## 6.6 HAZARDS AND HAZARDOUS MATERIALS

The Proposed Project would create a significant impact related to hazards and hazardous materials if it were to:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Construction Only);
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Construction Only);
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (Construction Only);
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment (Construction Only).

**Impact.** Construction activities would use and generate hazardous waste. Hazardous materials would include, but are not limited to vehicle fuels, asphalt/concrete, lubricants, epoxy resins, drilling fluids, and paints. The use of these materials, including their routine transport and disposal, carries the potential for an accidental release into the local environment. Although typical construction management practices limit and often eliminate the risk of such accidental releases, the extent and duration of the Proposed Project construction presents a possible risk to the environment, through the routine transport of hazardous materials.

There is potential for contaminated soil and groundwater, aerially deposited lead, presence of lead-based paints, presence of asbestos containing materials, and various historic uses that handled or stored hazardous materials within the vicinity of the capital improvement sites. Disturbances of soil, soil vapor, or groundwater during construction at known, potential, or historical concern sites would potentially result in the upset of hazardous materials into the environment and presenting potential for significant impacts. Disturbance of these concern sites could create a health risk to construction workers and nearby residents or the public during construction. In addition, the Balboa Double Track Extension site is located within a known Methane Zone and Methane Buffer Zone. There is potential for ground disturbing activities such as track removal and grading to result in the release of methane vapor presenting potential risks of explosion. Notably, portions of the Canyon Siding Extension site are located within the historic boundaries of the Whitaker-Bermite Facility, which is included in the Cortese List of hazardous materials sites compiled pursuant to Government Code Section 65962.5. There is higher potential for soil contamination and hazardous material release impacts during construction at this site.

**Reference.** Section 3.9, Hazards and Hazardous Materials, of the Draft EIR, pages 3.9-18 through 3.9-25.

## Mitigation Measures

**HAZ-1** Prior to the start of construction, the contractor shall provide Metro/Metrolink with an industrial waste management plan and/or a waste and hazardous materials management plan, such as a plan defined in Title 19 California Code of Regulations or a Spill Prevention, Control, and Countermeasure Plan. These plans shall be completed to Metro/Metrolink contractor specifications and will identify the responsible parties and outline procedures for hazardous waste and hazardous materials worker training, certifications, handling, storage, and transport during construction of the Proposed Project. The plan shall specify how the contractor will handle and manage wastes onsite, including:

- Prescribe BMPs to follow to prevent hazardous material releases and cleanup of any hazardous material releases that may occur
- Comply with the SWRCB Construction CWA Section 402 General Permit conditions and requirements for transport, labeling, containment, cover, and other BMPs for storage of hazardous materials during construction.

During construction, the contractor shall comply with applicable federal and state regulations that consider hazardous material handling and storage practices, such as RCRA, CERCLA, the Hazardous Materials Release Response Plans and Inventory Law, and the Hazardous Waste Control Act.

**HAZ-2** Prior to the start of construction, the construction contractor shall retain a qualified environmental consultant to prepare a Soil Management Plan, Soil Reuse Management Plan, Groundwater Management Plan, and/or Soil, Soil Vapor, and Groundwater Management Plan. These plans shall be completed to Metro/Metrolink's contractor specifications and submitted to Metro/Metrolink prior to any ground-disturbing activities for the Proposed Project. Alternatively, soil, soil vapor, and/or groundwater plans shall be prepared separately and then compiled together as a Soil, Soil Vapor, and Groundwater Management Plan.

**HAZ-3** Consistent with Metro's standard practice, prior to the start of construction, the contractor shall provide Phase I Environmental Site Assessments (ESAs) in accordance with standard American Society for Testing and Materials (ASTM) methodologies, to assess the land use history of each parcel that would be acquired for the Proposed Project. The determination of parcels that require a Phase II ESA (i.e., soil, groundwater, soil vapor subsurface investigations) shall be evaluated after the Phase I ESAs have been completed and would be based on the results of the Phase I ESAs. Specifically, if the Phase I ESAs identify suspected contamination in the soil, soil vapor, or groundwater; a Phase II ESA shall be conducted to determine whether the suspect contamination had resulted in soil, groundwater, or soil vapor contamination exceeding regulatory action levels.

If the Phase II ESA concludes that the site is impacted, remediation or corrective action (e.g., removal of contamination, in-situ treatment, capping) shall be conducted prior to or during construction under the oversight of federal, state, and/or local agencies (e.g., United States Environmental Protection Agency (USEPA), Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), Los Angeles County) and in full compliance with current and applicable federal and state laws and regulations. Additionally, Voluntary Cleanup Agreements shall be used for parcels where remediation or long-term monitoring is necessary.

**HAZ-4** The Balboa Double Track Extension shall be designed in accordance with the City of Los Angeles Municipal Code, Chapter IX, Building Regulations, Article 1, Division 71, Methane Seepage Regulations, as amended by the City of Los Angeles Methane Ordinance (No. 175790). Specific requirements shall be determined according to actual methane levels and pressures measured along the Affected Area, and the specific requirements shall be incorporated into the design and construction.

**Finding.** The potential impacts would be mitigated by ensuring that any accidental spills or releases of hazardous materials are managed properly, hazardous wastes or known contaminated materials are disposed of properly, unknown environmental concerns are identified prior to ground disturbance, and concerns related to the presence of methane gas in the Balboa Double Track Extension site are addressed through design solutions in accordance with the City of Los Angeles requirements. For the reasons stated above and as set forth in the EIR, Metro finds that, through implementation of Mitigation Measure **HAZ-1** through **HAZ-4**, these impacts related to hazards and hazardous materials would be reduced to a less-than-significant level. Metro adopts CEQA Finding 1, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

## 6.7 TRIBAL CULTURAL RESOURCES

The Proposed Project would create a significant impact related to tribal cultural resources if it were to:

- Cause a substantial adverse change in the significance of a tribal cultural resource, listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) (Construction Only); and/or
- Cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe (Construction Only).

**Impact.** The Project corridor was identified by Mr. Andrew Salas of the Kizh Nation as a Tribal Cultural Resource (TCR); however, the TCR has not been listed or determined eligible for the

California Register of Historic Resources (CRHR) or any local register. Additionally, it is assumed that an abundance of materials and artifacts are buried in the Project Area, including unmarked burials along the entire AVL corridor based on ethnographic accounts documenting the traditional ancestral territory of the Fernandeano Tataviam Band of Mission Indians. The Proposed Project is located within an urbanized area and has been subject to disruption by development activities associated with the railroad and surrounding urban uses. As a result of previous development activities, surficial archaeological resources and any above-ground tribal cultural resources that may have existed have likely been displaced or destroyed. Considering the stated sensitivity of the Project Area with regard to the assumed presence of materials, artifacts, and unmarked burials along the AVL corridor, there is the possibility that ground-disturbing activities could impact previously undiscovered buried tribal cultural resources of historical significance.

**Reference.** Section 3.11, Tribal Cultural Resources, of the Draft EIR, pages 3.11-8 through 3.11-10. Section 2.0, Corrections and Additions, of the Final EIR, pages 2-24 through 2-28.

### Mitigation Measures

**TCR-1** Mitigation Measure **CUL-1** pertains specifically to archaeological involvement. The involvement of the Fernandeano Tataviam Band of Mission Indians and Gabrieleno Band of Mission Indians – Kizh Nation (Consulting Tribes) is detailed in Mitigation Measure **TCR-1**. For the purposes of the Mitigation Measures **CUL-1** and **TCR-1**, ground disturbing activities include, but are not limited to, excavation, trenching, grading, and drilling.

In addition to the Program Archaeologist and archaeological monitor (See Mitigation Measure **CUL-1**), a Native American monitor from the Consulting Tribes shall be retained to monitor earth-moving activities. Native American monitoring shall be conducted on a rotational basis between the Consulting Tribes (Fernandeano Tataviam Band of Mission Indians and Gabrieleno Band of Mission Indians – Kizh Nation) during these construction activities, and attendance is ultimately at the discretion of the Consulting Tribes.

Prior to commencement of any grading activities on site, the Program Archaeologist shall prepare a Cultural Resources Monitoring Plan (CRMP). The CRMP shall be reviewed by the Lead Agency and Consulting Tribes. The CRMP should include at a minimum: (1) the roles and responsibilities of the Program Archaeologist, archaeological monitor, and Native American monitor; (2) the definition of an Environmentally Sensitive Area (ESA) around the previously-identified prehistoric resources adjacent to the Canyon Siding Extension capital improvements area, (3) a description of monitoring procedures; (4) a description of the frequency of monitoring (e.g., full-time, part-time, spot checking); (5) a description of what types of resources may be encountered; (6) a description of circumstances that would result in the halting of work at the program site (e.g., what is considered a “significant” archaeological site); (7) a description of

procedures to follow when a resource is encountered including curation procedures agreed upon by the Consulting Tribes; (9) communication/notification protocols; and (8) a description of monitoring reporting procedures.

At the commencement of construction, an archaeologist and Native American representatives from the Consulting Tribes shall provide a Worker Environmental Awareness Program (WEAP) training for all earth moving personnel and their supervisors. WEAP materials shall be developed and distributed to construction personnel over the lifetime of the Program. The Program shall inform personnel of the types of artifacts and features that may be encountered, the procedures to be followed if archaeological materials are unearthed during program excavation, contact information for the archaeological and Consulting Tribe personnel, and the regulatory requirements for the protection of archaeological resources including penalties for violations.

The Native American monitor shall be present for all ground-disturbing activities in native soil (i.e., undisturbed, non-fill sediments) within the Balboa Double Track Extension and Lancaster Terminal Improvements sites. Within the Canyon Siding Extension site, the Native American monitor shall be present for all ground-disturbing activities within the ESA, including those in disturbed fill sediments. During ground-disturbing activities outside of the ESA within the Canyon Siding Extension site, Native American monitoring shall be limited to ground-disturbing activities within native soil only. A sufficient number of Native American monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.

If an inadvertent discovery of archaeological materials is made during program-related construction activities, the Native American monitor shall have the authority to halt ground disturbing activities within 50 feet of the resource(s) and an ESA physical demarcation shall be constructed. The Program Archaeologist, Lead Agency, and Consulting Tribes shall be notified regarding the discovery. The procedures outlined in CRMP shall then be implemented.

**Finding.** The potential impacts would be mitigated by ensuring that tribal monitors from Consulting Tribes monitor ground disturbing activities associated with construction of the Proposed Project and that any tribal cultural resources discovered during construction of the Proposed Project would be properly assessed and preserved. For the reasons stated above and as set forth in the EIR, Metro finds that, through implementation of Mitigation Measure **TCR-1**, this impact related to tribal cultural resources would be reduced to a less-than-significant level. Metro adopts CEQA Finding 1, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

## 6.8 HYDROLOGY AND WATER QUALITY

The Proposed Project would create a significant impact related to hydrology and water quality if it were to:

- Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality (Construction Only).
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would (Construction Only):
  - Result in substantial erosion or siltation on- or off-site;
  - Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
  - Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
  - Impede or redirect flood flows.
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Operations Only).

**Impact.** Construction of the Proposed Project could result in temporary changes in grades and drainage patterns, discharge of pollutants into surface waters, exposure of soils to stormwater and erosive conditions. In addition, temporary dewatering may be required. Similarly, there is potential for contaminated groundwater to be encountered during construction of the Proposed Project, in particular, the Canyon Siding Extension.

Operations associated with the Lancaster Terminal Improvements would include vehicle wash facilities that would discharge wastewater into the local sewer system. If vehicle cleaning operations are not managed properly, there is potential for a significant impact related to water quality standards and waste discharge requirements. The proposed layover facility is subject to the IGP (Order No. 2014-0057-DWQ), which regulates industrial discharges into municipal sewer systems.

**Reference.** Section 3.12, Hydrology and Water Quality, of the Draft EIR, pages 3.12-11 through 3.12-17.

### Mitigation Measures

**WQ-1** During construction, Metro/Metrolink shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the provisions of the National Pollution Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (CGP) (Order No. 2009-0009-DWQ, NPDES No. CAS000002) and any subsequent amendments (Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ), as

they relate to Proposed Project construction activities within the Balboa Double Track Extension, Canyon Siding Extension, and/or Lancaster Terminal Improvements sites. Construction activities shall not commence until a waste discharger identification number is received from the Stormwater Multiple Application and Report Tracking System. The contractor for each capital improvement site shall implement all required aspects of the SWPPP during Proposed Project construction.

**WQ-2** Metro/Metrolink shall comply with the NPDES Waste Discharge Requirements for MS4 Discharges within the Coastal Watersheds of Los Angeles County (Order No. 2012-0175, NPDES No. CAS004001), effective December 28, 2012 (known as the Phase I Permit) and NPDES General Permit for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (NPDES No. CAS000004), as applicable. This post-construction requirement shall apply to each of the capital improvement sites. Metro/Metrolink shall prepare a final Low Impact Design (LID) report in accordance with the applicable local LID Manual. These include the City of Los Angeles Planning and Land Development Handbook for Low Impact Development, May 9, 2016 and the County of Los Angeles Department of Public Works Low Impact Development Standards Manual, February 2014. The LID report shall identify the required BMPs to be in place prior to project operation and maintenance.

**WQ-3** In the event that groundwater is encountered during excavation, the construction contractor for each capital improvement site where groundwater is present shall comply with the provisions of the General Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2013-0095, NPDES Permit No. CAG994004), effective July 6, 2013 (known as the Dewatering Permit) or NPDES General Permit for Limited Threat Discharges to Surface Waters (Order No. R6T-2014-009, NPDES Permit No. CAG996001), as they relate to discharge of non-stormwater dewatering wastes. The two options to discharge shall be to the local storm drain system and/or to the sanitary sewer system, and the contractor shall obtain a permit from the RWQCB and/or the City of Los Angeles, respectively.

**WQ-4** In the event that groundwater is encountered during excavation associated with Canyon Siding Extension, the contractor shall comply with the provisions of the General Waste Discharge Requirements for Discharges of Treated Groundwater from Investigation and/or Cleanup of VOC Contaminated Sites to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2013-0043, NPDES Permit No. CAG914001), effective April 7, 2013 (known as the Dewatering Permit for contaminated sites), for discharge of non-stormwater dewatering wastes from contaminated sites impacted during construction. The two options to discharge shall be to the local storm drain system and/or to the sanitary

sewer system, and the contractor shall require a permit from the RWQCB and/or the City of Santa Clarita, respectively.

**WQ-5** Metro/Metrolink shall comply with the NPDES General Permit for Stormwater Discharges Associated with Industrial Activities (IGP; Order No. 2014-0057-DWQ, NPDES No. CAS000001) for demolished, relocated, or new industrial-related properties impacted by the project. This shall include preparation of industrial SWPPP(s), as applicable.

**Finding.** The potential impacts would be mitigated by ensuring that proper permits and associated stormwater pollution prevention plans are prepared and acquired prior to construction. For the reasons stated above and as set forth in the EIR, Metro finds that, through implementation of Mitigation Measures **WQ-1** through **WQ-5**, these impacts related to hydrology and water quality would be reduced to a less-than-significant level. Metro adopts CEQA Finding 1, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

## **7. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT OR NO IMPACT**

CEQA does not require findings to be adopted for impacts that are determined to be less than significant or no impact. Table 7-1 identifies the environmental impacts found to be less than significant or no impact.

Table 7-1. Environmental Impacts Found to be Less than Significant or No Impact.

Environmental Resource Area	Appendix G Threshold	Impact Determination
Transportation	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	Operation – Less-than-Significant Impact
	Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact
	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact
	Result in inadequate emergency access	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact
Aesthetics	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact
	In non-urbanized areas, would the Proposed Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality	Operations – Less-than-Significant Impact
	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area	Operations – Less-than-Significant Impact
Air Quality	Conflict with or obstruct implementation of the applicable air quality plan	Construction – Less-than-Significant Impact
	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.	Construction – Less-than-Significant Impact
	Expose sensitive receptors to substantial pollutant concentrations.	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact
	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact

Environmental Resource Area	Appendix G Threshold	Impact Determination
Biological Resources	A substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service	Operations – Less-than-Significant Impact
	A substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service	Operations – Less-than-Significant Impact
	A substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means	Operations - No Impact
	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites	Operations – Less-than-Significant Impact
	Conflict with any local policies or ordinance protecting biological resources, such as tree preservation policy or ordinance	Operations – Less-than-Significant Impact
	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan	Construction – Less-than-Significant Impact Operations – No Impact
Cultural Resources	Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5	Construction –No Impact Operations – No Impact
	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5	Operations – No Impact
	Disturb any human remains, including those interred outside of dedicated cemeteries	Construction –Less-than-Significant Impact Operations – No Impact
Energy	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact
	Conflict with or obstruct a State or local plan for renewable energy or energy efficiency	Construction – Less-than-Significant Impact Operations – No Impact

Environmental Resource Area	Appendix G Threshold	Impact Determination
Geology, Soils, and Paleontological Resources	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: <ul style="list-style-type: none"> <li>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to division of Mines and Geology Special Publication 42</li> <li>ii. Strong seismic ground shaking.</li> <li>iii. Seismic-related ground failure, including liquefaction.</li> <li>iv. Landslides.</li> </ul>	Operations – Less-than-Significant Impact
	Result in substantial soil erosion or the loss of topsoil	Operations – No Impact
	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse	Operations – Less-than-Significant Impact
	Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property	Operations – Less-than-Significant Impact
	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater	Construction No Impact Operations – No Impact
	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	Operations – No Impact
Greenhouse Gas Emissions	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	Construction – Less-than-Significant Impact
	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact

Environmental Resource Area	Appendix G Threshold	Impact Determination
Hazards and Hazardous Materials	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials	Operations – Less-than-Significant Impact
	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment	Operations – Less-than-Significant Impact
	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school	Construction – Less-than-Significant Impact Operations – No Impact
	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment	Operations – Less-than-Significant Impact
	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Proposed Project result in a safety hazard or excessive noise for people residing or working in the project area	Construction – No Impact Operations – No Impact
	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact
Noise and Vibration	Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies	Operations – Less-than-Significant Impact
	Result in excessive ground-borne vibration or ground-borne noise levels	Operations – Less-than-Significant Impact
	For a project located within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels	Construction – No Impact Operations – No Impact

Environmental Resource Area	Appendix G Threshold	Impact Determination
Hydrology and Water Quality	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact
	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: <ul style="list-style-type: none"> <li>Result in substantial erosion or siltation on- or off-site;</li> <li>Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</li> <li>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</li> <li>Impede or redirect flood flows?</li> </ul>	Operations – Less-than-Significant Impact
	Be located in a flood hazard, tsunami, or seiche zones, thus risk release of pollutants due to project inundation	Construction – Less-than-Significant Impact Operations – Less-than-Significant Impact
Agriculture and Forestry Resources	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use Conflict with existing zoning for agricultural use, or a Williamson Act contract Conflict with existing zoning for, or cause rezoning of, Forest Land (as defined in PRC Section 12220(g)), Timberland (as defined by PRC 4526), or timberland-zoned Timberland Production (as defined by CGC Section 51104(g)) Result in the loss of forest land or conversion of forest land to non-forest use Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of Forest Land to non-forest use	Construction – No Impact Operations – No Impact
Land Use and Planning	Physically divide an established community Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect	Construction – No Impact Operations – No Impact

Environmental Resource Area	Appendix G Threshold	Impact Determination
Mineral Resources	<p>Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.</p> <p>Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.</p>	<p>Construction – No Impact</p> <p>Operations – No Impact</p>
Population and Housing	<p>Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).</p> <p>Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.</p>	<p>Construction – No Impact</p> <p>Operations – No Impact</p>
Public Services	<p>Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</p> <ul style="list-style-type: none"> <li>i. Fire Protection</li> <li>ii. Police Protection</li> <li>iii. Schools</li> <li>iv. Parks</li> <li>v. Other Public Facilities</li> </ul>	<p>Construction – No Impact</p> <p>Operations – No Impact</p>
Recreation	<p>Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.</p> <p>Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</p>	<p>Construction – No Impact</p> <p>Operations – No Impact</p>

Environmental Resource Area	Appendix G Threshold	Impact Determination
Utilities and Service Systems	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects	Construction – Less-than-significant Impact Operations – No Impact
	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years	Construction – No Impact Operations – Less-than-significant Impact
	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments  Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals  Comply with federal, state, and local management and reduction statutes and regulations related to solid waste	Construction – No Impact Operations – No Impact
Wildfire	Substantially impair an adopted emergency response plan or emergency evacuation plan  Exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire  Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment  Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes	Construction – No Impact Operations – No Impact

## 8. FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

The following alternatives to the Proposed Project were considered during preparation of the EIR:

- No Project Alternative
- Hourly Service-Only Alternative

### 8.1 ALTERNATIVE 1 - NO PROJECT ALTERNATIVE

The No Project Alternative would include the Brighton to Roxford Double Track Project in the Cities of Burbank, Los Angeles and San Fernando and the Link US Project in addition to other transportation and land use projects listed in Chapter 5, Cumulative Impact Analysis, of the Draft EIR. The Brighton to Roxford Double Track Project would provide nine miles of track through the single-track portion of Metro’s Valley Subdivision Railway, which includes the AVL. The Brighton to Roxford Double Track Project would provide capacity and safety improvements along this portion of the AVL and allow for more efficient and reliable Metrolink operations. The Link US Project would reconfigure the existing Union Station rail yard and will potentially allow regional one-seat trips from Ventura County and the Antelope Valley, to San Bernardino and San Diego counties. This would provide operational benefits for AVL trains arriving at LAUS. The Link US Project will also provide capacity to meet demand from the future California High-Speed Rail project.

Under the No Project Alternative, existing (pre-COVID 19) Metrolink service would be maintained with some improvement in reliability and operational flexibility afforded by other capital improvements along the AVL such as the Brighton to Roxford Double Track Project. Metrolink timetables, particularly off-peak service may be adjusted in the future based upon changes in demand and operational flexibility afforded by related projects on the corridor. The planned late-night trips on Friday and Saturday would be added to the AVL schedule consistent with Phase 1 of the Metro Board-approved Motion (File #2019-0571) supporting funding and planning for the Proposed Project. No construction activities would be required to implement these late-night trips. Peak service improvements would be limited to providing longer train consists (i.e., five-car consists rather than four-car consists) to alleviate crowding on existing trains; however, peak-hour crowding has not been an issue historically, and the degree to which existing peak-hour train consists could be lengthened is limited by existing station platform lengths, storage track capacity, and rolling stock limitations.

#### 8.1.1 Finding

While the impacts associated with the Proposed Project would be avoided under the No Project Alternative, Metro finds that the No Project Alternative is infeasible because it would fail to meet

any of the project objectives. Metro adopts CEQA Finding 3, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

### **8.1.2 Facts in Support of Finding**

#### **Aesthetics**

The No Project Alternative would not include physical changes to the existing AVL or its surroundings. This alternative would not result in permanent alterations to existing hillsides or other visual resources and existing views of and around the AVL would remain unaffected. Existing station platforms including the Santa Clarita Station and Lancaster Terminal would remain unchanged with no potential to affect views or scenic resources along the AVL. Impacts would be less than those of the Proposed Project, which were determined to be less-than-significant with mitigation measures.

#### **Air Quality**

The No Project Alternative includes the existing transportation network and land use developments that generate air pollutant emissions. Without the Proposed Project, mobile sources and land uses would continue to generate pollution. However, there is no specific action associated with the No Project Alternative that would cause an impact. Modest reduction in passenger vehicle use could be realized under the No Project Alternative as the AVL would continue to provide commuter rail service with some capacity to meet growing ridership. There would be no potential to conflict with or obstruct air quality plans, result in a cumulatively considerable net increase of a criteria pollutant, expose sensitive receptors to substantial pollutant concentrations, or result in other emissions such as odors that could adversely affect a substantial number of people. The No Project Alternative would not result in a significant impact related to construction or operational activities. No construction impacts would result from the No Project Alternative and while the alternative would not have the same level of improvement to regional mobile source emissions, the ongoing operation of the AVL contributes to air quality improvements consistent with regional and local air quality plans. Since Metrolink service would not increase under the No Project Alternative impacts associated with diesel locomotive, emissions would be less than those of the Proposed Project, which were determined to be significant and unavoidable due to an exceedance of SCAQMD regional thresholds for NO<sub>x</sub>. No impact on air quality would result from the No Project Alternative.

#### **Biological Resources**

The No Project Alternative would not include physical changes to the existing AVL or its surroundings that could affect biological resources. This alternative would not result in the removal of trees or other vegetation in the open space and undeveloped areas either within the AVL ROW or its surroundings. The No Project Alternative would not impact terrestrial habitat, riparian habitat, or wetlands. This alternative would not impact candidate, sensitive, or special status species or impede the movement of wildlife. There would be no potential to conflict with policies or ordinances protecting biological resources or conflict with conservation plans. The No Project Alternative would not result in a significant impact related to biological resources. Impacts would be less than or equal to those of the Proposed Project, which were determined to be less than significant with mitigation for construction activities and no impact for operational activities.

### **Cultural Resources**

The No Project Alternative would not include physical changes to the existing AVL or its surroundings that could affect cultural resources. This alternative would not result in ground disturbance, acquisition, and/or modification of cultural resources along the AVL. There would be no potential for construction or operational activities to disturb historic or archaeological resources. The No Project Alternative would not result in a significant impact related to cultural resources. This impact would be less than what was identified for the Proposed Project, which was determined to be less-than-significant with mitigation.

### **Energy**

The No Project Alternative includes the existing transportation network and land use developments that consume transportation fuels, electricity, and natural gas. Without the Proposed Project, mobile sources and land uses would continue to use transportation fuels at existing levels. However, there is no specific action associated with the No Project Alternative that would cause an impact. There would be no potential to create impacts related to fuel consumption or conflicts with renewable energy or energy efficiency plans. The No Project Alternative would not result in a significant impact related to construction or operational activities. Construction impacts would be less than those of the Proposed Project, which were determined to be less than significant for construction.

A consequence of the No Project Alternative would be that Metro would not be able to improve regional transit ridership to the degree it would improve under the Proposed Project. It is anticipated that expansion of Metrolink service along the AVL would reduce regional vehicle miles traveled by making Metrolink service a more attractive mode of transportation through the provision of more frequent and reliable service. While existing AVL service would be able to accommodate some future regional growth in ridership, the potential VMT reduction associated with the No Project Alternative would be minimal as only one additional late-night train on Fridays and Saturdays would be added to AVL service under the No Project Alternative. The benefit of improved ridership and associated VMT reduction would not be fully realized under the No Project Alternative.

### **Geology, Soils, and Paleontological Resources**

The No Project Alternative would not include physical changes to the existing AVL or its surroundings that could affect geology and soils. This alternative would not result in ground disturbance, acquisition, and/or modification of geology and soils from construction or operations of the Proposed Project. There would be no potential for construction or operational activities to result in impacts from seismic events, landslides, erosion, lateral spreading, subsidence, liquefaction, collapse, alternative wastewater systems, or paleontological resources beyond potential seismic risks that already exist. The No Project Alternative would not result in a significant impact related to geology and soils or paleontological resources. This impact would be less than what was identified for the Proposed Project, which was determined to be less-than-significant for construction activities and less-than-significant with mitigation for operational activities.

### **Greenhouse Gas Emissions**

The No Project Alternative includes the existing transportation network and land use developments that generate GHG emissions. Without the Proposed Project, mobile sources and land uses would continue to generate pollution. However, there is no specific action associated with the No Project Alternative that would cause an impact. There would be no potential to generate significant GHG emissions or conflict with GHG reduction plans. Metrolink would continue to improve its systemwide GHG emissions through the GHG reduction strategies and emerging technologies identified in the Metrolink Climate Action Plan. The No Project Alternative would not result in a significant impact related to construction or operational activities. Construction impacts would be less than those of the Proposed Project, which were determined to not be significant.

A consequence of the No Project Alternative would be that Metro would not be able to improve regional transit ridership to the level of improvement under the Proposed Project. It is anticipated that expansion of Metrolink service along the AVL under the Proposed Project would reduce regional vehicle miles traveled by making Metrolink service a more attractive mode of transportation through the provision of more frequent and reliable service. While existing AVL service would be able to accommodate some future regional growth in ridership, the potential VMT reduction associated with the No Project Alternative would be minimal as only one additional late-night train on Fridays and Saturdays would be added to AVL service under the No Project Alternative. The benefit of improved ridership and associated VMT reduction would not be fully realized under the No Project Alternative. The No Project Alternative would have no potential to create impacts related to GHG emissions. There would be no potential for operational impacts and the No Project Alternative would avoid significant impacts related to net increases in GHG emissions associated with increased fuel usage from rail propulsion.

### **Hazards and Hazardous Materials**

The No Project Alternative would not include physical changes to the existing AVL or its surroundings that could affect hazards and hazardous materials. This alternative would not result in impacts to hazardous materials, airports, emergency response plans, or wildland fires. The No Project Alternative would not result in a significant impact related to hazards and hazardous materials. This impact would be less than what was identified for the Proposed Project, which was determined to be less-than-significant with implementation of mitigation measures.

### **Hydrology and Water Quality**

The No Project Alternative would not include physical changes to the existing AVL or its surroundings that could affect hydrology and water quality. No impacts to surface water or groundwater resources would occur and existing site drainage would be unaffected. Existing operations along the AVL would be maintained and there would be no new potential for pollutants to affect receiving surface water or groundwater. The No Project Alternative would not result in a significant impact related to hydrology and water quality. Impacts would be less than or equal to those of the Proposed Project, which were determined to be less than significant with mitigation for construction activities and less than significant with mitigation for operational activities.

### **Noise and Vibration**

The No Project Alternative would not include physical changes to the existing AVL or its surroundings that could affect noise and vibration. There would be no construction activities and no new noise or vibration exposure associated with heavy-duty equipment or construction trucks. There would be no potential to increase ambient noise levels, generate excessive vibration, or expose people to excessive aircraft noise. Impacts from construction would be less than those of the Proposed Project, which were determined to be significant and unavoidable.

The No Project Alternative includes the existing transportation network and land use developments that generate operational noise. Without the Proposed Project, mobile sources and land uses would continue to generate operational noise. However, there is no specific action associated with the No Build Alternative that would cause a new noise impact beyond existing conditions. While Metrolink trains would continue to generate noise associated with audible warning devices such as horns, impacts from operations would be less than those of the Proposed Project, which were determined to be less than significant.

### **Transportation**

The No Project Alternative would not include physical changes to the existing AVL or its surroundings that could affect the transportation system. There would be no construction activities and associated lane closures and/or traffic hazards. There would be no potential to conflict with programs, plans, ordinance, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. There would also be no potential for increased hazards due to design features or incompatible land uses or inadequate emergency access. The No Project Alternative would not result in a significant impact related to construction activities. Construction impacts would be less than those of the Proposed Project, which were determined to be less than significant with mitigation.

The No Project Alternative would not change existing operating conditions on local roadways. There would be minor changes in AVL service operations associated with additional late-night trains, which would have limited potential for transportation effects. There would be no potential to conflict with programs, plans, ordinance, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. There would also be no potential for increased hazards due to design features or incompatible land uses or inadequate emergency access. Operational impacts would be less than those of the Proposed Project, which were determined to be less than significant.

### **Tribal Cultural Resources**

The No Project Alternative would not include physical changes to the existing AVL or its surroundings that could affect tribal cultural resources. There would be no potential for construction or operational activities to disturb tribal cultural resources. The No Project Alternative would not result in a significant impact related to tribal cultural resources. Impacts would be less than or equal to those of the Proposed Project, which were determined to be less than significant with mitigation for construction activities and no impact for operational activities.

## 8.2 ALTERNATIVE 2 – HOURLY SERVICE-ONLY ALTERNATIVE

Alternative 2 would only implement the Balboa Double Track Extension capital improvement enabling hourly bi-directional service along the AVL between Los Angeles Union Station and the Antelope Valley during off-peak hours. The location of the Balboa Double Track Extension is a key section of the AVL, as identified in the AVL Study, which currently limits Metrolink's ability to provide clock-face interval service between the Santa Clarita Valley and the San Fernando Valley. Constructing the Balboa Double Track Extension, as opposed to either the Canyon Siding Extension or the Lancaster Terminal Improvements, would provide the length of double track necessary at a key choke point along the AVL to allow bi-directional hourly service between Los Angeles Union Station and the Lancaster Station. Expanded late-night service, including late-night trains seven days a week, would also be enabled under Alternative 2. Neither the Canyon Siding Extension nor the Lancaster Terminal Improvements would be implemented under Alternative 2, which would limit Metrolink's ability to expand service beyond hourly service due to the limitations on expanded rolling stock presented by existing storage track capacity and operational conflicts associated with the single-track configuration through the Canyon Siding Extension site. Alternative 2 would be consistent with Phase 2 of the Metro Board-approved Motion (File #2019-0571) supporting funding and planning for the Proposed Project.

### 8.2.1 Finding

Alternative 2 is the environmentally superior alternative because, as compared to the Proposed Project and design options, it avoids or reduces multiple construction impacts in the City of Santa Clarita and the City of Lancaster related to transportation, aesthetics, air quality, biological resources, cultural resources, energy resources, geology and soils, hazardous materials, noise, and tribal cultural resources. It also avoids or reduces operational impacts related to transportation, aesthetics, air quality, and greenhouse gas emissions. However, while Alternative 2 would reduce various impacts posed by the Proposed Project, significant and unavoidable impacts associated with operational diesel emissions would likely still occur as well as construction-related noise and vibration impacts associated with the Balboa Double Track Extension. Metro finds that Alternative 2 is infeasible because it would fail to meet some of the project objectives, namely the following:

- Provide regular and more frequent commuter rail services to improve regional connectivity, and accessibility through the enabling of 30-minute bi-directional passenger rail service to the Santa Clarita Valley, and 60-minute bi-directional service to Lancaster along the AVL corridor.
- Support the vision and goals for rail service in the region consistent with the California State Rail 2040 Plan and Metrolink's SCORE program.

Alternative 2 would not enable the 30-minute bi-directional passenger service on the AVL which has been identified in the integrated service goals laid out in the State Rail 2040 Plan as well as Metrolink's SCORE program. Additionally, while Alternative 2 achieves some of the Proposed Project objectives, such as improving passenger service reliability and efficiency and enhancing

operational flexibility, it does not achieve these objectives to the extent that the Proposed Project does. For example, the Canyon Siding Extension and Lancaster Terminal Improvements provide further operational flexibility at the Santa Clarita Station and additional layover facility capacity at the Lancaster Terminal, which would not be provided with implementation of Alternative 2.

Metro adopts CEQA Finding 3, as identified in Section 4 above and in Section 15091(a) of the CEQA Guidelines.

## **8.2.2 Facts in Support of Finding**

### **Aesthetics**

Construction activities associated with Alternative 2 would be limited to those associated with the Balboa Double Track Extension. Construction activities would generally be at a similar or lower grade as the surrounding roadways and uses. Although tall construction equipment would be used, views of the surrounding undeveloped hillsides from the I-5 freeway would remain and would not be substantially altered or obstructed and a less-than-significant impact on scenic vistas would occur. While the Balboa Double Track Extension is located along the I-5 corridor, which is an eligible State scenic highway, construction activities would primarily occur within the existing rail ROW. No construction activities or tree removals are proposed in the surrounding Santa Susana and San Gabriel Mountains, the primary visual resources within the I-5 freeway viewshed. Therefore, construction activities associated with Alternative 2 would not damage scenic resources associated with the I-5 freeway, and a less-than-significant impact on state scenic highways would occur. Residents would have limited views of construction activities since construction activities would occur to the rear of the residences, where views of construction activities would be mostly blocked by existing vegetation that separate the rail ROW from the residential properties. Motorists traveling along the I-5 freeway would continue to have unobstructed views of the Santa Susana and San Gabriel Mountains and a less-than-significant impact on visual character would result. Similar to the Proposed Project, construction activities may temporarily affect nighttime lighting and may result in glare, a potentially significant impact related to light and glare would occur during construction requiring mitigation. Alternative 2 would avoid potentially significant visual impacts in the City of Santa Clarita and City of Lancaster as no construction activities associated with the Canyon Siding Extension and Lancaster Terminal Improvements would occur. Overall, construction period impacts associated with Alternative 2 would be less than significant other than potential impacts related to nighttime construction lighting at the Balboa Double Track Extension.

Operation of Alternative 2 would consist of hourly Metrolink service and would result in similar impacts to visual quality and resources as the Proposed Project, namely the movement of trains along an existing and active rail corridor. Permanent alterations to landforms associated with the Balboa Double Track Extension would consist of soil cut slopes and retaining walls. Given the heights and locations of these components, Alternative 2 would not obstruct or substantially alter views of the surrounding mountains and the existing landforms outside of the rail and transportation corridors and the scenic features of the surrounding mountains would not be disturbed. Permanent changes to landforms associated with the Canyon Siding Extension would not occur under Alternative 2 thus avoiding potentially significant impacts. Operation of Alternative 2 would result in

less-than-significant impacts. Accordingly, impacts would be less than those of the Proposed Project, which were determined to be less-than-significant with mitigation.

### **Air Quality**

Alternative 2 would only construct the Balboa Double Track Extension. As discussed in Section 3.3, Air Quality, and shown in Table 3.3-15, of the Draft EIR, daily air pollutant emissions that would be generated during construction activities involved in the Balboa Double Track Extension, would remain well below the applicable SCAQMD mass daily thresholds at the regional and local scales. Emissions generated during construction would be related to a daily construction equipment activity, construction worker trips, and haul truck trips. Similar to the Proposed Project, Alternative 2 would result in less-than-significant impacts related to construction activities. However, the quantity of construction emissions associated with Alternative 2 would be less than those of the Proposed Project as no construction work associated with the Canyon Siding Extension or the Lancaster Terminal Improvements would occur.

Similar to the Proposed Project, Alternative 2 would operate Metrolink trains along the AVL but only provide hourly service. Accordingly, emissions that would be generated by Metrolink diesel locomotives would be less than those under the Proposed Project; however, it is anticipated that Alternative 2 would result in less ridership than the Proposed Project and would not reduce VMT and associated mobile source pollutant emissions as much as the Proposed Project. Rail propulsion operations under Alternative 2 would generate emissions of NO<sub>x</sub> that would exceed the SCAQMD regional thresholds. The significant impact does not account for future emission reductions associated with the Metrolink Climate Action Plan. Metrolink goals include transitioning to 100 percent petroleum fuel free through the application of renewable diesel fuel by 2022 and achieving 100 percent zero emissions by 2028 through the application of alternative propulsion technologies. If Metrolink can realize these aspirational goals, Project-related NO<sub>x</sub> emissions would be significantly reduced by using locomotive technology that results in zero emissions rather than use of petroleum fuel. As these emission reduction goals are considered aspirational and Metrolink is in the process of studying fleet modernization and emerging zero- and near-zero-emissions applications, the implementation schedule for transitioning away from the existing locomotive fleet to a petroleum-free fleet and then to a net zero emissions fleet is not known at this time. Therefore, NO<sub>x</sub> reductions associated with these goals have not been quantified and impacts associated NO<sub>x</sub> emissions from Proposed Project operations are considered significant and unavoidable. Regardless, it is important to note that Metrolink's "moon shot" is to transition its fleet to zero emissions by 2028 which is also the anticipated time AVL service would be increased as a result of the Proposed Project. Regardless, similar to the Proposed Project, Alternative 2 would also result in a significant and unavoidable impact, although to a lesser degree than the Proposed Project as locomotive activity along the AVL would not be as frequent as the Proposed Project.

Similar to the Proposed Project, Alternative 2 would not conflict with or obstruct air quality plans, result in a considerable cumulative net increase of a criteria pollutant, expose sensitive receptors to substantial pollutant concentrations, or result in other emissions such as odors that could adversely affect a substantial number of people.

### **Biological Resources**

Alternative 2 would not construct the Canyon Siding Extension or the Lancaster Terminal Improvements and would therefore avoid potential impacts on terrestrial habitats, riparian habitats, or wetlands in the City of Santa Clarita and the City of Lancaster. Impacts associated with the Balboa Siding Extension would include vegetation removal, including mature trees as well as grading activities near identified water features that may support wetland indicators. Accordingly, Alternative 2 would have the potential to affect migratory and nesting bird species and roosting bats, which could result in a potentially significant impact. There would be no potential to conflict with policies or ordinances protecting biological resources or conflict with conservation plans. Construction impacts would be less than those of the Proposed Project, which were determined to be less-than-significant with mitigation; however, impacts would still be potentially significant requiring mitigation.

### **Cultural Resources**

Alternative 2 would not construct the Canyon Siding Extension or the Lancaster Terminal Improvements and would avoid ground disturbing activities in the City of Santa Clarita and the City of Lancaster. However, there is the possibility that ground-disturbing activities during the excavation of the cut slopes and addition of retaining walls associated with the Balboa Double Track Extension could impact previously undiscovered prehistoric or archaeological resources, a potentially significant impact. Accordingly, construction impacts could require mitigation measures to mitigate inadvertent impacts to potential subsurface archaeological deposits similar to the Proposed Project. Alternative 2 would have less potential to encounter subsurface archaeological resources than the Proposed Project, which was determined to result in a less-than-significant impact with mitigation. Similar to the Proposed Project, operational activities would not result in a significant impact.

### **Energy**

Alternative 2 would not include substantial construction activities related to the Proposed Project as only the Balboa Double Track Extension would be constructed. As discussed in Section 3.6, Energy Resources, construction activities would consume petroleum-based fuels amounting to approximately 1,299,588 gallons of diesel fuel and 21,433 gallons of gasoline for the Balboa Double Track Extension. This level of fuel consumption would be less than that required for the Proposed Project, which was determined to result in less-than-significant impacts related to construction activities.

Similar to the Proposed Project, direct electricity demand for locomotive propulsion and from Metrolink stations would not be significant. Energy consumption would be less than that of the Proposed Project due to the fewer number of trains and rolling stock required to provide hourly service. There would be no potential to conflict with energy conservation plans. Similar to the Proposed Project, Alternative 2 would not result in a significant impact related to operational activities. However, it is anticipated that Alternative 2 would result in less ridership than the Proposed Project. As a result, this alternative would not reduce VMT and associated transportation energy use as much as the Proposed Project. Alternative 2 would result in less of a permanent energy benefit than the Proposed Project.

### **Geology, Soils, and Paleontological Resources**

The Balboa Double Track Extension is intersected by the San Fernando and Santa Susana faults within the Sierra Madre Fault Zone; to the south of the Balboa Double Track Extension lies the Mission Hills Fault Zone and Northridge Fault. Similar to the Proposed Project, Alternative 2 would be subject to seismic-related risks, which would require mitigation to address geotechnical design. Construction of the Balboa Double Track Extension would require the re-alignment of both the existing Main Line track and existing Sylmar Siding, and installation of an approximately 475-foot retaining wall along the west side of the AVL corridor. As a result, construction activities associated with Alternative 2 have the potential to affect slope stability which could be addressed by mitigation measures similar or the same as those required under the Proposed Project. Construction impacts would be less than those of the Proposed Project as geotechnical and paleontological considerations associated with the Canyon Siding Extension and the Lancaster Terminal Improvements would not apply. Construction impacts would be less-than-significant with mitigation. Similar to the Proposed Project, operational activities would not result in a significant impact.

### **Greenhouse Gas Emissions**

Alternative 2 would include construction of the Balboa Double Track Extension. As discussed in Section 3.8, Greenhouse Gas Emissions, construction activities would generate GHG emissions through the exhaust of off-road equipment and on-road vehicles that would be used to complete the work. As shown in Table 3.8-7, construction of the Balboa Double Track Extension site improvements would generate approximately 1,676.1 metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>) of GHG emissions. Per SCAQMD guidance, GHG construction emissions are considered together with operational emissions to assess significance. Similar to the Proposed Project, Alternative 2 would use diesel locomotive engines consistent with existing Metrolink operations and Alternative 2 would result in the addition of fewer trains to AVL operations resulting in fewer GHG emissions associated with operations. However, while the direct operational GHG emissions have not been quantified for Alternative 2, it is presumed that Alternative 2 would result in a net increase in GHG emissions when considering direct emissions from construction, operational rail propulsion, and taking into considering the reduction in VMT. Therefore, construction and operation of Alternative 2 would result in fewer direct GHG emissions overall when compared to the Proposed Project, but would not avoid the significant impact associated with direct net increases in GHG emissions. It is anticipated that Alternative 2 would increase ridership on the Metrolink system thereby reducing regional VMT. However, the VMT reduction would be less than that of the Proposed Project but would still result in a reduction of transportation-related energy use. As a result, Alternative 2 would not conflict with GHG reduction plans. Similar to the Proposed Project, Alternative 2 would result in a significant impact related to direct GHG emissions from construction or operational activities but the total net increase in emissions would be less than the Proposed Project. Alternative 2 would result in less of a permanent GHG benefit than the Proposed Project as the VMT reduction associated with Alternative 2 would be less resulting in less of an indirect benefit. As discussed, the significant impact of this does not account for future emission reductions associated with the Metrolink Climate Action Plan. Metrolink goals include transitioning to 100 percent petroleum fuel free through the application of renewable diesel fuel by 2022 and achieving 100 percent zero

emissions by 2028 through the application of alternative propulsion technologies. If Metrolink can realize these aspirational goals Project-related and Alternative 2-related GHG emissions would be significantly reduced by not using petroleum fuel and eliminated by using locomotive technology that results in zero emissions. As these emission reduction goals are considered aspirational and Metrolink is in the process of studying fleet modernization and emerging zero- and near-zero-emissions applications, the implementation schedule for transitioning away from the existing locomotive fleet to a petroleum-free fleet and then to a net zero emissions fleet is not known at this time. Therefore, GHG emissions impacts associated with Alternative 2 are considered significant though less than those of the Proposed Project due to reduced fuel consumption associated with rail propulsion and fewer emissions associated with construction activities.

### **Hazards and Hazardous Materials**

Alternative 2 would construct the Balboa Double Track Extension in the City of Los Angeles involving use of hazardous materials, including vehicle fuels, oils, and transmission fluids for on-site construction equipment. Although typical construction management practices limit and often eliminate the risk of accidental releases of hazardous materials, the extent and duration of Alternative 2 construction presents a possible risk to the environment through the routine transport of hazardous materials. Therefore, there is potential for a significant impact associated with construction activities and mitigation would be required. In addition, the Balboa Double Track Extension site is located within a known Methane Zone and Methane Buffer Zone. Accordingly, there is potential for ground disturbing activities such as track removal and grading to result in the release of methane vapor presenting potential risks of explosion, a potentially significant impact requiring mitigation. Alternative 2 would operate along the existing AVL and there would be no change to existing emergency response plans. There would be no new hazardous situation related to airports or wildland fires. Similar to the Proposed Project, Alternative 2 would result in a potentially significant impact related to hazards and hazardous materials. Impacts would be less than those of the Proposed Project as hazardous material concerns and conditions associated with the Canyon Siding Extension and Lancaster Terminal Improvements would not apply to the Alternative, which were determined to be less-than-significant with mitigation.

### **Hydrology and Water Quality**

Alternative 2 would not construct the Canyon Siding Extension or the Lancaster Terminal Improvements and would avoid construction-related discharges of pollutants into receiving waters within the Santa Clara River Watershed and the Antelope Valley Drainage Basin as well as potentially contaminated groundwater from the Canyon Siding Extension site. Potential impacts associated with construction of the Balboa Double Track Extension include temporary changes in grades and drainage patterns, discharge of pollutants into surface waters, exposure of soils to stormwater and erosive conditions which have the potential to result in significant impacts on water quality if not mitigated. Since impacts associated with the Canyon Siding Extension and the Lancaster Terminal would be avoided, impacts associated with Alternative 2 would be less than those of the Proposed Project, which were determined to be less-than-significant with mitigation; however, impacts would still be potentially significant requiring mitigation.

## **Noise**

Alternative 2 would include construction of the Balboa Double Track Extension which poses potentially significant construction impacts to sensitive land uses adjacent to the AVL ROW. Construction period impacts associated with the Canyon Siding Extension and Lancaster Terminal Improvements would not apply to Alternative 2. Therefore, impacts of Alternative 2 would be less than those of the Proposed Project, which were determined to be significant and unavoidable. However, since Alternative 2 would include construction of the Balboa Double Track Extension, construction impacts associated with the Alternative would still be significant and unavoidable.

Alternative 2 would operate within the existing AVL ROW and would enable hourly Metrolink service. As fewer trains would operate along the AVL under Alternative 2, operational impacts would be less than those estimated for the Proposed Project, which did not exceed significance thresholds. Similar to the Proposed Project, Alternative 2 would result in less-than-significant impacts related to operational activities.

## **Transportation**

Alternative 2 would operate within the existing AVL ROW and would not include any alterations to existing station facilities or grade crossings. Construction of the Balboa Double Track Extension would result in additional traffic, which would consist of equipment, employee vehicles, and material deliveries in trucks along local roadways such as San Fernando Road in the City of Los Angeles. In addition, due to the required main track realignment of the Balboa Double Track Extension, there is potential for construction to result in schedule delays, increased dwell times, and overall decreased performance of the AVL as AVL service may be interrupted in order to install the track. The Balboa Double Track Extension under Alternative 2 would pose the same design considerations related to the I-5 pier protection. Due to potential AVL schedule delays and construction-related traffic, Alternative 2 would have the potential to result in a significant impact requiring mitigation measures. However, the construction-related impacts of Alternative 2 would be less than those of the Proposed Project, which were determined to be less-than-significant with mitigation.

Similar to the Proposed Project, there would be no potential for Alternative 2 to conflict with programs, plans, ordinance, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. There would also be no potential for increased hazards due to design features or incompatible land uses. As with the Proposed Project, Alternative 2 would result in additional trains traversing the AVL resulting in more frequent delays at at-grade rail crossings; however, the frequency would be less than that of the Proposed Project between Santa Clarita Valley and Los Angeles Union Station as only hourly service would be provided. It can reasonably be assumed that Alternative 2 would result in some decrease in regional VMT though the improvement would be less than the Proposed Project, as 30-minute service under the Proposed Project is anticipated to attract more ridership than Alternative 2 service improvements due to convenience and reliability associated with more frequent service. Operational impacts would be less than those of the Proposed Project, which were determined to be less than significant.

## **Tribal Cultural Resources**

Alternative 2 would not construct the Canyon Siding Extension or the Lancaster Terminal Improvements and would avoid ground disturbing activities in the City of Santa Clarita and the

City of Lancaster. However, there is the possibility that ground-disturbing activities during the excavation of the cut slopes and addition of retaining walls associated with the Balboa Double Track Extension could impact previously undiscovered buried tribal cultural resources of historical significance, a potentially significant impact. Accordingly, construction impacts would require mitigation measures to mitigate inadvertent impacts to potential buried tribal cultural resources similar to the Proposed Project. Construction impacts from Alternative 2 would have less potential to encounter undiscovered tribal cultural resources as no construction activities associated with the Canyon Siding Extension or the Lancaster Terminal Improvements would occur. Impacts of the Proposed Project were determined to be less-than-significant with mitigation. Similar to the Proposed Project, operational activities would not result in a significant impact.

## **9. FINDINGS REGARDING MITIGATION MEASURES**

Metro has considered every mitigation measure recommended in the EIR. To the extent that these Findings conclude that the mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, Metro hereby binds itself to implement or, as appropriate, require implementation of these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when Metro adopts a resolution approving the Proposed Project. The mitigation measures are referenced in the MMRP adopted concurrently with these Findings and will be effectuated through the process of constructing and implementing the Proposed Project.

## 10. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to PRC Section 21081(b) and CEQA Guidelines Section 15093(a) and (b), Metro is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

For the foregoing reasons, Metro finds that the Proposed Project's unavoidable significant environmental impacts (Section 5.0) are outweighed by these considerable benefits.

- Improved ability of Antelope Valley Line to meet strong population and employment growth forecast over the next 20 years.
- Improved passenger rail service reliability and efficiency between the Antelope Valley and Los Angeles Basin to compete with personal automobile travel along congested freeways such as State Route-14 and the I-5 freeway.
- Provides necessary supporting infrastructure improvements to enhance operational flexibility and reliability along the AVL corridor.
- Improved regional connectivity to transit riders and commuters.
- Decreased regional VMT.
- Improved passenger rail travel speed and reliability, including designated service timeslots and clockface service intervals.
- Reduced train idling times resulting from additional double track provided by the Proposed Project.
- Increased rail operational capacity to meet future demand.
- Improved mobility options for communities along the AVL corridor that are identified Equity Focus Communities.
- Improved commuter service to major employment centers for communities such as the Cities of Lancaster, Palmdale, Santa Clarita, Sylmar, San Fernando, Burbank, Glendale, and unincorporated communities such as the Towns of Acton and Agua Dulce. Many of these communities have high concentrations of workforce and affordable housing with higher-than-average transit dependency.
- Improved safety through the implementation of updated infrastructure at two existing at-grade crossings.
- Incremental service improvement that maintains flexibility for future infrastructure and service improvements.

## 4. Mitigation Monitoring and Reporting Program

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### 4.1 INTRODUCTION

Section 21081.6 of the Public Resources Code requires a lead agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Section 15097 of the CEQA Guidelines provides additional direction on mitigation monitoring or reporting). As lead agency for the Proposed Project, Metro is responsible for administering and implementing the Mitigation Monitoring and Reporting Program (MMRP). The decisionmakers must define specific monitoring requirements to be enforced during project implementation prior to final approval of the Proposed Project. The primary purpose of the MMRP is to ensure that the mitigation measures identified in the Draft and Final EIR are implemented, effectively minimizing the identified environmental effects.

### 4.2. PURPOSE

**Table 4-1** has been prepared to ensure compliance with all mitigation measures identified in the Draft EIR and this Final EIR which would lessen or avoid potentially significant adverse environmental impacts resulting from implementation of the Proposed Project. Each mitigation measure is identified in **Table 4-1** and is categorized by environmental topic and corresponding number, with identification of:

- **Monitoring Action:** The criteria that would determine when the measure has been accomplished and/or the monitoring actions to be undertaken to ensure the measure is implemented.
- **Responsible Party for Implementing Mitigation:** The entity accountable for the action.
- **Enforcement Agency and Monitoring Phase:** The agencies responsible for overseeing the implementation of mitigation and when the implementation is verified.

**Table 4-1 – Mitigation Monitoring and Reporting Program**

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
<b>AESTHETICS</b>				
<b>AES-1</b>	During construction in the City Santa Clarita, the perimeter of construction areas, including but not limited to, staging and laydown areas, shall be screened to shield views of construction activities from the residential neighborhood north of Santa Clara River and the Santa Clara River Trail.	Incorporate visual screening into applicable construction documents.  Provide visual screening around the Canyon Siding Extension site	Construction Contractor	1. Metro 2. During Construction
<b>AES-2</b>	In areas where the slope ratio of the soil/rock cut slopes permits vegetation growth, plants shall be placed on the soil/rock cut slopes. The type of vegetation to be planted shall be consistent with the natural vegetation that is generally associated with the undeveloped hillsides adjacent to the rail right-of-way.	Incorporate revegetation requirements into applicable construction documents.  Plant vegetation along south side of Canyon Siding Extension site following grading activities	Construction Contractor	1. Metro 2. During Construction
<b>AES-3</b>	During construction, nighttime construction lighting shall be directed toward the interior of the construction area and shielded with temporary construction screening to limit light spillover into adjacent areas.	Incorporate lighting, screening, and glare requirements into applicable construction documents.  Direct nighttime construction lighting away from residents and provide screening as appropriate.	Construction Contractor	1. Metro 2. During Construction
<b>BIOLOGICAL RESOURCES</b>				
<b>BIO-1</b>	Vegetation removal shall be conducted outside of the bird nesting season (nesting typically occurs between February 1 through September 30) to the extent feasible. If vegetation removal cannot be conducted outside of the nesting season, a Metro-approved qualified bird biologist shall conduct preconstruction surveys to locate active nests within seven days prior to vegetation removal in each area with suitable nesting habitat. If nesting birds are found during	Incorporate contractor responsibilities into applicable construction documents.  Retain a qualified bird biologist.  Conduct preconstruction surveys.	Metrolink/Metro  Construction Contractor	1. Metro 2. Pre-Construction/ Construction

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>preconstruction surveys, an exclusionary buffer (150 feet for passerines and 500 feet for raptors) suitable to prevent nest disturbance shall be established by the biologist. The buffer may be reduced based on species-specific and site-specific conditions as determined by the qualified biologist. This buffer shall be clearly marked in the field by construction personnel under the guidance of the biologist, and construction or vegetation removal shall not be conducted within the buffer until the biologist determines that the young have fledged or the nest is no longer active.</p> <p>If work occurs on existing bridges with potential nest sites that will be removed or will have modifications to the substructure, these should be conducted between February 1 and September 30. All bird nests shall be removed prior to February 1. Immediately prior to nest removal, a qualified biologist shall inspect each nest for the presence of torpid bats, which are known to use old swallow nests.</p> <p>Nest removal shall be conducted under the guidance and observation of a qualified biologist. Removal of nests on bridges that are under construction shall be repeated as frequently as necessary to prevent nest completion unless a nest exclusion device has already been installed. Nest removal and exclusion device installation shall be monitored by a qualified biologist. Such exclusion efforts shall be continued to keep the structures free of birds until October or the completion of construction.</p> <p>A biological monitor shall be present during all ground-disturbing activities to ensure no impacts occur to nesting birds during nesting bird season (mid-March to mid-May), if applicable, as well as to ensure minimal impacts to other plant and animal species</p>	<p>Implement exclusionary buffer around identified nests.</p> <p>Conduct nest removal in the event that nests are identified in the I-5 bridge substructure</p> <p>Monitor construction during nesting season</p>		
BIO-2	<p>To avoid impacts to nesting birds, Metro/ Metrolink shall submit to the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) a Nesting Bird Management, Monitoring, and Reporting Plan for review and approval prior to</p>	<p>Incorporate contractor responsibilities into applicable construction documents.</p>	<p>Metrolink/Metro  Construction Contractor</p>	<p>1. Metro 2. Pre-Construction/ Construction</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>commencement of Proposed Project construction activities during the breeding season (February 1 to August 31, and as early as January 1 for some raptors). The Nesting Bird Management, Monitoring, and Reporting Plan should include the following:</p> <ul style="list-style-type: none"> <li>Nest survey protocols describing the nest survey methodologies including the following: <ul style="list-style-type: none"> <li>A management plan describing the methods to be used to avoid nesting birds and their nests, eggs, and chicks;</li> <li>A monitoring and reporting plan detailing the information to be collected for incorporation into a regular Nest Monitoring Log (NML) with sufficient details to enable USFSW and CDFW to monitor Metro's compliance with California Fish and Game Code Sections 3503, 3503.5, 3511, and 3513;</li> <li>A schedule for the submittal (usually weekly) of the NML;</li> <li>Standard buffer widths deemed adequate to avoid or minimize significant project related edge effects (disturbance) on nesting birds and their nests, eggs, and chicks;</li> <li>A detailed explanation of how the buffer widths were determined; and</li> <li>All measures the applicant will implement to preclude birds from utilizing project related structures (i.e., construction equipment, facilities, or materials) for nesting.</li> </ul> </li> <li>Preconstruction nesting bird surveys shall be completed within 72 hours of construction-related activities and implement appropriate avoidance measures for identified nesting birds. To determine the presence of nesting birds that the project activities may affect, surveys should be conducted beyond the Project Area - 300 feet for passerine birds and 500 feet for raptors. The survey protocols should include a detailed description of methodologies utilized by CDFW-approved avian</li> </ul>	<p>Retain a qualified bird biologist.</p> <p>Prepare Nesting Bird Management, Monitoring, and Reporting Plan.</p> <p>Conduct pre-construction surveys</p>		

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>biologists to search for nests and describe avian behaviors that indicate active nests. The protocols should include but are not limited to the size of the Project Area being surveyed, method of search, and behavior that indicates active nests. Each nest identified in the Project Area should be included in the NML.</p> <p>The NMLs should be updated daily and submitted to the CDFW weekly. Since the purpose of the NMLs is to allow the CDFW to track compliance, the NMLs should include information necessary to allow comparison between nests protected by standard buffer widths recommended for the Proposed Project (300 feet for passerine birds, 500 feet for raptors) and nests whose standard buffer width was reduced by encroachment of project-related activities. The NMLs should provide a summary of each nest identified, including the species, status of the nest, buffer information, and fledge or failure data. The NMLs will allow for tracking the success and failure of the buffers and will provide data on the adequacy of the buffers for certain species. The applicant(s) will rely on its avian biologists to determine the appropriate standard buffer widths for nests within the Project Area to employ based on the sensitivity levels of specific species or guilds of avian species. The determination of the standard buffer widths should be site- and species-/guild-specific and data-driven and not based on generalized assumptions regarding all nesting birds.</p> <ul style="list-style-type: none"> <li>The determination of the buffer widths should consider the following factors: <ul style="list-style-type: none"> <li>Nesting chronologies;</li> <li>Geographic location;</li> <li>Existing ambient conditions (human activity within line of sight—cars, bikes, pedestrians, dogs, noise);</li> <li>Type and extent of disturbance (e.g., noise levels and quality—punctuated, continual, ground vibrations—blasting-related vibrations proximate to</li> </ul> </li> </ul>			

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>tern colonies are known to make the ground-nesting birds flush the nests);</p> <ul style="list-style-type: none"> <li>o Visibility of disturbance;</li> <li>o Duration and timing of disturbance;</li> <li>o Influence of other environmental factors; and</li> <li>o Species' site-specific level of habituation to the disturbance. Application of the standard buffer widths should avoid the potential for project-related nest abandonment and failure of fledging, and minimize any disturbance to the nesting behavior. If project activities cause or contribute to a bird being flushed from a nest, the buffer must be widened.</li> </ul>			
BIO-3	<p>Prior to tree removal or demolition activities, Metro/ Metrolink shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites within buildings to be demolished or trees to be removed. The surveys can be conducted by visual identification and can assume presence of hoary and/or pallid bats or the bats can be identified to a species level with the use of a bat echolocation detector such as an "Anabat" unit. If no roosting sites or bats are found, a letter report confirming absence shall be sent to the CDFW and no further mitigation is required. If roosting sites or hoary bats are found, then the following monitoring and exclusion, and habitat replacement measures shall be implemented.</p> <p>If bats are found roosting outside of nursery season (nursery season typically occurs between May 1 through October 1), then they shall be evicted as described below. If bats are found roosting during the nursery season, then they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described below. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. A 250-foot (or as</p>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Retain a qualified bat biologist.</p> <p>Conduct pre-construction bat roost surveys</p> <p>Perform bat roost eviction in the event roosts are identified.</p>	<p>Metrolink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Pre-Construction/ Construction</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>determined in consultation with CDFW) buffer zone shall be established around the roosting site within which no construction or tree removal shall occur.</p> <p>Eviction of bats shall be conducted using bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with CDFW that allow the bats to exit the roosting site but prevent re-entry to the site. This would include, but not be limited to, the installation of one-way exclusion devices. The devices shall remain in place for seven days and then the exclusion points and any other potential entrances shall be sealed. This work shall be completed by a BCI-recommended exclusion professional. The exclusion of bats shall be timed and carried concurrently with any scheduled bird exclusion activities.</p> <p>Each roost lost (if any) will be replaced in consultation with the California Department of Fish and Game and may include construction and installation of BCI-approved bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the structures may be removed or sealed.</p>			
<b>BIO-4</b>	A revegetation plan will be developed by a qualified biologist to guide the restoration of native vegetation temporarily or permanently impacted by project implementation.	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Retain a qualified biologist.</p> <p>Prepare revegetation plan.</p>	<p>MetroLink/Metro</p> <p>Project Engineer</p>	<p>1. Metro</p> <p>2. Final Design</p>
<b>BIO-5</b>	Limits of disturbance will be staked during construction activities to ensure that impacts to the Project Area are minimized, and staking will stay in place until final site stabilization.	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Periodic site check as needed.</p>	<p>MetroLink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Pre-Construction/ Construction</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
<b>BIO-6</b>	If construction must occur during nighttime hours, lighting that produces a green colored beam with an automatic sensor shall be utilized.	Incorporate contractor responsibilities into applicable construction documents.	Metrolink/Metro  Construction Contractor	1. Metro 2. Pre-Construction/ Construction
<b>BIO-7</b>	<p>Metro/ Metrolink shall retain a qualified biologist with a gnatcatcher survey permit. The qualified biologist shall survey the Project site and adjacent areas to determine presence/absence of gnatcatcher. The qualified biologist shall conduct surveys according to USFWS Coastal California Gnatcatcher (<i>Poliophtila californica californica</i>) Presence/Absence Survey Guidelines. The protocol shall be followed for all surveys unless otherwise authorized by the USFWS in writing. Gnatcatcher surveys shall be conducted and USFWS notified (per protocol guidance) prior to starting any Project construction and activities within and adjacent to California coastal gnatcatcher habitat.</p> <p>Where Project construction and activities would occur within and/or adjacent to California coastal gnatcatcher habitat, no work shall occur from February 15 through August 31.</p> <p>There shall be no clearing, removing, or cutting any California coastal gnatcatcher habitat.</p> <p>If California coastal gnatcatcher habitat is identified within the construction footprint of any of the capital improvement sites, Metro/ Metrolink shall provide compensatory mitigation for loss of any California coastal gnatcatcher habitat at no less than a 2:1. Mitigation lands shall occur within the same watershed, and support California coastal gnatcatcher habitat of similar vegetation composition, density, coverage, and species richness and abundance.</p>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Retain a qualified biologist.</p> <p>Conduct Coastal California Gnatcatcher protocol survey</p> <p>Provide survey notification to USFWS</p> <p>Provide compensatory mitigation in the even that California coastal gnatcatcher habitat is identified within the construction footprint</p>	Metrolink/Metro  Construction Contractor	1. Metro 2. Final Design/ Permitting

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
<b>BIO-8</b>	<p>Prior to Project construction activities at the Balboa Double Track Extension site, a qualified biologist shall conduct protocol surveys for least Bell's vireo. All riparian areas and any other potential least Bell's vireo habitat shall be surveyed at least eight times during the period from April 10 to July 31. Survey results, including negative findings, shall be submitted to CDFW and USFWs within 45 calendar days following the completion of protocol-level surveys. If least Bell's vireo is detected no construction work including staging, mobilization, and site preparation, shall occur during the least Bell's vireo nesting season (April 10 to July 31). No habitat supporting least Bell's vireo shall be removed at any time.</p> <p>If least Bell's vireo is detected and work must occur during the least Bell's vireo nesting season for the duration of the Proposed Project, and/or if habitat supporting least Bell's vireo needs to be removed, Metro/Metrolink shall seek appropriate take authorization under the California Endangered Species Act. Metro/ Metrolink shall obtain a permit from California Department of Fish and Wildlife prior to starting any Project construction and activities.</p>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Retain a qualified biologist.</p> <p>Conduct least Bell's vireo protocol survey.</p> <p>Report survey results to CDFW and USFW.</p> <p>In the event that least Bell's vireo is present, project construction would take place during nesting season, and/or habitat would be removed, obtain CESA take authorization permit from CDFW.</p>	<p>Metrolink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Final Design/ Permitting</p>
<b>BIO-9</b>	<p>There shall be no impacts on western Joshua trees and seedbank. Access to the Lancaster Terminal Improvements site shall not be allowed from Yucca Avenue/West Milling Street. No activities shall occur within a 250-foot radius of the western Joshua tree to avoid impacts to the tree and potential seedbank. This shall include no site access, vehicle parking, staging areas, refueling, and any activities that may result in ground disturbance. If necessary, Metro/Metrolink shall seek appropriate take authorization under the California Endangered Species Act before starting any construction and activities where impacts to the western Joshua tree and seedbank cannot be avoided.</p>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>In the event that, project construction must remove the western Joshua tree, obtain CESA take authorization permit from CDFW.</p>	<p>Metrolink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Pre-construction/ Construction</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
<b>BIO-10</b>	<p>At least one year prior to starting any Project construction and activities, qualified biologist shall conduct season appropriate pre-Project presence/absence fish surveys and habitat at the Balboa Double Track Extension site. Surveys shall be performed by a qualified biologists with appropriate Scientific Collecting Permit. Also, surveys shall be performed in consultation and coordination with CDFW. If a California Endangered Species Act (CESA) and/or Endangered Species Act (ESA)-listed fish species is detected and impacts on those fish and habitat cannot be avoided, Metro/ Metrolink shall consult with CDFW and/or USFWS to obtain necessary permits for take of CESA and/or ESA-listed fish species. Metro/ Metrolink shall have a permit from CDFW and/or USFWS prior to starting any Project construction and activities.</p> <p>If a Species of Special Concern is detected and impacts on those fish and habitat cannot be avoided, Project construction and activities shall only occur after fish are relocated in accordance with a CDFW-approved Fish Species Relocation Plan. Metro/ Metrolink, in consultation with a qualified biologist shall prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. Wildlife shall be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat within the open space on site or in suitable habitat adjacent to the Project site (either way, at least 200 feet from the work area). Special status wildlife shall be captured only by a qualified biologist with proper handling permits.</p>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Retain a qualified biologist.</p> <p>Conduct fish surveys in consultation with CDFW.</p> <p>In the event that CESA species are identified and impacts on habitat cannot be avoided, obtain CESA take authorization permit from CDFW.</p> <p>In the event that Species of Special Concern are detected, prepare and implement Fish Species Relocation Plan in consultation with CDFW.</p>	<p>Metrolink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Final Design, at least one year prior to construction.</p>
<b>BIO-11</b>	<p>At least one year prior to starting any Project construction and activities, a CDFW-approved biologist shall conduct focused surveys for unarmored threespine stickleback where there is potential habitat at the Canyon Siding Extension site and any locations within the Canyon Siding Extension site that is hydrologically connected to the Santa Clara River. Surveys shall be performed by a qualified biologists with appropriate</p>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Retain a qualified biologist.</p>	<p>Metrolink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Final Design, at least one year prior to construction.</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>Scientific Collecting Permit. Also, surveys shall be performed in consultation and coordination with CDFW. Survey results, including negative findings, shall be provided to CDFW.</p> <p>Metro/ Metrolink shall coordinate with CDFW if unarmored threespine stickleback is found. If unarmored threespine stickleback is found, Metro/ Metrolink shall fully avoid all impacts to unarmored threespine stickleback and habitat supporting this California Fully Protected species. No work shall be performed when water is present in tributaries supporting unarmored threespine stickleback. Also, no dewatering of tributaries shall be performed at any time as draining water and reducing water levels could strand, injure, or cause mortality of unarmored threespine stickleback.</p>	<p>Conduct protocol surveys in consultation with CDFW.</p> <p>In the event that unarmored threespine stickleback are detected, incorporate full avoidance measures into contractor responsibilities into applicable construction documents.</p>		
BIO-12	<p>During final design and at least one year prior to construction, a qualified biologist with access to the rail right-of-way, shall conduct a field assessment within the Balboa Double Track Extension and Canyon Siding Extension sites. The assessment shall include an inventory of observable plant and animal species, mapping and characterization of on-site habitats, and an evaluation of each site's potential to support special status species. Presence/absence surveys shall be conducted for special status plants, San Diego desert woodrat, coastal whiptail, western spadefoot toad, arroyo toad, silvery legless lizard, coast horned lizard, as well as small mammals, and bats. Results of the field assessment shall be provided to CDFW. In consultation with CDFW, the qualified biologist shall make recommendations for the avoidance of any identified species including but not limited to additional preconstruction surveys, capture and relocation of terrestrial species by a qualified biologist with proper scientific collection and handling permits, additional restrictions on construction equipment and/or means, and application for appropriate take authorization.</p>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Retain a qualified biologist.</p> <p>Conduct field assessment within capital improvement site ROW.</p> <p>Provide field assessment results to CDFW.</p> <p>Recommend additional avoidance measures as applicable.</p>	<p>Metrolink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Final Design, at least one year prior to construction</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
<b>BIO-13</b>	Riparian zones within the three capital improvement sites shall be protected through control of invasive plant species. All construction vehicles and heavy equipment shall be washed (including treads, wheels, and undercarriage) prior to delivery to the Project site to minimize weed seeds entering the construction area via vehicles. Slope stabilization and replanting materials used during construction shall be certified as weed-free. Invasive plant species (such as giant reed) located on the Proposed Project site shall be removed during construction. Invasive plant species shall be removed using best management practices that contain and properly dispose of the species' seeds and plant materials (which may reproduce asexually). Transport of any invasive plant material offsite shall be stored in securely covered containers or vehicles and disposed of at facilities that shall properly eliminate the ability of these materials to grow or colonize new areas.	Incorporate contractor responsibilities into applicable construction documents.	Metrolink/Metro  Construction Contractor	1. Metro 2. Construction

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
<b>BIO-14</b>	<p>In areas where riparian features are below upland features, a qualified biologist shall determine if any disturbance would occur in upland areas such that runoff could affect wetlands or riparian habitat. If riparian features are identified in locations that may be subject to construction-related runoff, the qualified biologist shall identify these areas, clearly delineate sensitive site conditions on-site, and recommend best management practices for the control of runoff including but not limited to</p> <ul style="list-style-type: none"> <li>• Minimizing the extent of disturbed areas and duration of exposure;</li> <li>• Stabilizing and protecting disturbed areas;</li> <li>• Keeping runoff velocities low;</li> <li>• Retaining sediment within the construction area;</li> <li>• Use of silt fences or straw wattles;</li> <li>• Temporary soil stabilization;</li> <li>• Temporary drainage inlet protection;</li> <li>• Temporary water diversion around the immediate work area; and</li> <li>• Minimizing debris from construction vehicles on roads providing construction access</li> </ul>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Retain a qualified biologist.</p> <p>Implement run-off controls, as needed.</p>	<p>Metrolink/Metro Construction Contractor</p>	<p>1. Metro 2. Construction</p>
<b>BIO-15</b>	<p>Metro shall provide no less than 2:1 ratio for direct impacts on streams and associated riparian plant community. Metro shall provide additional mitigation for impacts on riparian plant communities that have a State Rarity Ranking of S1 and S2 and an additional ranking of 0.1 and 0.2 to be determined through consultation with California Department of Fish and Wildlife and/or Department of Fish and Wildlife, as applicable.</p>	<p>Consult with CDFW and/or USFW on direct impact areas in streams and associated riparian plant communities.</p> <p>Provide compensatory mitigation in consultation with CDFW and/or USFW as applicable.</p>	<p>Metrolink/Metro Construction Contractor</p>	<p>1. Metro 2. Final Design/ Permitting</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
<b>BIO-16</b>	Metro/ Metrolink shall replace no less than three trees for every one southern California black walnut and coast live oak tree that is removed.	Incorporate contractor responsibilities into applicable construction documents.  Determine number of southern California black walnut and coast live oak trees to be removed.  Replace trees as applicable.	Metrolink/Metro Construction Contractor	1. Metro 2. Final Design/ Construction
<b>BIO-17</b>	Metro/ Metrolink shall create or restore no less than one acre for every one acre of impact on a sensitive plant community. Metro/ Metrolink shall create or restore no less than two acres for impacts on a sensitive plant community that consists of heritage-sized trees, vigorous trees, or seedlings/saplings. Mitigation shall be provided on lands within the same watershed as the area impacted. The density of trees at the mitigation site shall be at least the same as the density of trees in the habitat that was impacted. The mitigation site shall also provide the same understory species as found in the impacted area.	Incorporate contractor responsibilities into applicable construction documents.  Determine sensitive plant community impact acreage.  Provide restoration or replacement vegetation, as applicable.	Metrolink/Metro Construction Contractor	1. Metro 2. Final Design/ Construction
<b>BIO-18</b>	To prevent inadvertent disturbance to areas outside the limits of grading, all grading shall be monitored by a biologist. A Metro-approved Project Biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The following shall be completed: <ul style="list-style-type: none"> <li>The Project Biologist shall perform the monitoring duties before, occasionally during, and after construction. The Project Biologist shall perform the following duties: <ul style="list-style-type: none"> <li>Attend the preconstruction meeting with the contractor and other key construction personnel prior to clearing, grubbing, or grading to reduce conflict between the timing and location of construction activities and other mitigation requirements (e.g., seasonal surveys for nesting birds);</li> </ul> </li> </ul>	Incorporate contractor responsibilities into applicable construction documents.  Retain a qualified biologist.  Monitor grading, clearing, grubbing, and trenching activities.	Metrolink/Metro Construction Contractor	1. Metro 2. Pre-construction/ Construction

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<ul style="list-style-type: none"> <li>○ Conduct meetings with the contractor and other key construction personnel describing the importance of restricting work to designated areas prior to clearing, grubbing, or grading;</li> <li>○ Discuss procedures for minimizing harm to or harassment of wildlife encountered during construction with the contractor and other key construction personnel prior to clearing, grubbing, or grading;</li> <li>○ Review and/or designate the construction area in the field with the contractor in accordance with the final grading plan prior to clearing, grubbing, or grading;</li> <li>○ Conduct a field review of the staking to be set by the surveyor, designating the limits of all construction activity prior to clearing, grubbing, or grading;</li> <li>○ Be present during initial vegetation clearing, grubbing, and grading;</li> <li>○ Flush special-status species (i.e., avian or other mobile species) from occupied habitat areas immediately prior to brush-clearing and earthmoving activities; and</li> <li>○ To address hydrology impacts, the Project Biologist shall verify that grading plans include a Stormwater Pollution Prevention Plan.</li> </ul>			
<b>BIO-19</b>	<p>To comply with the state and federal regulations for impacts to “waters of the United States and state,” the following agency permits are required, or verification that they are not required shall be obtained.</p> <ul style="list-style-type: none"> <li>• The following permit and agreement shall be obtained, or provide evidence from the respective resource agency that such an agreement or permit is not required: <ul style="list-style-type: none"> <li>○ A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board (RWQCB) and the USACE for all project-related disturbances of waters of the United States and/or associated wetlands.</li> </ul> </li> </ul>	<p>Coordinate with applicable regulatory agency(s).</p> <p>Prepare regulatory permit applications including LSA notification requirements.</p> <p>Obtain regulatory permits.</p> <p>Incorporate contractor responsibilities related to regulatory permit conditions into</p>	<p>MetroLink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Final Design/ Permitting</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<ul style="list-style-type: none"> <li>○ A Section 1602 Streambed Alteration Agreement (LSA) issued by the CDFW for all project related disturbances of any streambed. If required, the Streambed Alteration Agreement notification shall include the following information and analyses:               <ol style="list-style-type: none"> <li>1. Quantification of the linear feet of streams and area of associated riparian vegetation that would be impacted.</li> <li>2. An analysis providing information on whether impacts to streams within the immediate project area could cause impacts downstream where there is hydrologic connectivity;</li> <li>3. A hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to provide information on how water and sediment is conveyed through the Project site;</li> <li>4. A scour analysis demonstrating that stream banks, bed, and channel would not erode and be impaired (e.g., aggrade, incised) as a result of Project activities;</li> <li>5. An analysis demonstrating that the Project would not impact stream underflow supporting riparian vegetation;</li> <li>6. Identification, analysis, and discussion of potential impacts on streams and associated vegetation as a result of upland Project construction and activities;</li> <li>7. Specific activities and actions Metro proposes to take to mitigate for impacts on streams and riparian vegetation, specifically, actions to control invasive plants and animals and reintroducing native biota;</li> <li>8. A complete description of routine maintenance activities that may be required for the life of the</li> </ol> </li> </ul>	applicable construction documents.		

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>Project including measures to avoid impacts on streams and riparian vegetation during routine maintenance activities occurring for the life of the Project; and,</p> <p>9. Protocol survey results (see Mitigation Measures BIO-7 through BIO-11), including negative findings, shall be included as part of the LSA Notification. Survey reports shall include information on habitat within the Project site and whether the Project would impact habitat supporting those species.</p> <ul style="list-style-type: none"> <li>Documentation: Metro/Metrolink shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required for compliance.</li> <li>Timing: Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits.</li> <li>Monitoring: Metro shall review the permits/agreement for compliance with this condition. Copies of these permits should be implemented on the grading plans.</li> </ul>			
BIO-20	<p>Preconstruction surveys for protected trees (native trees four inches or more in cumulative diameter, as measured at 4.5 feet above the ground level, that are subject to protection under any relevant tree protection ordinance, shall be conducted by a registered consulting arborist with the American Society of Consulting Arborists at least 120 days prior to construction. The locations and sizes of all protected trees shall be identified prior to construction and overlaid on project footprint maps. The registered consulting arborist shall prepare a Protected Tree Report and shall submit three copies to the relevant local jurisdiction. Any protected trees</p>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Retain a qualified arborist.</p> <p>Conduct preconstruction tree survey.</p>	<p>Metrolink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Final Design/ Permitting/ Post-construction</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	that must be removed due to project construction shall be replaced at a 2:1 ratio (or up to a 4:1 ratio for protected trees on private property) except when the protected tree is relocated on the same property, the relevant local agency has approved the tree for removal, and the relocation is economically reasonable and favorable to the survival of the tree. Each replacement tree shall be at least a 15-gallon specimen, measuring one inch or more in diameter, one foot above the base, and shall be at least seven feet in height measured from the base.	Prepare Protected Tree Report and submit to applicable local jurisdiction.  Provide replacement trees consistent with recommendations of the Protected Tree Report.		
<b>BIO-21</b>	Protect trees that will possibly receive impacts to the root system by restricting root cuts to the outer region of the roots using a distance formula recommended by the International Society of Arboriculture. Adjust utility relocations to avoid as many tree trunks and root clusters as possible and eliminate direct impacts/removal of trees. Hand digging the root protection zones will reduce indirect impacts to the root systems.	Incorporate contractor responsibilities into applicable construction documents.  Consult on utility relocation plan set to adjust design to avoid impacts on trees.	Metrolink/Metro Project Engineer	1. Metro 2. Final Design/ Construction
<b>BIO-22</b>	Provide temporary supplemental irrigation to existing trees during construction, as necessary.	Incorporate contractor responsibilities into applicable construction documents.  Provide supplemental irrigation.	Metrolink/Metro Construction Contractor	1. Metro 2. Construction
<b>BIO-23</b>	Replace all impacted trees that cannot be saved with trees of the same genus, species, and variety (if applicable) as the tree that is removed. Replacement trees shall be locally sourced from within the same watershed and not from a supplier. Replacement trees shall come from a local native plant nursery that implements Phytophthora/Clean Nursery Stock protocols.	Incorporate contractor responsibilities into applicable construction documents.  Replace and/or avoid trees as applicable.	Metrolink/Metro Construction Contractor	1. Metro 2. Construction
<b>BIO-24</b>	Determine proven methods of stabilizing the existing landscape to minimize disturbances beyond the area of cut and fill.	Incorporate contractor responsibilities into applicable construction documents.	Metrolink/Metro Construction Contractor	1. Metro 2. Construction

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
		Implement site stabilization methods.		
<b>BIO-25</b>	Consider “Geo-cell” type planted retaining wall stabilization structures if they can be planted with native chaparral seed.	Incorporate contractor responsibilities into applicable construction documents.  Review retaining wall design and determine locations where Geo-cell plantings can be incorporated into design.	Metrolink/Metro  Project Engineer	1. Metro 2. Final Design
<b>BIO-26</b>	Provide compost to hold moisture in the soil. Utilize watering bags for the establishment period.	Incorporate contractor responsibilities into applicable construction documents.  Use compost and watering bags during revegetation establishment	Metrolink/Metro  Construction Contractor	1. Metro 2. Construction/ Post-Construction
<b>BIO-27</b>	All tree material, especially tree material infected with pests, pathogens, and diseases, shall be left on site, chipping the material for use as ground cover or mulch.	Incorporate contractor responsibilities into applicable construction documents.  Reuse tree material as applicable	Metrolink/Metro  Construction Contractor	1. Metro 2. Construction/ Post-Construction
<b>CULTURAL RESOURCES</b>				
<b>CUL-1</b>	Mitigation Measure <b>CUL-1</b> pertains specifically to archaeological involvement. The involvement of the Fernandeano Tataviam Band of Mission Indians and Gabrieleno Band of Mission Indians – Kizh Nation (Consulting Tribes) is detailed in Mitigation Measure <b>TCR-1</b> . For the purposes of Mitigation Measures <b>CUL-1</b> and <b>TCR-1</b> , ground disturbing activities include, but are not limited to, excavation, trenching, grading, and drilling.  Prior to issuance of grading permits, a qualified archeologist, meeting the Secretary of the Interior’s Standards, shall be	Retain qualified archaeologist who meets the Secretary of Interior’s Standards.  Prepare CRMP.  Implement CRMP including WEAP training, monitoring and reporting requirements.	Metrolink/Metro  Construction Contractor	1. Metro 2. Pre-Construction/ Construction

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>retained to serve as Program Archaeologist to develop and supervise the archaeological monitoring program. Prior to commencement of any grading activities on site, the Program Archaeologist shall prepare a Cultural Resources Monitoring Plan (CRMP). The CRMP shall be reviewed by the Lead Agency. The Consulting Tribes shall also be provided an opportunity to review and comment on the CRMP. The CRMP should include at a minimum: (1) the roles and responsibilities of the Program Archaeologist, archaeological monitor, and Native American monitor; (2) the definition of an Environmentally Sensitive Area (ESA) around the previously-identified prehistoric resources adjacent to the Canyon Siding Extension project area, (3) a description of monitoring procedures; (4) a description of the frequency of monitoring (e.g., full-time, part-time, spot checking); (5) a description of what types of resources may be encountered; (6) a description of circumstances that would result in the halting of work at the program site (e.g., what is considered a "significant" archaeological site); (7) a description of procedures to follow when a resource is encountered including curation procedures agreed upon by the Consulting Tribes; (8) communication/notification protocols; and (9) a description of monitoring reporting procedures.</p> <p>At the commencement of construction, an archaeologist shall provide a Worker Environmental Awareness Program (WEAP) training for all earth moving personnel and their supervisors. WEAP materials shall be developed and distributed to construction personnel over the lifetime of the Program. The program shall inform personnel of the types of artifacts and features that may be encountered, the procedures to be followed if archaeological materials are unearthed during program excavation, contact information for the archaeological and Consulting Tribe personnel, and the regulatory requirements for the protection of archaeological resources including penalties for violations.</p>			

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>The archaeological monitor shall be present for all ground-disturbing activities in native soil (i.e., undisturbed, non-fill sediments) within the Balboa Double Track Extension and Lancaster Terminal Improvements sites. Within the Canyon Siding Extension capital improvement area, the archaeological monitor shall be present for all ground-disturbing activities within the ESA, including those in disturbed fill sediments. During ground-disturbing activities outside of the ESA within the Canyon Siding Extension capital improvement area, archaeological monitoring shall be limited to ground-disturbing activities within native soil only.</p> <p>All archaeological monitors, working under the supervision of the Program Archaeologist, shall have construction monitoring experience and be familiar with the types of historical and prehistoric resources that could be encountered. A sufficient number of archaeological monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. The Program Archaeologist shall have the ability to recommend, with written and photographic justification, the reduction or termination of monitoring efforts to the Lead Agency (i.e., Metro), and should the Lead Agency and the Consulting Tribes concur with this assessment, then monitoring shall be reduced or ceased.</p> <p>If an inadvertent discovery of archaeological materials is made during program-related construction activities, the archaeological monitor shall have the authority to halt ground disturbing activities within 50 feet of the resource(s) and an ESA physical demarcation shall be constructed. The Program Archaeologist and Lead Agency shall be notified regarding the discovery. If prehistoric or potential TCRs are identified within disturbed or native sediments, the Consulting Tribes shall be notified. The procedures outlined in CRMP shall then be implemented.</p>			

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
<b>GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES</b>				
<b>GEO-1</b>	<p>Prior to the construction of the Proposed Project, Metro shall develop a geotechnical design report to address geological, seismic, and soil-related constraints encountered by the Project. The Proposed Project shall be designed based on the latest versions of local and state building codes and regulations in order to construct seismically resistant structures that help counteract the adverse effects of ground shaking. During final design, site-specific geotechnical investigations shall be performed at the sites where structures are proposed within liquefaction-prone designated areas. The investigations shall include exploratory soil borings with groundwater measurements. The exploratory soil borings shall be advanced, at a minimum, to the depths required by local and state jurisdictions to conduct liquefaction analyses. Similarly, the investigations shall include earthquake-induced settlement analyses of the dry substrata (i.e., above the groundwater table). The investigations shall also include seismic risk solutions to be incorporated into the final design (e.g., deep foundations, ground improvement, remove and replace) for those areas where liquefaction potential may be experienced. The investigation shall include stability analyses of slopes located within earthquake-induced landslide areas and provide appropriate slope stabilization measures (e.g., retaining walls, slopes with shotcrete faces, slopes re-grading). The geotechnical investigations and design solutions shall follow the "Guidelines for Evaluating and Mitigating Seismic Hazards in California" Special Publication 117A of the California Geologic Service, as well as Metro's Design Criteria and the latest federal and state seismic and environmental requirements.</p>	<p>Prepare final geotechnical design report.</p> <p>Incorporate recommendations into final design.</p>	Lead Engineer/ Geotechnical Consultant	<p>1. Metro</p> <p>2. Final Design</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
<b>PAL-1</b>	Full-time paleontological monitoring shall be implemented when Saugus Formation (QTs, Tsr), Pico Formation (Tps, Tp), Towsley Formation (Ttos), or older sedimentary deposits (Qog, Qoa) are impacted. Excavations into artificial fill (af) and younger sedimentary deposits (Qf, Qyfc, Qa, Qg) shall be initially spot-checked during excavations that exceed depths of 5 feet to check for underlying, paleontologically sensitive older sedimentary deposits. If it is determined that only artificial fill (af), modern alluvial fan deposits (Qf), younger alluvial fan deposits (Qyfc), alluvial gravel, and clay of valley areas (Qa), or stream channel deposits (Qg) are impacted, the monitoring program may be reduced or suspended.	Retain qualified paleontologist. Monitor excavation activities.	Metrolink/Metro  Construction Contractor	1. Metro 2. Final Design
<b>PAL-2</b>	Prior to construction, a Paleontological Resources Impact Mitigation Program (PRIMP) shall be prepared that provides detailed recommended monitoring locations; a description of a paleontological resources worker environmental awareness program to inform construction personnel of the potential for fossil discoveries and of the types of fossils that may be encountered; detailed procedures for monitoring, fossil recovery, laboratory analysis, and museum curation; and notification procedures in the event of a fossil discovery by a paleontological monitor or other project personnel. A curation agreement from the NHMLA, or another accredited repository, shall also be obtained prior to excavation in the event that paleontological resources are discovered during the construction phase of the Project.	Prepare PRIMP. Implement recommendations of the PRIMP.	Metrolink/Metro  Construction Contractor	1. Metro 2. Final Design

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
<b>GREENHOUSE GAS EMISSIONS</b>				
<b>GHG-1</b>	<p>The following control techniques shall be included in project specifications and shall be implemented by the construction contractor:</p> <ul style="list-style-type: none"> <li>• Prepare a comprehensive inventory list of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) (i.e., make, model, engine year, horsepower, emission rates) that could be used an aggregate of 40 or more hours throughout the duration of construction to demonstrate how the construction fleet is consistent with the requirements of Metro's Green Construction Policy.</li> <li>• Ensure that all construction equipment is properly tuned and maintained.</li> <li>• Minimize idling time to 5 minutes, whenever feasible, which saves fuel and reduces emissions.</li> <li>• Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators.</li> <li>• Arrange for appropriate consultations with CARB or SCAQMD to determine registration and permitting requirements prior to equipment operation at the site and obtain CARB Portable Equipment Registration with the state or a local district permit for portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, as applicable.</li> </ul>	Incorporate contractor responsibilities into applicable construction documents.	Metrolink/Metro  Construction Contractor	1. Metro 2. Final Design/ Pre-Construction

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
GHG-2	In compliance with Metro's Green Construction Policy, all off-road diesel powered construction equipment greater than 50 horsepower shall comply with USEPA Tier 4 final exhaust emission standards (40 CFR Part 1039). In addition, if not already supplied with a factory-equipped diesel particulate filter, all construction equipment shall be outfitted with best available control technology devices certified by the CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine, as defined by CARB regulations. In addition to the use of Tier 4 equipment, all off-road construction equipment shall be fueled using 100 percent renewable diesel.	Incorporate contractor responsibilities into applicable construction documents.	Metrolink/Metro  Construction Contractor	1. Metro 2. Final Design/ Pre-Construction
<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
HAZ-1	Prior to the start of construction, the contractor shall provide Metro/ Metrolink with an industrial waste management plan and/or a waste and hazardous materials management plan, such as a plan defined in Title 19 California Code of Regulations or a Spill Prevention, Control, and Countermeasure Plan. These plans shall be completed to Metro/ Metrolink contractor specifications and will identify the responsible parties and outline procedures for hazardous waste and hazardous materials worker training, certifications, handling, storage, and transport during construction of the Project. The plan shall specify how the contractor will handle and manage wastes onsite, including: <ul style="list-style-type: none"> <li>• Prescribe Best Management Practices (BMPs) to follow to prevent hazardous material releases and cleanup of any hazardous material releases that may occur.</li> <li>• Comply with the SWRCB Construction CWA Section 402 General Permit conditions and requirements for transport, labeling, containment, cover, and other BMPs for storage of hazardous materials during construction.</li> </ul>	Prepare industrial waste management plan.  Implement industrial waste management plan  Comply with federal and state regulations for hazardous material handling and storage.	Metrolink/Metro  Construction Contractor	1. Metro 2. Pre-Construction/ Construction

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	During construction, the contractor shall comply with applicable federal and state regulations that consider hazardous material handling and storage practices, such as RCRA, CERCLA, the Hazardous Materials Release Response Plans and Inventory Law, and the Hazardous Waste Control Act.			
HAZ-2	Prior to the start of construction, the construction contractor shall retain a qualified environmental consultant to prepare a Soil Management Plan, Soil Reuse Management Plan, Groundwater Management Plan, and/or Soil, Soil Vapor, and Groundwater Management Plan. These plans shall be completed to Metro/ Metrolink's contractor specifications and submitted to Metro/ Metrolink prior to any ground-disturbing activities for the project. Alternatively, soil, soil vapor, and/or groundwater plans shall be prepared separately and then compiled together as a Soil, Soil Vapor, and Groundwater Management Plan.	Retain qualified environmental hazards consultant.  Prepare Soil Management Plan.  Prepare Soil Reuse Management Plan.  Prepare Groundwater Management Plan or Soil, Soil Vapor, and Groundwater Management Plan.  Implement applicable soil management plans.	Metrolink/Metro  Construction Contractor	1. Metro 2. Pre-Construction/ Construction
HAZ-3	Consistent with Metro's standard practice, prior to the start of construction, the contractor shall provide Phase I Environmental Site Assessments (ESAs) in accordance with standard American Society for Testing and Materials (ASTM) methodologies, to assess the land use history of each parcel that would be acquired for the Project. The determination of parcels that require a Phase II ESA (i.e., soil, groundwater, soil vapor subsurface investigations) shall be evaluated after the Phase I ESAs have been completed and would be based on the results of the Phase I ESAs. Specifically, if the Phase I ESAs identify suspected contamination in the soil, soil vapor, or groundwater; a Phase II ESA shall be conducted to determine whether the suspect contamination had resulted in soil, groundwater, or soil vapor contamination exceeding regulatory action levels.	Prepare Phase I ESA.  Prepare Phase II ESA as applicable.  Incorporate contractor responsibilities associated with recommendations in the applicable Phase I and/or Phase II ESA documentation into applicable construction documents.  Perform site remediation or corrective action, as applicable.	Metrolink/Metro  Construction Contractor	1. Metro 2. Pre-Construction/ Construction

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	If the Phase II ESA concludes that the site is impacted, remediation or corrective action (e.g., removal of contamination, in-situ treatment, capping) shall be conducted prior to or during construction under the oversight of federal, state, and/or local agencies (e.g., United States Environmental Protection Agency (USEPA), Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB), Los Angeles County) and in full compliance with current and applicable federal and state laws and regulations. Additionally, Voluntary Cleanup Agreements shall be used for parcels where remediation or long-term monitoring is necessary.			
<b>HAZ-4</b>	The Balboa Double Track Extension shall be designed in accordance with the City of Los Angeles Municipal Code, Chapter IX, Building Regulations, Article 1, Division 71, Methane Seepage Regulations, as amended by the City of Los Angeles Methane Ordinance (No. 175790). Specific requirements shall be determined according to actual methane levels and pressures measured along the Affected Area, and the specific requirements shall be incorporated into the design and construction.	Verify compliance with City of Los Angeles Building Code Methane Regulations	Metrolink/Metro Project Engineer	1. Metro 2. Final Design/ Pre-Construction
<b>HYDROLOGY AND WATER QUALITY</b>				
<b>WQ-1</b>	During construction, Metro/ Metrolink shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the provisions of the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (CGP) (Order No. 2009-0009-DWQ, NPDES No. CAS000002) and any subsequent amendments (Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ), as they relate to project construction activities within the Balboa Double Track Extension, Canyon Siding Extension, and/or Lancaster Terminal Improvements sites. Construction activities shall not commence until a waste discharger identification number is received from the Stormwater Multiple Application and Report Tracking System.	Incorporate contractor responsibilities into applicable construction documents.  Prepare and submit Notice of Intent.  Prepare SWPPP.  Implement SWPP.  Prepare and submit Notice of Termination.	Metrolink/Metro  Construction Contractor	1. Metro 2. Final Design/ Permitting

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	The contractor for each capital improvement shall implement all required aspects of the SWPPP during project construction.			
<b>WQ-2</b>	Metro/ Metrolink shall comply with the NPDES Waste Discharge Requirements for MS4 Discharges within the Coastal Watersheds of Los Angeles County (Order No. 2012-0175, NPDES No. CAS004001), effective December 28, 2012 (known as the Phase I Permit) and NPDES General Permit for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (NPDES No. CAS000004), as applicable. This post-construction requirement shall apply to each of the capital improvement sites. Metro/ Metrolink shall prepare a final Low Impact Design (LID) report in accordance with the applicable local LID Manual. These include the City of Los Angeles Planning and Land Development Handbook for Low Impact Development, May 9, 2016 and the County of Los Angeles Department of Public Works Low Impact Development Standards Manual, February 2014. The LID report shall identify the required BMPs to be in place prior to project operation and maintenance.	Incorporate contractor responsibilities into applicable construction documents.  Prepare LID report.	Metrolink/Metro  Construction Contractor	1. Metro 2. Final Design/ Permitting
<b>WQ-3</b>	In the event that groundwater is encountered during excavation, the construction contractor for each capital improvement site where groundwater is present shall comply with the provisions of the General Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2013-0095, NPDES Permit No. CAG994004), effective July 6, 2013 (known as the Dewatering Permit), or NPDES General Permit for Limited Threat Discharges to Surface Waters (Order No. R6T-2014-009, NPDES Permit No. CAG996001) as they relate to discharge of non-stormwater dewatering wastes. The two options to discharge shall be to the local storm drain system and/or to the sanitary sewer system, and the contractor shall obtain a permit from the RWQCB and/or the City of Los Angeles, respectively.	Incorporate contractor responsibilities into applicable construction documents.  Obtain dewatering permits as applicable	Metrolink/Metro Construction Contractor	1. Metro 2. Final Design/ Permitting

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
WQ-4	In the event that groundwater is encountered during excavation associated with Canyon Siding Extension, the contractor shall comply with the provisions of the General Waste Discharge Requirements for Discharges of Treated Groundwater from Investigation and/or Cleanup of VOC Contaminated Sites to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties (Order No. R4-2013-0043, NPDES Permit No. CAG914001), effective April 7, 2013 (known as the Dewatering Permit for contaminated sites), for discharge of non-stormwater dewatering wastes from contaminated sites impacted during construction. The two options to discharge shall be to the local storm drain system and/or to the sanitary sewer system, and the contractor shall require a permit from the RWQCB and/or the City of Santa Clarita, respectively.	Incorporate contractor responsibilities into applicable construction documents.  Obtain dewatering permits as applicable.	Metrolink/Metro Construction Contractor	1. Metro 2. Final Design/ Permitting
WQ-5	Metro/ Metrolink shall comply with the NPDES General Permit for Stormwater Discharges Associated with Industrial Activities (IGP; Order No. 2014-0057-DWQ, NPDES No. CAS000001) for demolished, relocated, or new industrial-related properties impacted by the project. This shall include preparation of industrial SWPPP(s), as applicable.	Incorporate contractor responsibilities into applicable construction documents.  Prepare industrial SWPPP.	Metrolink/Metro Construction Contractor	1. Metro 2. Final Design/ Permitting
<b>NOISE AND VIBRATION</b>				
NV-1	Metro/ Metrolink's contractor shall develop a Noise Control Plan demonstrating how noise criteria would be achieved during construction. The Noise Control Plan shall be designed to follow Metro requirements, include construction noise control measures, measurements of existing noise, a list of the major pieces of construction equipment that would be used, and predictions of the noise levels at the closest noise-sensitive receivers (residences, hotels, schools, churches, temples, and similar facilities). The Noise Control Plan shall be approved by Metro/ Metrolink prior to initiating construction. Where the construction cannot be performed in accordance with the local noise ordinances construction noise standards, the contractor would investigate alternative construction	Incorporate contractor responsibilities into applicable construction documents.  Prepare Noise Control and Monitoring Plan.  Implement Noise Control and Monitoring Plan.	Metrolink/Metro Construction Contractor	1. Metro 2. Final Design/ Construction

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase															
	<p>measures that would result in lower sound levels. The noise limits for each jurisdiction are shown in the following table, NV-1 Noise Limits.</p> <p style="text-align: center;"><b>NV-1 Noise Limits</b></p> <table><tr><th>Land Use</th><th>Noise Limit – Daytime <sup>1</sup> <i>Leq</i> (dBA)</th><th>Noise Limit – Nighttime <i>Leq</i> (dBA)</th></tr><tr><td>Any Residential – City of Los Angeles</td><td>Ambient +5 dBA</td><td>Ambient +5 dBA <sup>2</sup></td></tr><tr><td>Single-Family Residential – Santa Clarita and Lancaster</td><td>75 <sup>2</sup></td><td>60 <sup>2,3</sup></td></tr><tr><td>Multi-Family Residential – Santa Clarita and Lancaster</td><td>80 <sup>2</sup></td><td>64 <sup>2,3</sup></td></tr><tr><td>Commercial</td><td>85 <sup>2</sup></td><td>n/a <sup>4</sup></td></tr></table> <p><sup>1</sup> Daytime is defined as follows: Los Angeles: 7 am – 9 pm (Mon-Fri), 8 am – 6 pm (Sat) Santa Clarita: 7 am – 7 pm (Mon – Fri), 8 am – 6 pm (Sat) Lancaster: 7 am – 8 pm (Mon – Sat)</p> <p><sup>2</sup> L.A. County Code Limit</p> <p><sup>3</sup> Recommended <u>limit</u> if written permission is allowed for work outside of the "Daytime" defined hours</p> <p><sup>4</sup> Commercial properties are not typically sensitive at night.</p> <p>The contractor would conduct noise monitoring to demonstrate compliance with contract noise limits. Noise-reducing methods that may be implemented by Metro/ Metrolink include:</p> <ul style="list-style-type: none"><li>• If nighttime construction is planned, a noise variance may be prepared by the contractor, if required by the jurisdiction, that demonstrates the implementation of control measures to achieve noise levels as close to the nighttime limits of the applicable City of Los Angeles, City of Santa Clarita or City of Lancaster standards as possible.</li><li>• Use specialty equipment with enclosed engines, acoustically attenuating shields, and/or high-performance mufflers.</li><li>• Locate equipment and staging areas away from noise-sensitive receivers.</li><li>• Limit unnecessary idling of equipment.</li><li>• Install temporary noise barriers, noise control curtains, and/or noise enclosures. This approach can be particularly effective for stationary noise sources such as compressors and generators. These methods may not be</li></ul>	Land Use	Noise Limit – Daytime <sup>1</sup> <i>Leq</i> (dBA)	Noise Limit – Nighttime <i>Leq</i> (dBA)	Any Residential – City of Los Angeles	Ambient +5 dBA	Ambient +5 dBA <sup>2</sup>	Single-Family Residential – Santa Clarita and Lancaster	75 <sup>2</sup>	60 <sup>2,3</sup>	Multi-Family Residential – Santa Clarita and Lancaster	80 <sup>2</sup>	64 <sup>2,3</sup>	Commercial	85 <sup>2</sup>	n/a <sup>4</sup>			
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ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>effective for elevated receivers; blocking line-of-sight is necessary.</p> <ul style="list-style-type: none"> <li>Reroute construction-related truck traffic away from local residential streets and/or sensitive receivers.</li> <li>Avoid impact pile driving where possible. Where geological conditions permit, the use of drilled piles or a vibratory pile driver is generally quieter.</li> <li>Use electric instead of diesel-powered equipment and hydraulic instead of pneumatic tools.</li> <li>Where possible, minimize the use of impact devices such as jackhammers and hoe rams, using concrete crushers and pavement saws instead.</li> <li>If all conventional noise control measures cannot achieve the noise levels of the applicable City of Los Angeles, City of Santa Clarita or City of Lancaster standards and unavoidable excessive exceedances of the noise limits are predicted, Metro/ Metrolink shall offer to temporarily relocate residents to a hotel. The Noise Control Plan shall define excessive exceedance of the noise limits and shall be approved by Metro/ Metrolink.</li> </ul>			
NV-2	<p>Specific measures to be employed to reduce or mitigate construction vibration impacts shall be developed by the contractor and presented in the form of a Vibration Monitoring Plan as part of the Noise Control Plan. Measurements shall be taken during peak vibration generating construction activities, and the results must be submitted to Metro/ Metrolink on a weekly basis.</p> <p>The following precautionary vibration mitigation strategies should be implemented to minimize the potential for damage to any structures and annoyance to occupants in the Project area:</p> <ul style="list-style-type: none"> <li><b>Alternative Construction Procedures:</b> If high-vibration construction activities must be performed close to structures, it may be necessary for the contractor to use an alternative procedure that produces lower vibration</li> </ul>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Prepare Vibration Control Plan.</p> <p>Implement Vibration Control Plan.</p>	<p>Metrolink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Final Design/ Construction</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>levels. Examples of high-vibration construction activities include the use of vibratory compaction or hoe rams next to sensitive buildings. Alternative procedures include use of non-vibratory compaction in limited areas and a concrete saw in place of a hoe ram to break up pavement.</p> <ul style="list-style-type: none"> <li>• <b>Occupant Temporary Relocation.</b> When construction or demolition must occur very close to the receiver, other less conventional vibration reduction techniques shall be employed. A vibration disturbance coordinator shall be established for affected sensitive occupants regarding vibration annoyance. Vibration levels shall be monitored at the affected uses to determine if vibration levels exceed the vibration annoyance criteria of 0.016 inches per second at residential uses and 0.022 inches per second at commercial uses during construction activity. If construction vibration results in exceedances of the vibration annoyance criteria, occupants shall be temporarily relocated to a hotel during construction times when vibration will be the greatest and most intrusive. Construction activities in non-residential areas shall be scheduled during non-operational hours of commercial uses.</li> </ul>			
<b>TRANSPORTATION</b>				
TR-1	<p>During the final engineering phase and at least 30 days prior to construction of each capital improvement, a construction Traffic Management Plan (TMP) shall be prepared by the contractor for each capital improvement including the Balboa Double Track Extension in the City of Los Angeles, the Canyon Siding Extension in the City of Santa Clarita, and the Lancaster Terminal Improvements in the City of Lancaster. Each TMP shall be reviewed and approved by Metro/ Metrolink, City of Los Angeles, City of Santa Clarita, City of Lancaster, and Caltrans, where applicable. The TMP shall identify proposed detour routes and construction traffic routes, including haul truck routes and preferred delivery/haul-out</p>	<p>Incorporate contractor responsibilities into applicable construction documents.</p> <p>Prepare a TMP.</p> <p>Implement TMP during construction.</p>	<p>Metrolink/Metro</p> <p>Construction Contractor</p>	<p>1. Metro</p> <p>2. Final Design/ Construction</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	locations and hours. Lane and/or road closures shall be scheduled in consultation with the local public works departments associated with each capital improvement site to minimize disruptions to community traffic. The nearest local fire responders shall be notified, as appropriate, of traffic control plans, and lane and/or road closures as well as detour routes and construction vehicle routes shall be coordinated with fire responders to minimize disruptions to emergency response routes. The TMP shall identify pedestrian and bicycle circulation and access detours in and around the affected stations, as well as temporary bus stop locations and signage, as applicable.			
TR-2	During final engineering design and prior to construction, Metro shall establish rail operating agreements and/or memoranda with Metrolink and Union Pacific Railroad (UPRR) to outline mutually agreed upon work windows and contractor operating restrictions. Such agreements shall identify performance objectives such as maximum allowed dwell times and/or on-time performance requirements to be achieved throughout construction, and how construction sequencing and railroad operational protocols would be incorporated into applicable construction documents (plans and specifications) and implemented to maintain the mutually agreed upon performance objectives during construction. Prior to construction, Metro/ Metrolink and the construction contractor shall prepare detailed construction phasing plans for each phase of construction that identify appropriate means and methods to maintain mutually agreed upon on-time performance objectives while minimizing impacts on pedestrians and passengers at Santa Clarita Station and/or Lancaster Terminal. Prior to construction, Metro and the construction contractor shall also coordinate with current rail operators to establish temporary construction detours for passengers at the Santa Clarita Station and Lancaster Terminal that correspond to detailed construction phasing plans to minimize impacts on passenger transfer times.	Establish rail operating agreement with Metrolink and UPRR.  Prepare construction phasing plans.  Establish passenger detours.  Conduct as needed construction coordination meetings with Metrolink and UPRR.	Metrolink/Metro  Construction Contractor	1. Metro 2. Pre-Construction/ Construction

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>Detailed construction phasing plans shall be deemed acceptable by Metrolink prior to commencement of construction activities that could affect regular Metrolink operations.</p> <p>Throughout the duration of construction, Metro/ Metrolink shall solicit UPRR's participation, as-needed, in construction coordination meetings to evaluate the efficiency of the measures in place and Metro/ Metrolink and the construction contractor shall implement changes to means and methods during construction to ensure the performance objectives are maintained at an acceptable level throughout construction.</p>			
<b>TRIBAL CULTURAL RESOURCES</b>				
<b>TCR-1</b>	<p>Mitigation Measure <b>CUL-1</b> pertains specifically to archaeological involvement. The involvement of the Fernandeano Tataviam Band of Mission Indians and Gabrieleno Band of Mission Indians – Kizh Nation (Consulting Tribes) is detailed in Mitigation Measure <b>TCR-1</b>. For the purposes of Mitigation Measures <b>CUL-1</b> and <b>TCR-1</b>, ground disturbing activities include, but are not limited to, excavation, trenching, grading, and drilling.</p> <p>In addition to the Program Archaeologist and archaeological monitor, a Native American monitor from the Consulting Tribes shall be retained to monitor earth-moving activities. Native American monitoring shall be conducted on a rotational basis between the Consulting Tribes (Fernandeano Tataviam Band of Mission Indians and Gabrieleno Band of Mission Indians – Kizh Nation) during these construction activities, and attendance is ultimately at the discretion of the Consulting Tribes.</p> <p>Prior to commencement of any grading activities on site, the Program Archaeologist shall prepare a Cultural Resources Monitoring Plan (CRMP). The CRMP shall be reviewed by the Lead Agency and Consulting Tribes. The CRMP should include at a minimum: (1) the roles and responsibilities of the Program Archaeologist, archaeological monitor, and Native</p>	<p>Retain Consulting Tribal Monitor(s) for all ground disturbing activities as defined in Mitigation Measure <b>TCR-1</b>.</p> <p>Incorporate Native American Monitoring requirements into the CRMP.</p> <p>Implement CRMP Native American Monitoring requirements.</p>	Metrolink/Metro Construction Contractor	<p>1. Metro</p> <p>2. Pre-Construction/ Construction</p>

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>American monitor; (2) the definition of an Environmentally Sensitive Area (ESA) around the previously-identified prehistoric resources adjacent to the Canyon Siding Extension capital improvements area, (3) a description of monitoring procedures; (4) a description of the frequency of monitoring (e.g., full-time, part-time, spot checking); (5) a description of what types of resources may be encountered; (6) a description of circumstances that would result in the halting of work at the program site (e.g., what is considered a "significant" archaeological site); (7) a description of procedures to follow when a resource is encountered including curation procedures agreed upon by the Consulting Tribes; (9) communication/notification protocols; and (8) a description of monitoring reporting procedures.</p> <p>At the commencement of construction, Native American representatives from the Consulting Tribes shall provide a Worker Environmental Awareness Program (WEAP) training for all earth moving personnel and their supervisors. WEAP materials shall be developed and distributed to construction personnel over the lifetime of the program. The program shall inform personnel of the types of artifacts and features that may be encountered, the procedures to be followed if archaeological materials are unearthed during program excavation, contact information for the archaeological and Consulting Tribe personnel, and the regulatory requirements for the protection of archaeological resources including penalties for violations.</p> <p>The Native American monitor shall be present for all ground-disturbing activities in native soil (i.e., undisturbed, non-fill sediments) within the Balboa Double Track Extension and Lancaster Terminal Improvements sites. Within the Canyon Siding Extension site, the Native American monitor shall be present for all ground-disturbing activities within the ESA, including those in disturbed fill sediments. During ground-disturbing activities outside of the ESA within the Canyon Siding Extension capital improvement area, Native American</p>			

ID	Mitigation Measures	Monitoring Action	Responsible Party	1. Enforcement Agency 2. Monitoring Phase
	<p>monitoring shall be limited to ground-disturbing activities within native soil only. A sufficient number of Native American monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.</p> <p>If an inadvertent discovery of archaeological materials is made during program-related construction activities, the Native American monitor shall have the authority to halt ground disturbing activities within 50 feet of the resource(s) and an ESA physical demarcation shall be constructed. The Program Archaeologist, Lead Agency, and Consulting Tribes shall be notified regarding the discovery. The procedures outlined in CRMP shall then be implemented.</p>			

**SOURCE:** Terry A. Hayes Associates Inc., 2021.

..Meeting\_Body

**REGULAR BOARD MEETING  
JULY 25, 2019**

..Preamble

**Motion by:**

**DIRECTORS BARGER, NAJARIAN, KREKORIAN AND SOLIS**

Related to Item 5: Antelope Valley Line Motion

Two recently completed MTA studies, the Metrolink Antelope Valley Line (AVL) Study and the LA-Burbank- Glendale Feasibility Study, recommend both short and mid-term goals to ultimately increase frequency to 30-minute headways with bi-directional service throughout the day. Short term improvements require \$41.8 million in capital improvements and \$4 million more in annual costs. Mid-term improvements would require approximately \$180 million in capital costs, mainly for double-tracking identified in the AVL study as 4 projects. To get these projects through environmental clearance and shovel ready, staff has estimated that \$12.75 million is required. Shovel-ready is an important benchmark to position these projects for grant funding opportunities. Implementation of Scenarios 1 through 3 in the Antelope Valley Line Study will significantly improve service, as detailed in both studies.

The AVL plays a critical role in connecting North Los Angeles County, Union Station and cities in between. It carries the third highest ridership in Metrolink's commuter rail system, and growing, reducing the equivalent of one lane of traffic from major freeways during peak commute hours, and removing approximately 1,000,000 weekday automobile trips per year.

Since the implementation of a now permanent fare reduction program in 2015, the AVL is the only rail transit line in Los Angeles County that has seen consistent, month-over-month ridership growth. As of last year, revenues from this ridership growth surpassed Metro's cost to subsidize the program. In many ways, the AVL is a model for the current regional rail system and it will play a critical role in unlocking regional mobility, as outlined in the State Rail Plan and Metrolink's SCORE program. It also faces serious physical constraints that limit its optimal performance.

..Subject

**SUBJECT: ANTELOPE VALLEY LINE MOTION**

..Title

APPROVE Motion by Directors Barger, Najarian, Krekorian and Solis that the Board:

- A. Support implementation of Scenarios 1 through 3, as detailed in the Antelope Valley Line Study, and prioritize the Balboa Siding Project so as to open up the expedited delivery of hourly commuter rail service between North Los Angeles

County and Los Angeles Union Station;

- B. Direct the CEO and staff to coordinate with Metrolink on the implementation of Scenarios 1 through 3 and the inclusion and prioritization of the capital projects detailed therein as part of Metrolink's SCORE program;
- C. Authorize the programming of \$6.6 million in unprogrammed FY18-22 Multi-year Subregional Programming (MSP) Transit Program funds and \$6.15 million in FY23 MSP Transit Program funds from the North County Subregion, in order to bring the capital projects included in Scenarios 1 through 3 to "shovel-ready" status, and direct the CEO to report back to the Board in October with project development plans, cash flow considerations, and associated operating costs;
- D. Direct the CEO to coordinate with Metrolink on a discretionary grant strategy, and with the North County Subregion on additional local funding options that could be leveraged, to fully fund the remaining construction costs of the capital projects included in Scenarios 1 through 3, and include an update in the October report back to the Board;
- E. Support the implementation of a diesel, electric, battery electric, or hybrid multiple unit train pilot program on the Antelope Valley Line and direct the CEO to coordinate with Metrolink in the pursuit of grant funding opportunities that focus on the offsetting of mobile source pollution in order to implement the pilot program, and;
- F. Direct the CEO to work in partnership with Metrolink to engage appropriate state agencies and the private sector on additional strategies in order to implement the above directives and unlock the service potential of the Antelope Valley Line, in support of the integrated service goals laid out in the State Rail Plan.



## Board Report

**File #:** 2021-0673, **File Type:** Contract

**Agenda Number:** 13.

### FINANCE, BUDGET AND AUDIT COMMITTEE NOVEMBER 17, 2021

**SUBJECT: HEALTH BENEFITS CONSULTING SERVICES**

**ACTION: APPROVE CONTRACT AWARD**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a seven-year, firm fixed price Contract No. PS41236000, to The Unisource Group, Inc. to provide employee health benefits consulting and actuarial services in the amount of \$781,000 for the three-year base period, \$265,950 for option year one, \$240,600 for option year two, \$265,950 for option year three and \$240,600 for option year four, for a combined amount of \$1,794,100, effective February 1, 2022, subject to resolution of protest(s), if any.

#### **ISSUE**

The existing contract for Health Benefits Consulting Services will expire on January 31, 2022. To ensure continuity of services a new contract is required effective February 1, 2022.

#### **BACKGROUND**

Our health insurance plans are part of the total compensation package that helps attract and retain qualified employees and provide existing employees a foundation to maintain or improve health. Metro utilizes the services of a Benefits Consultant to ensure we receive the best value for the benefit dollars spent.

#### **DISCUSSION**

The health benefits consulting firm will provide additional expertise to help Metro conduct program assessment and benchmarking, develop strategy and plan design, provide financial and actuarial modeling, assist with carrier selection and negotiation, monitor program performance, develop employee communications, and assist with further development of wellness program opportunities. The consulting firm provides broad industry experience and deep subject matter expertise. The Unisource Group, Inc. and its sub consultant, Alliant Employee Benefits, have an extensive client base that gives them keen insight into the costs of benefits and emerging strategies that work for public sector employers.

Metro administers group health insurance plans for Public Transportation Services Corporation (PTSC) and Los Angeles County Metropolitan Transportation Authority (LACMTA) employees and retirees. In addition, Metro administers the group insurance health plans for the Amalgamated Transportation Union (ATU) Health and Welfare Fund.

The firm-fixed price of this proposed contract with The Unisource Group is \$575,900 less than the prior 7-year contract.

The cost to cover benefits for these groups is \$61.77 million in the FY22 budget. Additionally, the collective bargaining agreement requires contributions to the MTA-ATU Health Benefit funds is estimated to be \$78.99 million in the FY22 budget.

Over the course of the existing contract, the former benefits consultant negotiated savings of \$11.7 million compared to the \$2.37 million total cost of their seven-year contract. We anticipate the selected firm will be equally capable of achieving significant savings on benefit premiums.

Governmental Accounting Standards Board (GASB) requires an actuarial valuation to calculate Metro's expense for retiree medical, dental, and life insurance benefits.

### **DETERMINATION OF SAFETY IMPACT**

Approval of this item will not impact the safety of Metro's patrons but could influence the health condition of employees through their access of high-quality, affordable healthcare.

### **FINANCIAL IMPACT**

Funding of \$234,000 for benefits consulting services is included in the FY22 budget in cost center 5211 (Pension & Benefits) under projects 100001 and 100003. Since this is a multi-year contract, the Cost Center Manager and Chief, Human Capital & Development Officer will be responsible for budgeting the cost in future years, including any options exercised.

#### **Impact to Budget**

The source of funds for this contract is General Overhead and PTSC Overhead funds comprised of Federal, State, and local funds. These funds are eligible for bus and rail operating costs.

### **EQUITY PLATFORM**

The RFP was released to SBE's and the selected firm, The Unisource Group, Inc., is a registered SBE with Metro and has experience as a DBE subconsultant under a prior benefits consulting prime contractor. Metro's group health insurance plans as referenced in this board report are part of a total compensation package offered by Metro. Currently, 95.4% of employees in the Non-Contract and AFSCME classifications enroll in health benefits, with the remaining 4.6% choosing to waive coverage by providing proof they are covered under another plan. There are no equity impacts anticipated as a result of this proposed action.

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## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports strategic plan goal #5 “provide responsive, accountable and trustworthy governance within the LA Metro organization.” The responsible administration of Metro’s group health insurance plans is strongly enhanced by the services and expertise of a Benefits Consulting firm.

## **ALTERNATIVES CONSIDERED**

An alternative considered was to complete all benefits marketing and negotiations with in-house staff. This is not recommended, as we would lose access to the consultant’s depth of experience with the ever-changing marketplace for insured benefits. The consulting firm completes hundreds of renewals each year, giving them access to the insurers’ most comprehensive plan designs and favorable rates.

## **NEXT STEPS**

Upon Board approval, staff will execute Contract No. PS41236000 with The Unisource Group, Inc. effective February 1, 2022, to provide health benefits consulting services.

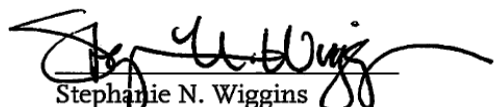
## **ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Jan Olsen, Director, Pension & Benefits, (213) 922-7151  
Teyanna Williams, Executive Officer, Labor & Employee Services (213) 922-5580

Reviewed by:  
  
Patrice McElroy, Interim Chief Human Capital & Development Officer  
(213) 418-3171  
  
Debra Avila, Deputy Chief Vendor/Contract Management Officer  
(213) 418-3051

  
Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

### HEALTH BENEFITS CONSULTING SERVICES/PS41236000

1.	<b>Contract Number:</b> PS41236000	
2.	<b>Recommended Vendor:</b> The Unisource Group, Inc.	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> August 9, 2021	
	<b>B. Advertised/Publicized:</b> August 11, 2021	
	<b>C. Pre-Proposal Conference:</b> August 20, 2021	
	<b>D. Proposals Due:</b> September 9, 2021	
	<b>E. Pre-Qualification Completed:</b> October 12, 2021	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> October 5, 2021	
	<b>G. Protest Period End Date:</b> November 22, 2021	
5.	<b>Solicitations Picked up/Downloaded:</b> 17	<b>Bids/Proposals Received:</b> 1
6.	<b>Contract Administrator:</b> Steven Dominguez	<b>Telephone Number:</b> (213) 418-3158
7.	<b>Project Manager:</b> Jan Olsen	<b>Telephone Number:</b> (213) 922-7151

#### **A. Procurement Background**

This Board Action is to approve the award of Contract No. PS41236000 to The Unisource Group, Inc. to provide employee health benefits consulting and actuarial services. Board approval of contract award is subject to resolution of any properly submitted protest.

Request for Proposals (RFP) No. PS41236 was issued as a competitive procurement in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price. The RFP was open only to Metro Certified Small Business firms.

One (1) amendment was issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on August 11, 2021 revised the Pre-Proposal Conference date.

RFP No. PS41236 was released on August 9, 2021 as a competitive procurement. The solicitation was available for download from Metro's website. Advertisements were placed with the Los Angeles Daily News to notify potential proposers of this solicitation. Metro notified proposers from Metro's vendor database based on applicable North American Industry Classification System (NAICS) codes.

A virtual pre-proposal conference was held on August 20, 2021 and was attended by four participants representing four firms.

Seventeen (17) firms downloaded the RFP and were included on Metro's planholders' list. There were no questions received during the solicitation.

On September 9, 2021, one (1) proposal was received from The Unisource Group, Inc.

Metro staff canvassed all firms on the planholders' list to determine why no other proposals were received. Of the 17 firms canvassed, three firms responded. The following is a summary of the market survey:

1. Potential proposer provides insurance brokerage and employee benefits consulting services but is not a Metro certified SBE firm.
2. Potential proposer is not a Metro certified SBE firm but is interested in submitting a proposal. However, it could not find a Metro certified SBE Prime to partner with.
3. Potential proposer is a Metro Certified SBE, however, it could not find a larger, established insurance brokerage firm to team up with.

The planholders list includes four Metro certified SBE firms, five insurance brokerage firms and eight firms that provide services that are unrelated to the requested services. Of the four Metro certified SBE firms on the list, only the recommended contractor is an insurance brokerage and employee benefits consulting firm.

## **B. Evaluation of Proposal**

A Proposal Evaluation Team (PET) consisting of staff from Management Audit Services, Maintenance and Pension and Benefits Departments was convened and conducted a comprehensive technical evaluation of the proposal received from The Unisource Group, Inc. The proposal was evaluated based on the following evaluation criteria stated in the RFP:

Phase I Evaluation – Minimum Qualification Review: This is a pass/fail criteria. The criteria focused on the proposer's experience in performing renewals for comprehensive group plans including medical, dental, life insurance, and long-term disability plans and the qualifications and experience of the proposed lead consultant.

The PET determined that the proposal received met all minimum qualification requirements and proceeded with Phase II- Technical Evaluation based on the following criteria and weights:

- |  |            |
|--|------------|
| • Qualification and Experience of the Firm/Team  | 35 percent |
| • Qualifications and Experience of Key Personnel | 25 percent |
| • Planning Documents/Work Plan/Activity Chart    | 25 percent |
| • Price  | 15 percent |

The evaluation criteria are appropriate and consistent with criteria developed for similar services. Several factors were considered in developing these weights, giving the greatest importance to the qualification and experience of the firm/team.

Evaluations were conducted from September 13, 2021 through October 8, 2021. After the evaluation, the PET determined The Unisource Group, Inc. to be responsive, responsible, and qualified to perform the services based on the RFP's requirements.

The following is a summary of the PET scores:

<b>1</b>	<b>Firm</b>	<b>Average Score</b>	<b>Factor Weight</b>	<b>Weighted Average Score</b>	<b>Rank</b>
<b>2</b>	<b>The Unisource Group, Inc.</b>				
<b>3</b>	Qualification and Experience of the Firm/Team	84.45	35.00%	29.56	
<b>4</b>	Qualifications and Experience of Key Personnel	81.32	25.00%	20.33	
<b>5</b>	Planning Documents/Work Plan/Activity Chart	78.32	25.00%	19.58	
<b>6</b>	Price	100.00	15.00%	15.00	
<b>7</b>	<b>Total</b>		<b>100.00%</b>	<b>84.47</b>	<b>1</b>

### **C. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based on the independent cost estimate (ICE), cost/price analysis and technical evaluation.

<b>Proposer Name</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
The Unisource Group, Inc.	\$1,794,100	\$2,495,000	\$1,794,100

This is a firm fixed price contract that was estimated based on historical cost, plus annual escalation. The price evaluation was based on annual firm fixed costs for the seven-year term (including options). Cost/price analysis determined the recommended award amount to be fair and reasonable.

### **D. Background on Recommended Contractor**

The recommended firm, The Unisource Group, Inc. (Unisource), located in Encino, CA, has been providing employee benefits consulting services for a broad range of employer groups since 1990. Other services provided include risk management, cost containment and funding strategies, utilization review, project management, health risk assessment, wellness program design and human resource consulting such as strategic workforce planning, job classification and compensation and job specification review. Unisource's public sector clients include the City of Long

Beach, County of Santa Barbara, University of California, California Highway Patrol, State of California and State of Montana.

For over ten (10) years, Unisource was a subcontractor to Metro, providing similar benefits consulting services and performance was satisfactory.

Unisource's subcontractor, Alliant Employee Benefits, has been providing benefit consulting services since 1971. Collectively, the Unisource team has an extensive client base and public sector experience to provide keen insights into the costs of employee benefits and emerging strategies to maintain stability in benefits programs for public sector employers.

## DEOD SUMMARY

## HEALTH BENEFITS CONSULTING SERVICES / PS41236000

**A. Small Business Participation**

Effective June 2, 2014, per Metro's Board-approved policy, competitive acquisitions with three or more Small Business Enterprise (SBE) certified firms within the specified North American Industry Classification System (NAICS) as identified for the project scope shall constitute a Small Business Set-Aside procurement. Accordingly, the Contract Administrator advanced the solicitation, including posting the solicitation on Metro's website, advertising, and notifying certified small businesses as identified by NAICS code(s) that this solicitation was open to **SBE Certified Small Businesses Only**.

The Unisource Group, Inc., an SBE Prime, is performing 56.85% of the work with its own workforce.

**SMALL BUSINESS SET-ASIDE**

<b>SBE Prime Contractor</b>		<b>SBE % Committed</b>
1.	The Unisource Group, Inc. (Prime)	56.85%
<b>Total Commitment</b>		56.85%

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.



## Board Report

File #: 2021-0685, File Type: Program

Agenda Number: 17.

FINANCE, AUDIT AND BUDGET COMMITTEE  
NOVEMBER 17, 2021**SUBJECT: PROGRAM FUNDS FOR METROLINK SERVICE RESTORATION****ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

APPROVE up to \$1,526,932 in additional funding to the Southern California Regional Rail Authority (SCRRA) FY-2021-22 budget to pay for Metro's share to partially restore Metrolink commuter rail service, effective December 2021.

**ISSUE**

Due to a steady increase in Metrolink commuter rail ridership, SCRRA wishes to restore 22 additional weekday trains in December 2021. The SCRRA has proposed a Metrolink service restoration package which will increase service from 108 weekday trains today to 130 weekday trains. The staff recommended action will provide the additional funding needed for Metrolink's service restoration.

**BACKGROUND**

Prior to COVID, SCRRA ran 175 weekday trains on the Metrolink commuter rail service. On March 26, 2020, SCRRA reduced service by more than 30% and is currently operating 108 trains per weekday. Since then, ridership has gradually increased from 5,000 passengers per weekday in April 2020 to 12,000 passengers per weekday in October 2021. This is a 140% increase in ridership since the COVID pandemic began. However, ridership is still considerably less than the 40,000 per weekday ridership pre-COVID.

**DISCUSSION**

Staff is recommending approval of up to \$1,526,932 for Metro's share of the Metrolink's service restoration that will take effect in December 2021. Refer to Attachment A- SCRRA Service Restoration Board Report dated October 15, 2021.

Change in Budget	METRO	OCTA	RCTC	SBCTA	VCTC	Total
Revenue (estimated)	710,121	28,674	96,641	127,907	93,776	1,057,119
Expense	2,237,053	(416,513)	293,719	510,112	328,766	2,953,138
Funding Required (estimated)	1,526,932	(445,187)	197,078	382,205	234,990	1,896,018

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In the Summer of 2021, as Metrolink ridership started to increase, SCRRA began to plan for service restoration. When SCRRA built the service restoration proposal, special consideration was given to the following:

- 1) Customer comments and closing gaps in service.
- 2) Restoring slots that had best opportunity to build ridership or provide new service options.
- 3) A scalable restoration that can be completed in one or multiple phases.
- 4) Best use of available resources with minimal impact to the budget.
- 5) Use of existing on duty crews, and more efficient use of existing equipment.

In October 2021, SCRRA approved a mid-year budget amendment to add funds to their FY 2021-22 budget to support service restoration (Attachment A). The item was approved unanimously by the SCRRA Board and the other four SCRRA member agencies are supportive of the service restoration. Approval of the staff recommended action will provide sufficient funding to restore additional 22 weekday Metrolink trains as early as December 6, 2021.

### **DETERMINATION OF SAFETY IMPACT**

This Board action will have no direct impact to safety standards for Metro. The restored Metrolink service will be implemented by SCRRA in accordance with Federal Railroad Administration (FRA) and class 1 railroad safety regulations.

### **FINANCIAL IMPACT**

Up to \$1,526,932 in additional LA Metro member agency subsidy is required to restore service with an additional 22 weekday trains. Metro will utilize SCRRA surplus funds, Measure M 1% and/or Proposition C 10% commuter rail funds, which are available to fund Metrolink operations.

### **EQUITY PLATFORM**

The Metrolink service restoration of 22 weekday trips is a 20% increase in commuter rail service and will provide better transit options for Metrolink riders. More frequent service will make it easier for riders to get to jobs, housing, appointments and access the greater LA Metro public transportation system at Los Angeles Union Station. The majority of the Metrolink service restoration, 12 out of the 22 trips, will occur on the more ethnically diverse Antelope Valley and San Bernardino lines. Annual household income, automobile availability, and employment levels are lowest on the Antelope Valley and San Bernardino lines. It is anticipated that service restoration on these lines specifically will serve Metrolink customers with the greatest needs.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation to restore 22 Metrolink weekday trains is consistent with the following Metro Vision 2028 Goals and Objectives:

Goal 1: Provide high-quality mobility options that enable people to spend less time traveling

Goal 2: Deliver outstanding trip experiences for all users of the transportation system

Goal 3: Enhance communities and lives through mobility and access to opportunity

### **ALTERNATIVES CONSIDERED**

An alternative is to not restore the Metrolink service at this time. This is not recommended since Metrolink ridership has steadily increased and the restored service will generate a 12% growth in additional projected ridership. The restored service will also fill in service gaps and give riders greater commuter service options, including highly desirable peak hour commute service on the Antelope Valley, Riverside and Ventura County lines.

### **NEXT STEPS**

With Metro Board approval of the recommendation, SCRRA will proceed forward with plans to restore the 22 weekday trains, effective as early as December 6, 2021.

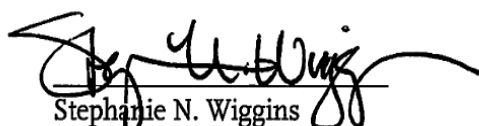
### **ATTACHMENTS**

Attachment A - SCRRA Service Restoration Board Report

Prepared by: Jay Fuhrman, Transportation Planning Manager, Program Management (213) 418-3179

Jeanet Owens, Senior Executive Officer, Program Management (213) 418-3189

Reviewed by: Bryan Pennington, Chief Program Management Officer, (213) 922-7449  
Nalini Ahuja, Chief Financial Officer (213) 922-3088



Stephanie N. Wiggins  
Chief Executive Officer



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**ITEM ID:** 2020-530-0

**TRANSMITTAL DATE:** October 15, 2021

**MEETING DATE:** October 22, 2021

**TO:** Board of Directors

**FROM:** Darren Kettle, Chief Executive Officer

**SUBJECT:** Amendment to FY22 Adopted Budget to include Mobilization Expense and Service Restoration

**Issue**

On February 26, 2021, the Board of Directors approved the awarding of a contract for Track, Structure and Signal Maintenance (Mini Bundle) to Herzog. That contract included an amount of \$3,517,751.00 for Mobilization related to this new vendor. The portion of this Mobilization due in FY2020-21 (879,437.75) was covered by savings in the FY2020-21 Budget. At that time, Members were informed that we would not include the balance of the Mobilization (\$2,638,313.25) in the Budget, but that the Authority would instead use CARES Act funds to cover this cost.

Staff is adding the expense associated with Service Restoration into the FY22 Budget.

**Recommendation**

AUDIT AND FINANCE COMMITTEE RECOMMENDED (5-0) the Board:

- 1) Adopt the Amendment to the FY22 Budget for Mobilization Expense and
- 2) Adopt Service Restoration to the FY22 Budget

**Strategic Commitment**

This report aligns with the Strategic Commitments of:

- **Modernizing Business Practices:** We will improve our operational efficiency through transparency, objective metrics and streamlined governance, reducing over-reliance on subsidy while bringing our system into a state of good repair and investing in the development of our employees. Consolidating Track, Structure and Signal Maintenance in a single agreement has efficiencies in work product and cost savings.
- **Customers Are Our Business:** We respect and value our customers, putting them at the heart of all we do, and work hard to attract and retain new customers by understanding their needs and finding new and innovative ways to delight them. The restoration of these services, and the trains selected, are the result of customer feedback and information received regarding services from the Title VI review of the services suspended as a result of the COVID-19 national emergency. Meeting the needs of the customer, being responsive to customer comments, closing gaps in service, and improving connectivity, were the factors used to determine the services to be restored.

## **Background**

### **Mobilization Expense**

At the time of the decision to use CARES Act funding to cover the Mobilization costs, funding for SCRRA operational activities was provided by a combination of Member Agencies Subsidies and CARES Act funds. With the continuing effects of the COVID-19 pandemic, many Member Agencies have decided that they wish to use CARES Act funds to cover all required operational funding amounts for FY2021-22 which are eligible under the CARES Act grants.

### **Service Restoration**

In July 2021, in response to customer comments, and increasing ridership on some trains, staff was requested to explore restoring some train services that had been suspended due to the COVID-19 national emergency.

## **Discussion**

As a result of the change in funding circumstance, which makes use of CARES Act funding for all expenses eligible under that grant, the Mobilization cost and Service Restoration estimated to be incurred in FY2021-22, should be included with all other expenses in the FY2021-22 Budget. This action is in keeping with best accounting practices.

The allocation method used for Mobilization expense is Route miles owned. The allocation used for Service Restoration will be train miles.

## **Budget Impact**

### **Mobilization Expense**

Upon approval of this request by the Board, the FY2021-22 Adopted Budget will be amended to include an additional \$2,638,313.25.

**Service Restoration**

Upon approval of this request by the Board, the FY2021-22 Adopted Budget will be amended to include an additional \$85,645 per week for the remainder of FY22. If service is restored beginning December 1st, the cost is estimated to total \$2,398,048.96 through June 30. This does not include the farebox revenue associated with the restored service.

**Next Steps**

Determine the revenue and expense break out by member agency for Service Restoration. Breakout by Member Agency will be determined by the October 22, 2021 Board Meeting.

Anticipated future Budget amendments: Arrow Service Budget and FY22 Expenses and San Clemente Emergency Track Work.

Prepared by: Christine Wilson, Senior Manager, Finance

Approved by: Alex Barber, Interim Chief Financial Officer

**Attachment(s)**

[Presentation - Mobilization Amendment](#)

# Effect of Service Restoration on FY22 Budget

<b>FY22 Adopted Budget</b>	<b>METRO</b>	<b>OCTA</b>	<b>RCTC</b>	<b>SBCTA</b>	<b>VCTC</b>	<b>Total</b>
<b>Revenue</b>	29,213,825	15,604,054	5,044,779	7,252,509	2,244,130	<b>59,359,297</b>
<b>Expense</b>	127,593,263	54,756,602	26,519,363	29,770,267	14,394,215	<b>253,033,710</b>
<b>Funding Required</b>	98,379,438	39,152,549	21,474,584	22,517,758	12,150,085	<b>193,674,413</b>

<b>Change in Budget</b>	<b>METRO</b>	<b>OCTA</b>	<b>RCTC</b>	<b>SBCTA</b>	<b>VCTC</b>	<b>Total</b>	<i>Change</i>
<b>Revenue</b> <i>(estimated)</i>	710,121	28,674	96,641	127,907	93,776	<b>1,057,119</b>	1.8%
<b>Expense</b>	2,237,053	(416,513)	293,719	510,112	328,766	<b>2,953,138</b>	1.2%
<b>Funding Required</b> <i>(estimated)</i>	1,526,932	(445,187)	197,078	382,205	234,990	<b>1,896,018</b>	1.0%

<b>FY22 Budget with Restored Service as of December</b>	<b>METRO</b>	<b>OCTA</b>	<b>RCTC</b>	<b>SBCTA</b>	<b>VCTC</b>	<b>Total</b>
<b>Revenue</b>	29,923,946	15,632,728	5,141,420	7,380,415	2,337,906	<b>60,416,416</b>
<b>Expense</b>	129,830,316	54,340,089	26,813,082	30,280,379	14,722,981	<b>255,986,847</b>
<b>Funding Required</b>	99,906,370	38,707,362	21,671,662	22,899,963	12,385,075	<b>195,570,432</b>

# FY22 Service Restoration - Train Miles

	By Member Agency					
	METRO	OCTA	RCTC	SBCTA	VCTC	Total
Train Miles - FY22 Adopted Budget	1,083,609	543,967	227,075	255,052	75,286	2,184,988
Added Miles for Restored Service	117,931	14,437	18,137	27,289	11,672	189,466
Train Miles with Restored Service	1,201,540	558,404	245,212	282,341	86,957	2,374,454
Share of added train miles	62%	8%	10%	14%	6%	100%
% Increase in train miles	11%	3%	8%	11%	16%	9%

	By Line								
	San Bernardino	Ventura County	Antelope Valley	Riverside	Orange County	IEOC	91/PVL	Deadhead Miles	Total
Train Miles - FY22 Adopted Budget	520,798	193,274	413,712	107,489	389,891	305,311	233,688	20,826	2,184,988
Added Miles for Restored Service	51,810	21,273	45,675	35,441	16,202	0	19,065	0	189,466
Train Miles with Restored Service	572,609	214,546	459,387	142,930	406,093	305,311	252,752	20,826	2,374,454
Share of added train miles	27%	11%	24%	19%	9%	0%	10%	0%	100%
% Increase in train miles	10%	11%	11%	33%	4%	0%	8%	0%	9%
# Trains restored	6	2	6	4	2	0	2	0	22



## Board Report

File #: 2021-0461, File Type: Agreement

Agenda Number: 18.

### FINANCE, BUDGET AND AUDIT COMMITTEE NOVEMBER 17, 2021

**SUBJECT: LEASE AGREEMENT WITH THE CITY OF AZUSA FOR THE SYSTEM SECURITY  
OFFICE LOCATED AT 890 THE PROMENADE IN AZUSA**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) or their designee to execute a ten (10)-year lease agreement with four (4) five-year options commencing May 1, 2022 with the City of Azusa ("Lessor"), for the System Security and Law Enforcement (SSLE) office for 8,206 rentable square feet located at 890 The Promenade in Azusa at a rate of \$20,555 per month with escalations of three percent (3%) annually and approximately \$2,865,318 in tenant improvements for a total of \$5,443,930 over the initial term with four 5-year options, if needed.
- B. AMENDING the FY22 budget to include an additional \$1,920,878 for FY2022 and one-time tenant improvements (initial lease costs).

#### **ISSUE**

With the Eastern expansion of the Gold Line System Security and Law Enforcement (SSLE) is requesting a deployment facility to provide infrastructure protection in the Azusa area and eastward as the Gold Line expands. This facility will allow Transit Security Officers to be deployed from the APU/Citrus College Station to protect Metro assets, employees, patrons and help deter unlawful entry into secured areas along the Gold Line. Additionally, as we reimagine our public safety efforts and continue to embrace the expansion of community engagement opportunities with ambassadors, mental health and homeless outreach workers, this space will provide the ability for these teams to deploy from the areas they serve.

#### **BACKGROUND**

Metro has need for a SSLE presence to provide infrastructure protection on the eastern portion of the Gold Line and has identified the Azusa Building as an optimal location. The building located at 890 The Promenade in Azusa (Azusa Building) is uniquely situated right next to the APU/Citrus College Station in Azusa allowing for quick walking distance access to the Gold Line. This location will aid in

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supporting the expansion of the Gold Line and reduce response times to calls for service on the current line.

## **DISCUSSION**

A presence is needed along the Eastern portion of the Gold Line to assure timely responses to security issues in the Irwindale/Azusa area and further East as the Gold Line expands toward Pomona. Without this deployment facility System Security will have severely delayed response times to infrastructure protection issues along the eastern portion of the Gold Line.

Of the four locations considered, only the Azusa Building is located within close walking distance of the Gold Line. The other locations are 1.5 to 3 miles away. Driving to the station and parking would add 10 to 20 minutes to SSLE response time and, it would be difficult and more costly to secure Metro assets at the other locations because they are in shared buildings and parking areas. After reviewing the three comparable properties (Attachment "C"), it was determined that the initial rental rate of \$1.40 per square foot (PSF) is within the range of fair market, NNN (Triple Net). Consistent with NNN leases, Common Area Maintenance (CAM), insurance and property taxes are paid separate from rent. In addition, costs have been estimated for utilities, interior maintenance and janitorial services for a 24/7 operation. Those costs are estimated to add an additional \$1.1048/PSF to the lease cost per month. This amounts to the \$20,555 per month total costs shown below. The tenant improvements shown in Exhibit D will be paid as follows:

The total tenant improvements (TI) will cost:     \$3,111,498  
Lessor will contribute \$30 per SF toward TI's:     (\$246,180)

Metro will pay the net TI costs:                     \$2,865,318

This lease will provide a facility to deploy an initial team of 24 Metro Transit Security Personnel as well as 50 contract security personnel. Additionally, as we reimagine our public safety efforts and continue to embrace the expansion of community engagement opportunities with ambassadors, mental health and homeless outreach workers, this space will provide the ability for these teams to deploy from the areas they serve. Moreover, this facility prepares Metro to better address the needs of patrons and employees as the system continues to grow with the Gold Line expansion.

## **DETERMINATION OF SAFETY IMPACT**

The proposed lease will have a direct impact on Metro's safety standards by increasing System Security's ability to respond to and address safety issues along the Gold Line as it expands Eastward.

## **FINANCIAL IMPACT**

The proposed rent for FY22 is \$41,110 (\$20,555 monthly), which is currently budgeted in

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0651.300055.55.8.01.51201 Rent Property/Facilities. Future lease obligations will be included in annual budget preparation by Real Estate staff.

The one-time lease improvements for FY22 are \$2,865,318, which are not currently budgeted in full. If approved, \$1,920,878 will be added to FY22 budget 0651.300055.55.8.01.51201 Rent Property/Facilities to cover all remaining unbudgeted expenses.

#### Impact to Budget

The funding for the proposed lease is the general fund, right-of-way. The funding source is eligible for bus & rail operations and capital projects.

### **EQUITY PLATFORM**

This lease will not have any direct equity impacts. This lease will provide enhanced security for Metro infrastructure in the protection of Metro assets and employees, as well improved service and response times for patrons using the system, particularly on the San Gabriel Valley portion of the Gold Line. The lease will allow for a more effective deployment strategy of existing security personnel as it will minimize travel time to and from their work location to their assigned posts. The decentralized deployment strategy also creates an opportunity for existing security personnel to establish relationships with frequent riders utilizing the system. Security personnel will still have the ability to summon additional services for those in need including homeless outreach teams, mental health counselors, medical aid or other necessary care. Security personnel will be available to remind users of the system of our efforts for a clean and safe ride and to provide masks when needed. This lease is an essential link in Metro's overall rail security measures to ensure and maintain the security and stability of the Gold Line rail, platform, employees and riders and to keep the Metro system dependable and comfortable for all who rely on Metro for their transit options.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports strategic plan goal #2: "Deliver outstanding trip experiences for all users of the transportation system."

### **ALTERNATIVES CONSIDERED**

The alternative is to not select the proposed site and lease another location that would be less convenient with added delays in response times to security issues along the eastern portion of the Gold Line.

### **NEXT STEPS**

Upon board authorization, Real Estate will finalize the lease agreement with the City of Azusa, forward to County Counsel for approval, and submit for execution by the CEO or their designee for the initial 10-year lease period and, if needed in the future, additional lease options.

### **ATTACHMENTS**

Attachment A - Location Map and Plan Draft

Attachment B - Deal Points

Attachment C - Rent Comparison

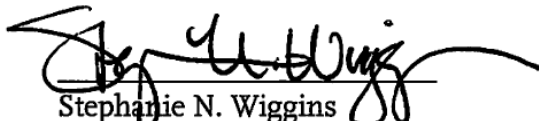
Attachment D - Tenant Improvements

Prepared by: John Beck, Principal Real Estate Officer, Countywide Planning & Development, (213) 922-4435

John Potts, Executive Officer, Countywide Planning & Development, (213) 928-3397  
Holly Rockwell, SEO - Real Estate, Transit Oriented Communities and Transportation  
Demand Management, (213) 922-5585

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920

Judy Gerhardt, Deputy Chief System Security & Law Enforcement, (213) 922-2771



Stephanie N. Wiggins  
Chief Executive Officer

**THE PROMENADE AT CITRUS**  
890 The Promenade, Azusa CA

The Promenade

Residential

Subject Property

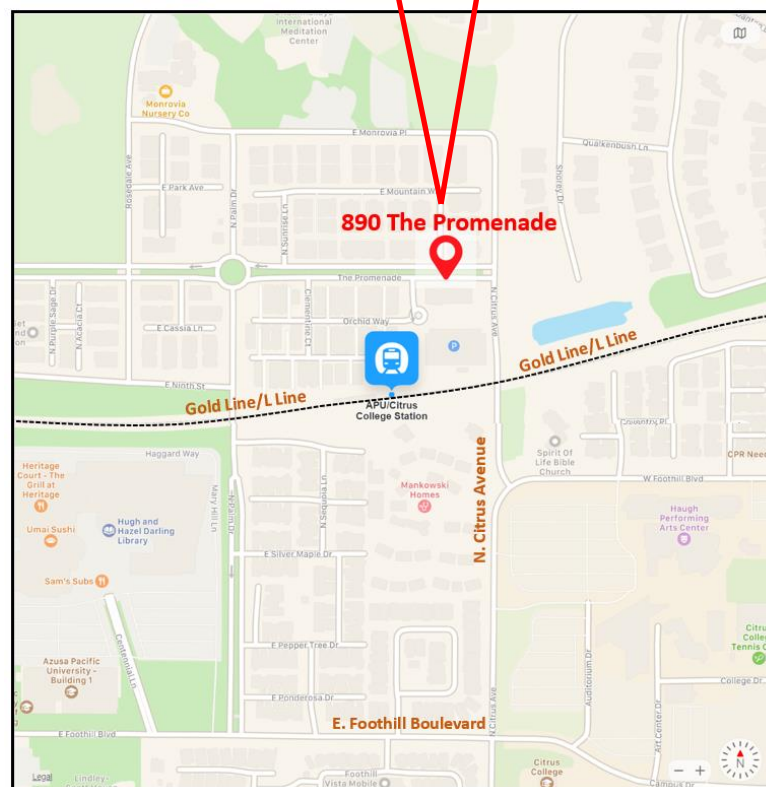
Metro Station Parking

Metro L Line APU / Citrus College

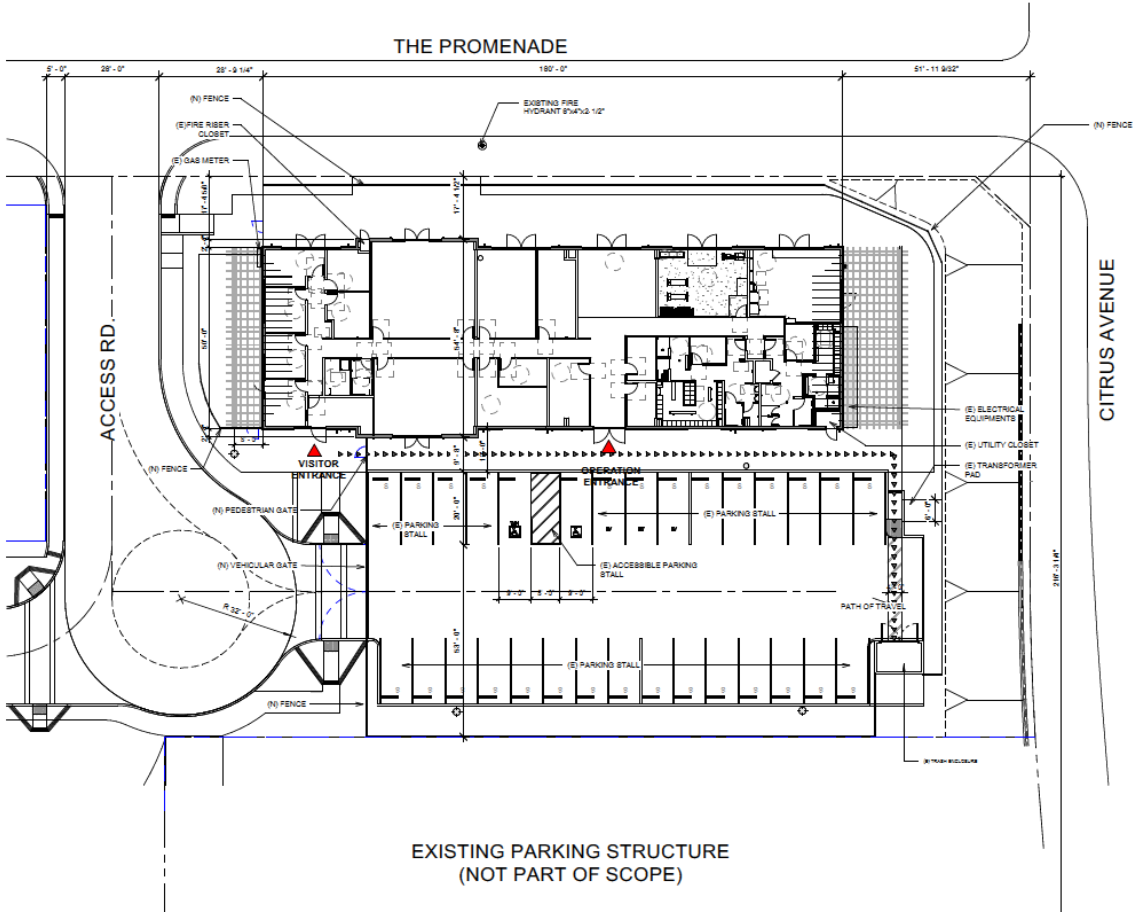
City of Glendora Residential

N. Citrus Ave

Google Earth

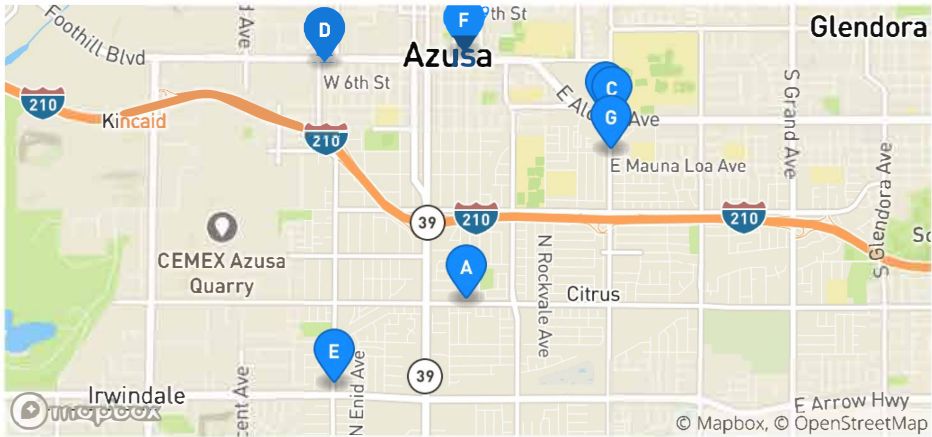


# Floor Plan Draft




## Attachment B – Deal Points

<b>New or renewal</b>	New Lease
<b>Landlord/Owner</b>	City of Azusa
<b>Location</b>	890 The Promenade, Azusa
<b>Premises</b>	Approximately 8,206 square feet
<b>Purpose</b>	A System Security and Law Enforcement office.
<b>Commencement and Duration (note any extensions)</b>	10-years commencing approximately May 1, 2022 with four 5-year options to extend.
<b>Total Cost</b>	The total lease value is approximately \$5.4 million over the initial ten (10)-year term, and tenant improvement (TI) costs.
<b>Early Termination Clauses</b>	None.
<b>Determination of Lease Value</b>	Market data provided by professional broker, Colliers.
<b>Background with this Landlord</b>	None. This will be the first transaction with the landlord.
<b>Special Provisions</b>	The TI's are estimated to cost approximately \$2,578,611. The work will be performed by the landlord and will be invoiced to Metro. Any additional tenant improvements greater than \$500,000 will go back to the Board for approval.



CREATED ON	October 13, 2021 at 10:00 PM
PREPARED BY	Linda Shuler Linda.Shuler@colliers.com 8183341900

ADDRESS	TRANS. QTR.	TENANT	SIZE	FLOOR(S)	TRANS. TYPE	TERM	STARTING RENT	RENT SCHEDULE	FREE RENT	WORK VALUE
<b>A</b> 465 East Gladstone Street	2020 - Q2	Dollar Tree	10,020 SF		New Lease	10y	\$0.73 (Monthly)		4m	
<b>C</b> 392 North Citrus Avenue	2019 - Q3	Azusa Pacific University Galileo Studio	6,383 SF	Ground	Extension	3y	\$1.83 (Monthly)	3.00% per year	0m	\$0.00
	2019 - Q3	APU Galileo Studio	6,383 SF		New Lease	3y	\$1.83 (Monthly)	3.00% per year	0m	\$0.00
<b>D</b> 850 West Foothill Boulevard	2019 - Q2	DMC Exhaust Werks	1,000 SF			5y	\$1.35 (Monthly)			
<b>E</b> 837 South Lark Ellen Avenue	2019 - Q2	Levon Saribekyan	1,125 SF		New Lease	2y	\$1.00 (Monthly)	3.00% per year	1m	\$4.80
<b>F</b> 353 East Foothill Boulevard	2019 - Q2	Chinese Restaurant	3,152 SF			6y	\$2.10 (Monthly)	3.00% per year	6m	
<b>G</b> 310 North Citrus Avenue	2019 - Q1	The Ministry of Peculiarities	4,000 SF			3y	\$1.20 (Monthly)			

Data provided by  COMPSTAK  
All information is not guaranteed. Some of the data on this report was provided by preparer and not verified by CompStak.

Average Rent **\$1.43 SF**

Exhibit C - Rent Comparison

## Exhibit D - Tenant Improvements

<b>Estimated Leasehold Improvement Costs and Estimated Furniture, Fixtures, and Equipment Costs for L A Metro Proposed Facilities at The Promenade at Citrus 890 The Promenade, Azusa, CA 7/19/2021</b>	
<b>Hard Costs:</b>	
*Tenant Improvements Hard Costs (Incl. GC fees, Insurance, & Contingency)	\$ 2,224,260
<b>Soft Costs:</b>	
Construction Management Fee	\$ 254,690
Architectural and Engineering Fees (including Landscape Architect)	\$ 183,545
Reimbursables (Printing, Delivery, Postage)	\$ 12,000
Building Plan Check, Permit, and Planning Review Fees	\$ 35,000
LA County Fire Review Fee	\$ 2,000
AQMD Fee (for Emergency Generator)	\$ 925
Sanitation District Fees	\$ -
School Fees	\$ -
City Utility Construction Fees	\$ -
<b>Subtotal: Leasehold Improvements Hard and Soft Costs</b>	<b>\$ 2,712,420</b>
<b>Furniture, Fixtures, and Equipment Costs:</b>	
Furniture, Fixtures, and Equipment (Incl. Tax, Installation & Contingency)	\$ 399,078
<b>Total Estimated Project Costs</b>	<b>\$ 3,111,498</b>
<b>Less: Landlord's Contribution: (\$30 Per Square Foot) (8,206 SF)</b>	<b>\$ (246,180)</b>
<b>NET ESTIMATED EXCESS PROJECT COSTS</b>	<b>\$ 2,865,318</b>

\* Tenant Improvement Hard Costs detail on Page 2

**Expanded Hard Costs  
for L A Metro Proposed Facilities  
at The Promenade at Citrus  
890 The Promenade, Azusa, CA**

**Hard Costs:**

Demo/Site/Misc. Metals	\$ 153,541
Exterior Site (Gate and Security Fence)	\$ 110,000
Interior Walls/Vertical	\$ 122,000
Windows/Glass/Glazing/Doors	\$ 242,741
Flooring & Ceramic Tiles	\$ 134,712
Accessories (Toilets, fixtures, equipment, signs)	\$ 20,735
Mechanical, Electrical and Plumbing	\$ 687,725
Fire Sprinkler and Alarm	\$ 57,806
Overhead/General/Admin/GC Profit/Insurance/Bonding	\$ 419,316
Contingency (supply chain issues, price volatility, labor)	\$ 275,684
<b>TOTAL HARD COSTS</b>	<b>\$ 2,224,260</b>



## Board Report

**File #:** 2021-0731, **File Type:** Informational Report

**Agenda Number:** 23.

### OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE NOVEMBER 18, 2021

**SUBJECT: PUBLIC SAFETY MISSION AND VALUE STATEMENTS**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

ADOPT the Public Safety Mission and Value Statements (Attachment A).

#### **ISSUE**

As part of the Board's directive to develop a community-based approach to public safety on the transit system, the Public Safety Advisory Committee (PSAC), in consultation with Metro staff, has developed a mission and values statement to guide the approach to reimagining public safety.

#### **BACKGROUND**

At its June 2020 meeting, the Board of Directors approved motions 37 and 37.1 for Metro staff to form an advisory committee and, in partnership, develop a community-based approach to public safety. As part of Motion 37.1, (Attachment B) PSAC was tasked with creating a mission and values statement for transit policing.

#### **DISCUSSION**

In its August general meeting, PSAC began to brainstorm the topic of a mission and values statement. To aid in this discussion, Metro staff provided PSAC with the following current mission and vision statements:

Mission Statement: "To expertly provide superior security services marked by total enterprise security awareness, regional collaboration, advance training and exercise initiatives, embracing security technologies and intelligence to prepare for tomorrow's transit environment."

Vision Statement: "SSLE will continuously strive to meet 21st century professional standards for system security and law enforcement, maximizing the customer experience for all passengers, and supporting an internal and external culture of accountability, performance excellence and readiness to respond to and recover from all hazards to Metro."

In the September PSAC meetings, members continued their discussion around developing a draft mission and values statement. A Google form was created and shared during the meetings to allow the general public to provide feedback to enhance public input on this item. The form was also made

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available on the PSAC website, advertised through Metro's social media accounts, and email notifications were sent to Metro's community networks. The form was opened from August 27<sup>th</sup> through September 20<sup>th</sup>, and the feedback received was provided to PSAC to aid in formalizing the mission and values statement. An initial draft of the potential mission and values statements was presented at the September 22<sup>nd</sup> general meeting.

### *Public Form Feedback*

The form received sixty-four (64) public responses (Attachment C) and were grouped into the following categories:

- *Passenger Safety* (29%) - Comments relate to how safe the passenger feels on the Metro system and improving safety overall
- *Diversity & Inclusivity* (10%) - Comments relate to how Metro can better embrace diversity and be inclusive of everyone in the community
- *Law Enforcement & Security* (10%) - Comments relate to the presence of law enforcement and security on Metro
- *Accountability* (10%) - Comments relate to increasing accountability between the agency and public
- *Community* (6%) - Comments relate to improving the relationship Metro has with the community
- *Shifting Away from Law Enforcement* (6%) - Comments focus on reducing law enforcement involvement in Metro's public safety, and
- *Public Health* (6%) - Comments relate to public health protocols.

On November 3<sup>rd</sup>, the PSAC body voted to approve a modified version of the public safety mission and values statement. The vote was 14 "yes," 0 "no," and 0 "abstain." (Attachment D)

### *Metro Staff Response*

A mission and value statements are important to provide strategic direction in setting priorities, allocating resources, and ensuring that everyone involved in public safety is working towards common goals. Staff recommends approval of the mission and value statements to provide the foundational step of advancing a reimagined approach to public safety.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

This recommendation aligns with goal 2.1 -- Metro is committed to improving security, and goal 3.3 -- Metro is committed to genuine public and community engagement to achieve better mobility outcomes for the people of LA County.

## **EQUITY PLATFORM**

The Google form shared during the meetings via chat and posted on the website for feedback allowed the public to weigh in on the principles that will guide the committee. Providing feedback using different methods and extending the submission deadline allowed Metro to reach more people at different times of the day and month.

The mission and values statement approved by the PSAC body is a core step in adopting a new framework for public safety on the Metro system. Using terminology such as *compassion*, *diversity*,

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and *accountability*, helps put the rider first and acknowledges that safety is not one-size-fits-all.

### **NEXT STEPS**

The mission and values statement put forward by the PSAC serve as a blueprint for how Metro will launch new public safety initiatives and improve existing programs.

### **ATTACHMENTS**

Attachment A - PSAC Mission and Values

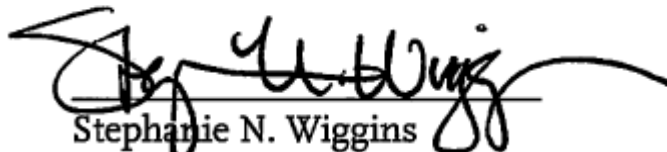
Attachment B - Motion 37.1

Attachment C - Public Responses to the Google Form for Mission & Values

Attachment D - PSAC November 3<sup>rd</sup> Meeting Votes

Prepared by: Imelda Hernandez, Manager, Transportation Planning, System Security and Law Enforcement, (213) 922-4848

Reviewed by: Judy Gerhardt, Chief System Security and Law Enforcement Officer, (213) 922-2711



Stephanie N. Wiggins  
Chief Executive Officer

# **PUBLIC SAFETY ADVISORY COMMITTEE**

## **Metro Public Safety Mission And Values Statements**

### **Mission Statement:**

Metro safeguards the transit community by taking a holistic, equitable, and welcoming approach to public safety. Metro recognizes that each individual is entitled to a safe, dignified, and human experience.

### **Value Statements:**

#### **Implementing a Human-Centered Approach**

Metro commits to pursuing a human-centered approach to public safety. This means working in partnership with historically neglected communities to build trust, identify needs, and create alternatives to traditional law enforcement models.

#### **Emphasizing Compassion and a Culture of Care**

Metro commits to treating all transit riders, employees, and community members with dignity and respect. The key pillars of our approach to public safety are compassion, kindness, dependability, and fair treatment for all.

#### **Recognizing Diversity**

Metro commits to recognizing and respecting the wide range of people and communities we serve. Metro will work with transit riders, community members, families, neighborhoods, and historically underserved groups to identify needs and tailor public safety approaches.

#### **Acknowledging Context**

Metro understands that neglected communities have disproportionately endured the negative effects of systemic inequalities. Historically, institutions have excluded these same groups from decision-making. Metro's approach to public safety recognizes this context and seeks reparative models to minimize harm and promote inclusion.

#### **Committing to Openness and Accountability**

Metro's commitment to public safety recognizes that the agency must operate with the highest ethical standards, prioritize transparency, and rely on community-defined accountability measures.



Metro

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

## Board Report

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**File #:** 2020-0445, **File Type:** Motion / Motion Response

**Agenda Number:** 37.1.

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### REGULAR BOARD MEETING JUNE 25, 2020

**Amending Motion by:**

**DIRECTOR FASANA AND BUTTS**

Related to Item 37: A Community Safety Approach to System Security and  
Law Enforcement

**SUBJECT: A COMMUNITY SAFETY APPROACH TO SYSTEM SECURITY AND LAW  
ENFORCEMENT**

#### **RECOMMENDATION**

APPROVE Amending Motion by Directors Fasana and Butts that the Board direct the Chief Executive Officer to:

- B. In partnership with the Advisory Committee, Office of Civil Rights, Executive Officer for Equity & Race, and Executive Officer for Customer Experience, develop a community-based approach to public safety on the transit system, including but not limited to:

8. **Fasana Amendment:** Add the Customer Code of Conduct to the committee's purview.

9. **Butts Amendment:** Task the committee with developing a mission and values statement for transit policing.

Public Responses to the Google Form for Mission & Values

Question #1: What do you like about the Metro’s System Safety & Law Enforcement (SSLE) vision and mission statement?	Question #2: What is missing from SSLE's vision and mission?	Question #3: Do these statements include words, phrases, or concepts that you like? Share them below.	Question #4: After looking at these statements, what do you think Metro’s public safety mission and values statement should emphasize?	Share your response to a committee member's question/comment. If possible, please indicate the question/comment you are responding to.
Vision: Internal and external culture of accountability, and customer experience for all passengers, although I have serious concerns about whether or not this has been implemented; Mission: I don't really think the Mission is that exemplary.	A comprehensive message of strategies and resources are needed in order to create a safe and welcoming environment that minimizes and reduces law enforcement contact; a sense that Metro's public safety incorporates and address racial and economic disparities in criminalization, profiling, and harassments.	Trust, confidence, integrity, respect, Diversity: To respect individual differences as a source of our strength, Professionalism: To always conduct ourselves in a manner that merits respect and confidence, building trust through community partnerships, compassion	Trust, respect, integrity, respecting diversity, compassion, community partnerships	Recognizing that there needs to be a multi-prong approach to safety that involves the community
maximizing customer service and accountability	providing non-security services			
				The Mission and Values should ensure that communities most impacted by Metro's harmful policing and security practices are centered and their dignity prioritized including Black transit users, unhoused folks, poor people, disabled people, and those with mental health and substance abuse challenges. There should also be a conversation to ensure continued community accountability and oversight to ensure Metro lives into these values.
“Maximizing the customer experience for all passengers”	<p>The inclusion of “SSLE” and/or lack of inquiry into the acronym/name stops the vision and mission before it begins.</p> <p>Are any of the Metro employees within the department active law enforcement? If so, how many? If not, is it appropriate to have “law enforcement” in the department title? Do any other Metro departments call out contracts in their department title? Does the department title imply a forgone conclusion that the law enforcement contracts will be awarded by Metro no matter what? For transit agency departments that are not law enforcement, is it typical to have “law enforcement (or police)” in their title? Is it typical for a transit agency of this size (population &amp; geography) to not have its own transit police force? If not, are there alternative motives as to why Metro does not have its own and continues its reliance on costly external law enforcement contracts?</p>			
				The question this evening asking whether the board would accept a recommendation to discontinue the law enforcement contract(s) was 100% the right question to ask. Elimination of law enforcement is a fantasy, but there's unquestionably a much more cost-effective (and effective) model to be had. Keep going - the people deserve it.
Neee to strive to exceed standards vs meeting them. Integrating therapeutic options for helping to increase safety is important.	Foresight to proactively mitigate safety risks beforehand (sounds fairly reactive as-is).	No I think this is a unique transformation and should have unique statements as well.	Community inclusiveness, utilizing the least restrictive approach first when interacting with the public and making a difference in the community rather than only maintaining safety.	
I like it but will it be upheld and enforced because right now as a passenger, on public transportation, 5 days a week now, less during the beginning of the pandemic, I haven't seen anything enforced. Right now, I've observed passengers having to taking situations into their own hands.	What does Metro considered haphazard? Because I've noticed passengers calling about incidents on the trains and nothing seems to happen at all if anything or too late.	I believe public transportation is trying to say what they think people what to hear to feel safe and confident about taking public transportation but I'm here to tell you, as a frequent rider, its full of holes.	The truth, first off. Make hard working passengers' needs a priority. They need to put these passengers' minds at ease while taking public transportation. I have anxiety everyday I have to take public transportation to work and home. Metro still has a lot of problems to deal with and work out. I would never recommend taking public transportation to anyone if they have an option to drive and don't mind.	
			I think the vision doesnt really sound like a vision. A vision statement should articulate the north star, the end goal for a team. I think SSLE should ensure that all passengers and people experiencing the Metro system feel safe and welcomed aboard and should experience all Metro staff and all contract employees as a welcoming ambassador of the system.	
It does not actually seem to work as stated.	There seems to be no cohesiveness in the way security on the Metro system.	No.	To emphasize the safety and security of all Metro passengers.	

I DON'T!	True Law Enforcement! Actual use of police for situations on the Metro System.		# 1. Law enforcement, along with people able, and willing to work with law enforcement to help defuse volital situations like crises counselors.	
Nothing. Vision, mission and Value statements are outdated and ineffective.	No one pays any attention to these types of statements. They are unnecessary.	no	They should be eliminated. spend the money on cleaning and hiring people who not so lazy.	
It is a comprehensive statement for a complicated mission.	I would add the phrase "to protect our passengers" to the mission statement.	I like the phrase "regional collaboration." We need assistance from other partners (law enforcement, fire, local cities and towns.	They should emphasize protecting the passengers and the public.	
Vision: maximizing the customer experience for all passengers, and supporting an internal and external culture of accountability, performance excellence and readiness to respond, Mission: Too wordy and convoluted	Measurable outcomes and hot topics. Needs to have language regarding meeting ridership and employee needs for safety and engagement.			
It's too long; be straight with your message.	Is there added value to the agency and the public?	To protect and serve the railway environment and its community, keeping levels of disruption, crime and the fear of crime as low as possible.	Value to the agency and its stakeholders and actual training for the officers, not web-based for the security officers. They need help dealing with people in need and violating offenders entering the system.	
At least you have a mission statement	"Respond & Recover from all hazards" seems to imply NOTHING will be done to address the very real issues around METro security ALL THE TIME. Like why are there no actual turnstiles to gate traffic. Right now any homeless person can ride the metro for free and there is no deterrent for or gate for slowing people coming through turnstiles because there aren't really any to speak of. Basically, when you don't need a ticket to ride anyone can ride and there are some shady characters using the metro as their personal free transpo. I have literally never had my ticket checked in all the times I have ridden.	This mission & Value statement is better than the first one. At least it addresses the day-to-day usage and safety	Daily safety. We need to know that when we ride the metro we aren't going to see a grown man sleeping at the entrance buck naked and then when we get on the metro be accompanied by 5-6 other homeless people in the same car who clearly didn't have a ticket and who have not showered in months. This actually happened and it leaves a bad taste in your mouth in terms of adapting the Metro as a viable solution. All of my feedback is for the Trains and not any buses.	
Security is centered as an important goal	No reference to safety of all passengers. No reference to inclusion and access for all patrons, including those with different abilities--that is a safety issue! Furthermore, given the facts around endemic racism in law enforcement, there is no reference to making sure that patrons of ALL ETHNICITIES feel safe using Metro, and that Metro strives to create a secure and safe environment for all and strives that in meeting its goals of security and enforcing the law, policies, processes and procedures will embrace the value of antiracism. Metro needs to have a vision and mission statement that includes uplifting inclusion, access and antiracism.	Multiple references to community (and/or community partnerships) with a few glaring outliers (BART and Dallas). Respect for patrons also mentioned several times.	Please see my response to Question 2 below. You can look at the examples from other cities to see how they are at least trying to voice the value of ALL community members. References to community partnerships, authenticity and respect say to me these other cities are really thinking about the conversations arising out of the country-wide civil unrest after the murder of George Floyd and others by law enforcement agencies.	
I don't like what's offered. It is confusing and not helpful to a unfamiliar company like me.	More hands on and reach out to small business like us if you really are there to help small minority business like us.	yes but I don't see it carry out by your firm.	more out reach and hands assistance on for unfamiliar lbe and minority firm.	
Mission Statement very concise (as it should be). SSLE vision can be less concise but all inclusive; I like "professional standards"; "for all passengers"; "accountability"; "performance excellence" being stressed.	Nothing that I can think of at present.	Some are more precise. Vision and Mission statements are, by their very nature, concise conclusionary statements. The evidence-based facts supporting these conclusions are annotated to supporting statements & documents. Compare this to an Army 5 paragraph field order. The mission statement is brief, concise, and conclusionary so that everyone immediately understands what the mission is. The "how" is explained, in detail, in supporting annexes.	I like your statements in the present form. Add the "how" in supporting paragraphs.	
With all due respect, I find it meaningless in terms of passenger safety, well meaning as it may be	Practicality. How are you going to provide excellent superior services...etc...When a disturbed person enters the bus refusing to mask up, yelling loudly that it is his mission from god to kill everyone, he ignores the bus driver, another patron starts yelling at him...what is the solution? (yes that was a recent experience on the 217.)	For me, no. I don't see what is changing. I think people are doing their best, and usually things are fine. But these statements don't change any realities. There are no bus riders who now feel unsafe who will feel better after reading a mission statement.	Are there concrete practical changes that can actually help the driver and passengers during difficult situations? We can't really monitor passengers and stop dangerous behavior. How about: Is there any way that bus stop sidewalks, especially those with benches can be cleaned more often? I feel unsafe at some stops due to sheer filth.	
	We need to be focused on increasing ridership substantially to deal with climate change. To that end, we MUST strive to make public transportation safe, secure and comfortable for members of ALL socio-economic classes including higher class people who can easily opt for other modes of transportation.	Expanding service and ridership MUST be core goal of ALL departments of Metro.	Expansion of service and increasing ridership	
A bit too wordy, should be more concise.	Keeping passengers safe from criminals and pathogens.		Focus on problems with challenging people that discourage ridership. On some routes bodily substances are encountered.	
It sounds vague and I'll defined. It sounds more theoretical than practical.	How will Metro implement this in real life?	Ethics, Accountability, Transparency, and Honesty.	Cleanliness and Security; to Protect and to Serve. We have to keep our Metro Buses and Trains clean and secure for every passenger.	
You're addressing the issue.	A human element, a guard needs to be on board the train since violence escalates quickly.	accountability	You need a guard on board. period.	

Sounds jargony. It doesn't hold up very well when you break it down into simpler words. Regular people should be able to understand your mission.	Clarity	The British ones are good. Integrity and respect: Acting with honesty and authenticity, demonstrating respect and understanding. Common sense: Taking a sensible and practical approach and challenging bureaucracy.	Metro works to meet the highest level of today's safety and law enforcement standards to give all riders the best possible transportation experience through accountability, authentic customer service, and responsiveness to people's needs.  Metro provides the community with safe, reliable and accessible transportation to help people get to work, back home, and everywhere in between.	
I like that the black shirts and LA police are always visible in trains. But I don't see them on the buses. I would like to see them on the buses.	What you're missing is that the transit Security name needs to be changed to more approachable title like transit safety or public safety. These two title have an inviting title. Security is old and has a negative connotation during this time. We would like to see a more approachable name. Police and Security is more of a aggressive title.	As I saw in the missions statements, all of them say metro police. I would like metro to reconsider the naming of the transit security to such name as the committee has Public safety.. it is a group of people who are able to make the public safe in the trains and buses.	Public safe and not security	
I like the emphasis on using technologies and intelligence to see accountability and professional standards in Metro's public transit.	accessibility to all types of public transit riders or at least a statement of inclusion that shows their understanding of riders. In cases of mental health episodes on the part of riders, law enforcement may not be the most equipped agency to support all riders safety. Unless of course there is a training and partnership with law enforcement to have a specified code of conduct to ensure safety of all riders.	I am not able to open the link. it would have been helpful to have the values listed out on the form since I opened this form from an email.	I think it is focused on security and technology and doesn't give us a sense of the metro riders. Does not even mention or perhaps would need an entirely different statement of service to metro riders.	
Its just a bunch of empty words that accomplish nothing but is a rational for MTA people to legitimize their job and exhorbant salaries....and...	the bottom line.....is the hard working bus operator cannot, or will not, or has been instructed not to, do anything about the idiots who wear their mask BELOW THEIR NOSE thus spreading Covid....	NO.....because fancy concepts and words do not prevent Covid from spreading: MASKS DO IF FULLY COVERING THE NOSE and although Metro requests masks be worn, no enforcement on the exposed nose	dangerous to travel by public transportation because of NO ENFORCEMENT of mask covered nose which is/can be DEADLY to other passengers....	
Nothing. It's a waste of time and money.	Police. We need a transit police force that actually does something.		Policing Make it safe. Protect the riders.	
Length. Brevity is always great. Can easily throw it onto a poster.	It's missing one sentence explaining what SSLE is & should be spelled out. What average rider who sees this will know what and why they are reading this? Who is the audience? It sounds like a tech ad. Is it supposed to make the general public feel safer or riders or staff? What is the goal of having this?	The word accountability	Community. The current statement does resonate with a single mom of 3 kids riding the night train home after her second job. It doesn't older immediately make an immigrant senior feel they're being looked after. The mission sounds cold & something out of the terminator. It also sounds like a list of things that SSLE needs to do rather than getting ahead of things.	
Needs revision	Should mention "health and security". Buses and trains need to be cleaner to protect public health.	No comment	Public Health & Safety	
This is a LIE	TRUTH	ALL LIES	"We deliver violence, filth, congestion, fires, fights and pollution."	
maximizing the customer experience for all passengers	Vision mostly seems more concerned with hazards to Metro and only a little about protecting the people riding it. Of course, only those with no other option will ride if it doesn't feel safe while doing so. Mission - nice to prepare for tomorrow's transit environment, but what about dealing with today's?	"safe, secure, reliable" "keeping levels of disruption, crime and the fear of crime as low as possible"	Customer and employee safety and comfort. Accountability.	
Nothing. Too vague. No clear goal.	A clear statement of specific goal such as eliminating crime.	British is best	On time performance, no accidents, no criminal activity	
A lot of big words.	What you really will be doing.	Short and to the point. Lack of big words that mean nothing, when I'm riding the bus. Your vision and mission are just a lot of big words that don't address the REAL problem. Mental health, homeless, to many people, not enough space, and RACISM!	Be prepared for mental health breakdowns on the bus, as well as the ever growing homeless population.	
All the references to security	You really need to remodel it to make it readable for everybody. What you've written is bureaucratic technobabble, and many of your audience won't understand it and will be turned off by it. Even our President honors writing so that the people can UNDERSTAND....you really need to break this down to the 6th grade level, AT THE MOST. If you want help you can contact me. You need to write in PLAIN ENGLISH	I like the first 2 because they are SIMPLE AND READABLE. Yours is full of bureaucratic big words, not a good idea.	Just go for safety. That's what has scared everybody off your system, if they can.	
It sounds great. But in practice, I don't have much confidence based on my personal experience. Granted we live in a complicated society. However, safety and one's security should not depend on the neighborhood one lives in.	The intent to seriously make the Statement a reality.	I prefer the term "security", or "safety" to "policing".	As answered in #3, System Security or System Safety. What I haven't seen in these measures is means of measurement. The metrics to determine if these statements are really working.	
I like it - i wish Security and LE actually followed through in it sometimes by removing non-paying, loitering, trashy, and destructive riders when they present themselves.	the actual follow-through and implementation	"Enforce applicable laws" - DART	Enforce applicable laws, Professionalism	

Mentions regional collaboration (although reality is less generous than the Mission Statement would lead one to believe)	Vision does not mention/focus on riders safety. Should include risk of getting injured/killed crossing street to get to metro bus stops/rail stations, risk of injury due to law enforcement actions and/or profiling, risk of injury due to excessive heat and other impacts of climate change, and risk of injury/death due to lack of climate-focused city-level production of housing near/around Metro stations, resulting in mass homelessness.	British concepts include "expanding transit service". I'd add reliability, viability vis-a-vis car travel, and consistency in service levels.	I'd add reliability, viability vis-a-vis car travel, and consistency in service levels. Safety includes safety from law enforcement profiling, access to mental health safety resources, housing security, and reducing pedestrian/bicyclist deaths thru city enactment of complete streets concepts (with local return money).	
The pieces on maximizing the customer experience for all customers, the part on accountability and responsiveness to recover from hazards. I like that the mission focuses on technology as it is a smart and effective way to address safety in such a large transit system.	I think the vision and mission needs to include items on sanitation or public health as it applies to safety. Metro rail in particular is plagued with litter, and users who disregard the public right of other users. Unkempt conditions create conditions for disease, but more immediately, it discourages users and potential users from using transit. Safety needs to advocate for changing the culture of negligence by users and Metro.	Accountability to all passengers, readiness to respond, recover from all hazards, security awareness.	I believe it should emphasize safety for all users and intolerance to discourteous behavior or creating unhealthy conditions.	
No laws + No DA = You can't enforce safety. Tear this blight down. It delivers nothing but disease and violence.	Truth + Reality. We no longer have law + order. It's every man, woman, child for themselves. Without law + order your a worthless sucking sound of my taxes. Delivering criminals to my door. I want you GONE!	No. This is all LIES + UNTRUTH	If you cared about the public you'd tear down this blight of disease, drugs, needles, feces, urine, and violent attacks on the neighborhood. I took the Metro 3x a wk before Newsom + Gascon. Now I have to sell my home bc the crime you deliver is so horrendous.	
Nothings. It's filled with buzz-wordy platitudes. Use plain language please. It's overly broad language opens the doors to unnecessary function sprawl. Metro security should do metro security. Leave other societal issues to municipalities and the state.	1. Actionable commitments: A mission to "prepare" is not a mission to succeed. The goals should be to reduce risk and harm to riders, to reduce unpaid (where it is unlawful) ridership, restore and maintain a hygienic system (which directly contributes to perceptions of safety), and more. Each key point from the mission statement should then be broken out into individually actionable and measurable items.  A vision and mission statement should not be empty platitudes, or bureau-speak, as those provided by the SSLE are. The language should be plain and understood by a layperson.	The plain language used by the British, WMATA, DART systems is honest, and direct. The goals are focused on the customers using the system and the employees that operate the system. There are fewer or no self-aggrandizing statements. Honestly in language is important.	Protect the customers, employees and physical plant of the Metro system.	
Not much. First of all, "continuously" is a goddam lie. There might be a cop or Metro cop about once an hour, IF THAT.	What's midding? The guts to actually make it work. Gascon will just turn the criminals loose again IF they are arrested. The vision and mission is a pretty little package, all wrapped up in a nice bow, but won't mean donkey dung unless A LOT OF COPS are actually assigned to the Metro. Stop emphasizing bureaucratic BS and start POLICING!!!	I don't know anything about the NYC or British or Seattle Metro systems. It matters not how pretty your phrases are, what matters is SAFETY from creeps, criminals and crooks.	Few people will even peruse the public safety mission, or the values statement. Why bother? Put your money and energy into actually IMPROVING safety, instead of bureaucratic BS that no one cares about, except the bureaucrats.	
Internal and external culture of accountability	Visibility of personnel	Integrity, Respect, Trust, Confidence, Cooperative relationships with other law enforcement agencies.	Integrity, Accountability, Visibility, Cooperation with other agencies in law enforcement	
The part that says culture of accountability	Preventing crime, addressing crime effective, and continuously maintaining a safe, pleasant, comfortable riding experience	protect and serve our customers, highly visible police presence, reducing crime on the transit system	Please emphasize preventing crime and addressing crime on the system, enforcing rules, regulations, policies, procedures, and fare	
I like that the Vision Statement it is customer focused on their safety and experience on our system and seeks to improve the safety/security standards, by bringing them up to the 21st century and not continuing to do what has been done. I like that the Mission refers to a standard of expertise, we want to see developed in our safety and security professionals and that it embraces the use of technology.	The customer and employee benefit	Yes, Minneapolis: Safeguarding the transit community with integrity and professionalism while building trust through community partnerships (building trust) and BART: To be the leader in innovative policing, establishing BART as the safest transit system in the nation. (being a leader), being proactive not reactive. Also Vancouver, reducing crime.	Customer and employee focus, being a leader in the transit security industry, embracing change, being innovative, using technology and reducing crime.	
...maximizing customer experience for ALL passengers...	"standards" is vague - SSLE should be welcoming, friendly, approachable, helpful. They need training in customer service, implicit bias, negotiating, de-escalation & conflict resolution skills as the soft end of the "force continuum", to address & reduce officer-involved use of force, complaints of bias & BIPOC patrons' fear of police.	community involvement / relations, respect, dignity, customer service, protecting rights & safety of ALL patrons	Making ALL patrons feel welcome, comfortable & safe, unless they threaten the comfort or safety of others.	

N/A	At the very least, a broadened definition of what "security" is because this vision and mission seems to be lifted off what police do. I really wish this language would take into account the public shift away from almost militarist ways of approaching issues. This is a transit system, not some warzone.	Hard to say-- this is literally grounded in police ideology, for lack of a better term.	Metro's public safety mission and values statement needs to turn away from policing and criminalization. The current statement is a tacit acknowledgement that Metro isn't there yet or refuses to make change. You say you will "maximize the customer experience for all passengers" in your vision but the mission makes it clear that certain riders could be subject to targeted enforcement, surveillance, and possible criminalization. I'm not ignorant of the quality of life issues that can be present in the system: unhoused people who shelter in transit vehicles, people with varying levels of struggles mental, physical, and otherwise-- but you cannot arrest your way out of a problem. A Metro bus or train can never become a fortress- it's public transit for goodness sake. This mission says nothing about a proactive, people-centered approach to safety on Metro. It just seems to be covering the system legally borrowing the language of the police. If you are really open to critique, you should strongly consider an explicitly-worded mission and vision that shows that Metro will shift away from police-oriented approaches to security.	
keep people safe on trains	more officers on trains	yes	yes	
nothing - I don't understand why we need an approach to safety that rooted in law enforcement and criminalization. I don't want "security services". I want vibrant transit hubs, with bathrooms, food, coffee, music, art, benches. I want services for homeless people. I want metro staff to help new users, english language users, the elderly and others navigate the system.	homeless services, information booths staffed with people, station facilities and cleaning staff, vending services, resources and information access, lighting, bathrooms, fast service.	all these statements are for cops. I don't pay taxes for metro to be a cop service, i want good bus and train service with amenities for riders, not police.	vibrance, community, riders, people, families, resources, not police	
I like the use of the words "accountability" and "security technology and intelligence". I stopped using the transit system because nobody cared when I got spit on and screamed at by a crazy homeless. It is dangerous cycles of "anything goes".	To take action to intervene in behaviors of transit facility users that are threatening, dangerous, illegal.	"accountability", "security technology and intelligence"	To ensure safety of and respect to transit system users.	
A promise of an internal and external culture of accountability	An emphasis on what kind of training- de:escalation and directing towards services for example.			
It's focus on system wide security awareness and commitment to excellence.	A greater focus on inter-agency cooperation i.e., commitment to working with LA County, LAPD, LA County and city mental health services. I take the train almost daily and the biggest issue I see are mentally unstable/homeless people acting erratically (I've been accosted several times but such people).	Yes, professionalism, common sense, integrity		
Investment in tech and a future of safety and security for riders. I believe through innovation, we can better maintain and secure our metro for years to come.	It feels cold and emotionless. Called riders "customers" also feels off.	I love "culture of accountability."	We need to envision a safety future without the reliance on armed police officers. This militarized approach to security is at odds with the values of the people of Los Angeles. We should lead the nation in new ways of securing our transit lines without cops.	
It's a fine statement but it strikes me as meaningless as a Metro rider.	Enforcement	The statements can be important but the implementation is what matters. This is window dressing.	I don't actually care about the statement. Make Metro safer, cleaner, more welcoming. Other places do this. You can do the same.	
I DON'T like the fact that the Vision contains so many disparate parts -- 21st century / customer experience / accountability / responsiveness. Too much.	Brevity."	"customer experience" "accountability"	Accountability	
The focus on customer experience and culture of accountability	By focusing on "all" and not naming the most at risk customers specifically, a lot can fall through the cracks and "security" and "law enforcement" can still be used to abuse marginalized groups.	Yes. Many other of the transit safety organizations bullet point their values, which is better visual communication. DIVERSITY.	This is a bit redundant. But, more emphasis on empowering self-policing, protecting the most at risk customers specifically, and rider diversity.	
I like the "culture of accountability" mention in the vision, though I question what that means in practice. I also appreciate the "advanced training" mentioned in the mission statement, though again I don't know what that means in practice. Having moved to LA from New York just before the pandemic, my experience of the LA Metro, which I insist on taking as much as I can, is not a positive one. I've felt more unsafe on the LA Metro in the 18 months I've lived here than in my almost 18 years of riding the subway in New York.	SPECIFICS. I know a mission statement isn't meant to be a document, but there's an awful lot of jargon and corporate newspeak here. To me, public safety and security is THE major problem of the LA Metro. Will you be able to balance enforcing rules and regulations in a meaningful and demonstrable way with respecting civil rights? I don't know. Enforcement of rules and regulations is SORELY lacking right now.	culture of accountability, tomorrow's transit environment	REAL enforcement of rules, a real presence in the system, tangible and achievable goals,	

I like the emphasis on using 21st century standards to maximize customer experience, with accountability.	Pervasive security services is missing. Can security services be more pervasive as the metro network expands?			
words words buzzwords words buzzwords	simple meaning	"maintain a safe and peaceful environment for ... customers and employees and ... ensure the security of property." Nothing else needs to be said.	keep it simple: it's about the experience of safety for patrons and employees. By "the experience" I mean both the perception of being safe and the reality of being safe because both are needed.	
Nothing.	Both are vague & seem to emphasize technology, ignoring the human element. Missing commitment to superior service, safety, respect for the transit customer & community. Accountability, community partnership, teamwork. Professionalism, integrity, training, education SSLE.	Yes. See response to Q #2 above. Also include diversity, customer-focused.	Service & safety of the transit customer & community; integrity, professionalism, accountability, training/education of Metro.	
Easy Access	Safety - Do not remove the police	Yes	To keep passengers and staff safe without harm.	
Both statements appear to be quite comprehensive.	I am not sure the average bus or train rider will easily understand the statements as they are written. The statements should be written with the riders comprehension in mind.	Of the agencies shown, I liked Bart, DC Metro and Metro Vancouver.	The agencies listed in question #3 provide ample wording for developing good statements.	
<p>On Wednesday, September 15, I tried calling in to your meeting at 5 p.m. and again about 5:20 p.m. but was told the meeting hadn't begun.</p> <p>Your existing System Security and Law Enforcement Mission &amp; Values Statements is a meaningless word salad.</p> <p>Over the past six weeks, I've experienced a variety of security problems on MTA buses and trains, such as passengers and operators without masks, tobacco and cannabis smoke on trains, a passenger standing next to and engaged in an extended, casual conversation with an operator while the bus was in motion, and the lack of an obvious security presence on platforms and in stations.</p> <p>No collection of impressive-sounding words will give MTA the integrity and credibility it lacks.</p>				

## Public Safety Advisory Committee

Prepared by the PSAC Facilitator Team

# MEMO

**Date:** November 5, 2021

**To:** Metro Office of the Chief Executive Officer

**From:** Public Safety Advisory Committee (PSAC)

**Re:** Outcomes from the November 3, 2021 PSAC Meeting -- Mission & Values Statement

During the November 3, 2021 Public Safety Advisory Committee (PSAC) meeting, the advisory body voted on a proposal to approve a Metro's public safety mission and values statements

Below is a summary of the committee's action on this matter:

- The body voted to approve a modified version of the public safety mission and values statement. The vote was 14 "yes," 0 "no," and 0 "abstain." (Link: [Approved mission and values statement](#))

## Proposal to Approve the Mission and Values Statements

The committee voted to approve a modified version of the mission and values document included in the November 3, 2021 meeting agenda packet (Attachment F). The unanimously approved text included the following modifications:

- Updating the "Emphasizing Compassion and a Culture of Care" value statement to include the word "dependability." The second sentence of the statement now reads: "The key pillars of our approach to public safety are compassion, kindness, **dependability**, and fair treatment for all."
- Addressing a typo in the "Acknowledging Context" value statement, changing the word "repartive" to "reparative." The third sentence now reads: "Metro's approach to safety recognizes this context and seeks **reparative** models to minimize harm and promote inclusion."



## Board Report

File #: 2021-0675, File Type: Budget

Agenda Number: 27.

### CONSTRUCTION COMMITTEE NOVEMBER 18, 2021

**SUBJECT: ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

CONSIDER:

- A. ESTABLISHING a Life of Project (LOP) budget in the amount of \$156,437,550 million for the Rosecrans/Marquardt Grade Separation Project; and
- B. AUTHORIZING the Chief Executive Officer to approve the award of and execute all contracts and agreements within the LOP budget for the Rosecrans/Marquardt Grade Separation Project.

#### **ISSUE**

The Rosecrans Marquardt Grade Separation Project has completed 100% final design plans, and it is currently in procurement for construction. Staff is requesting board approval of the LOP, which includes all phases of the project from environmental, planning and design to construction, including all third party and soft costs. The Rosecrans/Marquardt Grade Separation Project is fully funded with \$156,437,550 in federal, state and local funds.

#### **BACKGROUND**

The Rosecrans Marquardt Grade Separation Project (RM Project) is comprised of a new bridge overpass at the Rosecrans Avenue and Marquardt Avenue in the City of Santa Fe Springs that will separate the vehicular and pedestrians from the BNSF owned rail corridor. The Rosecrans Avenue and Marquardt Avenue grade crossing experiences a high volume of vehicular traffic with approximately 45,000 vehicles traveling through this grade crossing daily along with 130 Metrolink and Amtrak passenger trains and BNSF freight trains. This is equivalent to a train traveling through this crossing approximately every 10 minutes. In addition, this grade crossing traverses this intersection diagonally, which results in poor sight distance between roadway and railroad vehicles. With such heavy traffic on diagonal grade crossing configuration, the California Public Utilities Commission (CPUC) identified the Rosecrans Avenue and Marquardt Avenue grade crossing as one of the most hazardous grade crossing in the state in 2017 and 2018.

The RM Project is an important regional rail project that will enable an increase of Metrolink and Amtrak passenger trains and accommodate the future California High Speed Rail service along this corridor.

## **DISCUSSION**

Staff is recommending approval of the LOP budget in the amount of \$156,437,550 million for the RM Project, which is fully funded with federal, state and local funds. The RM Project has completed the final design, and it is currently in procurement for construction. The LOP has been established for \$156,437,550 million, including environmental, planning preliminary engineering, final design, construction, construction management support services, construction administration, real estate acquisitions, building demolitions, advanced utility relocations, third-party costs, legal, permits, & professional liability insurance, etc. The RM Project is a grade separation project that received CEQA Notice of Statutory exemption on February 29, 2016, and has also completed NEPA Findings of No Significant Impact Environmental Assessment on November 7, 2018.

<b>Scope Description</b>	<b>Total Cost (in millions)</b>
Planning, Environmental & Preliminary Engineering	\$ 1.970
Final Design Services & Design Support During Construction	\$ 5.998
Real Estate Acquisition	\$ 57.0
Soft Costs (Legal, Testing, etc.) & Third Party Costs	\$ 15.469
Early Demolition & Advance Utility Work	\$ 6.0
Construction including 4% cost escalation & contingency	\$70.0
<b>TOTAL</b>	<b>\$156.437</b>

A key component to the Rosecrans/Marquardt Avenue intersection with BNSF railroad crossing is safety. The construction of a new separated bridge overpass will significantly improve safety, eliminate the possibility of train to vehicle collisions, reduce vehicle delays, and enhance the environment. This project is also an important regional rail project that will enable an increase in Metrolink and Amtrak passenger trains and accommodate the future California High Speed Rail service along this corridor.

There are no existing bike lanes located along Rosecrans Avenue or Marquardt Avenue. However, the LA Metro/Gateway Council of Governments Strategic Transportation Plan outlines the future construction of a class II bikeway facility on Rosecrans Avenue. The construction plans show the proposed Rosecrans to be 102' wide with 6 lanes, 8 feet wide sidewalks on both sides, and therefore there will be sufficient room for future bike lanes.

### **Real Estate Acquisitions**

Metro Real Estate is responsible for all property acquisitions and easements, including six industrial properties, two commercial properties, various partial and temporary easements, and 15 temporary construction easements (TCEs). All Property acquisitions have been completed in compliance with

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the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 as well as the State of California land acquisition laws. Since this Project includes funding from federal and state sources, the Right-Of-Way (ROW) Certification was required prior to construction authorization. Metro Real Estate has already obtained the ROW Certification approval from Caltrans and has effective Orders of Possession (OP) on all properties and is ready for the start of construction.

#### Advanced Utility Relocations

The advanced utility relocation work was undertaken under the Cooperative & Funding Agreement with the City of Santa Fe Springs, signed and executed in July 2018. The cooperative agreement includes a section entitled "Relocation of City Utilities & Private Utilities" for the project. Under this agreement, the City of Santa Fe Springs sent written notice to all utility owners whose facilities were in conflict with the project, instructing them to relocate or remove the conflicting facilities at the utility owner's cost in accordance with City's Franchise Agreement with each utility owner. Utilizing the City's Franchise Agreement, enabled the project to proceed with the advance utility relocation, maintaining project schedule, significantly reducing project risks and saving the project more than \$10 million. This is an initial step in the Metro-staff proposed county-wide approach as part of our program-wide cost containment initiative.

Utility work began in early 2020, and the relocation of gas and Verizon's telecommunication lines has already been completed. Frontier's and Charter/Spectrum's communication lines relocation work is currently in progress and will be completed by January 2022. The Southern California Edison (SCE) electrical work involves the relocation of nine (9) overhead steel poles and replacement of six (6) overhead wood poles and being completed in three (3) phases. SCE has already completed the first phase and anticipating completing the second phase by the end of January 2022. SCE's Phase-3 is in the fill area west of railroad tracks and will need to be completed concurrently with the grading and roadway construction of the new bridge overpass due to the significant change in grade.

#### Demolition Work

In preparation for the advance utility work, early demolition work began in early 2020 where a total of eight (8) buildings are to be demolished and four (4) buildings have already been cleared from the project site. The remaining 4 buildings are scheduled to be demolished by beginning in early November 2021 and be completed by January 2022 and ready for the construction work to begin.

#### **DETERMINATION OF SAFETY IMPACT**

The approval of Board action will not have an impact on established safety standards. This Project will substantially improve safety as it is a grade separation of the roadway from active railroad right-of-way. With this Project, the at-grade crossing will be closed, eliminating the possibility of train to vehicle collisions at this intersection and improving traffic conditions. All aspects of the Project will be designed to be in accordance with BNSF's current design standards and will be in accordance with the General Orders of the California Public Utilities Commission.

#### **FINANCIAL IMPACT**

The Rosecrans/Marquardt Grade Separation Project is fully funded with \$156,437,550 in local, state and federal grants as listed in Table 1.

<b>TABLE 1 SOURCES OF FUNDS</b>	<b>AMOUNT (in million)</b>
California High Speed Rail Prop 1A	\$ 76.665
California Public Utilities Commission Section 190- City of Santa Fe Springs	\$ 15.0
BNSF Railway	\$ 7.272550
Measure R 20% Highway	\$ 26.5
Federal Transportation Investment Generating Economic Recovery	\$15.0
California Senate Bill 1 Trade Corridor Enhancement Program (TCEP)	\$7
California State Transportation Improvement Program	\$9
<b>TOTAL</b>	<b>\$156.437550</b>

The funding required for FY22 is included in cost center 2415, Regional Rail, Project No. 460066, Task 6.3.01.03. This is a multi-year project and with Board approval, the future fiscal years (FY23, FY24, and FY25 - See Attachment A - LOP Cash Flow) will be budgeted by Metro Cost Center Manager and Chief of Program Management.

#### Impact to Budget

The funding sources are subject to change based on availability and eligibility at the time of expenditure. The funding sources are not eligible to be used for Metro bus/rail operating or capital budget expenses.

#### EQUITY PLATFORM

From the beginning, the project team initiated a robust public engagement campaign that included a scoping meeting, community meeting and a public hearing, and stakeholder briefings. Informational materials, such as fact sheets and FAQs, a project website, Helpline and emails were established and made accessible to all the public. These outreach efforts will continue through construction. The project area is zoned as light industrial and is populated with industrial and commercial buildings. There are no residential buildings within the project area. All the acquired properties and the relocated businesses were relocated and received compensation in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. This project has established a 12% DBE participation goal.

#### ALTERNATIVES CONSIDERED

The Board may choose not to move forward with the approval of LOP budget. This is not recommended as LOP is based on actual bids that provide an accurate construction cost forecast. Also, the LOP budget approach is consistent with Metro's capital project delivery approach. Additionally, schedule delays and cost overruns will occur if the LOP budget is not approved.

**NEXT STEPS**

Upon Board approval of the LOP budget, staff will move the Project forward into construction.

**ATTACHMENTS**

Attachment A - Life of Project Budget Cash flow

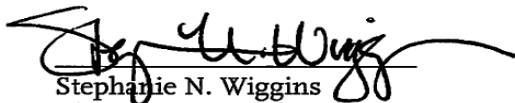
Attachment B - Project Funding Plan

Dan Mahgerefth, Director of Engineering, (213) 418-3219

Jeanet Owens, Sr. Executive Officer, (213) 418-3179

Reviewed by: Bryan Pennington, Chief Program Management Officer,  
(213) 922-7449

Debra Avila, Deputy Chief Vendor/Contract Management (213) 418-3051

  
Stephanie N. Wiggins  
Chief Executive Officer

Attachment A  
Rosecrans/Marquardt Project - Life of Project Budget Cash Flow

Rosecrans/Marquardt Grade Separation

	\$7,968,000	7/1/15 to 6/30/16	7/1/16 to 6/30/17	7/1/17 to 6/30/18	7/1/18 to 6/30/19	7/1/19 to 6/30/20	7/1/20 to 6/30/21	7/1/21 to 6/30/22	7/1/22 to 6/30/23	7/1/23 to 6/30/24	7/01/24 to 6/30/25
PROJECT PHASE	BUDGET TOTAL	PRIOR	Up to FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
Planning, Environmental & Preliminary Engineering	\$1,970,000	\$1,222,000	\$164,000	\$67,000	\$14,000	\$15,000	\$200,000	\$200,000	\$88,000	\$0	\$0
Final Design Services & Design Support During Construction	\$5,998,000	\$1,037,000	\$1,513,000	\$290,000	\$445,000	\$866,000	\$873,000	\$389,000	\$325,000	\$220,000	\$40,000
Right-Of-Way (Real Estate Acquisitions)	\$57,000,000	\$54,000	\$4,845,550	\$9,000,000	\$21,500,000	\$10,500,000	\$7,358,347	\$3,742,103	\$0	\$0	\$0
Soft Costs (Legals, Testing, etc.) & 3rd Party Costs	\$15,469,550	\$1,100,550	\$1,200,000	\$1,300,000	\$1,400,000	\$1,270,100	\$1,398,900	\$1,500,000	\$2,800,000	\$2,600,000	\$900,000
Early Demolition & Advanced Utility Relocations	\$6,000,000	\$0	\$50,000	\$0	\$0	\$2,925,823	\$24,177	\$3,000,000	\$0	\$0	\$0
Constuction Including 4% Cost Escalatiion & Contingency	\$70,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$6,000,000	\$30,000,000	\$30,000,000	\$4,000,000
GRAND TOTAL	\$156,437,550	\$3,413,550	\$7,772,550	\$10,657,000	\$23,359,000	\$15,576,923	\$9,854,424	\$14,831,103	\$33,213,000	\$32,820,000	\$4,940,000

GRANT FUNDING SOURCE	TOTAL	PRIOR	Up to FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25
CHSRA Proposition 1A	\$76,665,000	\$0	\$0	\$0	\$0	\$20,500,000	\$5,300,000	\$5,000,000	\$24,000,000	\$21,865,000	\$0
CPUC Section 190	\$15,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$7,500,000	\$7,500,000	\$0	\$0
BNSF Railway	\$7,272,550	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000,000	\$2,272,550
Measure R 20%	\$26,500,000	\$3,413,550	\$7,772,550	\$10,657,000	\$23,359,000	(\$4,923,077)	\$4,554,424	(\$2,668,897)	(\$9,287,000)	(\$9,045,000)	\$2,667,450
TIGER	\$15,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,000,000	\$8,000,000	\$0
State Transportation Improvement Program (STIP)	\$7,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000,000	\$2,000,000	\$0	\$0
Trade Corridor Enhancement Program (TCEP)	\$9,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000,000	\$7,000,000	\$0
BUDGET TOTAL	\$156,437,550	\$3,413,550	\$7,772,550	\$10,657,000	\$23,359,000	\$15,576,923	\$9,854,424	\$14,831,103	\$33,213,000	\$32,820,000	\$4,940,000

**Rosecrans/Marquardt Grade Separation Project  
Funding Matrix Breakdown**

FUNDING SOURCE	FUNDING AGENCY	AMOUNT SECURED	DATE (MONTH/YEAR) FUNDS REQUESTED	FUNDING USE*	ADDITIONAL NOTES
TIGER Grant	USDOT	\$15,000,000	In Place	C	
Prop 1A	CHSRA	\$76,665,000	In Place	C/R	
Measure R 20%	Metro	\$26,500,000	In Place	C/R/PE/FE	
Section 190	CPUC	\$15,000,000	In Place	C/R	
Railroad Share	BNSF Railway	\$7,273,000	In Place	C	
TCEP	CTC	\$9,000,000	In Place	C/R	SB1 Trade Corridor Enhancement Program
STIP	CTC	\$7,000,000	In Place	C/R	State Transportation Improvement Program
		\$156,438,000			

**Total Project Funding      \$156,438,000**

**\*Legend: C= Construction  
R= Right-of-Way  
PE=Preliminary Engineering  
FE= Final Engineering**



## File Summary

File Number	Title	Current Status
2021-0675	<p><b>Budget</b></p> <p>CONSIDER:</p> <p>A. ESTABLISHING a Life of Project (LOP) budget in the amount of \$156,437,550 million for the Rosecrans/Marquardt Grade Separation Project; and</p> <p>B. AUTHORIZING the Chief Executive Officer to approve the award of and execute all contracts and agreements within the LOP budget for the Rosecrans/Marquardt Grade Separation Project.</p> <p><b>Introduced:</b> 10/11/2021</p> <p><b>Meeting Date:</b> 11/18/2021</p> <p><b>Department:</b> Engineering and Construction (Department)</p> <p><b>Drafter:</b> hillc@metro.net</p>	<p><b>Agenda Ready</b></p> <p><b>Controlling Body:</b> Construction Committee</p> <p><b>Sponsor(s):</b> Construction Committee</p>



## Board Report

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**File #:** 2021-0677, **File Type:** Contract**Agenda Number:** 28.

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**CONSTRUCTION COMMITTEE  
NOVEMBER 18, 2021****SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT - ADVANCED UTILITY  
RELOCATION DESIGN FOR DWP****ACTION: AUTHORIZE CONTRACT MODIFICATION FOR FINAL DESIGN OF ADVANCED  
UTILITY RELOCATION FOR DWP DESIGN PACKAGE 2&3****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to execute Modification No. 26 to Contract No. AE58083E0129 with Gannett Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, for the final design of advanced utility relocation for DWP Design Package 2&3, in the amount of \$1,926,053, increasing the total Contract amount from \$74,851,987 to \$76,778,040.

**BACKGROUND**

The Project is a light rail system that will extend north from the Van Nuys Metro G-Line, previously known as the Metro Orange Line, station to the Sylmar/San Fernando Metrolink Station, a total of 9.2 miles with 14 at-grade stations. The Metro Board certified the Final Environmental Impact Report on December 3, 2020. The Project achieved Record of Decision on January 29, 2021. The Project is currently finalizing the preliminary engineering design, with street improvements and guideway design advanced to 60 percent and all other design elements (stations, maintenance facility and systems) to 30 percent. Final design for select advanced utility relocations is also being advanced.

Included in the Project environmental document was the initial operating segment (IOS) defined as the southern 6.7 miles of the Project alignment. The IOS is street running in the middle of Van Nuys Boulevard and includes 11 at-grade stations along with the maintenance facility. The remaining northern 2.5-mile environmentally cleared segment is going through additional analysis as directed by the Board in December 2020 and is not included in the IOS.

As the IOS was cleared and the design has advanced, the IOS portion of the Project is proceeding into the next phase of final design and construction to keep to the Measure M completion schedule. The IOS procurement process for a Contractor is anticipated to begin in late 2021 followed by groundbreaking in 2022. Substantial completion will be achieved in 2028 in accordance with the

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Measure M schedule.

## **ISSUE**

The recommended Contract Modification is to provide final design for the Los Angeles Department of Water and Power (DWP) vault relocations, specifically combined Design Package 2&3. On the critical path, the relocation of the DWP vaults is necessary to meet the revenue operations by 2028. This action will greatly assist in mitigating risk.

## **DISCUSSION**

In 2019, Metro awarded to Gannett Fleming, Inc. a cost plus fixed fee (CPFF) contract for Architecture Engineer (AE) services to advance the design for the design build project delivery method (Phase 1), support during the solicitation process (Phase 2) and design support during construction (Phase 3) for the Project. Within the Phase 1 scope of work there includes an unfunded scope of work to prepare design and technical documents for inclusion into advanced utility relocation construction procurement documents. This contract modification will be issued under that scope item.

Metro and DWP have coordinated on the vault relocation design since 2019. Currently there are seven (7) separate vault relocation design packages. Design 1 is moving forward into final design under a separate contract modification. DWP has provided their conceptual designs for combined Design Package 2&3 to Metro and the next step is to issue a contract modification to Gannett Fleming to advance the design to final design, coordinate review and approval with DWP and City of Los Angeles and develop technical documents to support the construction procurement documents. Metro plans to release the construction procurement documents end of 2022.

## **Equity Platform**

The Gannett Fleming contract has SBE commitments (see Attachment C), and the contract modifications do not change the level of commitment. For this contract modification, an SBE will be completing some of this contract modification work. This contract modification scope of work could be a separate procurement, but this would delay the project, which would facilitate new high-quality transit in an area of high need.

The existing vaults are underground and will remain underground within Van Nuys Blvd. Therefore, no burden to the adjacent businesses and/or community is expected. The vault relocations are expected to have no potential harm for equity concerns because it is in the design phase and therefore, no unintended negative impacts are expected from the Board Report action. As the final design progresses, Metro and Gannett Fleming will continue to coordinate with DWP and City of Los Angeles. Finalizing the vault relocation design for DWP Design Package 2&3 before the ESFV Progressive Design-Build (PDB) contractor starts will assist in meeting the opening day schedule of 2028.

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Community engagement strategies may include multiple rounds of community outreach activities to engage with the community on project design elements and potential project impacts. As part of the Project, construction phasing plans and traffic management plans will be developed to mitigate temporary traffic impacts from lane and/or road closures resulting for the vault relocations on Van Nuys Blvd.

The project study area average of 0.53 zero-vehicle households per acre is 77 percent higher than the 0.30 County average. Expanding on this, Equity Focus Communities (EFC) are within walking and biking distances to the proposed stations. Accordingly, the project will improve access for East San Fernando Valley transit riders in EFCs along the existing route to additional destinations such as colleges, hospitals, museums, open spaces, recreational and nature attractions, Metrolink and Orange Line Transit Centers (providing bus and rail connections to San Fernando Valley).

### **DETERMINATION OF SAFETY IMPACT**

Approval of this item will not impact the safety of Metro's customers or employees.

### **FINANCIAL IMPACT**

This Project is funded on a fiscal year basis under Project number 865521 East San Fernando Valley Light Rail Transit Corridor, cost center 8510, under various accounts including Professional/Technical Services and \$251,167,442 is included in the FY22 Adopted Budget. This multi-year project requires expenditure authorizations in fiscal year increments until a Board Authorized Life of Project Budget is adopted. It is the responsibility of the Cost Center Manager, Project Manager and Chief Program Management Officer to budget for this project in the future fiscal years and within the cumulative budget limit for the affected fiscal year.

#### **Impact to Budget**

Sources of funds for the recommended actions are Measure M 35% and State Grants. There is no impact to Operations eligible funding. No other funds were considered.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project supports the following strategic goals:

Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling.

The purpose of the Project is to provide high-capacity transit service in the San Fernando Valley.

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Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system.

The at-grade light rail system will attract bus ridership and improve the trip experience for users of the transportation system.

Strategic Goal 3: Enhance communities and lives through mobility and access to opportunity.

With 11 stations, including connections to Metro G-Line and Metrolink, the ESFV enhances mobility to the community

Strategic Goal 4: Transform LA County through regional collaboration and national leadership.

Collaboration with the elected officials, citizens, and Metro patrons of San Fernando Valley continues to positively impact the Project.

## **ALTERNATIVES CONSIDERED**

A separate procurement could be considered for advancing the design for utility relocations to final design and development of technical documents to support the construction procurement. Staff does not recommend this alternative because schedule impacts to pursue a separate procurement would delay the project. Completing this design work is necessary to expedite the advanced utility relocations that are on the Project critical path. Delays will jeopardize the ability to meet the Measure M Expenditure Plan schedule, including the opening date of FY 2028.

## **NEXT STEPS**

Upon Metro Board adoption, staff will complete negotiations and execute the contract modifications.

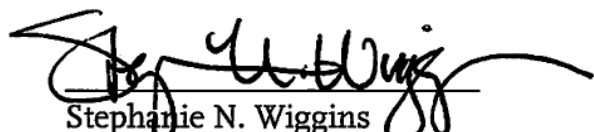
## **ATTACHMENTS**

Attachment A: Procurement Summary  
Attachment B: Contract Modification / Change Order Log  
Attachment C: DEOD Summary

Prepared by: Rick Meade, Senior Executive Officer, (213) 922-7917

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Reviewed by: Bryan Pennington, Chief Program Management Officer, (213) 922-7557  
Debra Avila, Deputy Chief Vendor/Contract Management (213) 418-3051



Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

## EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

1.	<b>Contract Number:</b> AE58083E0129		
2.	<b>Contractor:</b> Gannett Fleming, Inc.		
3.	<b>Work Description:</b> Perform final design of Advanced Utility Relocation (AUR) for Los Angeles Department of Water and Power (DWP) vault relocations, specifically combined Design Packages 2 and 3.		
4.	<b>Contract Work Description:</b> Engineering design and oversight services for the East San Fernando Valley (ESFV) Transit Corridor Project. This action is for Scope of Services Phase 1 development of Preliminary Engineering (PE) design, Section 2.2.8.4.2 Advanced Utility Relocations (AUR) Contract.		
5.	<b>The following data is current as of:</b> 10/28/21		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	7/25/19	<b>Contract Award Amount:</b> \$61,974,852
	<b>Notice to Proceed (NTP):</b>	8/15/19 (Contract Execution)	<b>Total of Contract Changes Approved:</b> \$12,877,135
	<b>Original Complete Date:</b>	8/15/28	<b>Pending Modifications (including this action):</b> \$2,493,959
	<b>Current Est. Complete Date:</b>	8/15/28	<b>Current Contract Value (with this action):</b> \$76,778,040
7.	<b>Contract Administrator:</b> Diana Sogomonyan		<b>Telephone Number:</b> (213) 922-7243
8.	<b>Project Manager:</b> Monica Born		<b>Telephone Number:</b> (213) 418-3097

**A. Procurement Background**

On July 25, 2019, the Board of Directors approved award of Contract No. AE58083E0129 to Gannett Fleming, Inc. in support of the East San Fernando Valley Transit Corridor Project, a proposed light rail system that will extend north from the Van Nuys Metro Orange Line Station to the Sylmar/San Fernando Metrolink Station, a total of 9.2 miles. Consultant's Scope of Services consists of three phases: Preliminary Engineering (PE); Solicitation Support (SS); and Design Support During Construction Services (DSDC). The Period of Performance for the Contract is nine (9) years from execution date of the contract.

This action is to authorize the Chief Executive Officer (CEO) to execute Contract Modification No. 26 for Contract No. AE58083E0129 with Gannett Fleming, Inc. for the East San Fernando Valley Transit Corridor Project, to perform final design of Advanced Utility Relocation (AUR) for Los Angeles Department of Water and Power (LADWP) vault relocations, specifically combined Design Packages 2 and 3.

This Scope of Services is part of Consultant's Phase 1 Preliminary Engineering work. The final design of AUR falls under Contract Scope of Services Section 2.2.8.4.2 Advanced Utility Relocations (AUR) Contract, which requires the Consultant to develop final plans, profiles, details, traffic control, shoring, and specifications for major utility rearrangements to define space requirements for those facilities that are in conflict with the Project. These relocation drawings and specifications will in turn be used for awarding a separate AUR contract.

As outlined in the July 25, 2019 Board Report, the completion of this scope of services was not included in the Contract not-to-exceed amount at time of award, as further engineering work would be required to produce a separate package for the AUR at a future time. Therefore, the AUR design is beyond the funding for scope that was authorized by the Board at Contract award time, thus requiring further Board authorization for funding to pursue the scope of services. Consultant can only begin with the work upon Metro's issuance of a contract Modification for the costs and a written authorization to proceed.

Contract No. AE58083E0129 is a Cost Reimbursable Fixed Fee Contract (CPFF). Twenty (20) Contract Modifications (MODs) and three (3) Contract Change Orders (CO) have been approved and executed to date, one CO of which has been superseded and converted to a Contract Modification. Four (4) Contract Modifications are in progress, one of which consists of this action.

(Refer to Attachment B – Contract Modification/Change Order Log).

## **B. Cost Analysis**

The recommended cost for the Contract Modifications is determined to be fair and reasonable based upon fact finding, technical evaluation, cost analysis, and negotiations. The Contract Modification will be processed in accordance with Procurement Policies and Procedures, within the additional funding requested.

<b>MOD NO.</b>	<b>PROPOSAL</b>	<b>INDEPENDENT COST ESTIMATE</b>	<b>FINAL NEGOTIATED</b>
26	\$1,953,250	\$2,082,908	\$1,926,053

## CONTRACT MODIFICATION/CHANGE ORDER LOG

## EAST SAN FERNANDO VALLEY (ESFV) TRANSIT CORRIDOR PROJECT

<b>Mod./ CO No.</b>	<b>Description</b>	<b>Status</b>	<b>Date</b>	<b>\$ Amount</b>	<b>Board Approved CMA</b>
N/A	Initial Award		7/25/19	\$61,974,852	\$12,394,970
MOD 1	Contract Conforming and Clarifications	Approved	11/12/19	\$0.00	
MOD 2	Underground Utility Detection Services along Van Nuys Blvd.	Canceled	5/28/20	\$0.00	
MOD 3	Geotechnical Test Plan and Hazardous Material Work Plan	Approved	8/24/20	\$53,164	\$12,341,806
MOD 4	Underground Utility Detection Services Along Van Nuys Blvd. – Segment A	Approved	10/14/20	\$437,646	\$11,904,160
MOD 5	Underground Utility Detection Services Along Van Nuys Blvd. – Segment B	Approved	11/5/20	\$481,156	\$11,423,004
MOD 6	Underground Utility Detection Services Along Van Nuys Blvd. – Segment C	Approved	11/5/20	\$358,665	\$11,064,339
MOD 7	Underground Utility Detection Services Along Van Nuys Blvd. – Segment D	Approved	11/5/20	\$74,079	\$10,990,260
MOD 8	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment A	Approved	11/5/20	\$159,832	\$10,830,428
MOD 9	Utility Investigation - Potholing and Slot Trenching for Segment A	Approved	11/23/20	\$1,691,789	\$10,830,428
MOD 10	Coordination With Third Party Utility Owners to Assess Utility Conflicts	Approved	4/12/21	\$734,547	\$10,095,881
MOD 11	Preliminary Engineering of Composite Utility Rearrangement Plans	Approved	2/23/21	\$738,979	\$9,356,902
MOD 12	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment B	Approved	3/23/21	\$150,153	\$9,206,749

MOD 13	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment C	Approved	3/23/21	\$140,163	\$9,066,586
MOD 14	Planning Work for Potholing and Trenching Along Van Nuys Blvd. – Segment D	Approved	4/6/21	\$101,777	\$8,964,809
MOD 15	Utility Investigation - Potholing and Slot Trenching for Segment B	Approved	2/25/21	\$1,772,143	\$8,964,809
MOD 16	Utility Investigation - Potholing and Slot Trenching for Segment C	Approved	2/25/21	\$1,565,506	\$8,964,809
MOD 17	Utility Investigation - Potholing and Slot Trenching for Segment D	Approved	3/1/21	\$627,590	\$8,964,809
MOD 18	Geotechnical Subsurface Investigation	Approved	9/1/21	\$987,531	\$8,964,809
MOD 19	Additional Coordination with Third Party Utility Owners to Assess Utility Conflicts	Approved	6/28/21	\$534,376	\$8,430,433
MOD 20	Van Nuys Blvd. Re-Design Level of Effort	Approved	9/22/21	\$715,901	\$7,714,532
MOD 21.1	Additional Level of Effort for Completion of Phase 1 - Preliminary Engineering	Approved	9/3/21	\$670,630	\$7,043,902
CO 1	Coordination With Third Party Utility Owners to Assess Utility Conflicts (See Mod 10)	Superseded	11/4/20	\$0.00	\$7,043,902
CO 2	Utility Investigation - Additional Potholing for Segment A	Approved	7/7/21	\$285,542	\$6,758,360
CO 3	Advance Utility Design for Advance Utility Relocation (AUR) for LADWP Power Underground Design 1	Approved	9/22/21	\$595,966	\$6,162,394
	<b>Subtotal Approved Changes (Mods and COs):</b>			<b>\$12,877,135</b>	
MOD 23	Coordination With Telecommunication Utility Owners to Assess Utility Conflicts	Pending	TBD	TBD	\$6,162,394
MOD 24	Advanced Planning for Geotechnical Subsurface Investigation	Pending	TBD	\$567,906	\$5,594,488
MOD 26	Advance Utility Design for Advance Utility Relocation	Pending	TBD	\$1,926,053	\$5,594,488

	(AUR) for LADWP Power Underground Design 2 & 3				
MOD 27	Update Various Preliminary Engineering 30-60% Design and Reports to Complete CPUC Applications	Pending	TBD	TBD	\$5,594,488
	<b>Subtotal Pending Changes:</b>			<b>\$2,493,959</b>	
	<b>CMA Authorized by the Board and Remaining</b>				<b>\$5,594,488</b>
	<b>Approved Mods</b>			<b>\$11,995,627</b>	
	<b>Approved COs</b>			<b>\$881,508</b>	
	<b>Pending Modifications:</b>			<b>\$2,493,959</b>	
	<b>Original Contract:</b>			<b>\$61,974,852</b>	
	<b>This Board Action:</b>			<b>\$1,926,053</b>	
	<b>Revised Contract Total (including Approved Changes +This Board Action):</b>			<b>\$76,778,040</b>	

## DEOD SUMMARY

**EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT CORRIDOR  
AE58083E0129001**

**A. Small Business Participation**

Gannett Fleming, Inc. (Gannett) made a 25.29% Small Business Enterprise (SBE) and 5.54% Disabled Veteran Business Enterprise (DVBE) commitment. The contract is 38% complete and the current level of participation is 14.93% SBE and 4.69% DVBE, representing 10.36% SBE shortfall and 0.85% DVBE shortfall, which demonstrates an improvement from the 12.12% SBE and 2.13% DVBE shortfalls reported to the Board in May 2021.

Gannett explained that their utilization plan was projected to use the SBE/DVBE's over the first two years at 21.3% SBE and 3.4% DVBE and in subsequent years the utilization will be higher. Gannett explained that the SBE shortfall is due to the SBE work starting later than originally anticipated and some areas of the design scope being put on-hold to accommodate further Metro studies. Gannett further reported that they have redirected design work to SBE subconsultants in an effort to make up for the shortfall and are monitoring the situation on a monthly basis. In reference to the DVBE shortfall, Gannett indicated, although the contract shows a current DVBE shortfall of 0.85%, Gannett's staffing plans for the years 3 through 9 include a significant ramp up in DVBE participation and the current projections show meeting the 5.54% DVBE commitment.

Nonetheless, Metro Project Management and Contract Administration will continue to work with the Diversity & Economic Opportunity Department (DEOD) to monitor contract progress at key milestones (i.e., 50%, 75% and 90%) to ensure that Gannett meets or exceeds its small business commitments.

<b>Small Business Commitment</b>	<b>25.29% SBE 5.54% DVBE</b>	<b>Small Business Participation</b>	<b>14.93% SBE 4.69% DVBE</b>
----------------------------------	----------------------------------	-------------------------------------	----------------------------------

	<b>SBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	BA Inc.	1.66%	0.98%
2.	Cross Spectrum Acoustics	added	0.22%
3.	Diaz Consultants, Inc.	1.44%	0.70%
4.	FPL and Associates, Inc.	5.95%	3.04%
5.	Here Design Studio, LLC	0.60%	0.00%
6.	Lenax Construction Services, Inc.	0.29%	0.00%
7.	PacRim Engineering Inc.	2.18%	1.67%
8.	Ramos Consulting Services, Inc.	8.28%	5.12%
9.	Sanchez Kamps Associates Design	0.59%	0.19%

10.	Zephyr UAS, Inc.	4.30%	3.01%
	<b>Total</b>	<b>25.29%</b>	<b>14.93%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Casamar Group, LLC	5.54%	2.30%
2.	E-Nor Innovations Inc.	Added	2.40%
	<b>Total</b>	<b>5.54%</b>	<b>4.69%</b>

<sup>1</sup>Current Participation = Total Actual amount Paid-to-Date to SBE/DVBE firms ÷ Total Actual Amount Paid-to-date to Prime.

#### **B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

#### **C. Prevailing Wage Applicability**

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

#### **D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.



## Board Report

**File #:** 2021-0670, **File Type:** Contract

**Agenda Number:** 29.

### CONSTRUCTION COMMITTEE NOVEMBER 18, 2021

**SUBJECT: PROGRAM MANAGEMENT SUPPORT SERVICES**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

**AUTHORIZE:**

- A. The exercise of the two-year option for Contract No. AE35279 with Kal Krishnan Consulting Services/Triunity Engineering and Management Joint Venture (KTJV), a small business prime, in the amount not-to-exceed \$27,461,365 for FY23 and FY24, increasing the authorized total funding limit from \$73,644,591 to \$101,105,956; and
- B. The CEO or designee to execute individual Contract Work Orders (CWOs) and Contract Modifications within the Board authorized contract funding amount.

#### **ISSUE**

In June 2017, the Board approved awarding a five-year cost reimbursable fixed fee Contract No. AE35279, plus one two-year option, to KTJV, a DBE Prime Joint Venture, for Program Management Support Services for not-to-exceed \$90,809,070. This created the largest small business led consultant services contract at Metro.

This is a task order-based contract that is incrementally funded through Board action. Board action provided initial funding not-to-exceed \$24,970,960 through the end of FY19 as part of a multiyear contract with an anticipated five-year base contract value of \$63,347,705 plus \$27,461,365 for one two-year option, for a combined total amount not-to-exceed \$90,809,070 for seven years.

#### **BACKGROUND**

In April 2019, the Board approved two additional years of funding, increasing the total not-to-exceed amount to \$51,306,204 for the first four years of the contract. In May 2020, the Board approved an increase in authorized funding for the Contract by \$12,041,501, for a new funding limit not-to-exceed \$63,347,705. In May 2021, the Board approved an increase in authorized funding for the Contract by \$10,296,886, for a new funding limit not-to-exceed \$73,644,591.

To date, staff has awarded CWO/Modifications totaling \$72,903,197.77 for CWOs with a period of performance through FY22 and has \$741,393.23 of the authorized funding remaining. Attachment B lists the PMSS contract CWO/Modifications executed to date. Each of the CWOs are funded from the associated projects' budget within the limits of Board authorization. Use of the Contract exceeded staff expectation due, in part, to Board directed acceleration of projects in FY19 and FY20. With only the FY22 balance in current authorization remaining uncommitted and to ensure continuity of the professional services for ongoing future project support, Metro requests authorization to exercise the two-year option in the amount not-to-exceed \$27,461,365, for total authorized Contract funding not-to-exceed \$101,105,956.

Extending the contract duration to include the option period is beneficial to ensure consistent, reliable consultant services without interruption through the conclusion of the PMSS contract. During these final years of the contract, Metro will begin procurement of a new contract to ensure a seamless transition of services to mitigate disruption to the projects in need of consultant staff.

Metro's Management Audit Services (MAS) department conducted a performance audit of the PMSS contract in accordance with the Board Motion 32. On August 20, 2021, MAS issued formal audit notification to Kal Krishnan Consulting Services, Inc./Triunity Engineering & Management Joint Venture (KTJV).

The audit objective was to assess conformity of services performed and billed by the contractor to the scope of work and other provisions of the contract. The period for review is the contract execution date of August 18, 2017 through June 30, 2021.

In addition, MAS identified two focus areas for the performance audit, which were to:

- evaluate compliance with specific terms of the contract related to qualifications, performance, and quality; and
- verify whether work order billing is accurate, substantiated by supporting documents and in compliance with the contract.

The results of the performance audit are issued as a separate report in accordance with MAS reporting standards and practices for independent reporting to the Chief Executive Officer and Metro Board of Directors.

The Office of Inspector General (OIG) department conducted a more macro audit regarding Board's concerns to use in directing further action on the PMSS contract. OIG examined internal policies and practices used to track and evaluate contractor performance, internal practices to track and evaluate the professional services budget, and internal policies used to foster continuous improvement of staffing.

The results of this audit are issued as a separate report in accordance with OIG reporting standards and practices for independent reporting to the Metro Board of Directors.

## **DISCUSSION**

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Metro is continuing to undertake the largest transportation construction program in the nation. This creates an unprecedented challenge to project delivery. Recognizing that staffing is a key factor in project delivery, Program Management is committed to developing strengths in its capacity and capability to ensure the multi-billion-dollar capital program can be successfully managed. Attachment E lists the projects that the Contract currently supports and those we anticipate it will support over the duration of the PMSS contract.

Metro staff works with KTJV to scale staff up or down depending on Metro's transit, highway, regional rail and other capital improvement program needs. With the volume of work that accompanies Metro's fast-paced Capital program, the PMSS Contract utilization to assist Program Management in securing enough qualified, flexible resources across a broad spectrum of disciplines in a timely manner needed to manage and support delivery of Board approved projects has increased significantly. This resource availability is especially crucial as Metro endeavors to compete with other agencies in a very tight labor market, as explained in the most recent Los Angeles Construction Market Analysis report prepared in September 2021.

#### Scope

To support the aggressive project implementation schedule for delivering Metro's Capital Program, close coordination and expertise across multiple disciplines are required in the following eight key functions: project management, program management, project delivery development support, project control, estimating, configuration management, project management and other technical training, and Project Management Information System (PMIS) support services. In addition, the scope has allowed for small business contract compliance support assisting Vendor/Contract Management (V/CM) to efficiently provide sufficient staffing needed to perform V/CM support activities.

Combining all the above functions together into one contract has allowed for a better coordinated and more efficient allocation of resources for Metro than would be possible under a series of separate contracts. To date, the PMSS contract has succeeded in fulfilling the consultant staffing demand on a program-wide level on various multiple transit, regional rail, highway, and other capital improvement projects through utilization of its 23 mostly local-based firms that comprise the KTJV team.

Contract funds are accessed by Metro Project Managers by issuing separate CWOs for various projects using labor classifications and rates set forth in the contract, with funding solely supported through the Life of Project budget. This method of contracting results in more efficient cost and schedule management, since CWOs and modifications to existing CWOs are negotiated and issued as work is identified. For each CWO or modification, Metro prepares a scope of work and an estimate of hours, and KTJV subsequently provides a proposal. Metro and KTJV will fact-find and negotiate the hours if there is a discrepancy. After agreement, the CWO is issued and the work proceeds.

#### Consultant Services

To date, KTJV has completed and is continuing staff augmentation assignments on major transit construction projects, miscellaneous capital projects, security and safety projects, rail and bus facility improvements, wayside systems, soundwalls, Regional Rail, Highway, and Environmental projects; Metro Gateway staff augmentation for program-wide support; specialty assignments such as constructability review, risk assessment support, procedure writing and training, Project Management Information System (PMIS), Lessons Learned/Best Management Practices implementation, WIN LA,

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DBE Compliance Monitoring Support Services, DBE Commercially Useful Functions, and P3 capability development support; and other projects as necessary (see Attachments B and E).

Metro staff conducts an annual contractor performance evaluation of KTJV and they have scored good to excellent on all categories including contract conformance, budget and schedule performance, quality of firm services and augmented staff. KTJV has been responsive and works with Metro staff to provide the qualified resources necessary for Program Management to meet the aggressive implementation schedule for delivering Metro's Capital Program. Metro DEOD assigned a 30% DBE commitment for this Contract. KTJV proposed a 73.31% DBE commitment and will continue working with Metro by prioritizing DBE participation on future contract work orders to meet that commitment through the end of the Contract.

### **DETERMINATION OF SAFETY IMPACT**

This Board action will not have an impact on established safety standards for Metro's capital projects.

### **FINANCIAL IMPACT**

The not-to-exceed award value is based on the anticipated level of services. Each individual CWO will be funded from the associated projects' budget, within the limits of Board authorization. The project managers, cost managers and Chief Program Management Officer will be accountable for budgeting the cost in future years, including cost associated with exercising the option.

### **Impact to Budget**

There will be no additional impact beyond the approved annual budget or respective project's authorized LOP amounts, where applicable. Most of the projects are funded with multiple sources of funds: federal and state grants, federal loans, bonds and local sales taxes. Much of local sales taxes are eligible for bus and rail operations and capital improvements. These funds are programmed to state of good repair projects and to augment the costs of mega projects, where eligible and appropriate

### **EQUITY PLATFORM**

Metro is committed to the Disadvantaged Business Enterprise Program providing a direct route for minority/women-owned businesses to work and grow with Metro. This Contract consists of two DBE Prime firms and 23 subconsultants, 13 of which are also DBE firms. This high proportion of DBE participation is anticipated to offset any potential barriers for DBEs on this bundled contract. Work under this Contract is authorized through the issuance of individual contract work orders (CWO). CWOs are created based on the type of work requested by Metro projects among the multiple firms under the Contract subject to the DBE requirements of the Contract.

KTJV made a 73.31% DBE commitment for this contract making it the largest small business consultant services contract at Metro. To date, 54 CWO's and their Modifications have been awarded. The overall DBE participation for this contract based on the cumulative value of all Contract Work

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Orders (CWO) issued. KTJV continues to work with Metro and their subconsultants to prioritize DBE participation on the contract work orders to meet the committed 73.31% DBE utilization.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Recommendation supports Strategic Plan Goal #1 - Provide high-quality mobility options that enable people to spend less time traveling. This will be accomplished by providing program-wide support services to assist in delivering multiple capital projects on time and on budget while increasing opportunities for small business development and innovation.

### **ALTERNATIVES CONSIDERED**

The Board may elect to discontinue using KTJV for PMSS. Staff does not recommend this alternative as the Program Management capital projects are in various degrees of completion and the loss of continuity of staff would cause these projects to be significantly impacted.

Another alternative would be to hire Metro staff to perform the required services. This alternative is also not recommended since the intent of the PMSS is to augment Metro staff in terms of technical expertise and availability of personnel. PMSS are typically required on a periodic or short-term basis to accommodate for peak workloads or specific tasks over the life of the projects. Further, for some projects, the specific technical expertise required may not be available within the ranks of Metro staff, whereas the KTJV consultant can provide the technical expertise on an as-needed basis.

### **NEXT STEPS**

Upon Board approval, staff will continue to issue Contract Work Orders, as needed.

### **ATTACHMENTS**

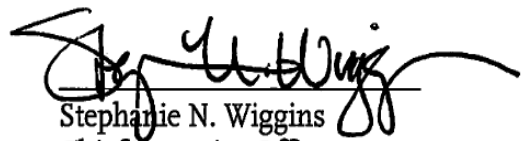
Attachment A - Procurement Summary  
Attachment B - Contract Work Order/Modification Log  
Attachment C - DEOD Summary  
Attachment D - Current Support Provided by Project Category  
Attachment E - Current and Anticipated List of Projects

Prepared by: Julie Owen, Senior Executive Officer, Program Management, (213) 922-7313

Reviewed by:

Bryan Pennington, Chief Program Management Officer, (213) 922-7449

Debra Avila, Deputy Chief Vendor/Contracts Management Officer, (213) 418-3051



Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

## PROGRAM MANAGEMENT SUPPORT SERVICES (PMSS)

1.	<b>Contract Number:</b> AE35279			
2.	<b>Contractor:</b> Kal Krishnan Consulting Services/Triunity Engineering and Management Joint Venture (KTJV)			
3.	<b>Mod. Work Description:</b> Funding for additional Contract Work Orders for projects listed in Attachment D – Anticipated List of Projects			
4.	<b>Contract Work Description:</b> Program Management Support Services (PMSS)			
5.	<b>The following data is current as of:</b> October 12, 2021			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>	June 22, 2017	<b>Original authorized funding limit:</b>	\$ 24,970,960.00
	<b>Contract Executed Date:</b>	August 18, 2017	<b>Total of Contract Work Orders and Modifications Approved:</b>	\$ 72,903,197.77
	<b>Original Completion Date:</b>	August 18, 2022	<b>Proposed and Pending Contract Work Orders and Modifications (including this action):</b>	\$ 28,202,758.
	<b>Current Est. Completion Date:</b>	August 18, 2024	<b>Total authorized funding limit (with this action):</b>	\$ 101,105,956.
7.	<b>Contract Administrator:</b> Robert Romanowski		<b>Telephone Number:</b> (213) 922-2633	
8.	<b>Project Manager:</b> Mayumi Lyon		<b>Telephone Number:</b> (213) 922-4020	

**A. Procurement Background**

On June 22, 2017, the Board approved award of Contract No. AE35279 to Kal Krishnan Consulting Services/Triunity Engineering and Management Joint Venture (KTJV) for five years with funding approval through FY2019 in the amount of \$24,970,960.00, for the Scope of Services included in the Program Management Support Services (PMSS) Contract.

On April 25, 2019, the Board approved additional funding, increasing the total not-to-exceed amount to \$51,306,204 for the Work.

Attachment B shows that Fifty-Four Contract Work Orders and their Modifications have been issued to date to authorize and/or delete work, totaling \$72,903,197.77.

This Board Action is to approve an increase to the total authorized funding for Contract No. AE35279 in support of additional Program Management Support Services (PMSS) needs.

## **B. Cost/Price Analysis**

All direct labor rates as modified by the annual economic price adjustment and the negotiated fixed fee factor for this cost reimbursable plus fixed fee contract remain unchanged from the original contract.

A fair and reasonable price for all future Contract Work Orders will be determined based upon fact finding, scope definition, technical evaluation, cost analysis, and negotiations before issuing work to the Consultant. Contract Work Orders will be processed in accordance with Procurement Policies and

Procedures,  
within the  
additional funding  
requested.

**CONTRACT WORK ORDER (CWO)/MODIFICATION LOG**

**ATTACHMENT B**

Project	CWO #	Description / Working Title	Total Contract Value	Date Executed	PoP Ends
Program Control Admin.	1	Program-wide Management Support: Metro requires Program Management Support Services (PMSS) in support of delivering Metro's transit, highway, regional rail, and other capital improvement projects on-time and within budget. The Consultant shall allocate technical expertise and proper resources in a timely manner, manage the contract budget, prepare forms and submittals as required, in addition to control, monitor, report on all costs, expenditures, schedule, and understand the contract requirements.	\$645,684.71	8/31/2017	6/30/2018
	1.1	Program-wide Management Support - Modify to Add Risk Assessment Advisor: This modification adds James Zack Consulting, LLC to the CWO.	\$16,350.00	11/15/2017	6/30/2018
	1.2	Program-wide Management Support - Modify City of Los Angeles Guidelines for LA Metro Projects: Program Management requires additional personnel with different technical expertise be added to perform priority policies and procedures.	\$57,629.36	1/23/2018	6/30/2018
	1.3	Program-wide Management Support - Extend PoP for FY19 (SOW same as original)	\$724,833.00	6/20/2018	6/30/2019
	1.4	Vehicle Lease for DEO, Cost Estimating: Metro requires a vehicle lease for DEO, Cost Estimating for travel to the Integrated Project Management Offices (IPMOs) and other work-related locations with a not to exceed yearly mileage of 12,000 miles.	\$9,303.00	8/24/2018	8/18/2019
	1.5	Add Facilitator/ Instructor for Program Management Leadership Team Workshop: facilitate a leadership team workshop of up to 30 Executive and Deputy Executive level attendees; create draft curriculum focused on themes of communication/trust, provide all handouts, presentations to conduct and facilitate the workshop; staff interviews; Final Workshop curriculum; workshop on October 19, 2018; post workshop meeting debrief to discuss consultant recommendations.	\$24,164.51	10/9/2018	6/30/2019
	1.6	Vehicles: three 24-month vehicle leases for New Blue projects and two 24-month vehicle leases for Soundwall 11 for travel to work-related locations with a not to exceed yearly mileage of 12,000 miles per vehicle. Metro staff may only use the vehicle for project use. The eligible costs including monthly costs for the lease, insurance, registration, and vehicle safety equipment and allocation for fuel and maintenance were included in the calculated NTE final value.	\$135,884.50	10/9/2018	10/30/2020
	1.7	Parking: Modify to add monthly parking passes for each vehicle added in MOD 6. Three 24-month parking passes for New Blue projects and two 24-month parking passes for Soundwall 11. Include one-time fee for the parking card for each vehicle.	\$10,230.00	11/15/2018	10/30/2020
	1.8	Program - wide Management Support - Extend PoP for FY20 (SOW same as original)	\$762,538.00	8/5/2019	6/30/2020
	1.9	Vehicle lease extension for Cost Estimating	\$8,867.00	10/29/2020	9/30/2020
	1.10	Sr. Program Management Analyst support for Project Control tasks such as coordinating meetings, tracking contract budgets, creating and dispersing reports, etc.	\$95,405.00	10/18/2020	6/30/2020
	1.11	Continued PMSS through FY21	\$477,218.00	7/9/2020	6/30/2021
	1.12	Vehicle Lease Extension - FY21	\$75,277.00	1/21/2021	10/31/2022
	1.13	Continued PMSS through FY22	\$500,000.00	8/10/2021	6/30/2022
ESOC	2	Constructability Evaluation and Risk Assessment Review: The Contractor shall perform a Constructability Evaluation and Risk Assessment relating to the Emergency Security Operation Center (ESOC) Project, particularly as it relates to transferred risks.	\$114,797.62	9/18/2017	11/17/2017
	2.1	Constructability Evaluation and Risk Assessment Review Mod 001 - Review of Cost Estimate: Contractor shall perform a Constructability Evaluation and Risk Assessment relating to the Emergency Security Operation Center Project, particularly as it relates to transferred risks. Modification No.1 to the subject CWO is required to add estimate review scope.	\$19,205.95	10/27/2017	11/17/2017
	2.2	Constructability Evaluation and Risk Assessment Review Mod 002 - Time Extension through December 17, 2017. The scope of services, as detailed in CWO-002, remains unchanged and there is no increase to the contract value.	\$0.00	11/15/2017	1/31/2018
	2.3	Constructability Evaluation and Risk Assessment Review Mod 003 - ODC's - Travel and Time Extension: Modify Contract Work Order AE35279-002 to add Other Direct Costs (ODCs) -Travel, for previously approved personnel of Consultant to attend one review meeting with Metro staff. Extend Period of Performance for Contract Work Order AE35279-002 from December 17, 2017 to January 31, 2018	\$1,631.00	12/8/2017	1/31/2018
	2.4	Constructability Evaluation and Risk Assessment Review Mod 004 - Time Extension through March 31, 2018. The scope of services, as detailed in CWO-002, remains unchanged and there is no increase to the contract value.	\$0.00	1/30/2018	3/31/2018
	2.5	Constructability Evaluation and Risk Assessment Review Mod 005 - Time Extension through June 30, 2018. The scope of services remains unchanged and there is no increase to the contract value.	\$0.00	3/13/2018	6/30/2018
	2.6	CWO Closeout	(\$12,847.75)	3/18/2020	3/30/2020
Project Delivery Support	3	Project Delivery Development Support - Overall advice and assistance are required on federal and project implementation issues that arise on Metro's major capital, including assistance on National Environmental Policy Act (NEPA) issues and documents, and litigation issues involving or affecting Metro projects.	\$300,000.00	9/12/2017	6/30/2018
	3.1	Project Delivery Development Support - Modified Direct Rate Ranges: Remove the fixed "Rate Per Hour" for the Project Delivery & Contract Development Technical Advisor and replace it with a "Direct Rate Range".	\$0.00	10/26/2017	10/26/2017
	3.2	Project Delivery Development Support - Extend PoP for FY19: continuation of support services for FY19; overall advice and assistance required on federal and project implementation issues that arise on Metro major capital projects including NEPA, full funding grant agreement, and litigation affecting the projects.	\$224,561.00	6/29/2018	6/30/2019
	3.3	Overall Advice and assistance are required on federal and project implementation issues that arise on Metro's major capital, including assistance on National Environmental Policy Act (NEPA) issues and documents, full funding grant agreement - Program Control, WPLE 2, WPLE 3	\$116,880.00	6/28/2019	6/30/2020
	3.4	Addition of support services for Capital investment grants as outlined in the original SOW & deletion of work for Construction Administration	(\$1.00)	5/7/2020	7/31/2020
	3.5	PoP extension of Project Delivery Development support	\$0.00	6/29/2020	7/31/2021
	3.6	Capital Investment Grants - Increase Level of Effort and Budget	\$20,000.00	4/15/2021	7/31/2021
	3.7	PoP extension of Project Delivery Development support	\$0.00	6/4/2021	7/31/2022
Crenshaw LAX SWY	4	Cost Estimating Support Services for CrenshawLAX and SW Yard Projects: Metro requires program control support services for CrenshawLAX and Division 16 Southwestern Yard Maintenance Projects; services to assist Metro to perform estimating functions: support development of budgets for the projects, support design optimization and constructability of the projects, and support procurement and administration of both project contracts.	\$1,057,745.06	9/15/2017	6/30/2018
	4.1	CrenshawLAX & Southwestern Yard Projects: Metro requires construction management support/Sr. Configuration Management Analyst on Division 16 Southwestern Yard Maintenance Project to be added to the program control support services scope.	\$121,907.44	11/13/2017	6/30/2018
	4.2	Cost Estimating Support Services for CrenshawLAX and SW Yard Projects - Add Personnel: Metro requires additional Sr. Cost Estimator to support CrenshawLAX and Division 16 Southwestern Yard Maintenance Projects and has designated an existing Sr. Cost Estimator with increased complexity of tasks justifying a rate increase.	\$148,972.69	12/22/2017	6/30/2018
	4.3	CrenshawLAX & Southwestern Yard Projects - Scheduling Support: addition of an experienced scheduler to perform schedule analysis tasks.	\$27,093.33	2/1/2018	6/30/2018

**CONTRACT WORK ORDER (CWO)/MODIFICATION LOG**

**ATTACHMENT B**

Crenshaw LAX SWY	4.4	Cost Estimating Support Services for Crenshaw/LAX and SW Yard Projects - Additional estimating personnel including Sr. Estimator and Cost Estimating Manager to support existing scope; funding already in existence through original CWO.	\$0.00	5/4/2018	6/30/2018
	4.5	Crenshaw/LAX & Southwestern Yard Projects - Program Control Support Services - Extend Period of Performance: continuation of support services through FY19.	\$1,804,836.00	6/25/2018	6/30/2019
	4.6	Add experienced scheduling support services for Crenshaw/LAX project to perform schedule analysis tasks.	\$218,069.00	9/5/2018	6/30/2019
	4.7	Add Sr. Configuration Management Analyst: addition of an experienced Sr. Configuration Management Analyst to perform schedule analysis tasks.	\$68,268.00	9/5/2018	6/30/2019
	4.8	FY20 continuation of cost estimating, configuration management, and cost/schedule staff and addition of new cost estimating staff.	\$1,716,859.00	6/17/2019	6/30/2020
	4.9	Additional cost schedule analyst staff support services for Crenshaw and Eastside Light Rail Access	\$70,633.00	3/3/2020	7/31/2020
	4.10	Reducing Southwestern Yard services under CWO 4 and increasing services for Crenshaw/LAX.	\$348,054.35	6/30/2020	6/30/2021
	4.11	Add Sr. Scheduler Support Services to Crenshaw	\$31,974.00	10/26/2020	6/30/2021
PMIS	4.12	Crenshaw - Continuation of PMSS through FY22	\$959,362.00	6/17/2021	6/30/2022
	5	Project Management Information System (PMIS) Ongoing Support: Contractor shall provide technical expertise to perform ongoing PMIS supporting, including hosting and on-going technical and implementation support as required to support existing systems.	\$451,825.10	9/29/2017	6/30/2018
	5.1	PMIS Ongoing Support - Travel ODC's: Modify Contract Work Order AE35279-005 to add Other Direct Costs (ODCs) - Travel for previously approved personnel of listed subconsultant, Stellar Services.	\$20,376.00	12/5/2017	6/30/2018
	5.2	PMIS Ongoing Support - The required ongoing support for PMIS remains unchanged.	\$102,439.27	2/5/2018	6/30/2018
	5.3	PMIS Ongoing Support - Extend Period of Performance: ongoing PMIS supporting, including hosting and on-going technical and implementation support as required to support existing systems.	\$599,106.00	6/20/2018	6/30/2019
	5.4	PMIS Ongoing Support - Revise Stellar scope of work to include programming support and troubleshooting for the new Oracle Primavera Unifier application. Support is required to assist in system design and testing for cost forecasting functionality development that will eventually replace the EcoSys application.	\$74,826.00	1/18/2019	6/30/2019
	5.5	PMIS Ongoing Support - Extend Period of Performance: ongoing PMIS supporting, including hosting and on-going technical and implementation support as required to support existing systems.	\$1,925,894.00	7/31/2019	7/31/2020
	5.6	PMIS FY20 Oracle Unifier system requires system enhancements specific to Metro's application.	\$402,779.00	2/12/2020	6/30/2020
	5.7.1	PMIS FY21 Systems Ongoing Support	\$1,822,376.00	7/30/2020	6/30/2021
	5.7.2	PMIS FY21 Systems Ongoing Support: I-5	\$100,000.00	11/3/2020	6/30/2021
	5.8	PoP extension through 7/30	\$0.00	7/2/2020	7/30/2020
	5.9	Brio Solution and Electronic signatures	\$44,241.00	12/14/2020	7/30/2021
	5.10	PMIS - Continuation of PMSS through FY22	\$1,471,171.00	8/20/2021	7/30/2022
WPLE 1	6	WPLE 1 Project requires scheduling, cost engineering, and estimating support services.	\$919,952.06	9/19/2017	6/30/2018
	6.1	PoP Extension for FY2019: SOW in original.	\$722,326.00	6/21/2018	6/30/2019
	6.2	Substitute Sr. Cost Estimator at a lower rate.	(\$18,551.58)	11/13/2018	6/30/2019
	6.3	Continuation of cost estimating services and addition of cost/schedule analyst support for FY20.	\$1,363,051.00	6/10/2019	6/30/2020
	6.4	WPLE 1 - Continuation of PMSS through FY21	\$652,039.00	7/1/2020	6/30/2021
	6.5	WPLE 1 - Continuation of PMSS through FY22	\$528,716.00	6/15/2021	6/30/2022
WPLE 2	7	WPLE 2 Project requires scheduling, cost engineering, and estimating support services.	\$627,112.16	9/19/2017	6/30/2018
	7.1	Substitute Personnel: Consultant shall substitute one Sr. Cost Estimator with one Sr. Cost Estimator provided by its approved, listed Subconsultant to support Westside Purple Line Section 2.	(\$7,637.35)	12/27/2017	6/30/2018
	7.2	Eliminate Sr. Cost/Schedule Analyst Position: Based on the current Project needs, the Sr. Cost/Schedule Analyst Position is no longer required.	(\$234,501.26)	1/29/2018	6/30/2018
	7.3	PoP Extension for FY2019: continuation of cost estimating support services for FY19.	\$504,336.00	6/29/2018	6/30/2019
	7.4	PoP Extension for FY2019: continuation of cost estimating support services for FY20.	\$1,096,360.00	7/9/2019	6/30/2020
	7.5	WPLE 2 - Continuation of PMSS through FY21	\$251,152.00	7/1/1930	6/30/2021
Environmental	7.6	WPLE 2 - Continuation of PMSS through FY22	\$716,793.00	7/8/2021	6/30/2022
	8	The Environmental Compliance and Sustainability Program requires support services, including project controls and estimating support.	\$457,408.18	9/13/2017	6/30/2018
	8.1	Consultant to add more personnel that were inadvertently omitted from the list of approved personnel of approved, listed subconsultant, Lenax Construction	\$0.00	11/20/2017	6/30/2018
	8.2	Additional personnel inadvertently omitted from the list of approved personnel of approved, listed subconsultant, Lenax Construction Services, Inc.	\$0.00	12/13/2017	6/30/2018
	8.3	Extend PoP into FY2019: continued support services including project controls and estimating services as previously detailed in original CWO 8.	\$630,051.00	6/20/2018	6/30/2019
	8.4	Substitute Personnel at different rates	(\$41,041.95)	2/11/2019	6/30/2019
	8.5	Environmental compliance and Sustainability strategic team alignment workshop	\$10,435.00	3/28/2010	6/30/2019
	8.6	Extend PoP into FY2020: continued support services including project controls and estimating service.	\$194,044.00	6/27/2019	6/30/2020
Regional Connector	8.7	Additional funding for estimating services for Environmental compliance in FY20	\$99,384.00	12/23/2019	6/30/2020
	9	Regional Connector Transit Project requires program control support services, specifically, estimating support.	\$368,983.64	9/19/2017	6/30/2018
	9.1	PoP Extension for FY19: Regional Connector Project requires program control support services, specifically, estimating support, as previously outlined in CWO No.9.	\$50,396.00	6/8/2018	6/30/2019
	9.2	Additional Sr Cost Estimator for four months.	\$77,257.00	9/6/2018	12/31/2018
	9.3	Addition of project scheduling and cost engineering support services.	\$179,912.00	12/7/2018	6/30/2019
	9.4	Continuation of the cost estimating services with no cost increase through FY19.	\$0.00	3/8/2019	6/30/2019
	9.5	Addition of program control and estimating support for FY20 services.	\$917,271.00	6/25/2019	6/30/2020
	9.6	Regional Connector PMSS cont through FY21	\$671,719.00	7/1/2020	6/30/2021
PMIS Enhancement Analysis	9.7	Regional Connector PMSS cont through FY22	\$638,524.00	6/9/2021	6/30/2022
	10	PMIS Unifier Prototype: Current Contract Management 14 of the Project Management Information System is obsolete. Immediate analysis is needed to conduct initial assessments of the system needs and enhancements required to replace the current CM14 and EcoSys cost system.	\$245,165.16	9/21/2017	12/31/2017
DBE Contract Compliance	11	Contract Compliance Support Services/Diversity & Economic Opportunity Department (DEOD) requires contract compliance monitoring support services consistent with the Department of Transportation (DOT) 49 Code of Federal Regulations (CFR) Part 26 and Metro's Disadvantaged Business Enterprise (DBE) program, Small Business Enterprise (SBE) program and/or Disabled Veterans Business Enterprise (DVBE) program.	\$634,678.54	10/13/2017	6/30/2018
	11.1	Addition of Personnel - No Cost: add personnel to provide interim support as required.	\$0.00	2/28/2018	6/30/2018
	11.2	PoP Extension through August 31, 2018. There is no increase to the contract value.	\$0.00	6/6/2018	8/31/2018
	11.3	Addition of Personnel: add personnel to provide interim support as required; Senior Contract Compliance Officers to provide contract compliance monitoring support services consistent with the Department of Transportation (DOT) 49 Code of Federal Regulations (CFR) Part 26 and Metro's Disadvantaged Business Enterprise (DBE) Program.	\$1,117,360.00	9/6/2018	6/30/2019

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DBE Contract Compliance	11.4	Add Replacement Staff (Credit Mod.): add approved replacement personnel at a lower rate in the direct labor categories of Senior Contract Compliance Officer.	(\$9,449.00)	12/12/2018	6/30/2019
	11.5	DEOD is utilizing Sr. Consultant Compliance Officer consultant services to provide contract compliance monitoring support services consistent with the DOT 49 CFR Part 26.	\$1,544,380.00	8/1/2019	7/31/2020
	11.6	Addition of consultant staff to provide interim compliance monitoring support on various non-mega projects.	\$82,358.00	3/30/2020	7/31/2020
	11.7.1	DBE Contract Compliance Consulting Services - Regional, Crenshaw, WPLE 1, 2, 3	\$1,176,154.00	8/4/2020	6/30/2021
	11.7.2	DBE Contract Compliance Consulting Services - SCRIP	\$126,054.00	8/31/2020	6/30/2021
	11.8	DBE Contract Compliance Consulting Services through FY22	\$1,323,196.50	7/2/2021	6/30/2022
PMIS Enhancement Implementation	11.8.1	DBE Contract Compliance Consulting Services through FY22 - add projects	\$450,477.00	8/11/2021	6/30/2022
	12	PMIS Enhancement Implementation: Current Contract Management 14 of the Project Management Information System is obsolete. Implementation support is needed to conduct the enhancements, required to replace the current CM14 and EcoSys cost system. Implementation consists of three project phases.	\$1,919,948.74	11/30/2017	12/31/2018
	12.1	Additional PMIS Implementation Support and Solution Architect: full-time position shall assist in the process transition from use of EcoSys for cost reporting to Oracle Primavera Unifier.	\$235,827.00	12/4/2018	6/30/2019
	12.2	PoP Extension and Additional Work: support extended outreach to business process support groups and projects during design to solicit engagement and acceptance and provide additional pilot testing/training; allowance for design changes that are likely to result from the extended outreach; change includes more comprehensive support efforts during the initial go live period for training, technical support, and minor design changes.	\$379,785.00	1/3/2019	6/30/2019
	12.3	PMIS Unifier Implementation Additional Pilot Testing: Consultant shall perform extended outreach sessions; extended Pilot Testing Period; re-development of business processes: redesign configuration management business processes from prior process used in CM14 to streamline processes and obtain staff buy-in; ongoing support for post go-live period; redesign Cost Engineer cost forecasting business processes and reporting.	\$499,224.00	2/26/2019	6/30/2019
	12.4	PMIS Unifier Implementation additional data migration testing.	\$149,997.44	5/8/2019	6/30/2019
	12.5	PMIS Unifier Implementation additional data migration testing - PoP extension.	\$0.00	6/27/2019	9/30/2019
Construction Market Analysis	12.6	Closeout of CWO 12 and modifications.	(\$17,766.44)	1/31/2020	1/31/2020
	13	Contractor to conduct a construction market analysis to assess key factors of the Los Angeles area construction market.	\$266,134.23	11/15/2017	4/30/2018
	13.1	PMSS Los Angeles Construction Market Analysis - POP Extension: This Modification extends the period of performance through June 30, 2018.	\$0.00	5/7/2018	6/31/2018
WSAB	13.2	CWO Closeout of any balance not spent	(\$3,922.64)	6/5/2020	6/5/2020
	14	West Santa Ana Branch (WSAB) P3 Technical Advisory Support - Metro requires technical advisory in support of evaluation of various P3 project delivery alternatives and subsequent development of a procurement package for a P3 contractor for the WSAB Light Rail Project.	\$203,546.08	12/28/2017	3/15/2018
	14.1	No-Cost Time Extension: extend period of performance for continued technical advisory support of evaluation of various P3 project delivery alternatives and subsequent development of a procurement package for a P3 contractor for the WSAB Light Rail Project through June 30, 2018.	\$0.00	2/28/2018	6/30/2018
	14.2	Add expertise with Project Meetings: Program Management requires additional personnel with different technical expertise be added to provide technical support required on the WSAB, specifically with a project workshop.	\$4,465.00	3/15/2018	6/30/2018
	14.3	Add expertise with Project Meetings - Program Management requires additional personnel with different technical expertise be added to provide partnering/workshop facilitation support required on the WSAB Project.	\$6,857.06	4/20/2018	6/30/2018
	14.4	Extend PoP: continuation of P3 technical advisory support through FY19.	\$1,548,668.00	7/10/2018	6/30/2019
	14.5	Add Personnel: additional Sr. Configuration Management Analyst and Sr. Cost Estimator personnel with different technical expertise	\$80,930.00	9/17/2018	6/30/2019
	14.6	Add Personnel: Additional Project Delivery and Contract Development Advisor	\$119,677.00	11/5/2018	6/30/2019
	14.7	P3 Performance Requirements Development - To support the WSAB P3 procurement, Metro needs to develop a set of comprehensive performance requirements and solicitation technical packages that will be used during all phases of the P3. Contractor shall provide technical resources, knowledge, and expertise to assist with the development of the performance requirements. For the technical packages Metro expects mid to senior level type project managers who are subject matter experts in their respective disciplines. This falls under the Project Delivery and Contract Development/Compliance function of the PMSS contract. Provide additional Sr. Cost Estimator to maintain schedule for the P3 solicitation package.	\$1,561,563.15	1/3/2019	6/30/2019
	14.8	Modify CWO 14, and Mods 2, 3, 4, and 7: Closeout CWO 14, Modifications 2 and 3. The modification of these documents is a reduction of \$44,055.06. Reduction of hours in CWO 14, Mods 4 and 7 in the combined amount of \$955,944.57 = \$1M total.	(\$1,000,000.00)	3/8/2019	3/8/2019
	14.9	WSAB P3 Technical Advisory Support - Extend Period of Performance: continuation of project delivery and contract development support through FY20.	\$0.00	6/25/2019	7/31/2019
	14.10	Support WSAB P3 procurement, develop comprehensive performance requirements and solicitation technical packages; provide technical resources, knowledge, and expertise under the Project Delivery and Contract Development/Compliance function.	\$4,092,522.00	7/31/2019	7/31/2020
	14.11	Modify CWO 14, and its Modifications to add Project Management support, reduce the Contract Value by \$1,500,000, and extend the PoP through December 31, 2020.	(\$1,500,000.00)	4/1/2020	12/31/2020
	14.12	Extend PoP: continuation of WSAB services through FY21	\$0.00	1/4/2021	6/30/2021
Patsaouras Busway Station	14.13	Extend PoP: continuation of WSAB services through Dec. 2021	\$0.00	6/7/2021	12/31/2021
	14.14	PMSS for West Santa Ana Branch - Reduction in FY22 Services	(\$797,703.27)	9/16/2021	6/30/2022
	15	PMSS on Bus & Rail Capital and Soundwall Projects: Metro requires program control support services in accordance with the scope of work on Bus and Rail capital, and Soundwall projects.	\$96,072.21	12/13/2017	6/30/2018
	15.1	PMSS on Bus & Rail Capital and Soundwall Projects - PoP Extension: Metro requires continued program control support services on Bus and Rail Capital, and Soundwall Projects, as previously outlined in CWO No.15.	\$133,588.00	6/6/2018	6/30/2019
	15.2	Extension of PoP through FY20.	\$392,608.00	6/27/2019	7/31/2020
	15.3	Project Manager services necessary for providing oversight support in design review, construction oversight reporting, preparing technical documents, various office related support services.	\$126,051.00	3/11/2020	7/31/2020
	15.4	PoP Extension through FY21.	\$0.00	8/5/2020	6/30/2021
	15.5	PMSS on Soundwall 11 Project - Increase Budget for FY21.	\$75,331.00	8/26/2020	6/30/2021
I405 Closeout	15.6	PMSS Additional Services on Pats Busway.	\$132,285.00	10/26/2020	6/30/2021
	15.7	PMSS extension of services through FY22	\$95,960.00	6/29/2021	6/30/2022
	16	I-405 Widening Project Closeout Support: Metro requires project close-out support in accordance with the scope of work on the I-405 project.	\$391,957.37	12/27/2017	12/31/2018
	16.1	Continue I-405 Widening Project Closeout Support through 3/2019.	\$206,241.00	10/4/2019	3/31/2019
	16.2	Continue I-405 Widening Project Closeout Support through 12/2019.	\$274,951.00	3/15/2019	12/31/2019
	16.3	Continue I-405 Widening Project Closeout Support through 12/2020.	\$95,098.00	1/9/2020	12/31/2020
	16.5	Extension of PoP through FY21.	\$0.00	2/2/2021	6/30/2021
	16.6	Extension of PoP through FY22.	\$0.00	6/28/2021	6/30/2022

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WPLE 3	17	PMSS Project Management Support WPLE3: Metro requires project support services in accordance with the scope of work on Westside Purple Line Extension Section 3 Project.	\$286,495.87	1/18/2018	6/30/2018
	17.1	PMSS Project Management Support WPLE3 - Extend Pop into FY19: continuation of support services for FY19.	\$781,400.00	6/29/2018	6/30/2019
	17.2	Add Sr. Cost Estimator and Sr. Configuration Mgmt Analyst for WPLE.	\$258,335.00	2/14/2019	6/30/2020
	17.3	Continuation of services for cost estimating, cost/schedule analyst, and configuration management analyst through FY20.	\$1,168,236.00	8/22/2019	6/30/2020
	17.4	Addition of a cost estimator through FY20.	\$104,905.00	11/7/2019	6/30/2020
	17.5	WPLE 3 - continue PMSS services through FY21.	\$835,887.00	6/30/2020	6/30/2021
	17.6	Addition of a Sr. Configuration Management Analyst.	\$98,048.00	2/9/2021	6/30/2021
	17.7	WPLE 3 - continue PMSS services through FY22.	\$1,212,877.00	6/23/2021	6/30/2022
WIN LA	18	PMSS - WIN/LA FY 2018: Metro requires technical support for the development and implementation of the Workforce Initiative Now.	\$111,514.88	1/29/2018	6/30/2018
	18.1	PMSS - WIN/LA FY19 - Extend POP - cont. technical support for WinLA development in FY19.	\$173,096.67	6/21/2018	6/30/2019
	18.2	PMSS - WIN/LA FY20 - Staff replacement.	\$0.00	1/14/2019	6/30/2019
	18.3	Extend POP - continued technical support for the development of WinLA in FY20.	\$10,380.00	6/25/2019	9/30/2019
	18.4	PMSS - WIN LA CWO Closeout.	(\$3,096.54)	3/11/2020	3/11/2020
Capital Improvement/SGR Projects	19	Project Management Support for State of Good Repair (SGR) and Other Capital Projects: Metro requires project support services on State of Good Repair and Other Capital Projects.	\$112,974.65	2/8/2018	6/30/2018
	19.1	Project Management Support for SGR and Other Capital Projects - PoP Extension for FY19: Modification also revises CWO 19 to include project support services to Project 205115, MBI Track & Systems, which was not part of the original CWO.	\$307,665.00	6/5/2018	6/30/2019
	19.2	Extension of support services on SGR and other Capital projects.	\$179,319.00	6/27/2019	12/31/2019
	19.3	Project Management Support for SGR and Other Capital Projects - PoP Extension.	\$0.00	2/11/2020	7/31/2020
Risk Mgmt Support Services	20	Risk Management Support Services: assist the Metro Risk Manager in the facilitation of cost and schedule risk analysis of major capital projects, including federal and non-federal funded projects, work with project control staff to ensure the requirements of the Metro Risk Management procedure are being implemented correctly, work with project control staff in developing and managing project risk registers as required by Metro, record and analyze risk trends, and develop the risk sections of PMP.	\$99,436.00	9/21/2018	6/30/2019
	20.1	Extension of Risk Management support services.	\$98,039.00	6/27/2019	6/30/2020
	20.2	Reduction of services.	(\$132,391.98)	2/11/2020	7/31/2020
	20.3	Additional Risk Management services through FY21	canceled	canceled	canceled
	20.4	PoP extension only.	\$0.00	7/30/2020	6/30/2021
	20.5	Additional Risk Management services.	\$29,946.00	2/17/2021	6/30/2021
	20.6	Additional Risk Management services through FY22.	\$43,724.00	7/8/2021	6/30/2022
	20.7	PoP extension only.	\$0.00	7/2/2021	7/31/2021
Schedule Claims Support	21	Schedule Claims Avoidance Support Services - Regional Connector Project requires schedule claims avoidance support specifically in the areas of analysis of early completion schedules, and recommendations for possible resolution of current and actual claims.	\$50,205.05	10/12/2018	12/31/2019
	21.1	Close-out of CWO021	(\$8,230.97)	9/3/2020	9/3/2020
Regional Rail	22	Regional Rail: project management controls services in support of the Metro Regional Rail Program to prepare project controls deliverables.	\$95,595.00	9/24/2018	6/30/2019
	22.1	Extend PoP of existing scope of work through September 30, 2019.	\$0.00	6/27/2019	9/30/2019
	22.2	Regional Rail CWO Closeout.	(\$83,212.71)	3/3/2020	3/3/2020
New Blue	23	Program Management Support Services (PMSS) for New Blue Projects - provide Cost Estimating, Scheduling and Configuration Management support services for Construction Contracts.	\$640,047.00	9/24/2018	6/30/2019
	23.1	Extension of PoP through FY20.	\$1,444,762.00	6/24/2019	6/30/2020
	23.2	Add a cost estimator position within the current approved CWO budget.	\$0.00	8/28/2019	6/30/2020
	23.3	Reduction in services for New Blue CWO.	(\$963,174.00)	4/7/2020	12/31/2020
	23.4	PoP extension only.	\$0.00	1/4/2021	6/30/2021
	23.5	Willowbrook Rosa Park increase LOE.	\$529,285.00	2/1/2021	6/30/2021
	23.6	PoP extension only.	\$0.00	6/28/2021	6/30/2022
Eastside Access	24	PMSS for Eastside Access Improvement Project: provide technical resources, knowledge, and expertise to perform the following project manager tasks, which include but are not limited to: coordinate design meetings, provide quality control review on design submittals, communicate and coordinate with Metro design consultants, prepare monthly project status reports, review and update project design schedule, prepare monthly FT A status reports.	\$237,268.00	9/25/2018	12/31/2019
	24.1	Extension of PoP in FY20.	\$27,579.00	7/19/2019	8/31/2019
	24.2	Extension of PoP through mid-FY20.	\$62,031.00	8/30/2019	12/31/2019
	24.3	Eastside Access Continued Support through FY21.	\$64,185.00	5/8/2020	12/31/2020
	24.4	Extension of Eastside Access support through FY21.	\$74,929.00	1/21/2021	6/30/2021
	24.5	Extension of Eastside Access support through Dec. 2021	\$132,003.00	6/1/2021	12/30/2021
East San Fernando Valley	25	PMSS for East San Fernando Valley (ESFV): Program Management requires Project Delivery & Contract Devel. Advisors with different technical expertise be added to provide support required on the ESFV Project.	\$428,282.00	11/9/2018	6/30/2019
	25.1	PoP extension of the existing scope of work.	\$0.00	6/26/2019	7/31/2019
	25.2	Extension of ESFV support through FY20 and P3 VFM Cost Data and Risk Assessment report.	\$1,136,791.00	7/17/2019	7/31/2020
	25.3	ESFV PoP extension of services and addition of staff through FY21.	\$0.00	7/30/2020	6/30/2021
	25.4	Authorize Third Party Support on ESFV project.	\$0.00	1/21/2021	12/31/2021
	25.5	PoP ext only.	\$0.00	6/29/2021	9/30/2021
Program wide activities	26	Contract Submittal Review: Consultant shall review contract language for submittal requirements and assess where City of LA submittal reviews can be streamlined; review contract language and assess where changes can be made that result in an even clearer and more equitable risk sharing between Metro and the contractor with regard to timely LA City submittal turn-around.	\$99,436.00	1/9/2019	6/30/2019
	26.1	Contract Submittal Review, RE Manual: Consultants shall draft revised RE Manual for review by DEO, Program Management and incorporate Metro review comments and submit final RE Manual revision to Metro Configuration Management for Issuance.	\$99,668.00	1/14/2019	6/30/2019
	26.2	Add p/t Administrative Analyst and extend PoP.	\$7,800.00	6/20/2019	6/30/2020
	26.3	Addition of a Technical Program Manager for third party support.	\$214,199.00	9/23/2019	6/30/2020
	26.4	Progressive Design White Paper.	\$21,899.00	2/18/2020	6/30/2020
DRB Document Prep	27	DRB Presentation paper: WPLE 1 Project requires review, critique, comments on Metro position paper, created by Metro's project team including claims consultants, and associated documents prepared for the DRB hearing on the Fairfax Station subgrade; develop and present a formal presentation to the DRB on behalf of Metro; and represent Metro throughout the DRB process.	\$52,250.00	1/18/2019	6/30/2019
Sepulveda	28	Sepulveda Corridor Project P3 Technical Advisory Support: provide Project Delivery & Contract Development Advisor, Cost/Schedule Analyst, and Project Manager during the development of P3 procurement documents.	\$154,133.00	2/27/2019	6/30/2019
	28.1	PoP extension through July 2019.	\$0.00	6/26/2019	7/31/2019

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Sepulveda	28.2	Extension of Sepulveda Corridor project P3 technical advisory support through FY20.	\$3,295,965.00	7/19/2019	7/31/2020
	28.3	Sepulveda Corridor Project P3 Technical Advisory Support FY21 PoP extension and reduction in services.	(\$462,415.00)	7/29/2020	7/31/2021
	28.4	Sepulveda Corridor - Additional Direct Labor categories.	\$0.00	9/24/2020	7/31/2021
	28.5	PoP ext only.	\$0.00	7/6/2021	9/30/2021
	28.6	PoP only through 10/8/21	\$0.00	10/5/2021	10/8/2021
	28.7	Sepulveda Corridor - Additional services in FY22	\$552,884.83	10/8/2021	2/28/2022
DBE Commercially Useful Function	29	Consultant to evaluate the management, supervision, and performance actions of DBE firms working on FTA-funded and/or State/local funded contracts to determine if DBE firms are performing commercial useful function (CUF).	\$50,456.18	5/13/2019	6/30/2019
	29.1	PoP extension.	\$0.00	7/1/2019	7/15/2019
	29.2	Continue CUF site visits and related assignments for Contract Compliance monitoring services through FY20.	\$539,940.00	7/11/2019	6/30/2020
	29.3	PoP extension.	\$0.00	6/30/2020	7/15/2020
	29.4	Cont Conduct Commercial Useful Function Site Visits through FY21.	\$521,323.00	7/27/2020	6/30/2021
	29.5	PoP extension.	\$0.00	6/28/2021	7/31/2021
Centinela/ Florence	29.6	Cont Conduct Commercial Useful Function Site Visits through FY22.	\$486,882.00	7/29/2021	7/31/2022
	30	Cost Estimating support services for the Centinela/Florence Grade Separation project through FY20.	\$26,130.00	5/24/2019	6/30/2020
I-5 N Capacity Enhancement	30.1	PoP extension for the Centinela/Florence Grade Separation project through FY21.	\$0.00	4/21/2020	6/30/2021
	31	Consultant to provide PMSS for I-5 N capacity enhancement project in the form of executive oversight and direction for the highway construction program.	\$387,797.00	7/8/2019	6/30/2020
	31.1	Consultant to provide independent constructability review for the I-5 HOV & Truck lanes project.	\$813,752.00	8/26/2019	6/30/2020
	31.2	I-5: Consultant to provide additional Sr. Program Management Analyst support to manage the development and implementation of computer monitoring systems for cost and schedule performance on the project.	\$711,659.00	11/4/2019	6/30/2020
	31.3	I-5: Consultant to provide Project Controls Manager input and direction that leads to the development of process and procedure for projects delivered by this department.	\$810,083.00	7/1/2020	12/31/2020
	31.4	Extend PoP and increase support services for I-5.	\$513,335.00	3/8/2021	7/31/2021
	31.5	PoP extension only.	\$0.00	1/20/2021	2/28/2021
	31.6	PoP extension only.	\$0.00	6/9/2021	12/31/2021
Estimating Database	32	Consultant to assist in the development of the Metro in-house Timberline database to assist the Cost Estimating department with preparing estimates (Task 1 - assess in-house historical cost data and develop a work plan).	\$46,799.00	9/16/2019	1/31/2020
	32.1	Consultant to assist in the development of the Metro in-house Timberline database to assist the Cost Estimating department with preparing estimates (Task 2 and 3 - set up the database, then organize, update and test the database).	\$149,997.00	2/18/2020	7/31/2020
Construction Market Analysis	33	Consultant to conduct a construction market analysis to assess key factors of the Los Angeles area construction market.	\$149,854.00	10/3/2019	6/30/2020
Admin. Multiple Capital Projects	34	PMSS Administrative Analyst Services for Orange Line Enroute Bus Charging Stations, Division 1 Improvement, Division 11 & 22 Roofing Replacement / ROC Roofing Replacement, and Cesar Chavez Transit Pavilion.	\$94,497.00	11/18/2019	6/30/2020
	34.1	Closeout of CWO 34 Admin Analyst Support for Multiple Capital Projects	(\$63,312.99)	6/25/2020	6/25/2020
Soundwall Package 11	35	Contractor shall provide construction scheduling support to the Program Management Department in support of the Sound Wall Package 11 project.	\$44,220.00	1/13/2020	6/30/2020
	35.1	PoP extension through FY21	\$0.00	6/30/2020	6/30/2021
	35.2	Ext. of PMSS and PoP ext through Oct. 2021	\$4,568.00	7/2/2021	10/31/2021
Division 20 Portal Widening turnback	36	Consultant to provide Cost Estimating support services for Construction including technical resources, knowledge, and expertise to perform Cost Estimating tasks.	\$200,406.00	1/9/2020	6/30/2020
	36.1	PoP extension only.	\$0.00	6/30/2020	8/31/2020
	36.2	PMSS for Division 20 PWT project services and PoP extension through FY21.	\$364,179.00	7/13/2020	6/30/2021
	36.3	PMSS for Division 20 PWT project services and PoP extension through FY22.	\$444,952.00	6/17/2021	6/30/2022
WIN LA Mapping	37	The contractor shall provide technical support to DEOD staff to develop technical process mapping for integration of activities related to the second phase of WIN-LA program implementation. support DEOD staff with the integration of the private employer (prime contractor) business requirements, processes and workflow into the WIN-LA software system.	\$67,386.00	1/24/2020	6/30/2020
Airport Metro Connector	38	Consultant to provide Cost Estimating and Configuration Management support services for the Airport Metro Connector project.	\$190,635.00	2/11/2020	7/31/2020
	38.1	PMSS AMC services through FY21.	\$532,449.00	7/20/2020	6/30/2021
	38.2	AMC PoP ext only.	\$0.00	6/30/2021	6/30/2022
OL BRT Improvement Project	39	Consultant to provide Project Manager support for Metro Orange Line Bus Rapid Transit Improvement during FY2020 and FY2021	\$491,224.00	3/3/2020	6/30/2021
	39.1.1	Extend Period of Performance and Continue PMSS for Metro Orange Line Bus Rapid Transit Improvement Project.	\$250,000.00	1/20/2021	7/31/2021
	39.2	Continue PMSS for Metro Orange Line Bus Rapid Transit Improvement Project in FY22	\$674,405.00	8/9/2021	6/30/2022
	39.3	Continue PMSS for Metro Orange Line Bus Rapid Transit Improvement Project in FY22	(\$287,981.00)	10/4/2021	6/30/2022
Green Line/C-Line Extension	40	Green Line - Consultant shall provide assistance to Metro to manage performance of capital projects including all aspects of technical support, schedules, budget, funding, grants management, staffing, agency reporting, and prioritization of work.	\$325,058.00	4/9/2020	12/31/2020
	40.1	Continue PMSS for Green Line Ext. to Torrance.	\$134,932.00	1/5/2021	7/31/2021
	40.2	FY22 - Continue PMSS for C-Line Extension Project.	\$533,000.00	8/17/2021	6/30/2022
Measure R	41	PMSS - Senior Program Management Analyst for FTA and Project Control.	\$130,171.00	7/2/2020	6/30/2020
	41.1	Continue PMSS for Sr. Program Management Analyst for FTA.	\$9,991.00	3/3/2021	6/30/2021
	41.2	FY22 - Continue PMSS for Sr. Program Management Analyst for FTA.	\$89,940.00	5/13/2021	6/30/2022
	41.3	FY22 - Measure M - Continue PMSS for Sr. Program Management Analyst for FTA.	\$11,000.00	8/4/2021	6/30/2022
	41.4	FY22 - Measure M - Continue PMSS for Sr. Program Management Analyst ESFV.	\$10,927.00	TBD	6/30/2022
Multiple Third Party	42	Third Party Administration PMSS.	\$161,210.00	8/20/2020	6/30/2021
	42.1	Third Party Administration - PMSS for MOL BRT Improvement Project.	\$60,000.00	9/17/2020	6/30/2021
	42.2	Additional Third Party admin. Services on ESFV.	\$46,440.00	1/14/2021	6/30/2021
	42.3	Additional Third Party Admin. Services.	\$14,826.00	1/26/2021	6/30/2021
	42.4	FY22 - Additional Third Party Admin. Services.	\$343,650.00	9/2/2021	6/30/2022
Environmental	43	Environmental Compliance PMSS support for FY21.	\$86,103.00	8/28/2020	6/30/2021
	43.1	Ext. of Environmental compliance support.	\$100,000.00	3/30/2021	9/30/2021
	43.2	Environmental Compliance PMSS support through Dec. 2021	\$180,000.00	9/14/2021	6/30/2022
I-405 Visual	44	I-405 Visual Screening project.	\$44,391.00	8/28/2020	6/30/2021
	44.1	Addition of Sr. Program Management Analyst	\$0.00	3/29/2021	6/1/3021
	44.2	FY22 - Sr. Program Management Analyst and Sr. Configuration Management Analyst services	\$29,868.00	5/12/2021	7/31/2021
	44.3	PoP only	\$0.00	6/28/2021	6/30/2022

**CONTRACT WORK ORDER (CWO)/MODIFICATION LOG**

**ATTACHMENT B**

Program Mgmt Admin	<b>45</b>	Admin Analyst support to Engineering and Program Management Executive Office.	\$97,629.00	10/26/2020	6/30/2021
	45.1	PoP only - Admin Analyst support to Engineering and Program Management Executive Office.	\$0.00	5/24/2021	8/15/2021
	45.2	FY22 - Admin Analyst support to Engineering and Program Management Executive Office.	\$119,353.69	6/24/2021	6/30/2022
Metro Center Project	<b>46</b>	Configuration Management and Third Party support on Metro Center Street project.	\$603,661.00	1/12/2021	3/31/2023
Construction Administration	<b>47</b>	Asset Management Maturity Model.	\$51,586.00	1/20/2021	6/30/2021
	47.1	Willowbrook/Rosa Parks Station Asset Management Data Mining Collection	\$36,973.95	5/27/2021	7/30/2021
	47.2	Close-Out of CWO 47, Asset Management Maturity Model	(\$12.98)	9/28/2021	9/28/2021
Rail2Rail	<b>48</b>	PM, PM admin., Sr. Configuration Mgmt Analyst support services for Rail to Rail ATC Project.	\$89,361.00	5/21/2021	12/31/2021
	48.1	R2R Estimating services	\$224,151.00	6/7/2021	12/31/2021
105 Express	<b>49</b>	Support Metro PM in developing a PMP and CMGC procurement.	\$20,869.00	9/22/2021	6/30/2022
Transit Project Cost Reduction	<b>50</b>	Transit Project Cost Reduction Strategies – Phase 1	\$67,177.00	4/27/2021	7/31/2022
	50.1	LA Construction Market Analysis	\$135,385.00	5/7/2021	7/30/2022
	50.2	Transit Project Costs	\$106,262.00	6/1/2021	7/30/2022
	50.3	Transit Project Costs	\$364,154.00	8/9/2021	6/30/2022
	<b>51</b>	Third Party Administration support for the LINK US project	\$20,745.00	6/17/2021	9/30/2021
LINK US	51.1	PoP extension only.	\$0.00	10/8/2021	12/31/2021
Multiple Projects	<b>52</b>	Scheduling Support for multiple projects for FY22	\$383,732.00	8/2/2021	6/30/2022
	52.1	Scheduling Support for multiple projects for FY22	\$63,000.00	9/14/2021	6/30/2022
Regional Rail	<b>53</b>	Cost Estimating Support for Regional Rail	\$482,824.00	8/19/2021	6/30/2022
Multiple Projects	<b>54</b>	Sr. Conf. Management Analyst	\$76,074.00	9/28/2021	6/30/2022
			\$73,644,591	\$72,903,197.77	

**DEOD SUMMARY****PROGRAM MANAGEMENT SUPPORT SERVICES (PMSS)  
CONTRACT NO AE35279****A. Small Business Participation**

Kal Krishnan Consulting Services/Triunity Engineering & Management Joint Venture (KTJV), a DBE JV Prime, made a 73.31% DBE commitment for this contract. The overall DBE participation for this contract is based on the cumulative value of all Contract Work Orders (CWO) issued.

To date, fifty-four (54) CWO's and their modifications have been awarded. Based on payments reported, the contract is 76.63% complete and the cumulative DBE participation of all Work Orders awarded is 71.80%, a sizeable level of participation, with a 1.51% shortfall.

KTJV contends, as concurred by Metro's Project Manager, that scopes of work earmarked for non-DBE firms have grown significantly compared to the original cost proposal. However, KTJV does anticipate a growth in core Program and Project Control services to be performed by DBE firms that will increase KTJV's level of DBE participation.

Notwithstanding, Metro Project Managers and Contract Administrators will work in conjunction with DEOD to ensure that KTJV remains on schedule to meet or exceed its DBE commitments. Additionally, key stakeholders associated with the contract have been provided access to Metro's online monitoring system to ensure that all parties are actively tracking Small Business progress.

<b>Small Business Goal</b>	<b>DBE 73.31%</b>	<b>Small Business Commitment</b>	<b>71.80% DBE</b>
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	<b>DBE Contractors</b>	<b>Scope of Work</b>	<b>Ethnicity</b>	<b>Current Participation</b>
1.	KKCS (JV Partner / DBE Prime)	Program Management, Project Control	Subcontinent Asian	24.87%
2.	Triunity (JV Partner / DBE Prime)	Program Management	African American	16.69%
3.	Armand Resource Group, Inc.	Contract Compliance	African American	7.90%
4.	Lenax Construction	Cost Estimating & Project Controls	Caucasian Female	7.45%

	Services, Inc.	Support Services		
5.	LKG-CMC, Inc.	Doc. Control, Configuration Mgmt. Admin.	Caucasian Female	2.35%
6.	MBI Media	Public Outreach and Meeting Facilitation	Caucasian Female	0.00%
7.	The Omni Group, LLC	Project Program Management Support Services	African American	0.11%
8.	Ramos Consulting Services	Project Controls & Estimating	Hispanic American	1.95%
9.	Stellar Services, Inc.	Program Management Information Systems	Asian Pacific American	1.02%
10.	Arkadia & Associates	Project Management Support Services	Caucasian Female	0.73%
11.	Destination Enterprises	Program Management Support Services	Caucasian Female	7.59%
12.	Brio Solutions (Added)	Provide Knowledge and Expertise on FTA project Reporting and Other Related Activities	Subcontinent Asian American	0.36%
13.	Insight Strategies (Added)	Facilitate Leadership Team Workshops	Caucasian Female	0.04%
14.	Zephyr UAS, Inc. (Added)	Provide Technical Documents and Interface with Union Pacific Rail Road (UPRR)	Hispanic American	0.74%
<b>Total DBE Participation</b>				<b>71.80%</b>

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

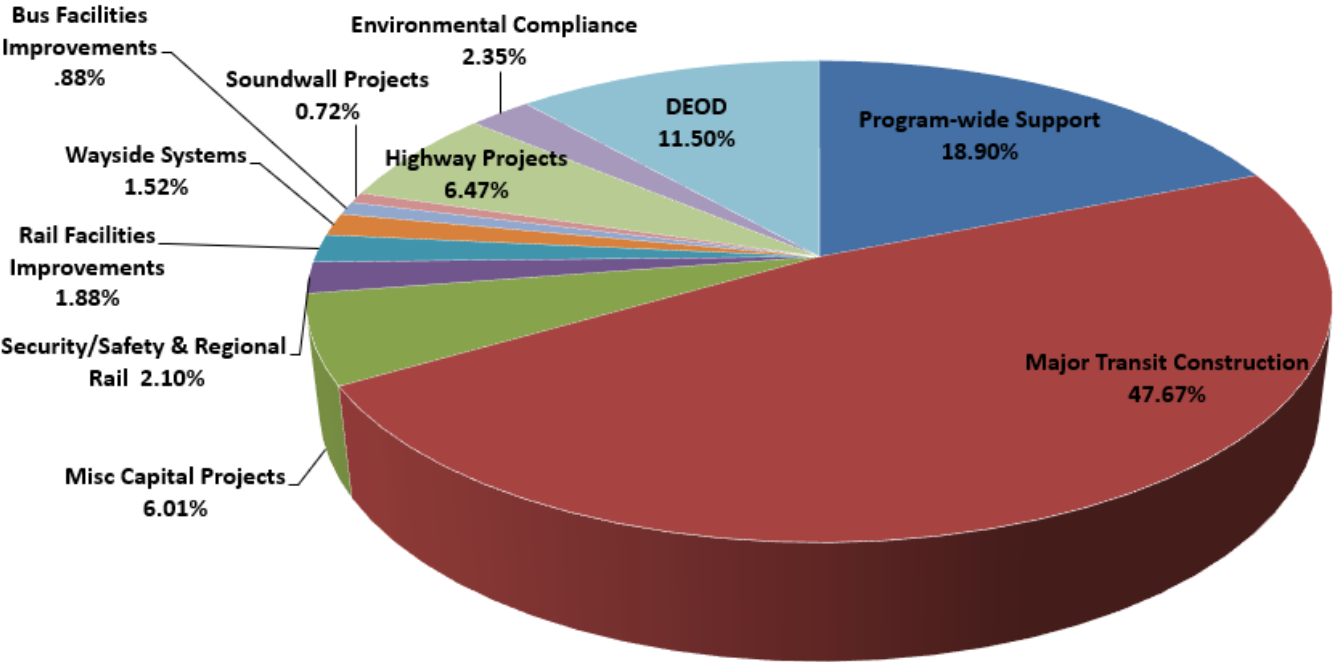
**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.

CURRENT SUPPORT PROVIDED BY PROJECT CATEGORY



## CURRENT AND ANTICIPATED LIST OF PROJECTS

**Program-wide Support**

Measure M Program Support\*  
 Measure R Program Support\*  
 Project Management Information System\*  
 Implementation of Construction Management Best Practices  
 Estimating Database Development  
 Construction Risk Management\*  
 Public Private Partnerships\*

**Major Transit Construction**

Crenshaw/LAX Light Rail Transit Project\*  
 Regional Connector Transit Project\*  
 Westside Purple Line Extension Section 1 Project\*  
 Westside Purple Line Extension Section 2 Project\*  
 Westside Purple Line Extension Section 3 Project\*  
 Gold Line Foothill Extension Phase 2B Project\*  
 Orange Line Bus Rapid Transit Improvements Project\*  
 West Santa Ana Branch Transit Project\*  
 East San Fernando Valley Transit Project\*  
 Sepulveda Transit Corridor Project\*  
 Green Line Extension to Torrance\*  
 Gold Line Eastside Phase 2  
 North San Fernando BRT  
 Pasadena to NoHo BRT  
 Vermont BRT

**Misc. Capital Projects**

Division 20 Portal Widening Turnback Facility\*  
 Division 22 Paint and Body Shop  
 Airport Metro Connector\*  
 Rail to Rail Corridor Active Transportation Connector\*  
 Los Angeles River Bikepath  
 Metro Eastside Access Improvement Projects\*  
 Centinela Grade Crossing\*

**Security/Safety**

Metro Gold Line I-210 Barrier Replacement Phase I\*  
 Metro Emergency Security Operations Center\*

**Rail Facilities Improvement**

Light Rail Transit Freeway Stations Sound Enclosures  
 Willowbrook/Rosa Parks Station Improvement\*

**Wayside Systems**

Metro Blue Line Track and System Refurbishment\*  
 Metro Blue Line Signal System Rehabilitation\*

**Bus Facilities Improvements**

Bus Rapid Transit Freeway Station Sound Enclosure  
 Metro Silver Line Improvements and Upgrades  
 Division 1 Improvements\*  
 Patsaouras Busway Station\*  
 Bus Facility Maintenance Improvement  
 Enhancements Phase II & III  
 Rail Facility Improvement\*

**Regional Rail**

LINK US Project\*  
 Metro Center Street Project\*  
 Doran Street and Broadway/Brazil Safety and Access Project  
 Brighton to Roxford Double Track Project  
 Rosecrans/Marquardt Grade Separation Project\*  
 Lone Hill to White Double Track Project

**Soundwall Projects**

Soundwall Package 10  
 Soundwall Package 11\*

**Highway**

I-5 South – HOV project SR 14 to Parker Road\*  
 I-405 HOV Widening\*  
 105 Express Lanes 405-605\*  
 Sepulveda Express Lanes  
 Other Highway projects, as required

**Environmental Compliance Program**

Fuel Storage Tank Program\*  
 Soil Remediation\*  
 Energy Conservative Initiative Project\*  
 Sustainability Environmental Compliance\*  
 Carbon Emission Greenhouse\*  
 Sustainability Design Guide\*

**Diversity & Economic Opportunity in Construction**

DBE Commercially Useful Function\*  
 DBE Contract Compliance\*

\*Project is currently utilizing the PMSS Contract

**CURRENT AND ANTICIPATED LIST OF PROJECTS**



## Board Report

**File #:** 2021-0596, **File Type:** Contract

**Agenda Number:** 32.

### EXECUTIVE MANAGEMENT COMMITTEE NOVEMBER 18, 2021

**SUBJECT: COMMUNICATIONS SUPPORT SERVICES BENCH**

**ACTION: APPROVE CONTRACT MODIFICATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 5 to Bench Contract Nos. PS44432001 through PS44432010 to:

- A. INCREASE the contract value by \$3,000,000, increasing the contract value from \$18,955,568 to \$21,955,568; and
- B. AWARD AND EXECUTE task orders for a not-to-exceed total authorized amount of \$21,955,568.

#### **ISSUE**

In December 2017, the Metro Board of Directors approved the establishment of a Communication Support Services Bench contracts (Bench) for an amount not-to-exceed \$9,505,568 for a 3-year base term, plus \$5,393,760 for each of the two, two-year options, for a combined total amount not-to-exceed \$20,293,088. The Bench provides Metro Communications Department with supplementary communications services in support of Metro projects, programs and initiatives such as public engagements, public information, and community outreach activities.

#### **BACKGROUND**

The Bench has been successfully utilized in providing professional communication support services to multiple and diverse Metro projects, programs and initiatives. The success of the Bench has nearly exhausted the not-to-exceed value. To date, a total of 40 task orders have been issued against the Bench, for a cumulative total contract value of \$18,818,774 of the approved bench contract value of \$18,955,568 during the initial 3-year base term, plus an additional one-year option that has been exercised. The unexpected increase in the Bench utilization was attributable to various task orders issued in support of Metro's projects, programs and initiatives. Additionally, the COVID-19 pandemic has added additional community engagement activities that were not originally anticipated, such as virtual engagement platforms and increased digital initiatives to reach stakeholders.

To continue to meet the delivery of both current and approved planned construction projects, programs, and initiatives for FY 21/22, additional contract authority is being requested to the 4-year authorized contract term. Currently, Metro has numerous processes that require ongoing communications support such as the Bus Speed and Reliability Improvements, Vermont Transit Corridor, and several ExpressLanes projects. These efforts support the Agency's goals to increase ridership and enhance the customer experience.

Approval of Recommendation A will increase the contract authorization by \$3,000,000. The recommendation will revise the total not-to-exceed Bench contract authority amount to \$21,955,568. The approval will also provide sufficient time while Metro staff plans for issuance of a new On-Call Communications Bench Contract that will require subsequent Board Approval anticipated in early 2022.

## **DISCUSSION**

With the passage of Measure M in November 2016, Metro's work effort has expanded greatly. To optimize the agency's existing communications workforce and to ensure adherence to Metro's External Communications Policy, this growing work effort will be accomplished through a combination of agency staff and contracted services through the Bench.

The Bench consists of 10 full-service, multi-disciplinary teams that serve on an on-call, task order-basis. Services provided by the Bench include:

1. Coordination with other project/program/initiative team members;
2. Project staffing;
3. Strategic communications;
4. Copywriting, copying, printing and mailing support;
5. Community meeting logistics, planning & facilitation;
6. Development of graphic design, photography, digital and video production;
7. Digital and social media;
8. Special event planning and outreach;
9. Door-to-door canvassing and literature distribution;
10. Multi-ethnic/multi-lingual interpretation and translation services;
11. Targeted outreach support;
12. Media relations support;
13. Interactive website development;
14. Innovative methods for reaching diverse community stakeholders;
15. Opinion research;
16. Media buyer; and
17. Documentation reports.

The Bench contracts include a 20% Disadvantaged Business Enterprise (DBE) participation goal for task orders awarded with federal funds and 17% Small Business Enterprise (SBE), and 3% Disabled Veteran Business Enterprise (DVBE) goal for task orders awarded with non-federal funds.

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To date, the Bench has provided communication support services for the following projects and initiatives:

1. Active Transportation Strategic Plan
2. Antelope Valley Line Improvements
3. Arts District/6<sup>th</sup> Street Station
4. As-Needed Interpretation and Translation Services
5. As-Needed Writing Services
6. Bus Rapid Transit Vision and Principles Study
7. Bus Speed and Reliability Improvements
8. Centinela Grade Separation
9. Crenshaw Northern Extension - Alternatives Screening Study
10. Crenshaw Northern LRT Extension Environmental Outreach and Education
11. Crenshaw/LAX Opening Communications/Faith Community Outreach
12. Eastside Transit Corridor Phase 2 Environmental Outreach
13. Green Line Extension to Torrance Environmental Outreach and Education
14. Interstate 10 ExpressLanes Extension Project
15. Interstate 10 ExpressLanes HOV 5+ Pilot Program Environmental Outreach and Education
16. Interstate 110 ExpressLanes Adams Terminus Project
17. Interstate 405 Multi-Modal Corridor Plan
18. Interstate 405 Sepulveda Pass ExpressLanes Project
19. LA River Bike Gap Project
20. Lone Hill to White Project
21. Long Range Transportation and NextGen Bus Study Project Management
22. Long Range Transportation Plan Outreach and Education
23. Mailing Support Services
24. Measure M Lessons Learned and OEI Best Practices Reports
25. Metrolink Central Maintenance Facility Noise and Vibration Study
26. Next Gen Bus Study
27. NextGen Bus Study and Long Range Transportation Plan - Program management
28. North Hollywood to Pasadena Bus Rapid Transit Environmental Outreach and Education and North San Fernando Valley Bus Rapid Transit Project Environmental Outreach and Education
29. Public Opinion Research and Focus Groups
30. Public Relations - El Pasajero Writing and Editing
31. Public Relations Street Teams
32. Public Relations - Special Events and Communications Support
33. Public Relations - Writing Services
34. PSAC Public Opinion Survey
35. Rail to River - Segment B Project
36. Rio Hondo Confluence Station Feasibility Study
37. South Los Angeles Faith Leaders Group Facilitation
38. Vermont Transit Corridor Project and Vermont Transit Corridor - South Bay Extension Feasibility Study
39. West Santa Ana Branch Project Downtown Los Angeles Outreach and Education
40. Women and Girls Governing Council Strategic Communications

## **DETERMINATION OF SAFETY IMPACT**

Contractors may be required to conduct tasks on Metro property where construction may be taking place. All safety requirements will be met with requisite training and clearance as established by Metro Safety, Construction and Operation protocols.

## **FINANCIAL IMPACT**

The funding for the bench contract will parallel that of the benefiting projects charged which may include sales tax, grants, fares, and other funding sources within the agency. There is no single source that will unilaterally fund this contract. As specific work efforts arise, task orders will be issued and funded from the corresponding project budget upon approval by the responsible project manager, or by the relevant department.

Funding for FY 21/22 is included in the department, cost center budgets. Each task order awarded to a Contractor will be funded with the source of funds identified for that project. Since this is a multi-year contract, the departmental cost center managers will be responsible for budgeting costs in future years.

### **Impact to Budget**

The funding for these task orders is dependent upon the specific project and could consist of federal, state or local funds.

## **EQUITY PLATFORM**

Services under the bench have included tasks that specifically target historically marginalized and vulnerable populations.

Service 11 under the On-Call Communications Bench Contract specifically requests Contractors to “implement specialized outreach efforts to targeted community groups and stakeholders in the methods most effective for them to receive information. Such groups include but are not limited to older adults, students, multi-ethnic groups, persons with disabilities, faith leaders, low-income or marginalized individuals, and others.”

Additionally, Service 14: Innovative Methods for Reaching Diverse Community Stakeholders specifically requests that Contractors propose “other recommended activities or tools that will assist Metro in reaching a broader audience of stakeholders and encouraging their active participation in the agency’s projects, programs or initiatives.”

Resources that have been specifically requested under the Bench Contract include: translation and interpretation; public opinion surveys and focus groups conducted in various languages; activities that allow for engagement with transit riders at stops, stations and on buses/trains. Additionally, innovative methods for reaching diverse community stakeholders on this bench, such as offering free WiFi/Hotspot connections at targeted locations for virtual community meetings.

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To date, nearly all projects and initiatives serviced through this on-call bench have directly engaged with stakeholders from Equity Focus Communities (EFCs). Targeted outreach to EFCs will continue to be prioritized as part of all public engagement programs.

The On-Call Communications Bench Contract further provides business opportunities to minority, women owned and disadvantaged businesses. Each bench participant has met or exceeded the 17% SBE / 3% DVBE or 20% DBE goal for this project. The Communications Support Services Bench is subject to the Small Business (SB) prime (Set-Aside) program requirements. Nine of the 10 bench participants are SBE primes.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommended actions support the following goals:

- Goal 1: Provide high-quality mobility options that enable people to spend less time traveling;
- Goal 2: Deliver outstanding trip experiences for all users of the transportation system;
- Goal 3: Enhance communities and lives through mobility and access to opportunity;
- Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization

The Communications Support Services Bench allows the agency to engage stakeholders in an authentic, meaningful, and responsive manner on all of the agency's project, programs, and initiatives.

### **ALTERNATIVES CONSIDERED**

1. Pursue procurement processes and solicit proposals for each individual task when the requirement arises. This alternative is not recommended as it would place an undue burden on the small business community, requiring them to expend significant and costly resources to respond to multiple procurement processes each year. It also would require extensive staff time to develop a scope of work, internal estimate and proceed with a competitive procurement for each individual task. This would also delay the provision of services and prevent the opportunity to expedite services when needed. Additionally, procuring services on a per-assignment basis would impose significant additional burden on the Communications and Vendor/Contract Management departments.
2. Utilize existing Communications staff to provide the required support services. This alternative is also not feasible as Metro's current Communications staff is being fully utilized to support existing projects, programs and initiatives. Due to these commitments, it would be a major challenge for current staff to provide the necessary additional support required for future projects, programs and initiatives. If this alternative were exercised, Metro would need to hire additional staff with expertise in several disciplines to perform the desired work. Based on

staffing trends, it is unlikely the agency can support this effort in-house.

3. Direct departments to procure services for their own needs. This option puts an undue burden on the small business community, requiring them to expend significant and costly resources to respond to multiple procurement processes each year. It also is counter to Metro's External Communications Policy, which is designed to consolidate, optimize and strategically coordinate communications services across the agency.

## **NEXT STEPS**

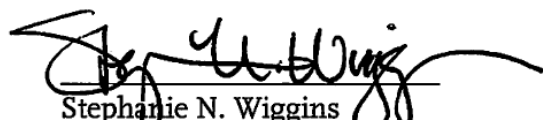
Upon Board approval, staff will execute Contract Modification No. 5 to the Communications Support Services Bench Contracts and continue to award individual task orders for communications support services.

## **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - Firms on Communications Support Services Bench  
Attachment D - List of Task Orders and Values  
Attachment E - DEOD Summary

Prepared by: Lilian De Loza-Gutierrez, Director, Community Relations, (213) 922-7479

Reviewed by: Yvette Rapose, Chief Communications Officer, (213) 418-3154  
Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051

  
Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

### COMMUNICATIONS SUPPORT SERVICES BENCH / PS44432001 through PS44432010

1.	<b>Contract Numbers:</b> PS44432001 through PS44432010			
2.	<b>Contractors:</b> Arellano Associates; Celtis Ventures; Communications Lab; Community Connections; Consensus; Dakota Communications; ETA Agency; Lee Andrews Group; MBI Media; The Robert Group			
3.	<b>Mod. Work Description:</b> Increase Contract Authority			
4.	<b>Contract Work Description</b> Provide communications support services to Metro's Communications Department.			
5.	<b>The following data is current as of:</b> 10/5/2021			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contracts Awarded:</b>	1/1/18	<b>Contracts Award Amount:</b>	\$9,505,568
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b>	\$9,450,000
	<b>Original Complete Date:</b>	12/31/20	<b>Pending Modifications (including this action):</b>	\$3,000,000
	<b>Current Est. Complete Date:</b>	12/31/22	<b>Current Contract Value (with this action):</b>	\$21,955,568
7.	<b>Contract Administrator:</b> Antwaun Boykin		<b>Telephone Number:</b> (213) 922-1056	
8.	<b>Project Manager:</b> Lilian De Loza-Gutierrez		<b>Telephone Numbers:</b> (213) 922-7479	

#### **A. Procurement Background**

This Board Action is to approve Contract Modification No. 5 issued to increase the contract funding authority value for Communications Bench Contracts PS44432001 through PS44432010, to continue to provide communications support services, and extend the term of the bench contracts through December 31, 2022.

This Contract Modification and future Task Orders will be processed in accordance with Metro's Acquisition Policy.

Metro awarded a seven-year (three-year base term, with two, two-year options), task order-based bench contracts to the following firms: Arellano Associates, Celtis Ventures, Communications Lab, Community Connections, Consensus, Dakota

Communications, ETA Agency, Lee Andrews Group, MBI Media, and The Robert Group to provide communication support services.

Refer to Attachment B – Contract Modification/Change Order Log.

**B. Cost/Price Analysis**

The recommended price for all future task orders and modifications will be determined to be fair and reasonable in accordance with Metro's Acquisition Policy at the time of issuance and award.

# **CONTRACT MODIFICATION/CHANGE ORDER LOG**

## **COMMUNICATIONS SUPPORT SERVICES BENCH / PS44432001 through PS44432010**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>Amount</b>
1	Modify the SOW to delete printing support service	<b>Approved</b>	<b>10/15/18</b>	<b>\$0</b>
2	Increase base contract value	<b>Approved</b>	<b>9/19/19</b>	<b>\$9,000,000</b>
3	Extend contract period of performance	<b>Approved</b>	<b>12/11/20</b>	<b>\$0</b>
4	Exercise Contract Modification Authority	<b>Approved</b>	<b>10/4/21</b>	<b>\$450,000</b>
5	Increase contract value	<b>Pending</b>	<b>Pending</b>	<b>\$3,000,000</b>
	<b>Modification Total:</b>			<b>\$12,450,000</b>
	<b>Original Contract:</b>		<b>1/1/18</b>	<b>\$9,505,568</b>
	<b>Total:</b>			<b>\$21,955,568</b>

**ATTACHMENT C**

**FIRMS ON COMMUNICATIONS SUPPORT SERVICES BENCH**  
**COMMUNICATIONS SUPPORT SERVICES BENCH / PS44432001 through**  
**PS44432010**

	<u>Contract No.</u>	<u>Company Name</u>
1	PS44432001	Arellano Associates
2	PS44432002	Celtis Ventures
3	PS44432003	Communications Lab
4	PS44432004	Community Connections
5	PS44432005	Consensus
6	PS44432006	Dakota Communications
7	PS44432007	ETA Agency
8	PS44432008	Lee Andrews Group
9	PS44432009	MBI Media
10	PS44432010	The Robert Group

DBE/SBE Prime Awards				
Contract No.	Company Name	Task Orders Awarded to Date	Task Order Award Amount	Amount Paid to Date
PS44432001	Arellano Associates	12	\$6,015,342.00	\$4,011,868.24
PS44432003	Communications Lab	3	\$1,124,077.00	\$626,078.00
PS44432004	Community Connections	1	\$1,413,358.00	\$20,000.00
PS44432005	Consensus	2	\$345,632.54	\$345,632.54
PS44432006	Dakota Communications	1	\$669,904.00	\$191,751.11
PS44432007	ETA Agency	0	\$0.00	\$0.00
PS44432008	Lee Andrews Group	13	\$4,310,624.00	\$1,832,644.89
PS44432009	MBI	2	\$677,010.84	\$673,623.84
PS44432010	The Robert Group	4	\$2,779,672.00	\$1,479,883.00
Total Awarded Task Order Subtotal		38	\$17,335,620.38	\$9,181,481.62
Total Task Order Value				

Non DBE/SBE Prime Awards				
Contract No.	Company Name	Task Orders Awarded to Date	Task Order Award Amount	Amount Paid to Date
PS44432002	Celtis Ventures	1	\$1,483,154.00	\$1,483,154.00
Total Awarded Task Order Subtotal		1	\$1,483,154.00	\$1,483,154.00
Total Task Order Value				

Total Task Orders Awarded	14	Amount Awarded	Amount Paid to Date
DBE/SBE Task Order Value		\$17,335,620.38	\$9,181,481.62
Total Task Order Value		\$18,818,774.38	\$10,664,635.62

**DEOD SUMMARY****COMMUNICATIONS SUPPORT SERVICES BENCH / PS44432001 through  
PS44432010****A. Small Business Participation**

Each bench participant committed to meet the 17% SBE/3% DVBE or 20% DBE goals for this contract. The Communications Support Services Bench is subject to the Small Business (SB) Prime (Set-Aside) Program requirements. Nine of the ten bench participants are SBE primes. The overall SBE/DVBE/DBE participation is based on the aggregate of all Task Orders (TO) awarded through the bench.

To date, thirty-seven (37) TOs have been awarded to nine (9) primes on the bench. Thirty-five (35) TOs were non-federally funded and fell within the set-aside threshold and awarded to self-performing SBE Primes. One TO was federally funded set-aside and awarded to an SB Prime that is also DBE certified. One TO was awarded with SBE/DVBE commitments. Based on payments to-date, the contract is 42.28% complete and the current level of participation is 83.83% SBE, 8.56% DBE and 0% DVBE. As such, the bench has exceeded SBE participation by 66.83% and has an 11.44% DBE and 3% DVBE shortfall. According to the Project Manager, due to potential conflicts with Metro's Collective Bargaining Agreement (CBA), all printing scopes of work were de-scoped from the bench. Primes impacted by this removal were required to submit an updated utilization plan to address the de-scope impact on DVBE commitments.

Metro Project Managers and Contract Administrators will work in conjunction with DEOD to monitor SBE/DVBE and DBE commitments via the web-based tracking system to ensure that they are met or exceeded.

<b>Small Business Commitment</b>	<b>20% DBE 17% SBE 3% DVBE</b>	<b>Small Business Participation</b>	<b>8.56% DBE 83.83% SBE 0% DVBE</b>
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DBE/SBE/DVBE Primes & Subcontractors		Current Participation		
		DBE	SBE	DVBE
1	Arellano Associates (DBE/SBE Prime)	-	89.22%	-
	AVS Consulting, Inc.	-	0.75%	-
	Jarrett Walker & Associates	-	0.48%	-
	Two Hundred, Inc.	-	0.85%	-
	VMA Communications	-	1.57%	-
	Young Communications Group	-	5.08%	-
	<b>Total</b>	-	97.95%	--
2	Celtis Ventures	-	-	-
	Arellano Associates, LLC	-	35.94%	-
	Flagship Marketing	-	-	0.00%
	Young Communications Group, Inc.	-	3.95%	-
	<b>Total</b>	-	39.89%	0.00%
3	Communications Lab (DBE/SBE Prime)	8.56%	13.91%	-
	Circle Point	-	39.11%	-
	<b>Total</b>	8.56%	53.02%	-
4	Consensus (SBE Prime)	-	25.08%	-
	<b>Total</b>	-	25.08%	-
5	Dakota Communications (DBE/SBE Prime)	-	98.01%	-
	JKH Consulting, LLC	-	1.99%	-
	<b>Total</b>	-	100.00%	-
6	Lee Andrews Group (DBE/SBE Prime)	-	69.56%	-
	Effect Strategies, LLC	-	0.12%	-
	JKH Consulting, LLC	-	0.18%	-
	Maria Luisa Arredondo-Pagaza	-	18.30%	-
	Paragon Language Services, Inc.	-	0.03%	-
	Translating Services, Inc.	-	0.43%	-
	<b>Total</b>	-	88.62%	-
7	MBI Media (DBE/SBE Prime)	-	63.87%	-
	Alas Media, Inc.	-	0.94%	-
	Continental Interpreting Services, Inc.	-	0.15%	-
	Digital Services Enterprises, Inc.	-	6.44%	-
	House 47, LLC	-	8.25%	-
	North Star Alliances LLC	-	9.80%	-
	Young Communications Group	-	6.39%	-
	<b>Total</b>	-	95.84%	-

8	The Robert Group (DBE/SBE Prime)	-	100.00%	-
	Total	-	100.00%	-

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

A review of the current service contract indicates that the Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) was not applicable at the time of award. Therefore, the LW/SCWRP is not applicable to this modification.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this modification.

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.



Metro

## Board Report

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

**File #:** 2021-0694, **File Type:** Federal Legislation / State Legislation (Position)

**Agenda Number:** 34.

### EXECUTIVE MANAGEMENT COMMITTEE NOVEMBER 18, 2021

**SUBJECT: 2022 LEGISLATIVE PROGRAM**

**ACTION: APPROVE STAFF RECOMMENDATIONS**

#### **RECOMMENDATION**

**CONSIDER:**

- A. RECEIVING the State and Federal Legislative Report;
- B. ADOPTING the proposed 2022 Federal Legislative Program as outlined in Attachment A; and
- C. ADOPTING the proposed 2022 State Legislative Program as outlined in Attachment B.

#### **ISSUE**

The Board of Directors adopts, on an annual basis, a legislative program for the upcoming state legislative and federal congressional sessions, which provides guidance to staff on legislative issues and policy as a means of advancing and protecting Metro's authority and the transportation interests of Los Angeles County. Pursuant to the goals outlined in the Long-Range Transportation Plan (LRTP), Equity Platform, Vision 2028 Plan, and other board directives, we will continue to evaluate and consider long term strategic advocacy and legislative goals for the agency as outlined in the plan. We will continue to work with the implementing departments within Metro to develop the broader objectives and will bring to the Board authorization to pursue additional specific measures as they become sufficiently developed and ready for pursuit through legislative processes.

#### **DISCUSSION**

##### **Policy Implications**

The role of the legislative program is to clearly define Metro's goals and objectives by securing necessary legislative authority, program funding and regulatory actions needed at the state and federal levels. The program provides policy direction to our advocacy activities in Sacramento, C.A. and Washington, D.C. To achieve these important goals, Government Relations staff will implement a long-term legislative strategy of consensus building and coordination with transportation stakeholders throughout Los Angeles County, the State of California and with Federal officials. The Legislative Program directs staff to monitor and engage in a number of legislative and advocacy efforts. The [Government Relations Legislative Matrix <http://libraryarchives.metro.net/DB\\_Attachments/211105-November%202021%20-%20LA%20Metro%20Legislative%20Matrix.pdf>](http://libraryarchives.metro.net/DB_Attachments/211105-November%202021%20-%20LA%20Metro%20Legislative%20Matrix.pdf), which is updated and

presented to the Board monthly, highlights a number of bills of interest to the agency.

### Federal Recap

In 2021, our agency continued to aggressively pursue our Board-approved federal legislative priorities in Washington, DC. Federal transportation programs continued to be administered under the latest surface transportation authorization bill, the Fixing America's Surface Transportation Act (FAST Act), which was signed into law on December 4, 2015 and has since been extended by the 117th Congress.

Congress is considering the Infrastructure Investment and Jobs Act (IIJA), which not only reauthorizes federal surface transportation programs at much higher funding levels for the next five years, but includes an additional \$548 billion in new funding to address a broad spectrum of infrastructure needs. IIJA provides historic investments in roads, bridges, rail, transit, airports, ports and waterways while helping the nation rebuild its electric grid, upgrade broadband infrastructure, improve access to safe drinking water, deploy electric vehicles and buses, improve disaster resilience, and much more.

Of particular interest to Metro, the bill significantly increases funding provided through key discretionary and formula grant programs such as Capital Investment Grants, Buses and Bus Facility Grants, Low or No Emission Bus Grants, State of Good Repair Grants, and Urbanized Area Formula Grants. In the coming weeks and months, Metro staff will be actively engaged with the Biden-Harris Administration to ensure the agency's interests are represented as they begin to administer discretionary funds, develop new programs established through IIJA, and issue policy guidance.

Moving in parallel to the IIJA legislation has been a comprehensive budget reconciliation bill, referred to as the Build Back Better Act, which would fund a number of social spending priorities not included in the "hard infrastructure" IIJA bill. We are pleased to report that, with support from the Board and Chair Solis in particular, the bill currently includes \$10 billion in grants to support the provision of fare-free and reduced-fare transit, new transit routes, expansion of service areas, and improved frequency on existing routes. The bill also includes \$10 billion for high-speed rail. As of this writing, Congressional Democrats have agreed to a legislative framework amounting to approximately \$1.75 trillion, though final details of the bill are still being negotiated. Staff will continue to engage with stakeholders in Washington, DC to ensure Metro-supported provisions remain in the final legislation.

The annual appropriations process in Washington, DC continues to be the subject of disagreement, and again Congress missed its annual September 30 deadline to pass a budget for Fiscal Year 2022 to fund the various federal agencies and programs. While the U.S. House of Representatives approved nearly all its 12 annual appropriations bills - including the Transportation, Housing, and Urban Development Appropriations Bill - the U.S. Senate was unable to approve any of their annual appropriations bills. As of the writing of this report, the Federal Government is operating on a Continuing Resolution through December 3, 2021. Metro continues to work closely with our Los Angeles County Congressional Delegation to advocate for the priorities included in the House and Senate Appropriations bills that would benefit our agency.

Lastly, Metro is working hard in Washington, DC to successfully advance our major transit capital

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projects through the Capital Investment Grant program. Staff has been engaged in preliminary advocacy with Congressional offices and the Biden-Harris Administration for each of these projects throughout 2021, and we will initiate much more active engagement upon submission of each of these projects to the Federal Transit Administration. With regard to the Westside Purple Line Extension, we successfully advocated for \$100 million in annual appropriations for each of the project's three operating segments in Fiscal Year 2021 and anticipate the same level of investment in Fiscal Year 2022. In 2022, Metro will continue to aggressively prioritize and strongly advocate for our transit projects to receive funding through the Capital Investment Grant Program.

Through all of our efforts in Washington, DC, Metro continues to incorporate equity as a central component of our work. Metro staff has been engaged in an active dialogue with the Biden-Harris administration as they begin to roll out their Justice40 Initiative, with the goal of delivering 40 percent of the benefits from federal investments to disadvantaged communities across the United States.

Metro will continue to work closely with the Administration, the U.S. Department of Transportation and Congress to leverage our local funding to advance transit, highway, and other effective mobility projects across Los Angeles County. The complete 2022 Federal Legislative Plan is outlined in Attachment A.

### State Recap

During the 2021 State Legislative Session, the California Legislature and Governor Newsom were primarily focused on recovery from the ongoing COVID-19 pandemic and responding to wildfires. To respond to the rapidly changing nature of the pandemic, the Legislature continued to operate on a modified basis, reducing the number of measures each Assemblymember and Senator could carry, and severely limiting in-person attendance at hearings, while allowing the public and witnesses to provide virtual testimony. The legislature passed a number of proposals that focused on that state's climate change goals, transportation projects, workforce recovery, and funding to support efforts to end homelessness.

The 2021 budget process operated under vastly different conditions to the uncertainty that overshadowed the 2020 process. In January, the Governor's budget proposal assumed a \$34 billion budget resiliency, that included reserves as well as a surplus. The May Revision included changes to the Governor's budget that reflected an unprecedented budget surplus, amid improving economic conditions. The May Revision included an \$11 billion investment in the state's transportation system, including \$1 billion for projects specifically tied to the 2028 Olympic and Paralympic games in Los Angeles.

Metro staff continued to engage in the budget process through working with members of the LA County Delegation in order to ensure that LA County would receive its proportionate share of transportation resources. In May, Metro issued a budget letter to the state legislature, outlining the agency's major budget priorities. These priorities included funding for capital projects, boosting zero-emission vehicle programs, supporting programs that help the unhoused, building sound walls in equity focus communities, and allocating funds to support a fareless transit system for low-income riders and students.

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In early September, members of the Los Angeles County Senate and Assembly delegation issued a letter to the Budget Chairs specifically requesting a significant allocation of budget surplus funds for transit capital projects in LA County. However, negotiations with respect to the transportation budget and particularly the High-Speed Rail project stalled, and the end of session passed without the legislature passing a transportation-specific budget. Following this, Speaker Anthony Rendon (D-Lakewood) and Chair of the Assembly Transportation Committee Laura Friedman (D-Glendale) issued a joint letter to the Governor, expressing their desire to continue negotiations, and urged an additional \$3 billion for LA County transit projects, in addition to the \$1 billion from the Governor's May Revision. Budget negotiations will resume in January, and Metro will continue to engage with the legislature to ensure that the County receives proportionate funding.

There was a deadline of October 10, 2021 for the legislature to decide on a budget deal that would be outlined in state law; however, a transportation budget was not agreed upon by the end of the session. The Governor's proposal also included a significant amount of potential new funding for the High-Speed Rail project - \$4.2 billion. Without a final agreement - the funds proposed in the Governor's proposal reverted to the General Fund. There will be an opportunity to act to secure those funds in the coming months. Staff is actively advocating for funding to support a number of Metro's priorities as directed by the Board.

Funding that Metro would receive in a future state transportation budget package would be allocated to Metro projects that bring transportation equity to communities, improve air quality, reduce vehicle miles travelled and increase transit ridership. In 2021, the state considered a package that included:

- \$1 billion Olympics readiness transit funding
- \$1 billion in Transit and Intercity Rail Capital Funding
- \$500 million Active Transportation Program Funding
- \$500 million for Grade Separations and Intercity Rail Improvements
- High Speed Rail Funding

In the 2021 legislative session, our advocacy efforts also focused heavily on Board-directed State Legislative Program goals, as well as several proposals that would have impacted Metro programs. Metro's 2021 State Legislative priorities focused on sponsoring bills that would create the authority to use photo enforcement of parking violations in bus-only lanes, make it easier for Metro to use alternative project delivery methods, and streamline the CEQA judicial review process for Metro's Pillar Projects, as well as continue to advocate for increased transportation funding for Los Angeles County.

Metro was successful in advocating for the passage of three sponsored measures. The advocacy efforts around each bill included stakeholder support and collaboration that helped to advance each measure. Staff would like to acknowledge the Board in its forward thinking and support of the measures. Staff would also like to note that the diligent staff support from the Countywide Planning, Office of Extraordinary Innovation, County Counsel, Operations, Human Capital & Development departments was integral to the success of the measures and coalition building efforts. The bills are summarized below:

- **Senate Bill 44 (Allen)** - Will streamline the CEQA judicial review process for certain environmental leadership transit projects. The law will take effect on January 1<sup>st</sup>, 2022.
- **Assembly Bill 811 (L. Rivas)** - Will clarify an existing statute that allows LA Metro to expedite projects using alternative delivery methodologies. The law will take effect on January 1<sup>st</sup>, 2022.
- **Assembly Bill 917 (Bloom)** - Will allow transit agencies statewide to install front-facing cameras on buses to capture parking violations in transit-only lanes. The law will take effect on January 1<sup>st</sup>, 2022.

Below is a summary of the major legislation relevant to Metro's work that moved through the legislative process this year.

- **SB 671 (Gonzalez)** - Will require the California Transportation Commission and related state agencies to develop a statewide Clean Freight Corridor Efficiency Assessment and incorporate recommendations from the Assessment into their programs for freight infrastructure. This bill was formally supported by the Board. The law will take effect on January 1<sup>st</sup>, 2022.
- **AB 43 (Friedman)** - Will allow Caltrans and local jurisdictions greater flexibility to set lower speed limits on local streets, based on Vision Zero recommendations. This bill was formally supported by the Board. The law will take effect on January 1<sup>st</sup>, 2022.
- **AB 550 (Chiu)** - This bill would have established a Speed Safety System Pilot Program and was formally supported by the Board as a Vision Zero measure. The bill was held in the Assembly Appropriations Committee in May.
- **SB 17 (Pan)** - Would establish a statewide Office of Racial Equity and was formally supported by the Board. The bill was held in the Assembly Appropriations Committee in August.

Metro staff were also regularly engaged in discussions around bills for public employers that would have impacted our workforce and operations. The list below outlines some of the bills that Metro monitored through the legislative process and provided technical feedback to the author.

- **AB 361 (R. Rivas)** - Will allow state and local agencies, including Metro, to meet remotely during certain declared states of emergency, including the current one related to the COVID-19 pandemic. This codified an Executive Order signed by Governor Newsom that expired on September 30, 2021. The bill included an urgency clause and took effect on October 1, 2021.
- **SB 674 (Durazo)** - Would create a new statewide requirement for workforce development on certain transportation contracts. A coalition convened by the California Transit Association is working to ensure that the bill aligns with workforce development programs and transit agencies statewide, staff is engaged in discussions to support the provisions of Metro's WIN-LA and procurement programs that could be affected. The bill was converted into a two-year

bill and will be brought back in the next year.

An additional priority for Metro's ongoing advocacy efforts includes the need to provide certainty and stability to our power supply as we work to meet the agency's ambitious Zero-emission Bus Plan. Most recently, staff has worked to clarify Metro's Essential Use Designation to ensure power supply in the event of a major event or power shutoff. Next year, staff will work to engage the California Public Utilities Commission (CPUC) on these issues and will continue to ensure that statewide policy decisions do not hinder the final plans for the Zero-emission Bus Plan roll out.

Metro's State Advocacy strategy continues to include a robust outreach and communications plan to inform and engage the members of the Los Angeles County State Assembly and Senate delegation, in support of the Board-adopted Legislative program, Equity Platform, Vision 2028, Customer Experience Plan, Zero-Emission Bus Plan and LRTP goals. State advocacy efforts will also continue to support Metro's Planning Department policies and programs to secure discretionary and formula funding under Senate Bill 1 for Los Angeles County as administered by the CTC. Staff will also engage in discussions and advocate for state policies and funding opportunities as the Board approves directives to implement new initiatives that would address Metro's goals to implement the Equity Platform, Fareless System Initiative, Better Bus, and Affordable Housing.

In addition to the above, staff will be working to address a variety of other specific policy issues in the Legislative process, budget process as well as in various administrative processes in Sacramento (the entire 2022 State Legislative Program is outlined in Attachment B). These include but are not limited to:

- Advocating for \$1 billion in Olympics readiness funding for Metro's program of infrastructure improvements;
- Sponsoring legislation to authorize Metro to use job-order contracting in procurements;
- Explore and potentially sponsor legislation that would streamline and increase small business participation in Metro's procurements;
- Supporting legislative changes that would enhance Metro's TAP implementation and smart card system to allow for ease of access for determining eligibility for low-income riders;
- Explore and potentially sponsor legislation that would clarify provisions of state law that impact Metro's real property transactions and ground leasing for TOC developments, affordable housing and other uses.
- Working with the California Public Utilities Commission and the California Air Resources Board to advance Metro's Zero Emission Bus Program;
- Working with the Gubernatorial Administration and key leadership in ensuring that the Governor's Executive Orders on Sustainability align with Metro's plans; and
- Supporting the allocation of cap and trade funds to Los Angeles County.

With Board approval, the 2022 State and Federal Legislative advocacy platform goals will guide Metro staff as we work with leadership in Sacramento and Washington, DC to advance the priorities outlined by the Board and CEO to secure policy reforms and funding for the agency.

## **EQUITY PLATFORM**

Outlining Metro's policy priorities to leadership in Sacramento and Washington, DC is an important tool in creating equitable transportation and economic outcomes for riders of the diverse communities of Los Angeles county. The adoption of the 2022 State and Federal Legislative Program goals could have a positive impact in moving policy forward that supports more equitable investments and services throughout LA County.

Ensuring that Metro's advocacy efforts are effective and equitable requires regular assessment of equity impacts for specific measures and proposals. Staff will continue to work with partners in the Office of Civil Rights, Racial Equity, and Inclusion on a regular basis to strategically communicate Metro's commitment to equitable transportation decision-making in our advocacy efforts.

## **DETERMINATION OF SAFETY IMPACT**

Approval of this item will not have an impact on safety.

## **FINANCIAL IMPACT**

A number of the proposed state and federal legislative initiatives may provide additional funding for countywide transportation programs and projects.

## **ALTERNATIVES CONSIDERED**

The Board of Directors could determine that a legislative program is unnecessary for the agency. Failure to adopt a legislative program could result in Metro being ill prepared to address the policy and legislative challenges that will arise during the coming year.

## **NEXT STEPS**

Government Relations staff will continue to regularly sponsor (virtual) briefings in Washington, D.C. and Los Angeles County for our Congressional Delegation and other key staffers on both the House and Senate Appropriations and Authorization committees and with officials in the Biden-Harris Administration. We have and will continue to place a strong emphasis on briefings for professional staff members working for House and Senate committees with primary responsibility for authorizing and appropriations bills. Metro looks forward to being an active stakeholder as the Administration moves to implement the Infrastructure Investment and Jobs Act.

In Sacramento, we will continue to develop and strategically advance our agency's Board approved State Legislative Program through maintaining support and close relationships with the Los Angeles County State Legislative Delegation, key leaders in the Senate and Assembly Transportation Committees, as well as key stakeholders including, the Governor, Caltrans Director, California Transportation Commission, and the California State Transportation Agency.

Government Relations staff will initiate briefings for the Gubernatorial Administration, members of the Legislature as well as committee staff. We will also work with state legislators to author any legislative initiatives proposed by this program. At the federal level, Government Relations will keep

in close contact with new and existing members of our Congressional delegation and key Authorizing and Appropriations staff to keep our projects at the forefront. Staff will continue to engage in strategic advocacy and legislative efforts related to a number of transportation issues and inform the Board of those efforts. Pursuant to the Board adopted Board Advocacy Plan we will also work closely with the Board to utilize Board member's relationships and experience in legislative matters.

Government Relations will continue to ensure that our legislative priorities and efforts are coordinated with our regional transportation partners, including Metrolink, Southern California Associations of Governments (SCAG), Municipal Operators, and Southern California County transportation commissions.

In addition, Government Relations will continue to pursue state and federal legislative initiatives that promote the efficient and rapid delivery of Measure R and Measure M projects as well as leverage Measure R and Measure M funds for additional state and federal transportation resources, and to form a coalition to protect state revenues.

The second year of the 2021-2022 State Legislative Session will commence on January 3<sup>rd</sup>, 2022. The U.S. House of Representatives and U.S. Senate are currently in session.

#### **ATTACHMENTS**

Attachment A - 2022 Federal Legislative Program

Attachment B - 2022 State Legislative Program

Prepared by:

Michael Turner, DEO, Government Relations (213) 922-2122

Raffi Hamparian, Senior Director, Government Relations, Federal Affairs (213) 922-3769

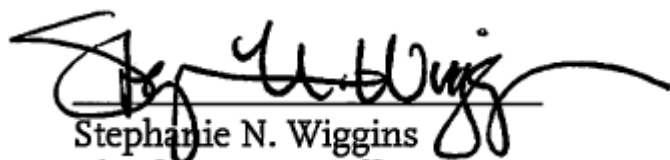
Ryan Williams, Senior Manager, Federal Affairs (213) 314-8090

Maritza Romero, Senior Manager, Federal Affairs (213) 922-7595

Desarae Jones, Senior Director, Office of the CEO (213) 922-2230

Alex Amadeo, Government Relations Officer, State Affairs (213) 922-2763

Reviewed by: Nicole Englund, Chief of Staff, (213) 922-7950



Stephanie N. Wiggins  
Chief Executive Officer

**2022 FEDERAL LEGISLATIVE PROGRAM**

**GOAL #1: BUILD FEDERAL SUPPORT FOR METRO'S AMBITIOUS CAPITAL PROGRAM**

Ongoing Activities:

Consistent with the Board-adopted Federal Legislative Program – Metro Government Relations has aggressively and successfully worked to back Congressional efforts to increase Federal Funding for the Capital Investment Grant (CIG) Program – the primary Federal program to fund new transit capital projects.

*If adopted – the Infrastructure Investment and Jobs Act (adopted by the Senate on August 10, 2021 and pending in the House) would double federal funding for the CIG Program. Funding authorized for the program would rise from approximately \$2.3 billion annually to \$4.6 billion annually to help construct new transit capital projects – like the West Santa Ana Branch Project and our other priority New Starts projects identified in a Board Report (15) and Motion 15.1 adopted by the full Board on April 22, 2021.*

Metro Government Relations staff has and will continue to be engaged in advocacy efforts with Congressional offices and the Biden-Harris Administration for each of these projects throughout 2021, and we will initiate active strategies of engagement upon submission of each of these projects to Federal Transit Administration (FTA).

Over the last decade, our agency has been a national leader in securing federal funding through the CIG Program.

Proposed Activities:

In 2022, Metro will continue to aggressively prioritize and strongly advocate for our agency's New Starts transit capital projects to receive funding through the CIG Program – working in concert with all relevant stakeholders across Los Angeles County. Consistent with the Metro Board direction on April 22, 2021, we will prepare detailed action plans to smartly and effectively advance our New Starts projects as they enter into the FTA's Capital Investment Grant Program – including but not limited to – the Project Development phase.

**GOAL #2: CONTINUE TO ACTIVELY SUPPORT THE BIDEN-HARRIS ADMINISTRATION'S JUSTICE40 INITIATIVE – CREATING FEDERAL POLICIES THAT PROMOTE EQUITY AND BRING FEDERAL RESOURCES TO LOS ANGELES COUNTY IN SUPPORT OF EQUITABLE OUTCOMES**

#### Proposed Activity:

Continue our agency's leadership in working with the Biden-Harris Administration and the Los Angeles County Congressional Delegation to build awareness among federal policymakers about existing inequalities in our region and the potential for Metro projects and programs to provide access to opportunity. Using this equity lens, we will seek to encourage federal investments to benefit disadvantaged communities across Los Angeles County.

Maintain our positive and content rich work with the Biden-Harris administration as they continue to roll out their Justice40 Initiative, with the goal of delivering 40 percent of the benefits from federal investments to disadvantaged communities across the United States.

### **GOAL #3: WORK TO ADVANCE FEDERAL POLICY AND FUNDING OPPORTUNITIES IN SUPPORT OF METRO'S FARELESS SYSTEM INITIATIVE**

#### Proposed Activities:

Continue to be a national leader in advocating for pending legislation that would establish grants in support of fare-free and reduced-fare transit programs. In 2021, Metro successfully advocated for the inclusion of such funding as part of a new discretionary grant program (Affordable Housing Access Program) included in the Build Back Better Act. Staff will work with all relevant stakeholders across Los Angeles County to aggressively pursue federal funding for fare-free and reduced-fare transit services across Los Angeles County should this provision be enacted into law.

### **GOAL #4: SECURE DISCRETIONARY GRANT FUNDING FROM MAJOR USDOT GRANT PROGRAMS**

#### Proposed Activities:

As federal grant and formula programs are poised to grow demonstrably under the Infrastructure Investment and Jobs and Build Back Better Acts, organize strategic advocacy plans in coordination with local and regional stakeholders as well as Los Angeles County's Congressional Delegation to demonstrate strong support for grant applications that Metro submits to the U.S. Department of Transportation. These grant applications would be for, but not limited to, the INFRA Grant Program, RAISE Grant Program, Bus and Bus Facilities, and the Low/No Grant Program.

**GOAL #5: WORK CLOSELY WITH THE BIDEN-HARRIS ADMINISTRATION AND USDOT ON REGULATIONS AND PROPOSED RULEMAKING THAT IMPACTS METRO**

Proposed Activities:

As the Biden-Harris Administration works to implement the Infrastructure Investment and Jobs Act and the Build Back Better Act, staff will continue to work to ensure Metro's interests are well represented. This includes close coordination and submission of public comments, direct communication with agencies and agency officials, and encouraging Congressional involvement to help us accomplish our goals.

**GOAL #6: WORK WITH THE U.S. DEPARTMENT OF TRANSPORTATION TO SUCCESSFULLY COORDINATE ON THE 2028 U.S. OLYMPIC AND PARALYMPIC GAMES BEING HELD IN LOS ANGELES**

Proposed Activities:

Historically, the U.S. Department of Transportation has played a vital role in assisting and coordinating with regional transportation agencies to ensure enhanced mobility during Olympic and Paralympic Games held in the United States. Metro will work with officials at the White House and the U.S. Department of Transportation to ensure the free flow of information on the opportunity for the federal government to fund the many mobility enhancing projects being built and being planned across Los Angeles County by our agency.

**GOAL #7: SEEK TO PERMANENTLY RESTORE OBAMA-ERA REFORMS TO FEDERAL LOCAL HIRE RULES**

Proposed Activities:

Work with the Biden-Harris Administration, Congress and other relevant stakeholders to permanently restore Obama-era Local Hire reforms. Included in this effort would be our agency making the case that local hire programs do not impact competition based on evidence from Metro's experience with the Local Hire Pilot Program.

**GOAL #8: CONTINUE TO WORK WITH METROLINK TO SUPPORT FUNDING FOR STATE OF GOOD REPAIR AND CORE CAPACITY PROJECTS**

Proposed Activities:

Work to support Metrolink's Board-approved State of Good Repair and Core Capacity project list by ensuring federal funding is applied to these important projects. Support legislation and funding programs that promote the accelerated certification of new rail vehicle technologies, prioritizing zero emission propulsion, and pilot programs which test

their viability, and pursue funding opportunities to deploy such technology whenever and wherever they become available.

**GOAL #9: ADVOCATE FOR POLICIES AND FUNDING TO ASSIST IN HELPING THE COUNTY REDUCE HOMELESSNESS**

Proposed Activity:

Consistent with Board directives, Metro will support legislation, initiatives, and programs for additional funding, services, and resources to address the homelessness crisis, including any opportunities for direct assistance to Metro and our partner agencies.

**GOAL #10: SUPPORT LEGISLATIVE ACTIONS THAT WILL IMPACT METRO'S ABILITY TO IMPLEMENT VISION 2028**

Proposed Activities:

The Metro Vision 2028 Plan is the agency-wide strategic plan that creates the foundation for transforming mobility in LA County over the next 10 years. Future advocacy efforts will be guided by the Board-approval of the specific Vision 2028 activity.

Monitor legislation that would impact Metro's ability to implement the strategic goals outlined in Vision 2028, and Support legislation and initiatives that would increase Metro's ability to implement Vision 2028.

**GOAL #11: WORK TO REFORM FEDERAL LAW TO PERMIT LOCAL PREFERENCE WITH RESPECT TO PROCUREMENTS**

Proposed Activities:

Federal law (49 CFR § 661.21) currently prohibits the use of local procurement preferences on FTA-funded projects. In addition to this specific prohibition, the principle of federal preemption applies, whereby any provision of state/local law that contradicts a governing federal provision will be preempted by the federal provision when applicable. It is our understanding that any buy local procurement preference would violate broadly applicable Buy America requirements - which set forth a national preference instead of a local preference. The relevant USC provisions are 49 USC 5323(j) and 23 USC 313.

Given the Board's adoption of a motion regarding Local Preference on October 21, 2021, Metro Government Relations will endeavor to change federal law to specifically allow buy local procurement provisions to be used alongside generally applicable Buy America provisions.

## **GOAL #12: CONTINUE TO WORK TO BRING A PERMANENT CENTER OF TRANSPORTATION EXCELLENCE INDUSTRIAL PARK TO LOS ANGELES COUNTY**

### **Proposed Activities:**

Work to encourage federal support for our CEO's goal of creating a Center of Transportation Excellence within Los Angeles County – which would result in having a rolling stock production facility in Los Angeles County. Our agency will, consistent with the relevant Los Angeles County Board of Supervisors resolutions, closely collaborate with Los Angeles County's CEO and their professional staff, in addition to other municipal leaders, in identifying viable locations, both short and long-term, for an industrial complex to potentially include rail and bus manufacturing plant in Los Angeles County. This complex may also include, but not be limited to, suppliers of rail and bus parts, a rail test track and a climate-controlled facility for testing purposes.

## **GOAL #13: ADDITIONAL PRIORITIES**

### **Proposed Activities:**

1. Work to mitigate impacts of the US Department of Labor determination regarding PEPRA in coordination with all relevant state and federal partners;
2. Per Board direction, seek to secure federal funding for a I-710 South Clean Truck Program;
3. Work to ensure that any legislation adopted by Congress and signed into law by the President concerning autonomous vehicles does not compromise safety by weakening state and local traffic laws;
4. Work with Metro's regional partners to advance career education and training programs that will ensure the needed workforce to operate and maintain our transit system is ready and available;
5. Work with the Administration to avoid negative impacts as a result of implementation of tariffs on steel and various rolling stock parts and materials;
6. Work to support funding for active transportation such as bikeshare and other first/last mile mobility solutions;
7. Work with USDOT – consistent with Board policy – to address congestion pricing opportunities with respect to potential funding and regulations;
8. Work with Congress to allow art and non-functional landscaping expenses related to transit projects to be eligible for federal funding;

9. Support legislation that would create new financial incentives to facilitate the development of affordable housing around transit;
10. Seek to ensure tax benefits and credits that are important to Metro remain in the U.S. tax code.
11. Monitor and support legislation that would authorize the cities and unincorporated areas of Los Angeles County to develop and implement strategies to reach Vision Zero goals of improving safety and eliminating traffic-related fatalities.

**2022 STATE LEGISLATIVE PROGRAM GOALS**

**GOAL #1: ENSURE THE STATE CONTINUES TO SECURE, PROTECT, AND FULLY FUND THE MAJOR TRANSPORTATION PROGRAMS**

Proposed Activities:

Protect Metro's key fund sources to deliver and advance equitable transportation options;

Secure proportionate share of state fund allocations under the various transportation funding programs created and expanded under the provisions of Senate Bill 1 for Los Angeles County;

Support and preserve key funding sources under Senate Bill 1;

Communicate the importance of stable transportation funding to improve mobility in Los Angeles County, foster economic development and create jobs;

Protect Public Transportation Account revenues which have been funded by the sales tax on diesel fuel;

Secure proportionate share of federal funds allocated via state mechanisms, such as CMAQ and alternative transportation programs; and

Oppose any legislation and/or statewide initiatives that would jeopardize funding or repeal key components of Senate Bill 1.

**GOAL #2: SUPPORT LEGISLATIVE INITIATIVES AIMED AT INCREASING FUNDING FOR LOS ANGELES COUNTY TRANSPORTATION PROJECTS AND INITIATIVES**

Proposed Activities:

Support transportation funding proposals and ensure that they are structured to support Metro's priority projects, initiatives and programs;

Work with statewide partners on any efforts to develop new transportation-related fees or taxes to fund mobility improvements in Los Angeles County;

Support legislation that authorizes, clarifies or expands the implementation of innovative funding mechanisms for regional transportation planning agencies and the County of Los Angeles;

Support legislation that protects Metro's authority to collect dedicated local sales tax revenues and clarifies the State's implementation of the Wayfair Decision;

Monitor the California Department of Tax and Fee Administration's efforts to implement the Wayfair Decision; and

Support legislation that would enhance opportunities for Opportunity Zones, Value Capture or related concepts and mechanisms to fund transportation infrastructure or promote Transit-Oriented Developments and Metro's Transit Oriented Communities strategy.

### **GOAL #3: WORK TO ENSURE IMPLEMENTATION OF METRO'S BOARD-ADOPTED LONG-RANGE TRANSPORTATION PLAN (LRTP)**

#### **Proposed Activities:**

Pursue strategies and funding opportunities to implement the various modal programs in the Board-adopted LRTP;

Work to secure additional funds through the various state funding programs including but not limited to, Local Partnership Program, Active Transportation Program, Solutions for Congested Corridors Program, State Highway Maintenance and Rehabilitation Program, Transit and Intercity Rail Capital Program, Low Carbon Transit Operations Program, State Transportation Improvement Program, State Highway Operations and Preservation Program, freight corridor programs and bond funds;

Support legislation that would better position Metro to receive funding through various state programs; and

Support legislation that facilitates and/or clarifies the use of public private partnerships and other innovative project delivery mechanisms for transit projects.

### **GOAL #4: SUPPORT LEGISLATION, REGULATORY ACTION, AND FUNDING INITIATIVES THAT SUPPORT TRANSIT RIDERS AND ENHANCE THE CUSTOMER EXPERIENCE**

#### **Proposed Activities:**

Support legislation, initiatives, and programs for additional funding, services and resources to address the homelessness crisis, including any opportunities for direct assistance to Metro and our partner agencies;

Monitor legislation and funding opportunities that impact and incentivize the development of affordable and transit-adjacent housing;

Support any efforts to increase funding and expand eligibility to transit agencies to aid in the fight to end homelessness;

Support legislation that incorporates elements of Metro's transit-oriented communities strategies in regional housing planning and development;

Increase flexibility for Metro to deliver transit-supportive, community supported, and neighborhood appropriate uses;

Support legislation that would support or expand Los Angeles County's existing Commuter Benefits Programs;

Support legislation, regulation, and state budget action that support Metro's goals of eliminating disparities, meaningfully engaging communities, advancing equitable outcomes, and increasing access and mobility options for marginalized and vulnerable people;

Support legislation and explore potential funding mechanisms that would impact Metro's ability to implement the goals and objectives in studies currently underway at Metro, such as the Better Bus Initiative and improving the customer experience; and

Support legislation to support the implementation of a fareless transit system.

## **GOAL #5: SUPPORT EFFORTS TO IMPROVE SAFETY AND IMPROVE SERVICE ON THE REGION'S COMMUTER RAIL SYSTEM**

### **Proposed Activities:**

Advocate for additional state funding to increase the safety of the commuter rail system in Los Angeles County and the entire Metrolink service area;

Support legislation and actions that would benefit Metrolink's SCORE program of capital projects;

Support additional funding for enhanced commuter rail safety, especially for automatic train stop/positive train control systems, grade separations and double tracking single track portions of Metrolink's service area; and

Support legislation and funding programs that promote the accelerated certification of new rail vehicle technologies, prioritizing zero emission propulsion, and pilot programs which test their viability, and pursue funding opportunities to deploy such technology whenever and wherever they become available.

## **GOAL #6: MAXIMIZE OPPORTUNITIES FOR FUNDING LOS ANGELES COUNTY'S TRANSPORTATION PROJECTS AND PROGRAMS THROUGH IMPLEMENTATION OF THE STATE'S CAP AND TRADE PROGRAMS**

### **Proposed Activities:**

Ensure Cap & Trade funds are allocated to transportation, that Los Angeles County receives a proportionate share; and

Support Legislation that would allocate additional Cap & Trade funds to support key Metro priorities, such as Metro's transit capital and operations program, fare-free transit, zero-emission bus conversion, and zero-emission vehicle charging infrastructure expansion, including funding to support zero-emission trucks in heavily-traveled freight corridors.

## **GOAL #7: COORDINATE WITH OUR LOCAL AND STATE PARTNERS TO INCORPORATE THE REGION'S NEEDS IN EMERGING CLIMATE CHANGE AND SUSTAINABILITY PROGRAMS**

### **Proposed Activities:**

Monitor continued implementation of AB 32, SB 743, and SB 375 (including sustainable community strategies and related initiatives/ documents);

Work in partnership with the Governor's Office of Planning and Research (OPR), California Air Resources Board (CARB), California Transit Association (CTA), California Energy Commission (CEC), Strategic Growth Council (SGC), Southern California Air Quality Management District (SCAQMD) to support Metro's projects and programs;

Advocate the connection between transit operations funding, SB 375 and other state global warming policies, programs and initiatives;

Support initiatives that promote greenhouse gas emissions reduction strategies such as vehicle miles travelled reduction, active transportation, and operational efficiency best practices;

Support continued efforts to encourage smart growth and other connectivity and livability principles and their interaction with transit and highway investments while preserving authority of local agencies;

Support legislative efforts to fund programs affecting environmentally sensitive stakeholders and clean air programs in our region, particularly with regards to regional transit planning, construction, and procurement efforts;

Support legislation that would allocate funding for climate resiliency planning and implementation for transit;

Support new initiatives that encourage the use of advanced, environmentally friendly and cost-effective strategies in the construction and retrofit of transit facilities including infrastructure related to renewable energy, low impact development, sustainable construction practices, and similar technologies;

Advocate for funding for Metro's first/last mile, bike and pedestrian projects under the State's Active Transportation and Local Planning Grants programs;

Monitor and support legislation that would authorize the cities and unincorporated areas of Los Angeles County to develop and implement strategies to reach Vision Zero goals of improving safety and eliminating traffic-related fatalities; and

Support new and existing initiatives that complement the development and subsequent implementation of Metro's Zero-Emission Bus Strategic Plan and other Board directives.

**GOAL #8: ACTIVELY WORK WITH STATE, REGIONAL AND LOCAL TRANSPORTATION INTERESTS AND ENHANCE TRANSPORTATION AND INFRASTRUCTURE FUNDING AND PROGRAMS STATEWIDE**

Proposed Activities:

Support efforts to secure funding and/or obtain authority to generate additional funding for bus transit capital, operations, security needs, corridor projects, soundwalls, bike projects, Service Authority for Freeway Emergencies (SAFE) and other important transportation projects and programs;

Work with other agencies and the State to seek remedies to increase funding for Metro's Freeway Services Patrol (FSP) operations;

Support formula distribution of the State's FSP program funding that addresses Los Angeles County's population, congestion levels and service performance;

Oppose any efforts to modify Senate Bill 1 (Beall, 2017) programs that would reduce funding for Los Angeles County;

Work cooperatively with other transit agencies throughout the State, including the CTA, to secure and increase funding for transportation services, projects and programs;

Identify and pursue opportunities for funding and to enhance authority where necessary to improve security and safety for customers, employees and property.

## **GOAL #9: SUPPORT LEGISLATIVE AND REGULATORY ACTIONS THAT ENHANCE AND PROTECT METRO'S ABILITY TO DELIVER INNOVATIVE TRANSPORTATION PROJECTS AND SERVICES IN LOS ANGELES COUNTY**

### **Proposed Activities:**

Support efforts to clarify the oversight responsibilities of the PUC with respect to rail transit;

Oppose legislation that would seek to restructure the Metro Board of Directors;

Oppose legislation that would preempt collective bargaining, impose benefits in collective bargaining agreements or restrict the rights of local agencies in the collective bargaining process;

Preserve our authority in regional transportation funding decisions including those granted through SB 45;

Support legislation that would support or enhance Metro's long-term plans for energy resiliency;

Continue to advocate for California Environmental Quality Act (CEQA) reforms for and specified exemptions for transportation projects with continued collaboration of statewide stakeholders and organizations;

Support initiatives and legislation to enhance Metro's ability to ensure safety of development and construction activities within or adjacent to Metro's infrastructure and right-of-way, in coordination with local municipalities, developers, and utility companies.

Monitor the implementation of pension reform (PEPRA) so that Metro is able to maintain federal funding, a stable work force, and ensure adequate succession planning;

Monitor the implementation of AB 5 (Gonzalez, 2019) and continue to evaluate the potential impacts on Metro's programs and services.

Support legislative efforts that would provide certain exemptions for the taxicab industry and disabled access transportation operators from the provisions outlined in AB 5 (Gonzalez, 2019);

Monitor regulations and legislation that would clarify the State's distribution of sales tax revenues to Los Angeles County and Metro;

Coordinate with regional partners and monitor the State's autonomous vehicle regulations and ensure that federal, state and local regulations are aligned;

Support efforts to enhance the use of electronic fare payment or smart card technology and allow for ease of access for qualification for low-income riders;

Support legislation that would authorize and promote the use of technology to enhance safety, security and operations for our bus and rail operations; and

Support legislation and funding opportunities that enhance Metro's ability to deliver the transformative transportation infrastructure and operational enhancement projects needed in Los Angeles County to support the mobility of the region in the 2028 Olympic & Paralympic Games.

**GOAL #10: OPPOSE ANY LEGISLATION THAT COULD NEGATIVELY IMPACT METRO'S ABILITY TO OPERATE THE EXPRESSLANES PROGRAM AND SUPOORT LEGISLATION THAT ALLOWS FOR FUTURE EXPRESSLANES EXPANSION AND OTHER PRICING STRATEGIES**

Proposed Activities:

Support legislation that -

1. Encourages development and utilization of regulations and technologies that would enhance the ability to verify vehicle occupancy and toll collection/payment.
2. Enhances Metro's ability to enforce the ExpressLanes Board adopted toll policy.
3. Amends or clarifies California vehicle code sections to authorize Metro to establish and enforce occupancy requirements in the ExpressLanes;
4. Amends Streets and Highways codes that impact Metro's ability to perform toll related functions including interoperability with other California toll agencies.
5. Supports and enables Metro's ability to expand Metro's ExpressLanes network upon Board approval.
6. Provides clarification of AB 194 regarding roles and responsibilities of Metro and Caltrans.
7. Supports and authorizes flexibility in how net toll-revenues are re-invested in support of an expanded corridor network of ExpressLanes in Los Angeles County.
8. Explore and support legislation that would authorize Metro to expand the use of pricing in Los Angeles County in partnership with local municipalities.

Oppose legislation that would:

1. Negatively impact Metro's ability to manage ExpressLanes demand utilizing congestion pricing.
2. Negatively impact financial viability and local control of ExpressLanes revenues.

3. Limit Metro's ability to operate and expand the ExpressLanes network.
4. Redirect SHOPP funding for maintaining the corridor.

**GOAL #11: ADVOCATE FOR POLICIES AND FUNDING THAT INCREASE THE SUPPLY AND AFFORDABILITY OF HOUSING IN LOS ANGELES COUNTY AND OTHER TRANSIT SUPPORTIVE USES NEAR METRO CORRIDORS**

Proposed Activities:

Support legislation, initiatives, and programs that aim to –

- Reduce the costs and time to deliver affordable housing
- Complement Metro's TOC Policy (including anti-displacement and anti-gentrification policies);
- Reduce Surplus Land Act impacts to Metro's Joint Development Program;
- Stabilize and enhance housing affordability in existing communities;
- Provide resources to Metro, LA County jurisdictions and other partner agencies to develop more collaborative land use policies that support equitable transit-oriented communities; and

Identify and pursue opportunities for additional funding and policy reform for Southern California transportation infrastructure and transit oriented and affordable housing development projects;

Support legislation and funding opportunities that incentivize, support, and accelerate the development of affordable and transit-adjacent housing;

Work with legislators and the Governor's office to preserve and increase the ability of the Joint Development Program to deliver on its portfolio approach to achieving housing goals;

Identify and pursue opportunities to consolidate and streamline applying for transportation infrastructure and transit-oriented development grants; and,

Seek to program modifications that recognize Metro's land discount as a significant contribution to affordable projects.

**GOAL #12: SUPPORT EFFORTS TO IMPLEMENT HIGH SPEED RAIL (HSR) IN LOS ANGELES COUNTY**

Metro supports the California High Speed Rail Project.

Metro is encouraged by the efforts to incorporate a blended corridor concept in its planning and to continue to evaluate and identify the need to connect the project to Los Angeles County.

Metro has identified a series of investments in Los Angeles County that would support future high-speed rail and would provide current benefits to commuters across the region. These investments are on shared corridors and create independent utility.

We encourage the State to make specific commitments to funding the segment connecting to Los Angeles County and to maintain this segment as a high priority in future plans.

Metro supports the allocation of funding to elements of the blended corridor concept in Los Angeles County to support the ultimate completion of the High Speed Rail project.

Any allocation of high-speed rail funds should be contingent upon the commitment of the first round of Prop 1A bookend funding to only Phase A improvements for the Link Union Station Project.

**Proposed Activities:**

Advocate for the full allocation of funding to the Link Union Station project Phase A and Phase B and other corridor enhancements in Los Angeles County which support the ultimate completion of the High Speed Rail project;

Ensure timely implementation of Proposition 1A including allocation of connectivity funds;

Support legislation that preserves “book-end” funding for early-action projects identified as vital to the delivery of the HSR project in Southern California;

Support efforts to ensure that NEPA assignment authority for highway and transit projects is preserved; and

Support streamlining project approvals under Caltrans’ NEPA assignment authority.

**GOAL #13: SUPPORT EFFORTS TO ESTABLISH THE I-710 CLEAN TRUCK PROGRAM AND SECURE APPROVAL OF KEY FREIGHT PROJECTS AT THE CALIFORNIA TRANSPORTATION COMMISSION**

**Proposed Activities:**

Support efforts to fund goods movement and freight projects through the CTC;

Advocate that Los Angeles County receive a proportionate share of funding through the State’s Trade Corridor Enhancement Program and other state funding for zero-emission heavy-duty trucks;

Advocate for the deployment of clean-fuel trucks funded by the State in Los Angeles County;

Support regional and statewide efforts to secure and preserve funding for freight corridors; and

Support regional and statewide efforts to fund innovations in clean-freight technology including the deployment of on-dock rail improvements, clean vehicle charging infrastructure, and zero-emission trucks.

**GOAL #14: SPONSOR LEGISLATION THAT WOULD ENHANCE METRO'S ABILITY TO DELIVER ITS PROGRAMS AND SERVICES**

Proposed Activities:

Sponsor legislation to authorize Metro to use job-order contracting.

Explore and potentially sponsor legislation that would streamline and increase small business participation in Metro's procurements.

Explore and potentially sponsor legislation that would clarify provisions of state law that impact Metro's real property transactions and ground leasing for transit-oriented developments, and affordable housing and other agency uses.