

Metro

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



Agenda - Final

Thursday, December 5, 2019

10:00 AM

**One Gateway Plaza, Los Angeles, CA 90012,
3rd Floor, Metro Board Room**

Board of Directors - Regular Board Meeting

*James Butts, Chair
Eric Garcetti, Vice Chair
Hilda Solis, 2nd Vice Chair
Kathryn Barger
Mike Bonin
Jacquelyn Dupont-Walker
John Fasana
Robert Garcia
Janice Hahn
Paul Krekorian
Sheila Kuehl
Ara Najarian
Mark Ridley-Thomas
John Bulinski, non-voting member*

Phillip A. Washington, 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

Agendas for the Regular MTA Board meetings are prepared by the Board Secretary and are available prior to the meeting in the MTA Records Management Department and on the Internet. Every meeting of the MTA Board of Directors is recorded and is available at www.metro.net or on CD's and as MP3's for a nominal charge.

DISCLOSURE OF CONTRIBUTIONS

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

ADA REQUIREMENTS

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

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.



323.466.3876 x2

Español

323.466.3876 x3

한국어

日本語

中文

русский

ភាសាខ្មែរ

ภาษาไทย

Tiếng Việt

ភាសាជប៉ុន

HELPFUL PHONE NUMBERS

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

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

Internet Access to Agendas - www.metro.net

TDD line (800) 252-9040

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

CALL TO ORDER

ROLL CALL

1. APPROVE Consent Calendar Items: 2, 9, 10, 13, 14, 16, 18, 24, 25, 26, 27, 31, 35, 36, and 37

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

CONSENT CALENDAR

2. **SUBJECT: MINUTES** [2019-0800](#)

RECOMMENDATION

APPROVE Minutes of the Regular Board Meeting held October 24, 2019.

Attachments: [Regular Board Meeting MINUTES -October 24, 2019](#)

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

9. **SUBJECT: LONE HILL TO WHITE DOUBLE TRACK** [2019-0519](#)

RECOMMENDATION

CONSIDER:

- A. APPROVING the programming of \$7.5 million in Measure R 3% commuter rail funds for final design including third party costs of the Lone Hill to White (LHW) Double Track Project; and
- B. AUTHORIZING the Chief Executive Officer to negotiate and execute all agreements for the LHW final design.

Attachments: [Attachment A - Map of LHW Double Track Project Corridor.pdf](#)
[Attachment B - Letter of Support from City of San Dimas.pdf](#)
[Attachment C - Letter of Support from City of La Verne.pdf](#)
[Presentation.pdf](#)

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

10. **SUBJECT: THIRD PARTY REQUEST FOR DEVIATIONS FROM SYSTEMWIDE STATION DESIGN STANDARDS POLICY** [2019-0618](#)

RECOMMENDATION

APPROVE Third Party Request for Design Deviation from Systemwide Station Design Standards.

Attachments: [Attachment A - Systemwide Station Design Standards Policy](#)
[Attachment B - Supplemental Modifications to Transit Projects Policy Presentation](#)

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

13. **SUBJECT: I-405 SEPULVEDA PASS (PHASE 1) EXPRESSLANES PROJECT APPROVAL/ENVIRONMENTAL DOCUMENT, CONCEPT OF OPERATIONS, AND DESIGN DEVELOPMENT CONTRACT AWARD** [2019-0659](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award and execute a 36-month, firm fixed price Contract No. AE61156000 to WSP USA, Inc. in the amount of \$27,494,005.21 for Architectural and Engineering services to produce the I-405 Phase 1 Sepulveda Pass ExpressLanes Project Approval/Environmental Document, the Concept of Operations report and 30% design, subject to resolution of protest(s), if any.

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

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

14. **SUBJECT: GRANT ASSISTANCE** [2019-0661](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award and execute a 36-month, firm fixed price Contract No. PS63023000 to WSP USA, Inc. in the amount of \$6,372,356 for preparing 84 grant applications and 40 additional grant applications as well as optional tasks, such as greenhouse gas analysis, drone and aerial photography, and simulations. This will support Metro and local jurisdiction grant applications to discretionary federal and state funding opportunities, subject to resolution of protest(s), if any.

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

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

16. SUBJECT: SR-71 GAP CLOSURE PROJECT CONSTRUCTION, [2019-0703](#)
 PHASE 1

RECOMMENDATION

CONSIDER:

- A. APPROVING the programming of \$105,072,000 in local funds for the construction of Phase 1; and
- B. AMENDING the 2009 Long Range Transportation Plan to restate the project's southern limit from Rio Rancho Road to the Los Angeles/San Bernardino County Line (SBCL).

Attachments: [Attachment A - Location Map](#)
 [Presentation](#)

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

18. SUBJECT: TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM [2019-0758](#)
 GRANT APPLICATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to prioritize projects, commit funding match and submit grant applications to California's Transit and Intercity Rail Capital Program as detailed in Attachment A.

Attachments: [Attachment A - 2020 TIRCP Evaluative Criteria Framework](#)

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):

24. SUBJECT: SHOP TOWELS (WYPALLS)

[2019-0742](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a two-year, Indefinite Delivery, Indefinite Quantity (IDIQ) Contract No. CY63850000 to JWL Supplies, the lowest responsive and responsible bidder for Shop Towels (Wypalls). The Contract one-year base amount is \$686,565 inclusive of sales tax, and the one-year option amount is \$730,453, inclusive of sales tax, for a total contract amount of \$1,417,018, subject to resolution of protest(s), if any.

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

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):

25. SUBJECT: LIQUID WASTE REMOVAL SERVICES

[2019-0777](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a five-year, firm fixed unit rate Contract No. OP64570000 to Western Environmental Services for Liquid Waste Removal Services in an amount not-to-exceed \$6,961,410, effective December 16, 2019, subject to resolution of protest(s), if any.

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

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):

26. SUBJECT: MEMBERSHIP ON METRO SAN GABRIEL VALLEY SERVICE COUNCIL

[2019-0752](#)

RECOMMENDATION

APPROVE Leonard Pieroni for membership on Metro's San Gabriel Valley Service Council.

Attachments: [Attachment A - Listing of Qualifications 12-5-2019.pdf](#)
 [Attachment B - Nomination Letter 12-5-2019.pdf](#)

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):

- 27. SUBJECT: ORDINANCE FOR ENFORCEMENT OF TOLL VIOLATIONS FOR THE METRO EXPRESSLANES** [2019-0628](#)

RECOMMENDATION

APPROVE amendment to Title 7 of the Ordinance for Enforcement of Toll Violations (Attachment A). The ordinance will become effective January 5, 2020.

Attachments: [Attachment A - Ordinance for Enforcement of Toll Violations](#)

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

- 31. SUBJECT: LINK UNION STATION PROJECT** [2019-0769](#)

RECOMMENDATION

CONSIDER:

- A. FINDING that the use of a construction manager/general contractor (CM/GC) project delivery method for the Link Union Station Project, pursuant to Public Utilities Code Sections 130242, to achieve certain private sector efficiencies by an integrated project delivery team; and
- B. APPROVING a competitive solicitation of a CM/GC contract(s) to qualified proposers, pursuant to Public Utilities Code Section 130242 (e), whose proposals will be evaluated by utilizing appropriate evaluation criteria (including price) set forth in the solicitation documents.

(REQUIRES 2/3 VOTE OF THE BOARD)

Attachments: [Attachment A - Link US CMGC Off-Ramp Opportunities Presentation](#)

EXECUTIVE MANAGEMENT COMMITTEE MADE THE FOLLOWING RECOMMENDATION

(3-0):

- 35. SUBJECT: FINANCIAL ADVISORY SERVICES: PRE-PROCUREMENT AND PROCUREMENT FOR THE SEPULVEDA TRANSIT CORRIDOR PRELIMINARY DEVELOPMENT AGREEMENT** [2019-0798](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to:

- A. EXECUTE Modification No. 2 to Task Order No. PS51074-3049000 with Ernst & Young Infrastructure Advisors, LLC, (EYIA) to continue support for development and execution of a contract for a pre-development agreement (PDA) for the Sepulveda Transit Corridor project through contract award, in the amount of \$539,575 increasing the not-to-exceed Task Order value from \$1,099,280 to \$1,638,855; and
- B. INCREASE Contract Modification Authority (CMA) by \$227,915 from \$100,000 to \$327,915 in support of any unforeseen additional level of effort.

Attachments: [Attachment A - Procurement Summary](#)
[Attachment B - Task Order Modification_Change Order Log](#)
[Attachment C - DEOD Summary](#)

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

- 36. SUBJECT: DIVISION 20 PORTAL WIDENING AND TURNBACK FACILITY** [2019-0778](#)

RECOMMENDATION

CONSIDER:

- A. APPROVING AND ADOPTING minor changes to project definition and CEQA Addendum to the Final Environmental Impact Report (FEIR) for the Division 20 Portal Widening and Turnback Facility (Attachment A); and
- B. ESTABLISHING a Life-of-Project (LOP) Budget of \$801,749,577 for the Division 20 Portal Widening Turnback Project.

Attachments: [Attachment A - Division 20 Portal Widening Turnback Facility Addendum](#)
[Attachment B - Division 20 NOD Addendum](#)
[Attachment C - Division 20 Chronology](#)
[Attachment D - Division 20 Expenditure Plan](#)
[Attachment E - Division 20 Portal Widening & Turnback Facility FTE Plan](#)

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

- 37. SUBJECT: 7TH AND METRO STATION RADIO REPLACEMENT** [2019-0787](#)

RECOMMENDATION

INCREASE the Life of Project (LOP) Budget for the Regional Connector Concurrent Non-FFGA Activities Project, capital project number 861228 by \$6,450,000 to a total amount of \$46,441,168. This will address critical radio system interface requirements at 7th & Metro.

Attachments: [Attachment A - Funding Plan rev. Oct 30](#)
[Attachment B - Regional Connector Concurrent Non-FFGA Activities](#)

NON-CONSENT

- 3. SUBJECT: REMARKS BY THE CHAIR** [2019-0857](#)

RECOMMENDATION

RECEIVE remarks by the **Chair**.

- 4. SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER** [2019-0858](#)

RECOMMENDATION

RECEIVE report by the **Chief Executive Officer**.

PLANNING AND PROGRAMMING COMMITTEE (3-0) AND EXECUTIVE MANAGEMENT COMMITTEE (5-0) RECEIVED AND FILED AND FORWARDED THE FOLLOWING :

- 7. SUBJECT: MEASURE R ORDINANCE PRELIMINARY 10-YEAR REVIEW AND POTENTIAL AMENDMENTS** [2019-0629](#)

RECOMMENDATION

RECEIVE AND FILE the Measure R Ordinance Preliminary Ten-Year Review and Potential Amendments.

PLANNING AND PROGRAMMING COMMITTEE FORWARDED THE FOLLOWING (3-0):

- 11. SUBJECT: EXPO/CRENSHAW JOINT DEVELOPMENT** [2019-0624](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute an amendment to the Exclusive Negotiation Agreement and Planning Document with Watt Companies, doing business as WIP-A, LLC, and the County of Los Angeles for 12 months with the option to extend for an additional four months for the joint development of 1.77 acres of Metro-owned property and 1.66 acres of County-owned property at the Expo/Crenshaw Station.

Attachments: [Attachment A - Site Map Presentation](#)

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

17. SUBJECT: MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM - GATEWAY CITIES SUBREGION [2019-0740](#)

RECOMMENDATION

CONSIDER:

- A. APPROVING programming of \$27,764,900 in Measure M Multi-Year Subregional Program (MSP) - I-605 Corridor “Hot Spot” Interchange Improvements Program (Expenditure Line 61); and
- B. AUTHORIZING the Chief Executive Officer (CEO) or his designee to negotiate and execute all necessary agreements for approved projects.

Attachments: [Attachment A - I-605 Corridor 'Hot Spot' Interchange Improvement Program Pro](#)

17.1 SUBJECT: MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM - GATEWAY CITIES SUBREGION [2019-0860](#)

APPROVE motion by Directors Garcia, Hahn and Solis that the Board direct the Chief Executive Officer to:

- A. In accordance with Metro Board policy, re-evaluate for funding the “active transportation” project elements deemed ineligible in the first round of SR-91/I-405/I-605 “Hot Spots” MSP funding, contrary to Board policy, in order for such elements to be eligible for and awarded funding in this first round.
- B. Collaborate with the Gateway Cities COG to develop a long-term approach to ensure that the transportation needs of all constituents within the “Hot Spots” project area can be met, with an emphasis on moving people, and not just vehicles, in evaluating projects for funding, and
- C. Identify new sources of funding to allocate toward the Gateway Cities Subregion's ATP and Subregional Equity Program MSPs.

As part of Metro staff's January 2020 response to Motion 51 (October 2019), include recommendations that take into account Board-adopted policies, including Motion 38.3 (June 2017) and the 2028 Strategic Plan.

20. SUBJECT: MUNICIPAL ADVISORS [2019-0757](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award six-year bench Contract Nos. PS64441000A through PS64441000J with the firms listed in Attachment A for municipal advisory services and execute task orders under these contracts for a total not-to-exceed amount of \$6,590,000 effective January 1, 2020 through December 31, 2025, subject to the resolution of protest(s) if any.

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

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE FORWARDED THE FOLLOWING (3-0):

22. SUBJECT: ORAL REPORT ON A LINE OPENING AND UPDATE ON RIGHT OF WAY CLEANLINESS [2019-0581](#)

RECOMMENDATION

RECEIVE oral report on A Line Opening and Update on Right of Way Cleanliness.

Attachments: [Presentation](#)

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE FORWARDED THE FOLLOWING DUE TO ABSENCES AND CONFLICTS (3-0):

23. SUBJECT: ENGINEERING SUPPORT FOR RAIL MAINTENANCE SERVICES [2019-0728](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Contract Modification No. 4 to Contract No. PS46172000, with Gannett Fleming Transit & Rail Systems, for engineering support of rail maintenance to exercise the first-year option, for an amount of \$5,000,000, increasing the total contract not-to-exceed amount from \$16,000,000 to \$21,000,000, through April 2021.

Attachments: [Attachment A - List of Supported Project Uses](#)
 [Attachment B - Procurement Summary](#)
 [Attachment C - Contract Modification Change Order Log](#)
 [Attachment D - DEOD Summary](#)

EXECUTIVE MANAGEMENT COMMITTEE FORWARDED THE FOLLOWING (3-0):

- 34. SUBJECT: METRO WORKFORCE INITIATIVE NOW - LOS ANGELES (WIN-LA)** [2019-0722](#)

RECOMMENDATION

RECEIVE AND FILE the status report on Metro Workforce Initiative Now - Los Angeles (WIN-LA).

Attachments: [Attachment A - WIN-LA Career Service Center Regional Partner Map](#)
[Attachment B - WIN-LA Fact Sheet](#)
[Presentation](#)

EXECUTIVE MANAGEMENT COMMITTEE FORWARDED THE FOLLOWING DUE TO ABSENCES AND CONFLICTS:

- 38. SUBJECT: 2020 LEGISLATIVE PROGRAM** [2019-0725](#)

RECOMMENDATION

CONSIDER:

- A. RECEIVING the State and Federal Legislative Report;
- B. ADOPTING the proposed 2020 Federal Legislative Program as outlined in Attachment A; and
- C. ADOPTING the proposed 2020 State Legislative Program as outlined in Attachment B.

Attachments: [Attachment A - 2020 Federal Legislative Program Goals.](#)
[Attachment B - 2020 State Legislative Program Goals.](#)
[Attachment C - Legislative Matrix](#)

38.1 SUBJECT: 2020 LEGISLATIVE PROGRAM

[2019-0859](#)

APPROVE motion by Directors Ridley-Thomas, Dupont-Walker, Kuehl, Butts and Garcetti that the Board:

A. Expand Metro’s legislative agenda to support or sponsor legislation that would create new financial incentives, including an expansion of the welfare exemption for units covenanted at up to 120% of Area Median Income, to facilitate the development of affordable housing around transit; and

B. Request that the Chief Executive Officer report to the Executive Management Committee during the January 2020 cycle with a supplemental legislative program recommendation for how to best engage and advocate on legislation concerning the supply and affordability of housing in Los Angeles County.

39. SUBJECT: I-710 SOUNDWALL PACKAGE 2 PROJECT

[2019-0796](#)

RECOMMENDATION

CONSIDER:

A. HOLDING a public hearing on the proposed Resolution of Necessity; and

B. ADOPTING a Resolution of Necessity (Attachment B) authorizing the commencement of an eminent domain action to acquire a Permanent Footing Easement, Temporary Construction Easement (TCE) and site improvements from the property identified as Parcel E-08 (APN: 6227-027-040).

(REQUIRES 2/3 VOTE OF THE BOARD)

Attachments: [Attachment A- Staff Report](#)
 [Attachment B – Resolution of Necessity](#)

40. SUBJECT: ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT

[2019-0801](#)

RECOMMENDATION

CONSIDER:

A. HOLDING a public hearing on the proposed Resolutions of Necessity; and

B. ADOPTING the Resolutions of Necessity authorizing the commencement of an eminent domain action to acquire a Utility Overhang and Temporary Construction Easement from the properties identified as Parcels RM-03 (APN: 8059-029-009) and RM-06 (APN: 8059-029-029) and to acquire a

Roadway Easement and Temporary Construction Easement from the property identified as Parcel RM-33 (APN: 8069-006-018). The properties listed above are herein referred to as "Properties."

(REQUIRES 2/3 VOTE OF THE BOARD)

Attachments: [Attachment A- Staff Report](#)
 [Attachment B- Resolution of Necessity B-1](#)
 [Attachment B- Resolution of Necessity B-2](#)
 [Attachment B- Resolution of Necessity B-3](#)

41. SUBJECT: CLOSED SESSION [2019-0855](#)

RECOMMENDATION

A. Conference with Legal Counsel - Existing Litigation - G.C. 54956.9(d)(1)

1. Margaret Strowski v. LACMTA, Case No. BC 695559
2. Jonathan Aguilar v. LACMTA, Case No. BC 681858
3. City of Beverly Hills v. LACMTA, USDC Case No. CV-18-3891 -GW(SSx)

B. Public Employee Performance Evaluation - G.C. 54957(b)(1)

Titles: Chief Executive Officer, General Counsel, Board Secretary, Inspector General, and Chief Ethics Officer.

SUBJECT: GENERAL PUBLIC COMMENT [2019-0815](#)

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



Metro

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

Board Report

File #: 2019-0800, **File Type:** Minutes

Agenda Number: 2.

**REGULAR BOARD MEETING
DECEMBER 5, 2019**

SUBJECT: MINUTES

RECOMMENDATION

APPROVE Minutes of the Regular Board Meeting held October 24, 2019.



MINUTES

Thursday, October 24, 2019

10:00 AM

**One Gateway Plaza, Los Angeles, CA 90012,
3rd Floor, Metro Board Room**

Regular Board Meeting

Directors Present:

**Eric Garcetti, Vice Chair
Hilda Solis, 2nd Vice Chair
Kathryn Barger
Mike Bonin
Jacquelyn Dupont-Walker
John Fasana
Janice Hahn
Paul Krekorian
Sheila Kuehl
Ara Najarian
Mark Ridley-Thomas
Mark Archuleta, non-voting member**

Phillip A. Washington, Chief Executive Officer

CALLED TO ORDER AT: 10:06 A.M.

ROLL CALL

1. APPROVED Consent Calendar Items: 2, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 24, 28, 29, 30, 32, 34, 35, 36, 40, 45, 46, 47 and 51

Consent Calendar items were approved by one motion except Item 11 which was held for separate action due to conflicts.

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
Y	Y	Y	A	Y	Y	A	Y	A	Y	Y	A	Y

2. **SUBJECT: MINUTES** **2019-0755**

APPROVED ON CONSENT CALENDAR Minutes of the Regular Board Meeting held September 26, 2019.

3. **SUBJECT: REMARKS BY THE CHAIR** **2019-0789**

Remarks by the Chair - NONE

4. **SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER** **2019-0790**

RECEIVED report by the Chief Executive Officer.

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
P	P	P	A	P	P	A	P	A	P	P	A	P

5. **SUBJECT: NORTH SAN FERNANDO VALLEY BUS RAPID TRANSIT IMPROVEMENTS PLANNING AND ENVIRONMENTAL STUDY** **2019-0525**

APPROVED:

A. RECEIVING AND FILING:

1. Alternatives Analysis Report and the Proposed Project to be evaluated in the environmental review phase; and
2. Summer 2019 Outreach Summary; and

PK = P. Krekorian	HS = H. Solis	KB = K. Barger	RG = R. Garcia
JF = J. Fasana	JB = J. Butts	JDW = J. Dupont-Walker	
JH = J. Hahn	EG = E. Garcetti	MRT = M. Ridley-Thomas	
MB = M. Bonin	SK = S. Kuehl	AN = A. Najarian	

LEGEND: Y = YES, N = NO, C = HARD CONFLICT, S = SOFT CONFLICT ABS = ABSTAIN, A = ABSENT, P = PRESENT

(continued on next page)

(Item 5 – continued from previous page)

B. AUTHORIZING STAFF TO:

1. Continue studying the Proposed Project in the environmental review phase while considering community input and the NextGen Bus Study; and
2. Report back to the Board following additional study with an update on refinements to the Proposed Project and the environmental review.

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
Y	Y	Y	A	Y	Y	A	Y	Y	Y	Y	A	Y

6. SUBJECT: DORAN STREET AND BROADWAY/BRAZIL GRADE SEPARATION PROJECT 2019-0747

APPROVED the Active Transportation Access for the Doran Street and Broadway/Brazil Grade Separation Project (refer to Attachment A).

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
Y	Y	Y	A	Y	Y	A	Y	Y	A	Y	A	Y

6.1 SUBJECT: DORAN STREET AND BROADWAY/BRAZIL GRADE SEPARATION PROJECT 2019-0788

APPROVED amending motion by Directors Najarian, Dupont-Walker and Solis:

- A. programming \$3,000,000 of MEASURE R 3% for design costs, amending the FY 2020 budget for the project, and;
- B. authorize the Chief Executive Officer to execute task orders from the Regional Rail engineering and design on-call bench for the final design and all necessary third-party and other agreements.

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
Y	Y	Y	A	Y	Y	A	Y	Y	A	Y	A	Y

8. SUBJECT: LINK UNION STATION PROJECT

2019-0555

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to:

- A. EXECUTE Modification No. 10 to Contract No. PS2415-3172 with HDR Engineering, Inc. to provide environmental, preliminary and advanced engineering design services on the Link Union Station (Link US) Project in the amount not-to-exceed \$23,360,000, increasing the Total Contract Value from \$62,793,000 to \$86,153,000;
- B. INCREASE the Contract Modification Authority (CMA) in the amount of \$2,836,000, increasing the total CMA amount from \$4,356,715 to \$7,192,715 and execute future contract modifications up to the CMA authorized amount; and,
- C. EXECUTE all necessary agreements and task orders with third parties to support the Link US Project for a total amount of up to \$8,000,000.

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
		C										

9. SUBJECT: I-5 NORTH HOV LANES CONTRACT

2019-0557

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Contract Modification No. 12 to Contract No. AE469080015383 with CH2M Hill, Inc. (now Jacobs Engineering) for additional design services in the firm-fixed price amount of \$923,203 increasing the Total Contract Value from \$33,889,867 to \$34,813,070.

10. SUBJECT: NORTH HOLLYWOOD JOINT DEVELOPMENT

2019-0602

AUTHORIZED the Chief Executive Officer to execute an amendment to the Exclusive Negotiation Agreement and Planning Document with NOHO Development Associates LLC for the development of Metro-owned property, to extend the term for 18 months with an option to extend for an additional 12 months.

JF	*PK	*MB	RG	SK	EG	JB	*HS	JH	KB	JDW	MRT	AN
Y	Y	Y	A	Y	C	A	Y	C	C	Y	A	Y

* Voted under rule of necessity.

11. SUBJECT: WB SR-91 ALONDRA BLVD. TO SHOEMAKER AVE. 2019-0604
IMPROVEMENT PROJECT

AUTHORIZED the Chief Executive Officer (CEO) to execute a two-year, firm fixed price Contract No. AE60979000 with Michael Baker International in the amount of \$11,474,367.25 for Architectural and Engineering (A&E) services for the preparation of Plans, Specifications, and Estimates (PS&E) for the WB SR-91 Alondra Blvd. to Shoemaker Ave. Improvement Project (Project), subject to resolution of protest(s), if any.

JF	PK	*MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
Y	Y	Y	A	Y	Y	A	Y	C	A	Y	A	C

* Voted under rule of necessity.

12. SUBJECT: WEST SANTA ANA BRANCH TRANSIT ORIENTED 2019-0664
DEVELOPMENT STRATEGIC IMPLEMENTATION PLAN

APPROVED ON CONSENT CALENDAR:

- A. Receiving and Filing the West Santa Ana Branch Transit Oriented Development Strategic Implementation Plan (WSAB TOD SIP); and
- B. Authorizing the Chief Executive Officer or designee to enter into multiple agreements with WSAB corridor cities and the County of Los Angeles to fund implementation activities recommended in the WSAB TOD SIP in an aggregate amount not to exceed \$1,000,000.

13. SUBJECT: STATE ACTIVE TRANSPORTATION PROGRAM 2019-0671

APPROVED ON CONSENT CALENDAR:

- A. the State Active Transportation Program (ATP) Cycle 5 Grant Assistance Priorities in Attachment A; and
- B. the regional ATP Point Assignment Method as described in Attachment B.

14. SUBJECT: 2020 REGIONAL TRANSPORTATION IMPROVEMENT 2019-0679
PROGRAM

APPROVED ON CONSENT CALENDAR the programming of up to \$51,440,000, as well as the proposed program amendments, in the 2020 Los Angeles County Regional Transportation Improvement Program (RTIP) as shown in Attachment A.

15. SUBJECT: SR-57/SR-60 INTERCHANGE IMPROVEMENTS 2019-0690

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Contract Modification No. 1 to Contract No. AE51890001 for the State Route 57/State Route 60 Interchange Improvements (Project) with WKE, Inc. to provide professional services in the amount of \$3,384,081.72, increasing the total contract value from \$21,771,625 to \$25,155,706.72.

17. SUBJECT: WORKERS' COMPENSATION MEDICAL BILL REVIEW SERVICES 2019-0545

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a firm fixed unit rate Contract No. PS61721000 to Lien On Me, Inc. for Workers' Compensation Medical Bill Review Services, in an amount not-to-exceed \$2,576,976 for the four-year base term, effective July 1, 2020 through June 30, 2024, plus \$1,314,258 for the first, two-year option period, and \$1,340,724 for the second, two-year option period, for a combined not-to-exceed amount of \$5,231,958, subject to resolution of protest(s), if any.

18. SUBJECT: DELEGATED AUTHORITY FOR BUSINESS IMPROVEMENT DISTRICT PARTICIPATION 2019-0546

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to approve and sign all petitions, ballots and other related documents for participation in state-authorized business improvement districts (BID) and any other assessment districts (such as street lighting, health, safety, and crime prevention districts) as defined under California law, where the total assessment over the term of the BID does not exceed \$500,000.

19. SUBJECT: TRANSACTION AND USE TAX REVENUE FORECAST AND RECOVERY SERVICES 2019-0613

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a five-year contract No. PS63897 to MuniServices, An Avenu Insights & Analytics Company (MuniServices) for the following:

- A. transaction and use tax forecasting at a firm fixed amount of \$20,000 a year, or \$100,000 for the full five-year period; and

- B. transaction and use tax recovery services on a contingency basis, paid only if revenues are recovered through a review of sales tax submissions to the California Department of Tax and Fee Administration (CDTFA), at the following rates:

<u>Recoveries</u>	<u>Fee %</u>
Under \$5M	9%
\$5M - 10M	9%
\$10M - \$15M	8%
Over \$15M	8%

**20. SUBJECT: FIRST AMENDMENT TO AMENDED AND RESTATED 2019-0673
PARKING LICENSE AGREEMENT WITH WEST ANGELES
CHURCH OF GOD IN CHRIST FOR TRANSIT PARKING AT
3500 CRENSHAW BOULEVARD IN LOS ANGELES**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute a First Amendment to the existing License Agreement (“First Amendment”) with West Angeles Church of God in Christ (“Landlord”), for the use of 450 parking spaces at a parking garage located at 3500 Crenshaw Boulevard, Los Angeles (“Parking Garage”) for five additional years commencing January 1, 2020 at a monthly rate of \$57,608 for a total value of \$4,418,999 including annual escalations of approximately two percent. There are three five-year options to extend the term under the existing lease through December 31, 2040.

**21. SUBJECT: ORACLE PRIMAVERA UNIFIER APPLICATION USER 2019-0676
LICENSES**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Contract Modification No. 2 to Contract No. PS54707001, with Mythics Inc., for 220 additional Oracle Primavera Unifier Application User Licenses for a firm fixed price of \$495,887, increasing the total contract value from \$991,774 to \$1,487,661, and extending the contract term through October 31, 2020.

**24. SUBJECT: FREE METRO A LINE RIDES FOLLOWING COMPLETION 2019-0731
OF THE NEW BLUE IMPROVEMENTS PROJECT**

APPROVED ON CONSENT CALENDAR providing three consecutive days of free Metro A Line (formerly Blue Line) rail service during the week of October 28, 2019 in recognition of completion of the New Blue Improvements Project and service restoration.

28. SUBJECT: UNIFORM RENTAL SERVICES 2019-0653

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to Execute Modification No. 3 for Contract No. OP671430003367 with Prudential Overall Supply, to continue providing uniform rental services by exercising and increasing the value of the one, three-year option term by \$600,000, from \$3,372,104.00 to \$3,972,104.00, increasing the not-to-exceed contract value from \$3,447,304.00 to \$7,419,408.00, and extending the contract term from February 1 2020 to January 31, 2023.

**29. SUBJECT: GATEWAY BUILDING AND UNION STATION EAST 2019-0655
COMPLEX ELEVATOR AND ESCALATOR SERVICES**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification No. 2 to Contract No. PS14643013 with Mitsubishi Electric to provide elevator and escalator maintenance services for Gateway Building, increasing the seven (7) year base contract not-to-exceed amount by \$850,000, from \$4,467,975 to \$5,317,975, effective December 1, 2019.

30. SUBJECT: ENGINE OIL 2019-0633

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a two-year, indefinite delivery/indefinite quantity Contract No. VM61903000 to The Jankovich Company, the lowest responsive and responsible bidder for Engine Oil. The Contract one-year base amount is \$900,905 inclusive of sales tax, and the one-year option amount is \$967,638, inclusive of sales tax, for a total contract amount of \$1,868,543, subject to resolution of protest(s), if any.

**32. SUBJECT: TRACK AND TUNNEL INTRUSION DETECTION & VIDEO 2019-0665
ANALYTICS TECHNOLOGY GRANT**

APPROVED ON CONSENT CALENDAR establishing the Life-of-Project budgets for the following capital projects:

- A. Track and Tunnel Intrusion Detection for Underground Rail Stations for \$8,873,092. The project was awarded Transit Security Grant Program (TSGP) grant funds of \$6,204,960; and
- B. Video Analytics Technology for CCTV cameras at Rail Stations and bus lines for \$7,200,000. The project was awarded Transit Security Grant Program (TSGP) grant funds of \$7,200,000.

**33. SUBJECT: QUARTERLY UPDATE ON METRO'S HOMELESS 2019-0718
OUTREACH EFFORTS**

RECEIVED AND FILED Update on Metro's Homeless Outreach Efforts.

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
Y	Y	Y	A	Y	Y	A	Y	Y	Y	Y	Y	Y

**34. SUBJECT: METRO SECURITY SYSTEM MAINTENANCE AND 2019-0370
INSTALLATIONS**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Contract Modification No.1 to Contract No. PS146430106 with MCM Integrated Systems, Inc., to provide security system maintenance and installation services, increasing the total not-to-exceed amount by \$2,500,000 from \$4,643,803 to \$7,143,803.

35. SUBJECT: CONNECTED BUS 2019-0716

APPROVED ON CONSENT CALENDAR:

- A. an increase of \$1,440,000 in Life-of-Project (LOP) budget for the Connected Bus Project (CP 207152) for a new total LOP of \$9,407,000; and
- B. AMENDING the FY20 budget by \$565,000 to reflect the current wireless mobile router installation schedule.

36. SUBJECT: METRO EXPRESSLANES PROGRAM MANAGEMENT 2019-0638
SUPPORT CONTRACT MODIFICATION

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification No. 7 to Contract No. AE275020011497 with WSP USA, Inc. (formerly Parsons Brinckerhoff, Inc.) to provide technical services for the I-105 ExpressLanes project in the amount of \$5,677,001, increasing the Total Contract Value from \$8,470,000 to \$14,147,001 and extending the period of performance for a period of 36 months.

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
									C			

39. SUBJECT: METRO BUSINESS SOLUTION CENTER (BSC) 2019-0712

APPROVED:

- A. RECEIVING AND FILING the status update and assessment of the Pilot Crenshaw/LAX Business Solution Center (BSC) and an analysis for the expansion of the BSC from a pilot to permanent program for all upcoming light rail projects in the Measure M pipeline; and
- B. AUTHORIZING the Chief Executive Officer to transition the Metro Business Solution Center from a pilot to a permanent program and expand the program to all upcoming light rail projects in the Measure M pipeline.

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
A	Y	A	A	Y	Y	A	Y	Y	A	Y	A	Y

40. SUBJECT: CITY OF LOS ANGELES FY20 ANNUAL WORK PLAN 2019-0708

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute annual expenditure budget plan for the FY20 Annual Work Plan for the City of Los Angeles.

45. SUBJECT: TITLE VI PROGRAM UPDATE 2019-0599

ADOPTED ON CONSENT CALENDAR the Title VI Program Update presented in Attachments A and B.

46. SUBJECT: OUTSIDE PRINTING SERVICES BENCH

2019-0607

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to:

A. AWARD five-year, task order-based, bench Contract Nos. PS63216000 and PS63216001 to the following firms, to provide outside printing services, for an aggregate not-to-exceed amount of \$2,500,000, effective November 1, 2019, subject to resolution of protest(s), if any;

- 1. PS63216000 Fusion Media
- 2. PS63216001 Pacific Graphics; and

B. EXECUTE individual task orders under these Contracts for outside printing services for an aggregate not-to-exceed amount of \$2,500,000.

47. SUBJECT: POLICY FOR SOFTWARE AND HARDWARE LICENSE AND MAINTENANCE AGREEMENTS

2019-0726

DELEGATED ON CONSENT CALENDAR to the Chief Executive Officer the authority to approve all multi-year renewals of software and hardware license and maintenance agreements, with a cap of five years per renewal.

50. SUBJECT: ROSA PARKS CUSTOMER CENTER DEDICATION

2019-0776

DEDICATED the new Metro Customer Center at the Willowbrook/Rosa Parks Station in honor of Rosa Louise Parks, a civil rights activist.

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
Y	A	Y	A	Y	A	A	Y	Y	A	Y	A	Y

51. SUBJECT: ALIGNING HIGHWAY PROGRAMS WITH STATE EMISSION REDUCTION GOALS

2019-0782

APPROVED ON CONSENT CALENDAR motion by Directors Bonin, Hahn, Garcia and Najarian that the Board direct the CEO to report back to the Planning & Programming Committee in January 2020 with:

- A. An assessment of how Metro's highway program will be affected by the Executive Order;

(continued on next page)

(Item 51 – continued from previous page)

- B. Steps that can be taken to align Metro's highway program with the Executive Order in order to ensure continued competitiveness for scarce State resources; and
- C. Recommended revisions to local funding and project development rules and guidelines to ensure project eligibility, scoping, and selection criteria are consistent with State and regional planning goals.

52. SUBJECT: ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT

2019-0734

APPROVED:

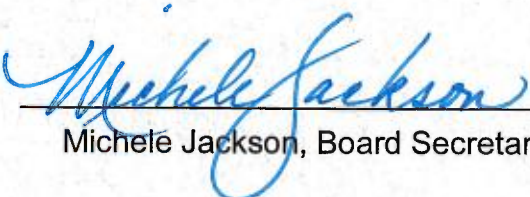
- A. HOLDING a public hearing on the proposed Resolutions of Necessity; and
- B. ADOPTING the Resolutions of Necessity authorizing the commencement of an eminent domain action to acquire a Roadway Easement, Overhang Easement and Temporary Construction Easements from the properties identified as Parcels RM-04 (APN: 8059-029-030) and RM-05 (APN: 8059-029-031) and to acquire Permanent Footing, Roadway and Temporary Construction Easements and Improvements Pertaining to Realty from the properties identified as Parcels RM-31 (APN: 8069-005-010) and RM-32 (APN: 8069-005-011). The properties listed above are herein referred to as "Properties".

(REQUIRED 2/3 VOTE OF THE BOARD)

JF	PK	MB	RG	SK	EG	JB	HS	JH	KB	JDW	MRT	AN
Y	Y	Y	A	Y	Y	A	Y	Y	Y	Y	A	Y

ADJOURNED at 2:18 p.m.

Prepared by: Eric Chun
Administrative Analyst, Board Administration


Michele Jackson, Board Secretary



Board Report

File #: 2019-0519, File Type: Program

Agenda Number: 9.

PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 20, 2019

SUBJECT: LONE HILL TO WHITE DOUBLE TRACK

ACTION: APPROVE PROGRAMMING OF FUNDS FOR FINAL DESIGN

RECOMMENDATION

CONSIDER:

- A. APPROVING the programming of \$7.5 million in Measure R 3% commuter rail funds for final design including third party costs of the Lone Hill to White (LHW) Double Track Project; and
- B. AUTHORIZING the Chief Executive Officer to negotiate and execute all agreements for the LHW final design.

ISSUE

In June 2019, the Metro Board approved staff to file the Notice of Exemption (NOE) with the Los Angeles County Clerk for the Lone Hill to White (LHW) Double Track Project. The CEQA environmental process is complete and was certified on July 29, 2019. The Southern California Regional Rail Authority (also known as Metrolink) and the cities of San Dimas and La Verne have requested that the LHW Double Track Project proceed to final design. Staff is requesting programming authority of \$7.5 million for final design including third party costs for the LHW Double Track Project.

DISCUSSION

The LHW Double Track Project is located along the Metrolink San Bernardino Line (MSBL), in the cities of San Dimas and La Verne (Attachment A). The MSBL is the busiest Metrolink commuter rail line with approximately a total of 11,000 passengers on 38 weekday trains. The existing rail infrastructure on the MSBL is 67 percent single track, which creates a bottleneck and significant operational challenges. In order to improve reliability and on-time performance, more of the MSBL needs to be double tracked.

Completion of the LHW Double Track Project will provide an additional 3.9 miles of continuous double track to further reduce the single track bottleneck on the MSBL, minimize delays due to trains waiting on a siding for another train to pass, and provide operational flexibility to recover from delays.

Preliminary Engineering Phase

In June 2017, environmental studies and 30% preliminary engineering design was completed for the LHW Double Track Project. The main components of the project include the following:

1. New 3.9 miles of second mainline track between Lone Hill Avenue and Control Point (CP) White.
2. Extension of the existing platform at the Pomona Fairgrounds Station to provide more platform capacity for seasonal and special event service.
3. Ten new railroad turnouts and relocation of one industrial track and modification to one industrial track.
4. New control point at Lone Hill Avenue with a new train control signal and communication infrastructure to support the LHW Double Track Project configuration.
5. Twelve at-grade crossings to be modified with Quiet Zone ready improvements.

Quiet Zone Opportunity

As part of the LHW Double Track Project, twelve existing at-grade street crossings, five in the City of San Dimas and seven in the City of La Verne, will be designed for Quiet Zone ready improvements. Quiet Zone ready improvements are additional supplemental safety measures (SSM) that mitigate the need for trains to sound their horns. These SSMs include improvements such as flashing lights, quad gates, center medians, etc., to enhance vehicular and pedestrian safety at the crossing.

Once the SSMs are constructed, trains passing through these 12 at-grade street crossings would no longer be required to blow their horns. A Quiet Zone in the LHW corridor would significantly improve quality of life for residents of San Dimas and La Verne since there is more service on the MSBL, including late night service, than any other line.

During the preliminary engineering design phase, diagnostic meetings were held with California Public Utilities Commission (CPUC) staff and SSMs were identified that will meet the Federal Railroad Administration's (FRA) approval of future Quiet Zones at these at-grade crossings, should the cities of San Dimas and La Verne wish to file the Notice of Intent (NOI) for Quiet Zones. The cities of San Dimas and La Verne have jurisdictional authority over these twelve at-grade crossings.

Community Meetings

During the 30% preliminary engineering phase, community meetings were held with the cities of San Dimas and La Verne in November 2016 and May 2017. Approximately 200 people attended the four combined meetings. The LHW Double Track Project was generally well received, with 64 neutral or positive comments towards the project and 13 expressing concerns having to do with noise and vibration or their desire to implement Quiet Zones. In July 2019, staff presented to the city councils of both the City of San Dimas and the City of La Verne. Both cities provided letters of support for the LHW Double Track Project advancing to final design (See Attachment B and C).

Metrolink SCORE

In 2018 SCRRRA received \$876 million in funding from the State for the first phase of its Southern California Optimized Rail Expansion (SCORE) program. When fully built out, the \$10 billion SCORE program will provide 15 to 30 minute bi-directional service and a major expansion of service by 2028.

In SCRRA’s application to the State for SCORE funding, the LHW Double Track Project was identified as a key early completion project, to provide reliability and capacity, leading to 30 minute bi-directional service along the MSBL.

Staff anticipates heavy utilization of the MSBL for the 2028 Olympics. Mountain biking events will be hosted in San Dimas near the MSBL station in Pomona. Additionally, the MSBL will be an important feeder line to enable people in the San Gabriel Valley to easily get to downtown Los Angeles to access the many Olympic venues in the greater Los Angeles area. Staff’s recommended approval of the final design for LHW Double Track Project will make the project shovel ready to increase the opportunity for other local, State and Federal grants.

DETERMINATION OF SAFETY IMPACT

Once constructed, the LHW Double Track Project will reduce the risk of train-on-train collisions. SSMs at the 12 crossings with Quiet Zone ready improvements will benefit cars, trucks, pedestrians and the surrounding communities of San Dimas and La Verne.

FINANCIAL IMPACT

The anticipated cash flow of Measure R 3% commuter rail funds for final design and third party costs is as follows:

MEASURE R 3% FUNDS FOR LONE HILL TO WHITE FINAL DESIGN & 3RD PARTY COSTS			
FY 20	FY 21	FY 22	FY 23
\$500,000	\$2,500,000	\$3,000,000	\$1,500,000

There is no impact to the FY 2019-20 Metro Budget as \$500,000 is budgeted for the LHW Double Track Final Design in department 2415, Regional Rail, project number 460068. Since this is a multi-year project, the Senior Executive Officer, Regional Rail, will be responsible for budgeting project costs in future fiscal years.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Staff’s recommendations A and B support strategic plan goals 1, 3 and 4. These actions support Metro’s partnership with other rail operators to improve service reliability and mobility, provide better transit connections throughout the network and serves to implement the following specific strategic plan goals:

- Goal 1.2: Improve LA County’s overall transit network and assets;
- Goal 3.3: Genuine public and community engagement to achieve better mobility outcomes for the people of LA County; and
- Goal 4.1: Metro will work with partners to build trust and make decisions that support the goals of the Strategic Plan.

ALTERNATIVES CONSIDERED

The alternative would be for the Board to not advance the LHW Double Track Project to final design. This is not recommended since environmental review and preliminary engineering have been completed and the LHW Double Track Project has received broad support from the Cities of San Dimas and La Verne.

NEXT STEPS

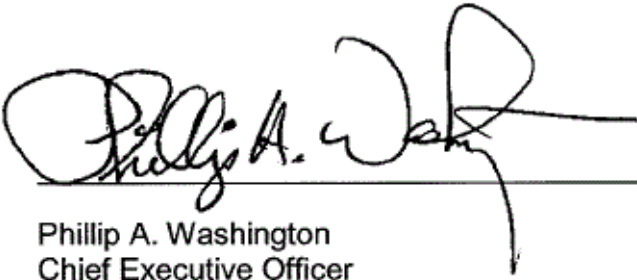
With Board approval of the staff recommendations, staff will issue a task order using the Regional Rail on-call services for the LHW final design. During the final design process, staff will work with the local cities, the San Gabriel Valley Council of Governments (SGVCOG), elected officials, and SCRRA to seek Federal and State grant funds for construction.

ATTACHMENTS

- Attachment A - Map of LHW Double Track Project Corridor
- Attachment B - Letter of Support from City of San Dimas
- Attachment C - Letter of Support from City of La Verne

Prepared by: Jay Fuhrman, Manager, Transportation Planning, Regional Rail, (213) 418-3179
Jeanet Owens, Senior Executive Officer, Regional Rail (213) 418-3189

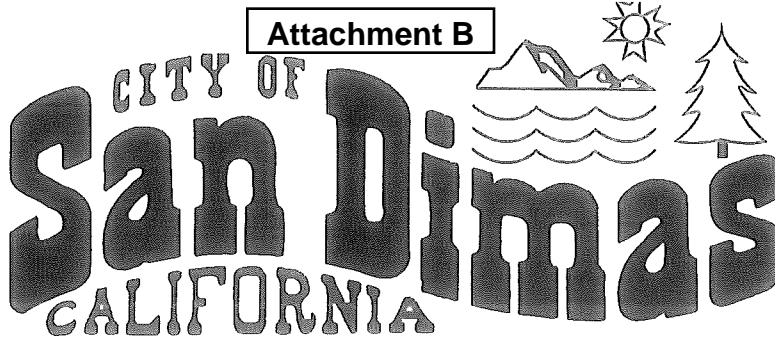
Reviewed by: Richard Clarke, Chief Program Management Officer, (213) 922-7557



Phillip A. Washington
Chief Executive Officer

LONE HILL TO WHITE DOUBLE TRACK PROJECT LOCATION





City Council
CURTIS W. MORRIS, Mayor
RYAN A. VIENNA, Mayor Pro Tem
EMMETT BADAR
DENIS BERTONE
JOHN EBINER

City Manager
KENNETH J. DURAN

Assistant City Manager of
Community Development
LAWRENCE STEVENS

Director of Public Works
KRISHNA PATEL

Director of Parks and
Recreation
HECTOR M. KISTEMANN

City Attorney
JEFF M. MALAWY

June 11, 2019

Phillip A Washington
Chief Executive Officer LA Metro
1 Gateway Plaza
Los Angeles, CA 90012

Dear Mr. Washington:

The City of San Dimas appreciates the Metro initiated Lone Hill to White Double Track Project. We would like to reiterate our support in advancing this project to final design because we see the potential positives to lessen train noise and improve crossing safety. If the project advances to final design, we look forward to continued participation in the review of this project to explore further noise analysis measures and mitigations as part of the final design for this project.

During final design we look forward to further discussions regarding the following concerns our Community has specifically:

- The final design phase of the project will involve further detailed noise analysis. We look forward to reviewing that analysis. We encourage the installation of sound mitigations beyond the minimum FRA requirements when those additional mitigations can provide a significant difference to an adjacent resident or neighborhood along the alignment in terms of quality of life and well-being.
- We also request further risk management review of the transfer of liability associated with the sponsorship of a Quiet Zone Crossing. The operator currently bears the liability associated with the existing crossings - the new Quiet Zone crossings will be much safer and present a lower liability risk. We desire to explore these issues further because we believe there is an opportunity for an effective approach to the transfer of liability issue.

We continue to support advancing the Lone Hill to White Double Track Project into final design. The quiet zone and additional noise mitigation improvements represent a means to address some issues of significant community concern. We look forward to continued participation in the final design process.

Sincerely,

Curt Morris
Mayor
City of San Dimas

Attachment C



CITY OF LA VERNE CITY HALL

3660 "D" Street, La Verne, California 91750-3599
www.ci.la-verne.ca.us

June 13, 2019

Metro
Attn: Phillip A. Washington
One Gateway Plaza
Los Angeles, CA 90012

RE: Confirmation of Support for Double Track and Quiet Zone Project to Fulton Road


Dear Mr. Washington,

I have been made aware that the Metro Board will be considering moving the Double Track and Quiet Zone Project through San Dimas and La Verne on the Metrolink San Bernardino line forward to receive funding for the final design. I would like to reiterate the City of La Verne's support for that effort.

In September of 2017 the City provided a letter supporting the Lone Hill Avenue to Fulton Road Double Track Project. I have attached a copy of the letter signed by Mayor Don Kendrick as the City's support still remains unchanged as previously stated.

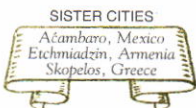
We want to thank you and the LA Metro Board in advance for consideration of prioritizing the funding for this project and look forward to our continued work with the metro staff through any aspects of the final design.

Sincerely,



Bob Russi
City Manager

Attachment: Support Letter from La Verne 9/2017



General Administration 909/596-8726 • Water Customer Service 909/596-8744 • Parks & Community Services 909/596-8700
Public Works 909/596-8741 • Finance 909/596-8716 • Community Development 909/596-8706 • Building 909/596-8713
Police Department 909/596-1913 • Fire Department 909/596-5991 • General Fax 909/596-8737

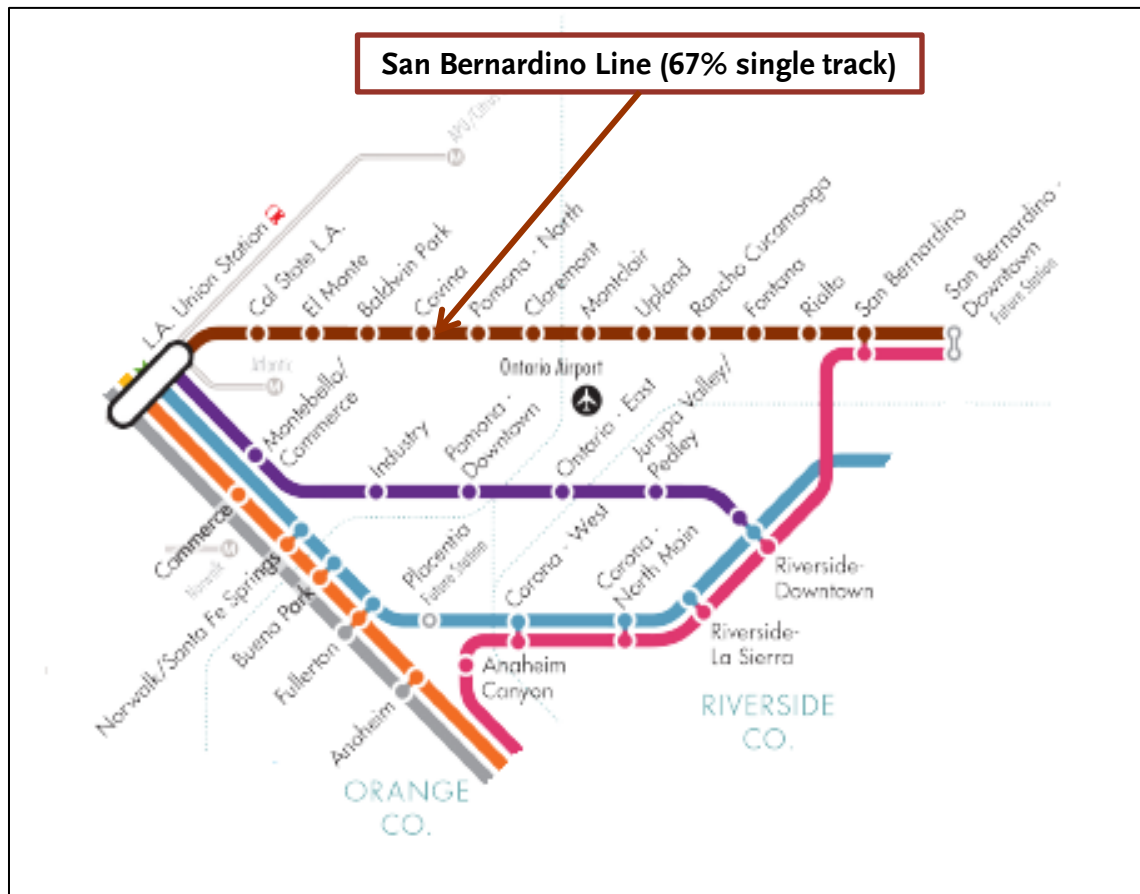
Lone Hill to White Double Track

- A. **APPROVE** the programming of \$7.5 million in Measure R 3% commuter rail funds for final design including third party costs of the Lone Hill to White (LHW) Double Track Project; and,
- B. **AUTHORIZE** the Chief Executive Officer to negotiate and execute all agreements for the LHW final design.

Planning and Programming Committee
November 20, 2019

Project Background

- 1) The San Bernardino Line is Metrolink's busiest line, with 38 weekday trains and 10,000 weekday boardings.
- 2) The LHW Double Track Project will increase double track on the San Bernardino Line from 33% to 40%.



LHW Double Track Project Features and Benefits

- 1) 3.9 miles of double track in the Cities of San Dimas and La Verne will enable trains to better recover from delay, reduce overall travel time, and improve on-time performance.
- 2) A total of 12 grade crossings (5 in San Dimas and 7 in La Verne) will be improved to the latest Metrolink Quiet Zone ready standards, to improve safety at the crossings and along the right-of-way, and provide quality of life benefits to the local communities.
- 3) The Pomona Fairground Station platform will be lengthened to improve safety.



Project Status and Next Steps

- 1) In June 2019 the Metro Board determined that the LHW Double Track Project is Statutorily Exempt, pursuant to CEQA Guidelines Section 15275 (a) and (b), and directed staff to file a CEQA Notice of Exemption with the Los Angeles County Clerk.
- 2) The LHW Double Track Project environmental process is cleared.
- 3) SCRRRA and the cities of San Dimas and La Verne have requested that the Project advance to final design.
- 4) Subject to Board approval, staff will issue a task order for LHW final design.

Quiet Zone Opportunity

LHW will design 12 at-grade crossings to the latest Metrolink Quiet Zone Ready standards. Five crossings are located in the City of San Dimas and seven are located the City of La Verne. A Quiet Zone is one or more crossings in which trains would not be required to sound their horns.



Source: The Burlingame Voice

- 1) Since the train horns would no longer be sounded, Supplemental Safety Measures (SSMs), such as raised center medians, quad gates, pedestrian gates, signalization, etc., are required to make the crossings safer.
- 2) The cities of San Dimas and La Verne are the jurisdictional authorities for these grade crossings and the lead agencies to implement Quiet Zones.

**Board Report**

File #: 2019-0618, **File Type:** Contract**Agenda Number:** 10.

**PLANNING AND PROGRAMMING COMMITTEE
NOVEMBER 20, 2019****SUBJECT: THIRD PARTY REQUEST FOR DEVIATIONS FROM SYSTEMWIDE STATION
DESIGN STANDARDS POLICY****ACTION: APPROVE RECOMMENDATIONS****RECOMMENDATION**

APPROVE Third Party Request for Design Deviation from Systemwide Station Design Standards.

ISSUE

The Board-adopted Systemwide Station Design Standards (SWSD) Policy (Attachment A) requires all new Metro rail and BRT stations be in compliance with Metro's SWSD Standards, unless otherwise approved by the Board. The University of California, Los Angeles (UCLA) has requested deviations from the SWSD Standards for the northwest entrance structure and plaza finishes at the future Westwood/UCLA Purple Line Station.

BACKGROUND

In January 2018, the Board adopted the SWSD Policy, which requires all new Metro station designs to be consistent with the SWSD Standards. The SWSD Policy calls for a consistent and integrated design approach, while allowing variability in the public art and sustainable landscaping elements. The SWSD Standards include a modular "kit of parts" that is streamlined and adaptable, allowing stations to be more cost-effective to design, construct, operate and maintain. The SWSD standardized materials and elements generally consist of high-performance architectural elements including stainless-steel finishes, low-iron fritted structural glass panels, architectural-grade concrete in three tones of gray, and a limited number of factory-finished painted surfaces. The result is a consistent architectural identity that is easy for transit riders to recognize and navigate, and more readily maintainable as part of a world-class transit system.

The SWSD Policy does contemplate that local jurisdictions and other third parties may request, subject to Board approval, design modifications or enhancements to Metro's station design standards for individual stations, contingent on the requestor providing full funding related to additional design and construction costs, as well as additional operation and maintenance costs resulting from accommodating the modifications or enhancements. Such design modifications and enhancements are also subject to the provisions of Metro's Supplemental Modifications to Transit Projects Policy

(Attachment B).

As part of Westside Purple Line Extension Section 3 Project (“Project”), Metro is currently in negotiations with UCLA to acquire real property interests to construct and operate the northwest entrance to the Westwood/UCLA Station (“Station Entrance”) at the intersection of Wilshire Blvd and Gayley Ave. The property interests include a permanent easement for the station entrance and plaza and temporary construction easements on an adjacent university-owned parking lot. Following construction of the Project, UCLA intends to construct a development on the parking lot that may integrate with the Station Entrance. In the interim, UCLA has requested deviations from the SWSD Standards for above-ground structure materials and surface finishes at the Station Entrance in order to more closely match the common architectural palette found elsewhere on the UCLA campus and its future adjacent development.

DISCUSSION

Findings

The requested UCLA deviations include:

- Replacing the SWSD standard stainless steel finish on the station entrance portal canopy structure with a similar high performance metal cladding to match the UCLA standard beige concrete color;
- Replacing the SWSD standard three-toned gray concrete randomized rectangular patterned plaza finish with integral color concrete of beige and light red in a similar randomized rectangular pattern, but interspersed with bands of red brick pavers.

Considerations

In compliance with SWSD Standards Policy, UCLA has agreed to pay for these incremental costs to ensure there would be no financial impact to Metro or adverse impacts to the Project. Discussions over each party’s maintenance responsibilities are still underway, however, consistent with the SWSD policy, Metro will not incur any additional cost as a result of the requested deviations. If the Board approves the deviation request, staff will memorialize design deviation-related terms and obligations-including full Metro-cost recovery-into the real estate acquisition agreements, and execute necessary contract changes orders to effectuate the work.

This deviation request, including UCLA’s agreement to pay for the related costs, is also consistent with the provisions of the Board-adopted Supplemental Modifications to Transit Projects Policy, which is referenced in the SWSD Standards Policy.

Since incorporation of the SWSD into Metro architectural standards, Metro has consistently maintained the SWSD Standards in working with community stakeholders of all types. Staff took into consideration several factors in bringing this request for deviation from the SWSD Standards to the Board, including that UCLA is the fee property owner of the northwest station entrance, and that the proposed deviations are temporary in nature as the station entrance will ultimately be integrated into a future UCLA facility.

As with community stakeholders on all transit corridor projects, Metro is also working with UCLA on SWSD elements of variability, including selection of landscaping materials for the northwest entrance, and engaging UCLA and other community stakeholders in the artist selection process.

DETERMINATION OF SAFETY IMPACT

The deviation request would not present any major safety concerns, as the requested materials and finishes are found in older stations in the Metro system and generally do not present safety hazards to Metro riders or staff.

FINANCIAL IMPACT

There is no financial impact to Metro if the recommendation is approved.

Impact to Budget

There would be no impact to the budget if the recommendation is approved.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This request is related to Goal #2: "Deliver outstanding trip experiences for all users of the transportation system."

ALTERNATIVES CONSIDERED

The Board may choose not to approve the recommended deviation. UCLA has been advised that any decision to allow deviations from the SWSD Standards is a Board decision, which staff is obligated to enforce.

NEXT STEPS

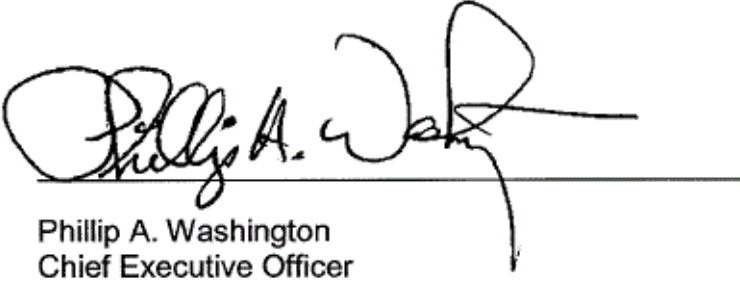
Should the Board approve the requested deviation, the Project team would negotiate final terms and enter into an agreement with UCLA to cover design and construction costs and determine maintenance obligations. The Project team would also work with the Project contractor to incorporate the related material and finish changes into the design drawings.

ATTACHMENTS

Attachment A - Systemwide Station Design Standards Policy
Attachment B - Supplemental Modifications to Transit Projects Policy

Prepared by: Adam Light, Senior Director, Countywide Planning & Development, (213) 922-6926
Nick Saponara, EO (interim), Countywide Planning & Development, (213) 922-4313
Kimberly Ong, EO, Projects Engineering, (213) 312-3143
Holly Rockwell, Sr. Exec. Officer - Real Estate, Transit Oriented Communities and Transportation

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920
Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051



Phillip A. Washington
Chief Executive Officer



Board Report

File #:2017-0605, File Type:Policy

Agenda Number:20.

PLANNING AND PROGRAMMING COMMITTEE JANUARY 17, 2018

SUBJECT: SYSTEMWIDE STATION DESIGN STANDARDS

ACTION: ADOPT SYSTEMWIDE STATION DESIGN STANDARDS POLICY

RECOMMENDATION

ADOPT the Metro Systemwide Station Design Standards Policy.

ISSUE

As Metro expands its transit system, a state-of-the-art systemwide design approach is needed to ensure that existing and future station facilities are safe, smart, clean and green. Adoption of the Systemwide Station Design Policy (Attachment A) will ensure all future Metro Rail and Bus Rapid Transit (BRT) stations follow a consistent, streamlined systemwide design, with integrated public art and sustainable landscaping as variable elements. This policy would take precedence over prior Metro policies regarding architectural design for Metro Rail and BRT station public areas.

DISCUSSION

Background

As the Metro system has expanded over the years, unique station architecture and design features have led to increased long term maintenance challenges with higher costs for the agency. As a result of these unique designs, ordering or stocking of special replacement materials or fabrication of custom features is costly and time intensive. This has also resulted in alterations that are not compatible with original design aesthetics of a particular station or line, and over time has led to the deterioration or loss of these unique designs and features, making some station public areas unsightly. In some cases, station public areas can become unsafe and universal access and efficient transit operations can be adversely affected.

In 2012, following a thorough review and evaluation of other leading state-of-the-art transit systems and international best practices for transit station design, and with an interdepartmental team, Metro developed the Systemwide Station Design using a modular system, or “kit-of-parts”. This kit-of-parts helps to ensure that stations are streamlined and adaptable for varying site conditions, allowing stations to be more cost-effective to design, construct, and maintain.

The Systemwide Station Design Kit-of-Parts

Consisting of high quality, high performance architectural materials and elements, the kit-of-parts can be configured to respond to varying station site conditions, as well as the functional and capacity needs of individual stations. These standardized materials and elements generally consist of low-iron fritted glass panels, stainless steel railings and cladding, architectural grade concrete, and a limited number of factory finished surfaces.

Importantly, while the Systemwide Station Design allows Metro to create a consistent, recognizable architecture, it also provides dedicated areas for elements of variability at each station. Metro's award winning station art program, as well as sustainable landscaping tailored to the county's various microclimates, are elements of variability developed in consultation with and responsive to the surrounding community.

Benefits of the Systemwide Station Design

Metro stations designed in compliance with the Systemwide Station Design Standards will be safer, smarter, cleaner and greener: safer for all riders and operators; intelligently laid out so that stations are easier to access and navigate; simpler and more cost-effective to clean and maintain; and more sustainable in terms of architectural materials, energy usage, and landscaping.

The benefits and advantages of the Systemwide Station Design include:

- Station entrances and public areas that are uncluttered, resulting in safer, more comfortable, and more open spaces;
- Station layouts coordinated with Metro Rail Operations and System Security to ensure visibility through and across stations for transit operators and security personnel;
- Intuitive station layouts to ensure station environments are easier for transit riders to recognize and navigate;
- Locations of station amenities and operational equipment that better accommodate the full range of passengers with various functional limitations as well as those who are highly functional;
- Streamlined integration of lighting, seating, operational equipment, wayfinding, customer information;
- Integration and prominent display of public art;
- A concise palette of durable, high quality materials integrated into station area designs that will be simpler to maintain and are more likely to remain attractive over time;
- Glass canopies and enclosures designed with green sustainable practices in mind to increase natural light access for station interiors and exterior station platforms;
- A modular "kit-of-parts", which will more easily adapt to various site constraints, facilitating the incorporation of new or changing elements and features required by federal, state or local statutes, transit design best practices, and Metro standards; and
- Improved maintainability

Consistency vs. Flexibility

Lessons learned over nearly 30 years of rail design and construction underscore the need for a more consistent and ultimately sustainable approach to station design, construction and maintenance.

That said, consistency does not translate into rigidity. The highly adaptable kit-of-parts, including station entrance plaza design, entrance structure orientation, as well as equipment and amenity configurations, allow for easier integration of adjacent development and first/last mile connections with the station site. As mentioned previously, the modules that make up the Systemwide Station Design kit-of-parts are flexible to accommodate visual connections to the identity and character of the surrounding communities, who are increasingly engaged in the design process. The kit-of-parts creates a framework with which Metro can engage stakeholders to ensure both the quality and safety of station design while being responsive to specific urban design goals and community character, in particular with the variable components of public art and landscaping.

Upon adoption of the policy, all future Metro station design contracts will require that station designs be consistent with the most current Systemwide Station Design Standards. Any accessory station building types not currently included in the Systemwide Station Design Standards are encouraged to use the Metro kit-of-parts materials wherever practicable, and follow similar architectural language as outlined in the current design standards. While not currently required, doing so will help ensure consistency in Metro station branding, improve durability of these facilities, and reduce design, construction and maintenance costs.

The policy also provides that local jurisdictions and other third parties may request, subject to Board approval, design modifications or enhancements to Metro's station design standards for individual stations, contingent on the requestor providing full funding. The policy stipulates that such design modifications and enhancements shall be subject to the provisions of Metro's Supplemental Modifications to Transit Projects Policy, and that third party funding shall cover all related additional design and construction costs, as well as additional operation and maintenance costs for these modifications or enhancements, as required by the Board.

Current Status of Implementation

The Systemwide Station Design Standards were vetted through internal coordination with Metro departments, and implementation of the Systemwide Station Design is well underway. Currently, Metro has 18 stations in either the design or construction phase that are largely compliant with the Systemwide Station Design Standards. The implementation process outlined in the Systemwide Station Design Policy will allow for continual improvement of these standards, through updates to the Metro Rail Design Criteria (MRDC), as appropriate.

Integration with Metro's Transit-Oriented Communities (TOC) Program

The adoption of the Systemwide Station Design Policy is part of a host of new and existing policies, programs and processes that together will make up Metro's TOC Program. Over the next six months, staff will work through the Measure M Policy Advisory Council (PAC) to develop a TOC Policy and more clearly define Metro's overall TOC Program. Among other objectives, the TOC Policy will provide direction on eligibility of Metro spending on both TOC activities as well as Local Return funds. The TOC Program will be part of the Long Range Transportation Plan (LRTP) process and will provide clarity on the policies, programs and processes that drive Metro's TOC work. Both of these documents will be brought to the Board for consideration and then adoption, in late winter 2017 and summer 2018. The Board can expect to see other portions of the TOC Program rollout prior to spring 2018, including actions to implement various components of the First/Last Mile Program. Going forward, all Board reports and recommendations that relate to the TOC Program will include

reference to such.

DETERMINATION OF SAFETY IMPACT

An adopted Systemwide Station Design Standards Policy will help ensure that future Metro stations are safer for transit riders and employees. Stations following these standards will have uncluttered public areas with clear site lines making them safer, more accessible, spacious, and comfortable.

FINANCIAL IMPACT

Adoption of the Systemwide Station Design Policy itself has no direct financial impact, as the Systemwide Station Design Standards are already part of the MRDC, Metro Bus Rapid Transit Design Criteria (MBRTDC) and related Architectural Standard/Directive Drawings, and new Metro stations under construction are already complying with most provisions of these standards.

Through implementation of this policy, Metro can expect economies of scale and reduced costs for station maintenance and replacement needs. Currently, unique architectural design and features in station public areas have led to ongoing maintenance challenges and costs. As a result, ordering or stocking of special replacement materials and fabrication of custom features is costly and time intensive. The Systemwide Station Design uses a modular kit-of-parts that is streamlined and adaptable, allowing stations to be more cost-effective to design, construct, and maintain.

ALTERNATIVES CONSIDERED

The Board could elect to not adopt the new policy, and rely on the current Metro design standards to guide station design. This is not recommended because although Metro design requirements already include the Systemwide Station Design Standards, Metro often receives requests for customized station architectural styles. Adoption of the policy reinforces Metro's commitment to a consistent, integrated systemwide design approach and the creation of a safer, smarter, cleaner and greener transit system.

NEXT STEPS

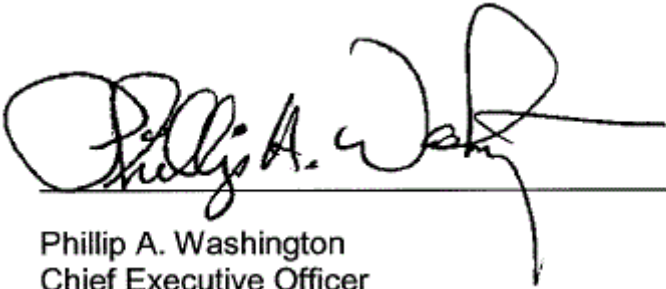
With Board approval, the policy will help ensure that all future Metro Rail and BRT stations, as well as renovations of existing stations where appropriate, are consistent with the Systemwide Station Design Standards as contained in the MRDC, MBRTDC and related Architectural Standard/Directive Drawings.

ATTACHMENTS

Attachment A - Metro Systemwide Station Design Standards Policy

Prepared by: Rachelle Andrews, Principal Transportation Planner, (213) 922-3896
 Adam Light, Senior Director, (213) 922-6926
 Nick Saponara, Deputy Executive Officer, (213) 922-4313
 Jenna Hornstock, Executive Officer, (213) 922-7437

Reviewed by: Therese W. McMillian, Chief Planning Officer, (213) 922-7077



Phillip A. Washington
Chief Executive Officer

METRO SYSTEMWIDE STATION DESIGN STANDARDS POLICY

POLICY STATEMENT

In order to continue building and maintaining a state-of-the-art transit system, the Los Angeles County Metropolitan Transportation Authority (Metro) has determined that all future Metro Rail and Bus Rapid Transit (BRT) station designs shall follow a consistent, integrated systemwide design approach, with integrated public art and sustainable landscaping as variable elements. This policy takes precedence over prior Metro policies regarding architectural design for Metro Rail and BRT station public areas.

Station designs shall be in compliance with Metro's Systemwide Station Design Standards, as set forth in the Metro Rail Design Criteria (MRDC), Metro BRT Design Criteria (MBRTDC) and related Architectural Standard/Directive Drawings, which may be amended from time to time. Accordingly, Metro will no longer develop unique architectural styles for future stations, unless specifically directed otherwise by the Metro Board of Directors.

PURPOSE

Metro stations designed in substantial compliance with the Systemwide Station Design Standards will be safer, smarter, cleaner, and greener. The Systemwide Station design uses a modular "kit-of-parts" that is streamlined and adaptable, allowing stations to be more cost-effective to design, construct, operate, and maintain. Stations following these standards will have uncluttered public areas, making them safer, more accessible, spacious, and comfortable. Consistent architecture, signage, and intuitive wayfinding will make it easier for riders to recognize and navigate stations. The highly adaptable "kit-of-parts" allows for easier integration with adjacent development and first/last mile connections to the station site. Metro's award-winning public art program, as well as sustainable landscaping, will serve as elements of variability developed in consultation with, and responsive to the surrounding community.

APPLICATION

This policy applies to all BRT, Light Rail, and Heavy Rail stations, and shall be adhered to by all Metro employees, consultants, contractors and vendors.

1.0 BACKGROUND

Metro's objective is to provide for the continuous improvement of an efficient and effective transportation system for Los Angeles County. Achieving this mission requires designing, constructing and operating a dependable, safe, convenient, comfortable and state-of-the-art intermodal transportation system. Accordingly, station architecture and site design must be consistent with this mission.

As the Metro system has expanded over the years, unique architectural design and features in station public areas have led to a lack of visual unity and in many cases, have contributed to long term maintenance challenges with higher costs. As a result, ordering or stocking of special replacement materials, or fabrication of custom features is costly and time intensive, and can result in alterations that are not compatible with the original design aesthetic for a given transit line or individual station. Over time, the challenging maintenance issues lead to deterioration or loss of these unique designs and features. This can result in station conditions that are unsightly, and in some cases can become unsafe,

making stations difficult to access and navigate and sometimes creating obstacles to safe and efficient transit operations.

Changing federal, state and local government requirements (such as the Americans with Disabilities Act (ADA), transportation funding rules, and building codes), as well as those of Metro, have resulted in many existing Metro stations that do not meet current standards. Alterations to conform these stations to current standards can result in significant impacts to station functionality, as well as adversely impacting unique architectural finishes and features in station public areas.

In 2012, following a thorough review and evaluation of other leading state-of-the-art transit systems and international best practices for transit station design, Metro developed the Systemwide Station Design using a modular system, or “kit-of-parts”. This kit-of-parts consists of high quality, high performance architectural materials and elements that can be configured to respond to varying station site conditions, as well as the functional and capacity needs of individual stations. These standardized materials and elements generally consist of low-iron fritted glass panels, stainless steel railings and cladding, architectural grade concrete finishes, and a limited number of factory finished surfaces.

The Systemwide Station Design also provides for integrated public art and sustainable landscaping, as elements of variability developed in consultation with, and responsive to the surrounding community.

Metro’s Systemwide Station Design layouts provide for open plaza, concourse and platform designs, with streamlined integration of lighting, operational equipment, wayfinding, and customer information, as well as prominent display of integrated public art. Benefits and advantages of the Systemwide Station Design include, but are not limited to the following:

- Station entrances and public areas that are safer, more comfortable, and will feel more open and spacious;
- Intuitive station layouts to ensure station environments are easier for transit riders to recognize and navigate;
- Location of station amenities and operational equipment that better accommodate the full range of passengers with various functional limitations as well as those who are highly functional;
- Station layouts coordinated with Metro Operations, Safety, and Security Departments to ensure visibility through and across stations;
- A concise palette of durable, high quality materials integrated into station area designs that will be simpler to maintain and are more likely to remain attractive over time;
- Glass canopies and enclosures designed with green sustainable practices in mind to increase natural light access for station interiors and exterior station platforms;
- A modular “kit-of-parts” which will more easily adapt to various site constraints facilitating the incorporation of new or changing elements and features required by federal, state or local statutes, transit design best practices and Metro standards;
- A highly adaptable “kit-of-parts” allows for easier integration with adjacent development and first/last mile connections to the station site; and
- Improved maintainability.

The Systemwide Station Design Standards were vetted through internal coordination with Metro departments and implementation of the Systemwide Station Design began with the Regional Connector,

Crenshaw/LAX Line, and Purple Line Extension projects, which are largely compliant with the Systemwide Station Design Standards. The implementation process will allow for continual improvement of these standards, through updates to the MRDC and MBRTDC, as appropriate.

2.0 PROCEDURES

2.1. Contracts for New Metro Stations

Effective as of the date of this policy, all future Metro station design contracts shall require that station designs be consistent with the Systemwide Station Design Standards as contained in the most current MRDC, MBRTDC, and related Architectural Standard/Directive Drawings at the contract award date.

Deviations from certain provisions of this standard, such as station site layouts or equipment types, may be allowed to address unique site constraints, new technology, or specific station needs, but only after a thorough review process and with concurrence among affected Metro departments.

Station designs shall remain consistent with the most current Systemwide Station Design Standards throughout the preliminary design phases, including Preliminary Engineering, BAFO, and contract award. Any station vertical building types not covered specifically within the MRDC, MBRTDC and related Architectural Standard/Directive Drawings are encouraged to use the Metro Kit-of-Parts materials, and follow similar architectural language as outlined in the current design standards, however, these facilities are not required to follow the Systemwide Station Design.

Notwithstanding the preceding provisions of this section 2.1, the Board may at its discretion provide specific direction to Metro staff that certain new stations, such as major regional transfer hubs, have a unique architectural style or language, instead of strictly following the Systemwide Station Design Standards.

Local jurisdictions and other third parties may request, subject to Board approval, design modifications or enhancements to Metro's station design standards for individual stations, contingent on the requestor providing full funding. Such design modifications and enhancements shall be subject to the provisions of Metro's Supplemental Modifications to Transit Projects Policy. Third party funding shall cover all related additional design and construction costs, as well as additional operation and maintenance costs in perpetuity for these modifications or enhancements, as required by the Board.

2.2 Station Retrofit Contracts

Design contracts for retrofit projects that update, enhance or otherwise impact the public areas of existing stations shall require that designs comply wherever feasible with the MRDC, MBRTDC and related Architectural Standard/Directive Drawings. All attempts will be made to ensure that new materials incorporated into the design shall meet current standards, and be consistent with the Metro Kit-of-Parts family of standardized systemwide materials and finishes. As the public areas of existing stations within the Metro system vary greatly, a systematic design approach shall be taken during the design and construction process of each retrofit project. Strict application of the Systemwide Station Design Standards materials and/or layout may not be appropriate in all cases, as a number of existing stations and rail lines have a unique or specific architectural design language. When replacement of existing materials, finishes, or features, or introduction of new equipment is required, ad-hoc alterations in station public areas shall be avoided. Instead, through coordination with Capital Project Engineering,

Countywide Planning and Development, and Operations, impacts of such alterations on station public areas shall be considered holistically, and integrated into the station environment in a streamlined and aesthetically appropriate manner. In particular, and wherever feasible, addition of equipment within or visible from station public areas shall be integrated into station walls or other enclosures that match the Metro Kit-of-Parts architectural finishes (or that are appropriate for the finishes and features of existing stations with unique architecture) to ensure that alterations are in keeping with the streamlined approach of the Systemwide Station Design Standards. Art & Design shall be included in the review process to ensure impacts to pre-existing artworks are avoided or minimized.

2.3. Updates to MRDC and Standard/Directive Drawings

The Systemwide Station Design Standards provide a consistent basis for Metro transit station architectural design, and shall be kept up to date with current building, accessibility, fire and life safety codes and other statutory requirements as they change. Additional updates may be appropriate as innovative new practices are developed and implemented at stations, to improve the usability and functionality of stations. Any revisions or amendments to the MRDC, MBRTDC and related Architectural Standard/Directive drawings as they relate to the Systemwide Station Design Standards or affect station public areas must go through the Systemwide Baseline Change Notice (SBCN) process. Once adopted, new or revised standards shall be circulated as appropriate to design and engineering teams for all ongoing new station and existing station retrofit projects.

3.0 DEFINITION OF TERMS¹

Architectural Directive Drawings – Set of technical drawing sheets defining and illustrating the specific design details of Metro stations, including light and heavy rail stations. Standard technical detailed drawings must be followed. Actual station design elements contained in these drawings may vary depending on specific site requirements.

Architectural Standard Drawings – Set of technical drawing sheets defining Metro’s standard design details of Metro stations, including light and heavy rail stations. Standard technical detailed drawings must be followed.

Contract Change Notice (CN) – Official document issued by Metro to a contractor that authorizes a change or addition to contract requirements, in regard to a specific design as outlined in the MRDC, and/or Architectural Standard/Directive Drawings. Changes are issued to ensure contracts meet up-to-date requirements.

Elements of Variability – Defined areas and features within Metro transit stations and station sites that provide unique designs within specified parameters. In the case of the Systemwide Station Design Standards, the elements of variability are primarily public art and landscaping.

Metro Kit-of-Parts – Collection of integrated modular elements, features, materials and finishes provided in the Systemwide Station Design Standards, which can be configured in a variety of ways to respond to station type, unique site conditions, expected customer volumes, and other variables.

¹ Definitions in this section are for the purpose of providing clarity for this policy document, do not supersede definitions in the Metro Rail Design Criteria and Metro Bus Rapid Transit Design Criteria, and do not set new requirements as part of this policy.

Metro Bus Rapid Transit Design Criteria (MBRTDC) – Metro’s formal written design standards for bus rapid transit (BRT) stations, which provide a consistent basis for the design of Metro BRT projects.

Metro Rail Design Criteria (MRDC) – Metro’s formal written design standards for transit stations, which provide a consistent basis for the design of Metro Rail Transit Projects, including both Heavy Rail Transit (HRT) and Light Rail Transit (LRT).

Systemwide Station Design – Metro’s established architectural design concept and material palette for rail and BRT transit stations.

Systemwide Station Design Standards – Metro’s established criteria, layouts, materials, features and details contained in the MRDC and Architectural Standard/Directive Drawings that specify how Metro stations are to be designed or retrofitted in keeping with the Systemwide Station Design. These standards must also be refined from time to time to respond to statutory requirements, industry best practices, and the needs of the Metro system.

Systemwide Baseline Change Notice (SBCN) – Revisions made to the MRDC and/or Architectural Standard/Directive Drawings to ensure Metro’s design requirements meet current state and federal requirements, and integrate innovative technology. SBCNs require justification and approval signatures from necessary Metro departments before adoption.

4.0 RESPONSIBILITIES RELATED TO IMPLEMENTATION OF SYSTEMWIDE STATION DESIGN STANDARDS

Systemwide Design, Countywide Planning and Development reviews station design submittals to ensure compliance where applicable with Systemwide Station Design Standards as contained in the most up-to-date versions of the MRDC, MBRTDC and related Architectural Standard/Directive Drawings, and assists in coordinating design comments from other Countywide Planning and Development departments. Initiates and coordinates updates and revisions to the Systemwide Station Design Standards with Engineering, Operations, Safety, and Security.

Engineering coordinates regularly with internal Metro staff to make updates as required to the Systemwide Station Design Standards as contained in the MRDC, MBRTDC and related Architectural Standard/Directive Drawings. Circulates draft revisions to ensure updates are approved by all required Metro departments, and adopted by project contract teams.

Transit Project Delivery ensures station construction projects are designed and constructed in conformance with the Systemwide Station Design Standards as contained in the MRDC, MBRTDC and related Architectural Standard/Directive Drawings, while maintaining cost effectiveness and an on-time delivery. Coordinates with internal Metro departments to circulate station design submittals for review and comment, to ensure projects meet Metro’s requirements.

Operations ensures new station designs and modifications to existing stations meet operational and maintenance requirements. With respect to this role, Operations reviews and provides input on proposed updates to the Systemwide Station Design Standards.

Art & Design manages integration of site specific station artworks, and rotating exhibitions that engage communities, create a sense of place, and improve the transit customer experience. The department also advises on a range of design elements and establishes integrated environmental graphic design standards to assist customer navigation and wayfinding. Art & Design reviews and provides input on proposed updates to the Systemwide Station Design Standards and to proposed retrofits to the system.

Safety & Security provides station design teams with critical safety requirements, security information, best practices, and regulatory guidance information to maintain a safe environment within station public areas. Reviews and provides input on proposed updates to the Systemwide Station Design Standards, and coordinates any issues with the Systemwide Design team, Engineering, and Operations.

Office of Civil Rights ensures federal, state and local accessibility requirements for station public areas are being met, and additional accommodations are established within the Metro system to accommodate the full spectrum of passengers with various functional limitations, including mobility, visual, cognitive or similar impairments and limited language proficiency. Reviews and provides input on proposed updates to the Systemwide Station Design Standards, and coordinates any issues with the Systemwide Design team, Engineering, and Operations.

Office of Extraordinary Innovation coordinates with Metro departments to develop innovative methods, and new technology to increase the usability and maintainability of stations, including the implementation and updating of the Systemwide Station Design Standards.

5.0 PROCEDURE HISTORY

- 1992 Board adopts Rail Station Design Policies
- 2001 Board adopts Bus Rapid Transit Design Standards
- 2005 Baseline Metro Rail Design Criteria (MRDC) updated for light rail implementation, further refining design standards to incorporate maintenance, operations and regulatory requirements
- 2010 Baseline MRDC updated for systemwide implementation, further refining design standards to incorporate maintenance, operations and regulatory requirements
- 2012 Systemwide Station Design Standards are developed and incorporated into updated MRDC and Architectural Standard/Directive Drawings to unify systemwide identity, integrate new fare equipment, regulatory requirements and updated systemwide signage standards, and to improve maintainability.

A large, stylized letter 'M' is positioned at the top of the page. The 'M' is composed of several white, rectangular blocks with a slight 3D effect, set against a dark green circular background. This green circle is partially overlaid by a large, curved orange shape that sweeps across the middle of the page. The overall background is black.

Metro Systemwide Station Design Standards Policy



Metro

Planning and Programming Committee

January 17, 2018

Design Standards Development

- Systemwide Station Design “kit-of-parts” developed in 2012
- Project goals:
 - improve legibility and maintainability
 - raise the bar on station design
- Design Standards developed with Metro inter-departmental coordination
- 18 new stations under construction or design apply kit-of-parts design elements and materials

Design Principles for New Stations

Safe

Open lines of sight for passengers and customers

Smart

Contemporary design that is easy to identify, access and navigate

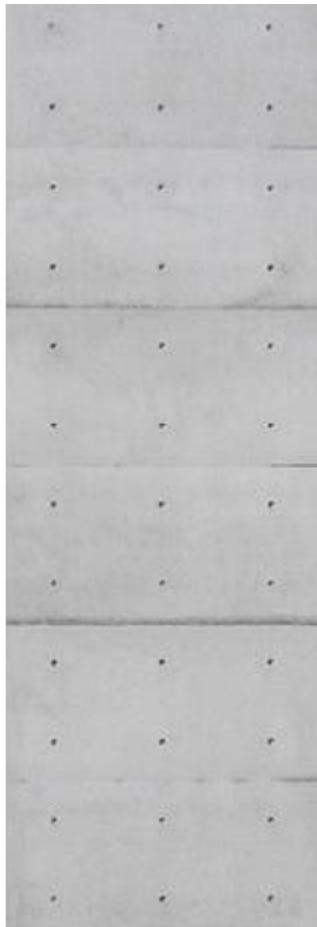
Clean

High Performance Materials

Green

Sustainable building materials and landscaping

Materials



CONCRETE

STAINLESS STEEL

GLASS

Portal Entrance - Systemwide Station Design



Wilshire/Western Prototype Canopy



Crenshaw/LAX



Downtown Inglewood Station

Purple Line Extension



Regional Connector



1st/Central Station

Design Variances from Kit-of-Parts

- Local jurisdictions and other third parties may request design modifications or enhancements for individual stations.
- Requests for design modifications and enhancements are subject to Board Approval and Metro's Supplemental Modifications and Betterments Policy.
- Requestors shall cover related additional design, construction, operation and maintenance costs, as required by Board.



Thank you.



Metro®

**Metro**

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

**PLANNING AND PROGRAMMING COMMITTEE
NOVEMBER 20, 2013**

SUBJECT: SUPPLEMENTAL MODIFICATIONS TO TRANSIT PROJECTS POLICY

ACTION: ADOPT POLICY

RECOMMENDATION

Adopt the policy contained in Attachment A which provides direction for considering requests from local jurisdictions, third parties, and other stakeholders for supplemental modifications to transit corridor projects at various stages in the project development process.

ISSUE

Supplemental Modifications to transit corridor projects such as betterments or enhancements to the project scope are often requested by cities, other agencies, and outside parties – sometimes after the project definition is approved and the environmental review is certified by the Board, after the project has received a Record of Decision (ROD) from the Federal Transit Administration (FTA), or after the design is frozen at the release of advanced design and construction procurement documents.

For our two most recent projects, the Crenshaw/LAX and Regional Connector, we have received such requests. This will become more prevalent as we continue to deliver the Measure R Transit projects.

A policy is needed to clearly outline the formal process Metro will follow upon receipt of any request, including the process for evaluating the Supplemental Modification, agreement on the scope, cost allocation and Board approval. This will ensure that all parties receive the same consideration. The Policy is designed to be consistent with all existing processes (such as environmental review), policies (such as the Grade Crossing Safety Policy and Uniform Cost Management Process and Policy), and agreements (such as Master Cooperative Agreements with local cities and utilities), which contain requirements related to Betterments. This Policy codifies existing practices and processes associated with Master Cooperative Agreements (MCAs) with cities. It does not override the MCAs. It is intended to clarify existing practice and to highlight a consistent approach. Further, it is consistent with the Uniform Cost

Management Process and Policy with regard to how scope reductions are addressed. Board approval of the Policy is being requested.

DISCUSSION

Metro currently addresses “Betterments” in its Master Cooperative Agreements. As we move through the delivery of the Measure R Transit Corridors, we are receiving requests to make design modifications or enhancements to the approved project definition. These requests which may be much larger in scope than utility infrastructure are being made after the design has been frozen and procurements released and/or awarded to contractors. They could result in contract modifications which may require Board approval and increased cost and risk to project delivery and potentially to federal funding and loans. This policy is intended to encourage early stakeholder participation so that the appropriate analysis can be performed earlier, minimizing the need to request Supplemental Modifications late in the project development process.

DETERMINATION OF SAFETY IMPACT

The adoption of this policy will have no impact on the safety of our customers and employees.

FINANCIAL IMPACT

There is no impact to the FY14 budget. This policy captures and clarifies past Board policy, practices, and agreements. It clarifies roles and responsibilities as well financial responsibility for supplemental modifications to the scope of a project requested by other entities.

Impact to Bus and Rail Operating and Capital Budget

There is no impact to the bus and rail operating and capital budget.

ALTERNATIVES CONSIDERED

The Board could choose not to adopt the Policy. This is not recommended. As we develop and implement the Measure R Transit Corridor projects, requests for changes to the approved Project Definition will continue to be received. A consistent framework for addressing these requests is needed for uniformity and to avoid last-minute requests that cannot be considered. Further, a policy as to who is financially responsible for the changes also needs to be adopted to ensure clarity.

NEXT STEPS

Upon Board approval, we will continue applying all existing policies, processes, and procedures within this adopted framework. We will also share this policy with cities, entities, and stakeholders affected by all Measure R Transit Corridor projects in the

planning and design phase to provide clarity as to how supplemental modifications are to be considered.

ATTACHMENT

A. Supplemental Modifications to Transit Projects Policy

Prepared by: Roderick Diaz, Director, Systemwide Planning (213) 922-3018
Renee Berlin, Executive Officer, Transit Corridors/Systemwide Planning
(213) 922-3035

K.N. Murthy
Executive Director, Transit Project Delivery

Martha Welborne, FAIA
Chief Planning Officer

Arthur T. Leahy
Chief Executive Officer

Supplemental Modifications to Transit Projects Policy

Introduction

The Los Angeles County Metropolitan Transportation Authority (LACMTA) will follow a uniform process and policy for defining and evaluating whether requests by outside entities for Supplemental Modifications to a Transit Project (Project) may be incorporated into the Project's scope of work either as part of the Project itself or as a separate activity that might be implemented concurrently with the Project.

Definition of Supplemental Modifications

For the purpose of this Policy, Supplemental Modifications are defined as physical elements or features that are being requested to be added to the Project Scope of Work and which are outside of the approved scope (definition) of a transit project, as they were not included in the most recent project description or requirements approved under the Project's most recent environmental review documents and under the Project's Record of Decision (for projects completing federal [National Environmental Policy Act – NEPA] review), but are being requested to be implemented with the Project by a local jurisdiction, agency, or a third party.

Supplemental Modifications typically fall under two general categories – Betterments and project revisions:

- A Betterment is specifically defined in the LACMTA's Master Cooperative or Utility Agreements as an upgrade of an existing city or utility's facility or the property of a Third Party, be it a public or private entity, that will increase or upgrade the service capacity, capability, appearance, efficiency or function of such a facility or property of a third party. Examples of facilities that can be classified as betterments would include such items as utilities, street infrastructure, development sites, and other types of infrastructure elements within a community.
- Project Revisions are defined as potential revisions to a Project's Scope of Work that may or may not have been originally considered during the environmental review process, but were either rejected or were raised after the Project's Notice of Determination or after the issuance of a Project's Record of Decision. Project Revisions may or may not ultimately be classified as Betterments depending upon what kind of infrastructure is identified in the request for inclusion. Project Revisions may also include requests for improvements where the primary feature is something other than another element of infrastructure. Project Revisions might include features which benefit the Transit Project, but are not necessary for its implementation, purpose or usefulness and were not included in the LACMTA Board approved Project Definition or Life-of-Project budget.

LACMTA defines Betterments in Master Cooperative Agreements (MCAs) established with local, regional and state related jurisdictions or third parties wherein the Project will be constructed. This policy is not intended to override or supersede MCAs with partner entities. For ease of use, many of the principles, processes, and terms that define how Betterments are addressed may be applied to Project Enhancements as well.

Entities Requesting Supplemental Modifications

Requests for Supplemental Modifications may come from a single source or a combination of sources. Examples of groups that have requested Supplemental Modifications include, but are not limited to:

- Private individuals
- Private entities (e.g., developers, businesses, etc.)
- Utilities
- Other Governmental entities
- Elected Officials
- Community Groups
- Other Third Parties

When considering a request for a Supplemental Modification, it is important to note whether or not the Supplemental Modification should be considered as an element of another entity’s own work program or could be classified as an additional requirement for mitigation of another entity’s work program. In these cases, whether or not implementation has already been approved, such a requested Supplemental Modification should be referred to the other entity.

Stages of Project Definition and Supplemental Modification Consideration

Projects are defined with an increasing level of detail through several stages. While coordination with stakeholders, third parties and other entities is ongoing, specific milestones define discrete points at which the scope of a Project is defined or refined.

Milestone	Level of Scope Definition
At the end of Alternatives Analysis	Definition of Alternatives for Environmental Review (Received by Board)
At the end of Draft Environmental Review	Adopted Locally Preferred Alternative (LPA) and preliminary mitigations
At the end of Final Environmental Review (Environmental Impact Statement/Environmental Impact Report [EIS/EIR])	Adopted Project Definition and Mitigation Monitoring Plan, Notice of Determination (per CEQA), and Record of Decision (for federally cleared projects)

Milestone	Level of Scope Definition
DESIGN FREEZE – At the end of Preliminary Engineering/issuance of Procurement Documents	Preliminary Engineering Design (incorporating design refinements and value engineering) and additional detail on Project Mitigations are finalized for contract purposes. (Preliminary Engineering is defined in Master Cooperative Agreements, Exhibit C.)
Award of Construction Contracts	Detailed Design of the Project and Project mitigations. For Design/Build Contractors, the Contractor will complete the design and construction begins.

Requests for a Supplemental Modification

Any entity which desires to request a Supplemental Modification to a Project Scope of Work shall do so at the earliest possible point in the project development process. However, LACMTA is not obligated, nor does this Policy require it to accept or implement the requested Supplemental Modification. The timing of the request for a Supplemental Modification, with respect to certain Project Milestones, will affect how it may be evaluated:

- Supplemental Modifications that are requested after the adoption of the Project Definition, relevant mitigation measures and certification of the EIR and Record of Decision, are more likely to require additional environmental review and have the potential for significant Project construction delays associated with them than if they were offered up prior to these final project milestones.
- Supplemental Modifications which are not incorporated into a Project prior to implementation of the Design Freeze milestone, and especially after the award of a contract, are expected to have significantly higher costs due to greater schedule impacts, and could ultimately jeopardize funding or loan agreements, and therefore introduce significant financial risk.
- Supplemental Modifications that are not included and incorporated into the Project’s construction contract for implementation by the award of the construction contract (including design/build contracts) can only be added by way of a contract change, which will likely result in higher Project costs, require additional funding source(s) beyond the Board approved project budget, and may require further consideration and approval by the LACMTA Board of Directors. Requests for changes to a Project which rise to the level of a Supplemental Modification and are proposed toward the end of the procurement process may

also contain the potential for reopening the procurement process, or at least may necessitate a contract change.

LACMTA is under no obligation to accept or implement any Supplemental Modifications. Such modifications may:

- Create a delay in obtaining Project approval by the LACMTA Board of Directors, or any state and/or federal agency responsible for approving and funding the Project;
- Require deferring or delaying approval of a Project's Notice of Determination and/or Record of Decision;
- Require additional environmental review, resulting in cost and schedule impacts;
- Require use of a Project's unallocated contingency and/or changes to the approved Project's Life-of-Project Budget;
- Conflict with the requirements of any grant or loan obtained in support of the Project;
- Require a material redesign of the Project, which would necessarily involve a significant delay in implementation of the Project Contract or the need to initiate an entirely separate solicitation and contract.

Evaluation Process

The proposed process for evaluating the viability of a Supplemental Modification will consist of a methodical review that will be undertaken in accordance with the particular point in the process described in the previous chart and will not require an additional set of rules or criteria. The final determination will be made after assessing whether a requested Supplemental Modification should be included as part of the Project Work Scope, treated as an element to be handled and addressed separate from the Project, or dropped from further consideration.

Should a Supplemental Modification be recommended prior to reaching a Project milestone, LACMTA will consider each requested Supplemental Modification subject to a three-part evaluation. The three parts of the evaluation process are intended to ensure that:

(1) Requests for Supplemental Modifications are evaluated according to a consistent and rigorous analysis to determine a) whether they are necessary, b) whether they will have an impact on the provision of the particular service provided by the Project or c) whether the added work can be incorporated without significantly delaying or altering the nature of the Project;

(2) Elements that are determined not to be necessary to accomplish the Project will only be included in the work scope if LACMTA receives written commitments (including any associated and necessary funding) by the requesting entity that are sufficient to ensure there is no risk to the Project's schedule and budget; and

(3) Board direction is required to authorize any Supplemental Modification in all other circumstances.

The three parts of the evaluation are described below:

PART 1 – Evaluation of Necessity of Supplemental Modifications

The first step in the evaluation of a Supplemental Modification is a determination of whether a requested modification should be added to the Project Definition. A modification to the Project Definition may occur if it is required by ANY of the criteria described below:

- **Physical Necessity:** Essential for the basic function or operation of the project;
- **Capacity:** Required to provide the level of capacity (throughput) required for projected demand or projected operation of the system for the horizon year of analysis;
- **Policy:** Required to satisfy LACMTA's existing Policies related to planning and design of transit facilities (e.g., the Grade Crossing Safety Policy) and the operation of service on those facilities;
- **Environmental Mitigation:** Required as a result of analysis of the environmental impacts which will only be resolved through the approval of the modification
- **Standards:** Required by existing adopted and published standards which are identified and incorporated into the contractually established Design Freeze. Such standards must be adopted and published prior to or by the Design Freeze date and must also be determined to apply to LACMTA.

If a requested Supplemental Modification meets any of these requirements and fits within the project budget and is not part of another entity's required work program or mitigation requirements, it shall be considered necessary in the case that the full Project is implemented as proposed.

The inclusion of the Supplemental Modification depends upon LACMTA's ability to accommodate the cost of the modification within the Project Budget. Should the Project Budget be insufficient to cover the cost of the inclusion of the entire scope of the

Project plus the requested modification, then the entire Project (if a Measure R project) shall be analyzed in accordance with the Unified Cost Management Process and Policy for Measure R Transit Projects.

In following the Unified Cost Management Process and Policy, it is important to note that should existing project features be removed from the Project Definition in order to accommodate a requested Supplemental Modification, such a decision must also be analyzed using the criteria outlined in Part I. Elements that are determined not to be “necessary” per these criteria may be eligible to be removed from the Project scope. Depending on the size of the requested Supplemental Modification or the significance of the impacts arising from its incorporation into the Project, findings shall be reported to the Board.

In the case that the analysis according to the Unified Cost Management Process and Policy finds that additional funding is still required to implement the Project with the Supplemental Modification, staff shall analyze whether funding for the inclusion of the modification would require :

- a. Cost reductions within the same transit corridor; and/or
- b. Cost reductions within the same sub-region;

In either of these two cases, prior to the submission of a staff recommendation regarding funding for the proposed Supplemental Modification for a final decision by the LACMTA’s Board, the Board shall seek the concurrence from the sub-region either through the sub-regional Council of Governments (COG) or the established entity representing the subregion.

PART 2 – Consideration of Non-Required Supplemental Modifications

For Supplemental Modifications which, upon initial review, are determined not to be included as part of the Project per the Part 1 analysis, then the requested modification will be analyzed in accordance with all of the conditions below, prior to incorporation of into the Project Work Scope:

- Funding – The Modification is (1) cost neutral, (2) results in a reduction in the Project cost, or (3) committed funding is identified from sources outside the Project Budget to cover the cost of the full Supplemental Modification and all related Project cost impacts;
- Lack of Need for Additional Environmental Review – Upon review of the modification request, it is determined that there is no basis for additional changes or supplements to the environmental review that could jeopardize the

implementation of the Project. (Supplemental Modifications that do require additional public disclosure and environmental analysis may create additional schedule risk and may increase the scope of the project and thus the cost and therefore may be found unacceptable);

- Lack of Impact to Contract Procurement – Analysis indicates that implementation of the modification will cause no delays or negative impacts on the procurement process for final design and construction of the project;
- Lack of Schedule Impact –The analysis indicates that implementation of the modification will cause no delays, have no negative impacts on the Contractor's approved schedule and will not extend the Project beyond the projected Revenue Service Date;
- Adopted Agreement – An agreement is adopted between Metro and the requesting entity that defines roles, responsibilities and funding contributions for the Supplemental Modification. In the case of Betterments, Master Cooperative Agreements define how Betterments are negotiated and incorporated; and
- Funding and Program Requirements – That the cost and associated schedule issues required by inclusion of the Supplemental Modification will not jeopardize the ability of LACMTA to meet any project requirements for any funding, grant programs (e.g., New Starts), or loan programs (e.g., TIFIA [Transportation Infrastructure Finance and Innovation Act loans] that apply to the Project.

If a Supplemental Modification meets ALL of these requirements, it may be recommended for inclusion into the Project Work Scope (either as a modification to the Project Definition or as a parallel work effort to the defined Project.) This would need LACMTA Board approval and the approval of any project implementation and funding partners (e.g., appropriate state and federal agencies involved with environmental review and grant and loan programs).

PART 3 – Supplementary Board Direction

The LACMTA Board may consider the inclusion of additional work scope at any publicly-noticed meeting and as such, may provide additional direction to the Project staff that either supplements, rejects or overrides the analytical criteria described in Parts 1 and 2 above. LACMTA Board direction to pursue any specific Supplemental Modification shall include and identify all relevant funding to cover the cost of inclusion of the Supplemental Modification in the same action. It is important to note that LACMTA Board direction is required for any Supplemental Modification that exceeds the contractually-specified dollar value limit after the award of Project Construction Contracts (including Design/Build Contracts) because such a modification would necessarily result in contract change orders.

Funding Supplemental Modifications

As indicated by the evaluation process described above, LACMTA will not pay for or bear the Cost of any Supplemental Modification that is not explicitly required by any policy, standard, regulation, or law in operation relied upon to define any element of the approved Project. Funding shall be committed by requestors of Betterments or Supplemental Modifications in those cases where the request results in an increase in cost, except as otherwise directed by the Board.

Third Party Request for Deviations from Systemwide Station Design Standards Policy

Purple Line Extension
Westwood/UCLA Station

Planning & Programming Committee

Agenda Item #: XXX

Recommendation

APPROVE UCLA third-party request for design deviations from Systemwide Station Design (SWSD) Standards at Purple Line UCLA/Westwood Station northwest entrance plaza.

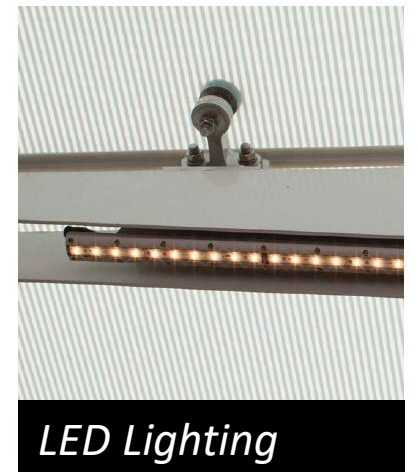
Per Board Policy, all new Metro rail and BRT stations shall be in compliance with Metro's SWSD standards, unless otherwise approved by the Board.



Systemwide Station Design Standard Subway Station Entrance Plaza

Systemwide Station Design Standards Policy

- Board Adopted – January 2018
- Consistent streamlined “kit-of-parts” architecture that is safe, smart, clean, and green
- High performance materials
- Accommodates varying site conditions
- Allows stations to be more cost-effective to design, construct and maintain
- Variable Elements:
 - Landscaping
 - Artwork



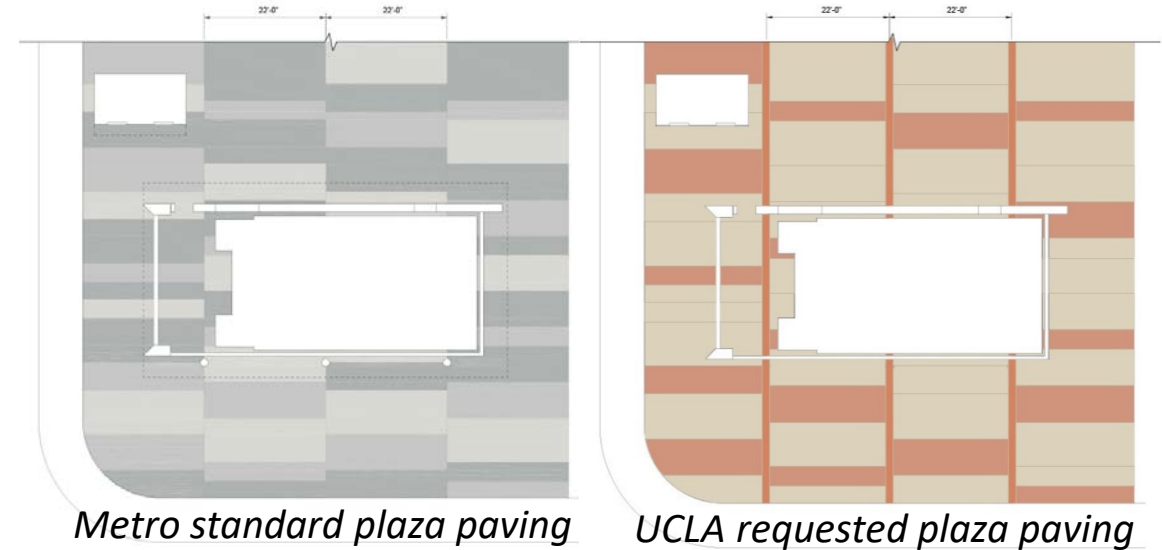
Design Deviations Requested by UCLA



Station entrance with Metro standard finishes



Station entrance with UCLA requested finishes



Metro standard plaza paving

UCLA requested plaza paving

Deviations include:

- Change Metro standard three-toned gray concrete plaza finish to beige and light red concrete.
- Change Metro station entrance portal canopy finish from standard silver-colored stainless steel to beige tinted stainless steel.



Considerations

- UCLA is the fee owner of the northwest station entrance plaza property.
- Requested deviations are temporary. Station plaza proposed to be integrated into a future UCLA facility.
- UCLA has agreed to pay for additional costs resulting from deviations.
- Metro is working with UCLA on SWSD elements of variability—landscaping and artwork.



Board Report

File #: 2019-0659, File Type: Contract

Agenda Number:

PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 20, 2019

**SUBJECT: I-405 SEPULVEDA PASS (PHASE 1) EXPRESSLANES PROJECT
APPROVAL/ENVIRONMENTAL DOCUMENT, CONCEPT OF OPERATIONS, AND
DESIGN DEVELOPMENT CONTRACT AWARD**

ACTION: AWARD CONTRACT

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award and execute a 36-month, firm fixed price Contract No. AE61156000 to WSP USA, Inc. in the amount of \$27,494,005.21 for Architectural and Engineering services to produce the I-405 Phase 1 Sepulveda Pass ExpressLanes Project Approval/Environmental Document, the Concept of Operations report and 30% design, subject to resolution of protest(s), if any.

ISSUE

The Metro Board previously directed the Congestion Reduction department to initiate planning studies for the conversion of High Occupancy Vehicle (HOV) lanes into High Occupancy Toll (HOT) lanes for those projects within Tier 1 of the ExpressLanes Strategic Plan, adopted in January 2017. Interstate 405 (I-405) between I-10 and US-101 (I-405 Phase 1 Sepulveda Pass) ExpressLanes is among the Tier 1 projects slated for near term implementation.

To continue the planning efforts required for I-405 Sepulveda Pass Phase 1 ExpressLanes, professional services are required to support the development of the Project Approval/Environmental Document (PA/ED), Concept of Operations and Preliminary Design. During the PA/ED phase, more detailed studies including traffic analysis and an environmental assessment will be conducted to further refine the information in the PSR-PDS and develop the Project Report and Environmental Document.

BACKGROUND

In November 2014, the Board directed the preparation a Countywide ExpressLanes Strategic Plan (the Plan) based on the previous success of the I-110 and I-10 ExpressLanes. In January 2017, the Board approved the Plan which screened, organized, and ranked possible ExpressLanes projects in Los Angeles County into three tiers based on time horizon (Tier 1 within 5-10 years, Tier 2 within 15 years, and Tier 3 within 25 years). This project was prioritized as a Tier 1 near-term project.

Simultaneously, the Board directed staff to initiate planning studies for the Tier 1 projects listed in the Strategic Plan.

As an initial step, a PSR/PDS for projects in the Tier 1 Network, inclusive of the I-405 Sepulveda Pass ExpressLanes, is underway with an anticipated completion in late 2019/early 2020. The Interstate 405 Sepulveda Pass ExpressLanes has \$260 million in Measure M dedicated funding and is included in the Twenty-Eight by '28 Initiative.

DISCUSSION

The next phase in the planning process for the I-405 Sepulveda Pass is the Project Approval & Environmental Document (PA/ED). The PA/ED consists of two components, the Project Report (PR) and Environmental Document (ED). The PR will prepare preliminary engineering of the studied alternatives at a level of detail such that the potential impacts of those alternatives can be identified. It includes a traffic report, surveys, mapping, geometric plans, and cost estimates and will identify right of way and utilities needs/impacts. The ED will include the necessary reports/analysis required by the California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA), including air quality, noise, hazardous waste, biological, and cultural resource studies.

Additionally, this procurement will develop a Concept of Operations report which will describe and document operating policies, facility design, and tolling infrastructure for the project. This effort will also include 30% level design development for the project.

Caltrans will provide review and oversight on the Environmental Document through a Cooperative Agreement currently under development. An Investment Grade Traffic & Revenue Study and an Outreach Contractor will also be procured as a part of the I-405 planning process through separate procurements not undertaken here.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Strategic Goal 1: Provide high quality mobility options that enable people to spend less time traveling. ExpressLanes provides drivers with the option of a more reliable trip while improving the overall operational efficiency of the freeway network.

FINANCIAL IMPACT

Funds in the amount of \$2 million needed to conduct this work are available in the FY20 budget in cost center 2220. Because this is a multi-year program, the cost center manager and the Executive Officer, Congestion Reduction programs, will be responsible for budgeting for future years.

Impact to Budget

Funds for this action will come from dedicated Measure M funding. No other funds were considered for this activity.

ALTERNATIVES CONSIDERED

The Board could choose not to award this contract. This is not recommended as it would delay the PA/ED phase and jeopardize the overall project completion schedule as necessitated by inclusion

in Twenty-Eight by '28 Initiative. Additionally, this alternative is not recommended since the I-405 Sepulveda Pass (Phase 1) Project is a Metro ExpressLanes Strategic Plan Tier 1 prioritized project with Measure M dedicated funding (\$260 million).

NEXT STEPS

Upon Board approval, staff will execute the contract with WSP USA, Inc., and will initiate, carry-out and complete the scope of work for the project.

ATTACHMENTS

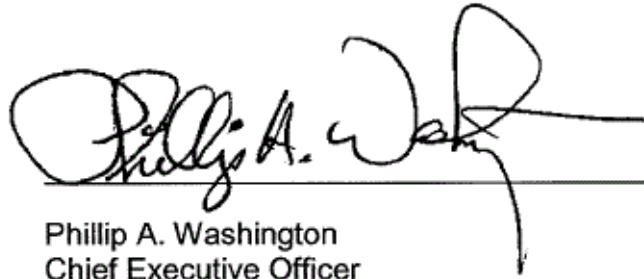
Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Alice Tolar, Sr. Manager, Transportation Planning, Congestion Reduction,
213.418.3334

Mark Linsenmayer, Deputy Executive Officer, Congestion Reduction,
213.922.5569

Reviewed by: Shahrzad Amiri, Executive Officer, Congestion Reduction, 213.922.3061
Debra Avila, Chief Vendor/Contract Management Officer, 213.418.3051



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

**I-405 SEPULVEDA PASS PHASE I EXPRESSLANES PROJECT APPROVAL/
ENVIRONMENTAL DOCUMENT (PA/ED), CONCEPT OF OPERATIONS, AND
DESIGN DEVELOPMENT/AE61156000**

1.	Contract Number: AE61156000	
2.	Recommended Vendor: WSP USA, Inc.	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued : 4/16/19	
	B. Advertised/Publicized: 4/16/19	
	C. Pre-Proposal Conference: 4/23/19	
	D. Proposals Due: 5/29/19	
	E. Pre-Qualification Completed: 9/16/19	
	F. Conflict of Interest Form Submitted to Ethics: 6/3/19	
	G. Protest Period End Date: 11/26/19	
5.	Solicitations Picked-up/ Downloaded: 105	Proposals Received: 3
6.	Contract Administrator: Andrew Conriquez	Telephone Number: 213-922-3528
7.	Project Manager: Alice Tolar	Telephone Number: 213-418-3334

A. Procurement Background

This Board Action is to approve Contract No. AE61156000 issued to provide the PA/ED, Concept of Operations (ConOps), and Design Development for the I-405 Sepulveda Pass Expresslanes. Board approval of contract award is subject to resolution of any properly submitted protest(s).

This Architectural and Engineering (A&E) qualifications-based Request for Proposal (RFP) was issued in accordance with Metro's Acquisition Policy and the contract type is firm fixed price.

A pre-proposal conference was held on April 23, 2019. There were 40 people from 17 companies who attended the pre-proposal meeting. There were 18 questions asked and responses were released prior to the proposal due date.

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

- Amendment No. 1 issued on April 26, 2019, removed the Medium Size Business Set-Aside (MSZ) Program, as it does not apply to A&E;
- Amendment No. 2 issued on May 10, 2019, increased the number of pages allowed in the Proposal;
- Amendment No. 3 issued on May 22, 2019, added SP-17 Payment and Reporting of Prevailing Wage.

A total of 105 firms downloaded the RFP and were included in the planholders list. A total of three proposals were received on May 29, 2019.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Metro Congestion Reduction Department and Caltrans District 7 was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria and weights:

- Project Manager, Key Staff and Subcontractors Qualifications 20 percent
- Firms/Team Qualifications 20 percent
- Work Plan 30 percent
- Project Understanding and Approach 30 percent

The evaluation criteria are appropriate and consistent with criteria developed for other, similar A&E procurements. Several factors were considered when developing these weights, giving the greatest importance to the Work Plan and Project Understanding and Approach.

This is an A&E, qualifications based procurement; therefore, price cannot be used as an evaluation factor pursuant to state and federal law.

On June 4, 2019, the PET completed its independent evaluation of the proposals. All three firms were invited to be interviewed and are listed below in alphabetical order:

1. HNTB Corporation
2. WKE, Inc.
3. WSP USA, Inc.

During the week of July 8, 2019, the evaluation committee met and interviewed the firms. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's questions. In general, the firms elaborated on their experience, their approach to the Project, cost-effective project delivery solutions, risk mitigation, and discussed their plan and ability to meet the project schedule.

In addition, each firms' presentation addressed the requirements of the RFP, experience with all aspects of the required tasks, and stressed each firm's commitment to the success of the project. Also highlighted were staffing plans, work plans, and perceived project issues. Each team was asked questions relative to each firm's proposed alternatives and previous experience, and ability to coordinate between different public stakeholders.

Qualifications Summary of Recommended Firm:

WSP USA, Inc.

WSP USA, Inc. has been involved with cross disciplinary strategies and solutions across energy, structures, transportation, water and environmental projects around the globe. WSP USA, Inc., has numerous offices across the United States and has worked on every aspect of roads, airports, bridges, tunnels, maritime, transit systems, roads and bridges.

In their oral presentation, WSP USA, Inc., described their experience with developing Concept of Operations (ConOps) for Expresslanes and numerous PA/ED projects throughout Southern California. They demonstrated how they will manage and assist Metro in engaging and successfully developing relationships with key stakeholders. In addition, WSP USA, Inc. has worked on multiple projects in Los Angeles County such as the I-105 Expresslanes PA/ED and ConOps and the I-405 Expresslanes Level II Traffic and Revenue Study.

Final scoring determined that WSP USA, Inc., is the highest qualified firm. Below is a summary of the scores in order of rank:

	Firm	Weighted Average Score	Factor Weight	Average Score	Rank
1	WSP USA, Inc.				
2	Project Manager, Key Staff, Subconsultants Qualifications	84.33	20.00%	16.87	
3	Firms/Team Qualifications	82.85	20.00%	16.57	
4	Work Plan	80.86	30.00%	24.26	
5	Project Understanding & Approach	79.54	30.00%	23.86	
6	Total		100.00%	81.56	1
7	HNTB Corporation				
8	Project Manager, Key Staff, Subconsultants Qualifications	77.25	20.00%	15.45	
9	Firms/Team Qualifications	79.47	20.00%	15.89	
10	Work Plan	77.89	30.00%	23.37	
11	Project Understanding & Approach	75.19	30.00%	22.56	

12	Total		100.00%	77.27	2
13	WKE, Inc.				
14	Project Manager, Key Staff, Subconsultants Qualifications	71.67	20.00%	14.33	
15	Firms/Team Qualifications	72.83	20.00%	14.57	
16	Work Plan	75.89	30.00%	22.77	
17	Project Understanding & Approach	73.94	30.00%	22.18	
18	Total		100.00%	73.85	3

C. Cost Analysis

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate (ICE), cost analysis, technical analysis, fact finding, and negotiations. Staff successfully negotiated a cost savings of \$3,278,916.79 for the agency.

Proposer Name	Proposal Amount	Metro ICE	Negotiated
WSP USA, Inc.	\$30,772,922	\$30,103,685	\$27,494,005.21

D. Background on Recommended Contractor

The recommended firm, WSP USA, Inc., is a professional consultancy firm with 100 offices nationwide, and during its history, the firm has planned and designed some of the nation's most significant infrastructure, including bridges, tunnels, transit systems, highways, airports, buildings, stadiums and energy storage facilities.

The proposed project manager has over 35 years of experience in transportation planning and design field, including multiple decades of experience working with Caltrans District 7. With most of the project manager's experience in the Southern California region, the project manager demonstrated an understanding of how to involve local, state, federal and community partners into the PA/ED process. In addition, the project manager has completed projects with the California Transportation Commission (CTC), Caltrans, Metro and Riverside County Transportation Commission. These projects include the support for the Expresslanes Toll Authorization, I-105 HOV Lane PA/ED, and SR-91 Corridor PA/ED.

Key personnel average over 28 years of experience. Project experience include

I-605 Concept of Operations, I-710 South Corridor PA/ED, I-5 Managed Lanes and Concept of Operations, I-10 HOV Lane Addition PA/ED, I-405 Improvements PA/ED, and I-15 Corridor PA/ED for the San Bernardino County Transportation Authority.

DEOD SUMMARY

**I-405 SEPULVEDA PASS PHASE I EXPRESSLANES PROJECT APPROVAL/
ENVIRONMENTAL DOCUMENT (PA/ED), CONCEPT OF OPERATIONS, AND
DESIGN DEVELOPMENT/AE61156000**

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 21% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. WSP USA exceeded the goal by making a 21.80% SBE commitment and a 3.17% DVBE commitment.

SMALL BUSINESS GOAL	21% SBE 3% DVBE	SMALL BUSINESS COMMITMENT	21.80% SBE 3.17% DVBE
------------------------------------	----------------------------	--	----------------------------------

	SBE Subcontractors	% Committed
1.	Del Richardson & Associates	1.66%
2.	Diaz Yourman & Associates	3.75%
3.	D'Leon Consulting Engineers	0.69%
4.	Guida Surveying, Inc.	4.95%
5.	Kal Krishnan Consulting Services, Inc.	0.48%
6.	System Metrics Group	4.68%
7.	Value Management Strategies	0.19%
8.	V&A Inc.	5.40%
	Total SBE Commitment	21.80%

	DVBE Subcontractors	% Committed
1.	OhanaVets, Inc.	3.17%
	Total DVBE Commitment	3.17%

B. 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). Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection, construction management and other support trades.

C. Living Wage Service Contract Worker Retention Policy Applicability

The Living Wage / Service Contract Worker Retention Policy 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 #: 2019-0661, **File Type:** Contract**Agenda Number:** 14.

**PLANNING AND PROGRAMMING COMMITTEE
NOVEMBER 20, 2019****SUBJECT: GRANT ASSISTANCE****ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award and execute a 36-month, firm fixed price Contract No. PS63023000 to WSP USA, Inc. in the amount of \$6,372,356 for preparing 84 grant applications and 40 additional grant applications as well as optional tasks, such as greenhouse gas analysis, drone and aerial photography, and simulations. This will support Metro and local jurisdiction grant applications to discretionary federal and state funding opportunities, subject to resolution of protest (s), if any.

ISSUE

In September 2019, the Metro Board of Directors (Board) received and filed a report on federal and state funding opportunities and strategies which communicated the approach Metro staff will take to evaluate and select projects for application to discretionary grant funding programs (File #: 2019-0601). In October 2019, the Metro Board approved the Active Transportation Program (ATP) Cycle 5 Priorities Framework to establish the eligibility and project selection process for Metro's ATP Grant Assistance Program (File #: 2019-0671). Both of these efforts to maximize discretionary grant funding for Metro and Los Angeles County projects require grant assistance services. This report recommends that the Board authorize the Chief Executive Officer to approve a contract for these services.

BACKGROUND

In November 2017, the Metro Board approved Contract No. PS44597-0000 in the amount of \$2,170,485 for grant writing services to prepare up to 93 grant applications and perform greenhouse gas analysis. While the period of performance is through December 2020, the remaining contract capacity only allows for completion of up to 35 more grant applications. Staff is exploring ways to optimize this remaining capacity by directing it to upcoming time-sensitive opportunities and other strategic initiatives.

To date, grant assistance under Contract No. PS44597-0000 supported grant awards of over \$1.8 billion to Metro projects and, through the Metro ATP Grant Assistance Program, local jurisdictions'

projects. Grant assistance services provided under previous contracts specifically targeted for the ATP Grant Assistance Program supported grant awards of over \$161.8 million to Metro's and local jurisdictions' bicycle and pedestrian projects. Staff anticipates similar positive impacts with services funded by the recommended contract.

DISCUSSION

On June 26, 2019, Metro staff released a Request for Proposals for a consultant to provide grant assistance services for federal and state discretionary grant programs including the Better Utilizing Investments to Leverage Development program (BUILD), the Infrastructure for Rebuilding America program (INFRA), ATP, Transit and Intercity Rail Capital Program, Road Repair and Accountability Act of 2017 (SB 1) Programs, and other programs to be identified. The Scope of Services sought a consultant team with experience and knowledge in various project types and modes in order to secure a team with the capability to prepare applications for any of the various projects identified through the Evaluative Criteria Framework for which Metro may pursue funding.

Required tasks include: managing grant development process, supporting project selection, reviewing program and project documents, and developing draft and final applications. Optional tasks include: conducting greenhouse gas analysis; performing photography, videography, and/or simulation; and preparing application support collateral.

Equity Platform

This report supports the third pillar of the Equity Platform: Focus and Deliver. The projects that will be supported by the recommended grant assistance services will be identified through Metro's Evaluative Criteria Framework or ATP Cycle 5 Grant Assistance Framework. Both frameworks include equity considerations. Therefore, the resources that would be approved under this contract will be focused on and delivered to projects selected through an equity lens.

DETERMINATION OF SAFETY IMPACT

The recommendations in this report will provide resources to seek funding to improve safety, comfort, and convenience to Metro customers who would benefit from federal- and state-supported investments including active transportation, public transit, and goods movement projects.

FINANCIAL IMPACT

The FY20 budget includes \$750,000 under Cost Center 4420 (Federal/State Policy and Programming), Project 405510 (Other P&P Planning) for grant assistance services under this Contract. Because this is a multi-year contract, the Cost Center Manager and the Chief Planning Officer will be responsible for budgeting funds for grant writing services in future years.

Impact to Budget

Funding sources for this contract are Proposition A, Proposition C, Transportation Development Act (TDA) administration funds and State Transportation Improvement Program (STIP) Program and

Project Management (PPM) funds, which are not eligible for bus and rail operations and capital.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This recommendation supports the Metro Vision 2028 Strategic Plan Goal #1: Provide high-quality mobility options that enable people to spend less time traveling. Approval of this recommendation would secure resources that will help obtain funding to provide high-quality mobility options that enable people to spend less time traveling.

ALTERNATIVES CONSIDERED

The Board may consider not approving the contract and requiring staff to prepare Metro's discretionary federal and state grant applications and Metro ATP Grant Assistance Program applications using existing contracted grant writing services. This is not recommended as there is only enough capacity to complete 35 applications. This is not sufficient to address the numerous Metro and local jurisdiction projects seeking funding from multiple discretionary opportunities.

NEXT STEPS

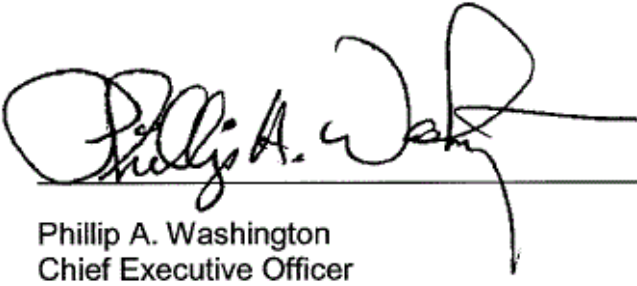
Upon Board approval of these recommendations, staff will execute Contract No. PS63023000 with WSP USA, Inc. for grant assistance. Staff will also manage and coordinate grant assistance services to pursue federal and state discretionary funds for Metro and Los Angeles County projects.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Shelly Quan, Senior Transportation Planner, Countywide Planning & Development, (213) 922-3075
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
Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY
GRANT ASSISTANCE/PS63023000

1.	Contract Number: PS63023000	
2.	Recommended Vendor: WSP USA, Inc.	
3.	Type of Procurement (check one): <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.	Procurement Dates:	
	A. Issued: 6/26/19	
	B. Advertised/Publicized: 6/26/19	
	C. Pre-Proposal Conference: 7/10/19	
	D. Proposals Due: 8/05/19	
	E. Pre-Qualification Completed: 10/21/19	
	F. Conflict of Interest Form Submitted to Ethics: 8/20/19	
	G. Protest Period End Date: 11/25/19	
5.	Solicitations Picked up/Downloaded: 41	Bids/Proposals Received: 4
6.	Contract Administrator: Gina Romo	Telephone Number: (213) 922-7558
7.	Project Manager: Shelly Quan	Telephone Number: (213) 922-3075

A. Procurement Background

This Board Action is to approve Contract No. PS63023000 issued to prepare 84 grant applications and 40 additional grant applications and optional tasks, such as greenhouse gas analysis, drone and aerial photography and simulations, to support Metro and local jurisdiction grant applications for discretionary federal and state funding opportunities. Board approval of contract awards are subject to resolution of any properly submitted protest.

Request for Proposals (RFP) No. PS63023 was issued in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

One amendment was issued during the solicitation phase of this RFP to clarify the scope of services, price schedule and to extend the proposal due date.

A pre-proposal conference was held on July 10, 2019 and was attended by 10 participants representing 9 firms. There were 21 questions submitted and responses were released prior to the proposal due date.

A total of 41 firms downloaded the RFP and were included on the plan holders list. A total of four proposals were received by the due date of August 5, 2019.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Metro's Countywide Planning and Development Department was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria and weights:

- Project Understanding 40 percent
- Degree of Project Experience and Staff Skill 40 percent
- Price 20 percent

The evaluation criteria are appropriate and consistent with criteria developed for other, similar grant writing procurements. Several factors were considered when developing these weights, giving the greatest importance to project understanding and degree of project experience and staff skill.

From August 7, 2019 through August 20, 2019 the PET completed its independent evaluation of proposals. On August 21, 2019 the PET interviewed the firms. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the PET's questions. In general, each team's presentation addressed the requirements of the RFP, experience with grant writing, revising grant applications, ability to manage requirements, deadlines of the various types of grants, and stressed each firm's commitment to the success of each grant application. Also highlighted were each firm's experience and knowledge base with both federal and state grant programs.

As part of the RFP, firms were required to meet the established SBE/DVBE goal of 27% (24% SBE and 3% DVBE). Of the four proposals received, three met the required SBE/DVBE goal, and were considered responsive. One firm did not meet the SBE/DVBE goal of the RFP and was deemed non-responsive; and as a result, received no further consideration for award.

The firms considered responsive and within the competitive range, are listed below in alphabetical order:

1. Infra Associates
2. KOA Corporation
3. WSP USA, Inc.

Qualifications Summary of Firms within the Competitive Range:

WSP USA Inc.

WSP USA Inc. (WSP) is a New York based firm with offices throughout the nation, including the Los Angeles area. They are a multi-faceted transportation company with a full team of planners, engineers and advisors. WSP has over 40 years of experience in grant writing. WSP's proposal communicated their understanding of the nuances involved in grant development, writing and management for the various grants offered at the state and federal level, including Road Repair and Accountability Act of 2017 (SB 1), Transit and Intercity Rail Capital Program (TIRCP) and Active Transportation Program (ATP) programs by the State of California and BUILD and INFRA offered by the federal government. The WSP proposal demonstrated how the firm intends to grow upon their previous grant writing success by bringing to Metro grant development methodologies and also implementing newer technologies such as drone and simulation presentations to help with greenhouse emissions and corridor visibility.

KOA Corporation

KOA Corporation (KOA) is a southern California based firm, founded in 1987, which specializes in civil engineering, traffic engineering, transportation planning and construction management services. KOA provides on-call grant writing and administration services for Port of Long Beach and several cities including Pasadena, Long Beach, Rialto, San Bernardino, Indio and Menifee. While KOA's price proposal was lower than the highest ranked firm, their proposed implementation plan seemed to rely on a process developed and used for the ATP grant and therefore, did not represent a thorough understanding of the nuances between all the programs included in the scope of services (scope). In addition, the team demonstrated limited experience with the SB 1 Programs.

Infra Associates

Infra Associates (Infra) is an infrastructure development, financial and technical advisory firm located in Manhattan Beach, CA. Infra was awarded a contract by the High Desert Corridor Joint Power (HDCJP) to submit a TIRCP grant for \$1 billion in support of LA County Measure-M and Measure-R in late 2017. In response to Metro's RFP, Infra's proposal did not demonstrate a full understanding of the scope. The proposed plan did not account for approaches required for applications of different levels of rigor, and lacked detail on the implementation of each task, including identification of key milestones. The firm demonstrated only surface-level understanding of the grant programs identified in the scope.

The following table summarizes the following scores:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	WSP USA Inc.				
3	Project Understanding	86.67	40.00%	34.67	
4	Degree of Project Experience and Staff Skill	85.00	40.00%	34.00	
5	Price	20.40	20.00%	4.08	
6	Total		100.00%	72.75	1
7	KOA Corporation				
8	Project Understanding	78.33	40.00%	31.33	
9	Degree of Project Experience and Staff Skill	75.00	40.00%	30.00	
10	Price	56.90	20.00%	11.38	
11	Total		100.00%	72.71	2
12	Infra Associates				
13	Project Understanding	63.33	40.00%	25.33	
14	Degree of Project Experience and Staff Skill	58.33	40.00%	23.33	
15	Price	100.00	20.00%	20.00	
16	Total		100.00%	68.66	3

C. Cost Analysis

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate (ICE), cost analysis, technical analysis, fact finding, and negotiations.

	Proposer Name	Proposal Amount	Metro ICE	Negotiated Amount
1.	WSP USA Inc.	\$16,601,502	\$3,841,690	\$6,372,356
2.	KOA Corporation	\$5,948,152	\$3,841,690	N/A
3.	Infra Associates	\$3,385,273	\$3,841,690	N/A

The primary reason for the disparity between Metro's ICE and the negotiated amount is due to the difference between application pricing. In particular, there is difference in the pricing of the new and revised applications within each application type (e.g., moderate, high, and rigorous). The ICE assumed that revised applications would require only half the level of effort of the cost of a new application. However, proposed costs for revised applications are between 55 percent and 68 percent of new applications. In WSP's initial price proposal, the firm

included significant project scope, major program changes and costs that were not required for this effort.

D. Background on Recommended Contractor

The recommended firm, WSP USA Inc. has been in business for over 85 years. WSP is an international architectural and design firm. The organization has divisions specializing in environmental and remediation, highway and road design, economic and market analysis, planning strategy and grants, project development and finance, technology and innovation, among many others. WSP currently provides grant assistance services as a subconsultant under Metro Contract No. PS44597-0000. Under that contract, grant assistance services successfully supported over \$1.8 billion in grant awards.

The proposed Project Manager was the lead for a TIRCP and Local Partnership Program (LPP) grant under Metro's current contract and brings strong leadership and grant strategy skills to maximize the best grant opportunities. The proposed Deputy Project Manager brings to the team 14 years of transportation and infrastructure planning experience. WSP has assembled a team of seven subcontractors, three of which are SBEs and two are DVBEs, including Chen Ryan Associates, Deborah Murphy Urban Design + Planning, Evan Brooks Associates, Leland Saylor, OhanaVets, Redman Consulting, and Safe Routes to Schools Partnership. The assembled team has a proven track record and has successfully secured grants for Metro.

DEOD SUMMARY

GRANT ASSISTANCE/PS63023000

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 24% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. WSP USA, Inc. exceeded the goal by making a 24% SBE and 3.61% DVBE commitment.

Small Business Goal	24% SBE 3% DVBE	Small Business Commitment	24% SBE 3.61% DVBE
----------------------------	----------------------------	----------------------------------	-------------------------------

	SBE Subcontractors	% Committed
1.	Chen Ryan Associates	7.40%
2.	Deborah Murphy Urban Design + Planning	5.86%
3.	Evan Brooks Associates	10.74%
	Total SBE Commitment	24.00%

	DVBE Subcontractors	% Committed
1.	Leland Saylor	0.69%
2.	OhanaVets Inc.	2.92%
	Total DVBE Commitment	3.61%

B. Living Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) 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 #: 2019-0703, File Type: Program

Agenda Number: 16.

PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 20, 2019

SUBJECT: SR-71 GAP CLOSURE PROJECT CONSTRUCTION, PHASE 1

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. APPROVING the programming of \$105,072,000 in local funds for the construction of Phase 1;
and
- B. AMENDING the 2009 Long Range Transportation Plan to restate the project's southern limit from Rio Rancho Road to the Los Angeles/San Bernardino County Line (SBCL).

ISSUE

The State Route 71 (SR-71) Project Phase 1 has completed design and Caltrans is in the process of acquiring the Rights-of-Way (ROW). Phase 1 will be ready to be advertised for construction in April 2020. Funding for construction must be programmed before Caltrans can advertise the Phase 1 project.

The Metro 2009 Long Range Transportation Plan listed the southerly limit of the project at Rio Rancho Road. However, per the Caltrans Project Report, the actual southern limit of the Project is the SBCL, which is 0.6 miles south of Rio Rancho Road (Attachment A).

BACKGROUND

The SR-71 corridor is a freeway between I-10 and Mission Blvd and south of the Rio Rancho Road Interchange, through the SR-71/60 Interchange, to the SBCL. The roadway between Mission Blvd and Rio Rancho Road is a two lane in each direction expressway with three at-grade intersections at West Phillips Drive, North Ranch Road and Old Pomona Road. The entire segment of SR-71 between I-10 and Rio Rancho Road was identified for upgrades in the Measure M Expenditure Plan.

During design, it was identified that additional Union Pacific Railroad (UPRR) coordination would be needed in the segment north of Mission Blvd. Caltrans and Metro agreed that SR-71 improvements be delivered in two phases to avoid lapsing of previously programmed funds, and to allow Phase 1 to

compete for federal and state discretionary funds.

Phase 1 adds one high-occupancy vehicle (HOV) lane and an additional mixed-flow lane in each direction between Mission Blvd. and the SBCL, matching the freeway configuration south of SR-60. Additionally, the project closes the at-grade intersections and widens the existing median south of Rio Rancho Road to SBCL to provide for the requisite lanes.

Completion of Phase 1 will allow the Project to tie into the existing eight-lane freeway configuration on the portion of the SR-71 south of SR-60. Phase 2 would construct the portion of the SR-71 between I-10 and Mission Blvd.

As funding for design and ROW were secured with state and federal funds, Caltrans commenced final design with the scope in their approved Supplemental Project Report dated May 2013 and recently completed the design of Phase 1. ROW acquisition for Phase 1 is in progress and will be completed in December 2019. Caltrans expects to advertise Phase 1 in April 2020 and begin construction in FY 2021. Phase 2 is expected to complete the design and ROW acquisition processes in 2022.

DISCUSSION

Prior to Caltrans' advertisement of Phase 1 for construction, funding must be programmed. The current estimate for the construction capital component is \$125,072,000 and the construction support component is estimated at \$24,000,000 for a total proposed construction budget of \$149,072,000. As \$44,000,000 in SB-1 Trade Corridor Enhancement Program (TCEP) funds were awarded by the California Transportation Commission in 2018, \$105,072,000 in local/other funding is required for complete funding.

The Project, inclusive of Phase 1 and 2, is a Measure M Major Capital Project with \$248,557,000 in Measure funds per the Measure M Expenditure Plan. Staff recommends programming \$105,072,000 in Measure M (Recommendation A). These funds will provide the required local funding match for the TCEP funds that have been secured for Phase 1 construction. Programming Phase 1 through construction will allow Metro and Caltrans to enter into a Funding Agreement, which must be executed prior to advertising the project for construction.

Also, the Supplemental Project Report that was approved by Caltrans in May 2013 shows the southern limit of the project at the SBCL. The southern limit in the Metro LRTP shown at Rio Rancho Road will be restated as the SBCL because improvements to the median of the freeway south of Rio Rancho Road are necessary to create a seamless connection to the existing HOV lanes in San Bernardino County.

DETERMINATION OF SAFETY IMPACT

The programming of the funds for the Project will have no adverse impact on the safety of Metro's patrons, employees or users of the transportation facility. Caltrans has designed the Project in accordance with their policies and procedures.

FINANCIAL IMPACT

Programming of the local funds will not have an adverse impact to the agency. If approved, \$105,072,000 of the \$248,557,000 in Measure M funds will be programmed for Phase 1 of the SR-71 project. The remainder of the Measure funds will be available for the delivery of Phase 2.

Since this is a multi-year project, the Project Manager, the Cost Center Manager, and the Senior Executive Officer, Program Management-Highway Program will be responsible for budgeting the remaining cost of the Project in future fiscal years.

Impact to Budget

There is no impact to the FY20 budget as the local funds are not expected to be invoiced before FY21.

The source of funds for this project will be TCEP funds from SB1 and Measure M Highway Construction Capital (17%) funds. These funds are not eligible for bus and rail operating and capital expenditures. No other funds were considered.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The project supports the Metro Vision 2028 Strategic Plan Goal #1: to provide high quality mobility options that enable people to spend less time traveling by alleviating the current operational deficiencies and improving mobility along the highways. This project upgrades the existing expressway to an access-controlled freeway and includes HOV lanes and additional mixed-flow lanes.

ALTERNATIVES CONSIDERED

The Board could choose to defer or to not program funding for the Project's construction, however that is not recommended. This would delay the implementation of much needed improvements on SR-71 and will put the State TCEP funds at risk. This is one of the highest priority highway projects to be delivered under Measure M.

NEXT STEPS

Upon approval of these recommendations, staff will amend the 2009 LRTP. Additionally, staff will prepare and execute the Funding Agreement with Caltrans while they prepare the project for advertisement in April 2020.

ATTACHMENTS

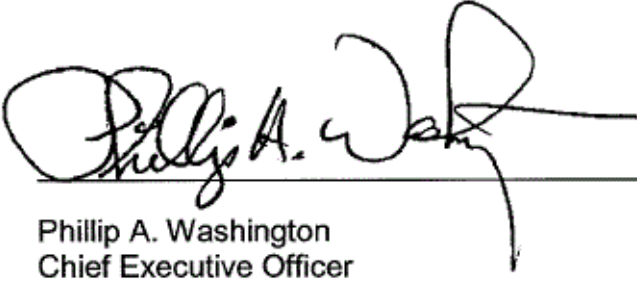
Attachment A - Location Map

Prepared by: Benkin Jong, Senior Manager, Transportation Planning, (213) 922-3053
Zoe Unruh, Manager, Transportation Planning, (213) 418-3319

Wil Ridder, Executive Officer, Countywide Planning & Development, (213) 922-2887
Laurie Lombardi, Senior Executive Officer, (213) 418-3251
Abdollah Ansari, Senior Executive Officer, (213) 922-4781

Reviewed by:

James de la Loza, Chief Planning Officer, (213) 922-2920
Richard F. Clarke, Chief Program Management Officer, (213) 922-7557

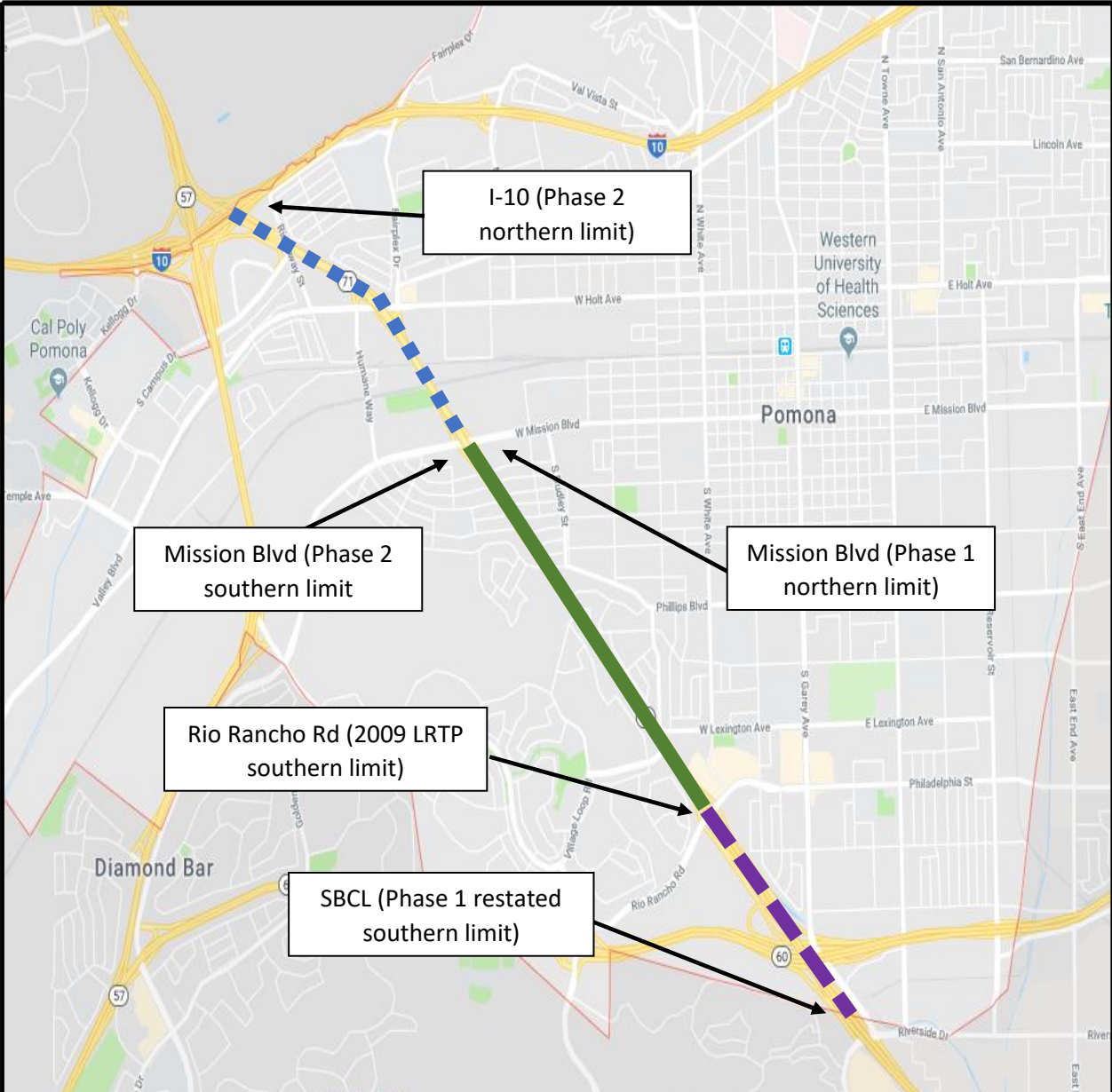


Phillip A. Washington
Chief Executive Officer




Attachment A

SR-71 Gap Closure Project

Location Map



Legend:

-  Phase 1: Mission Blvd to Rio Ranch Rd
-  Phase 1: Rio Ranch Rd to SBCL Extension
-  Phase 2: I-10 to Mission Blvd

State Route 71 Phase 1 Construction Programming

November/December 2019
Planning and Programming Committee
2019-0703



STATE ROUTE 71 FREEWAY CONVERSION PROJECT
Submitted by Los Angeles County Metropolitan Transportation Authority

FY 2018-2020 TRADE CORRIDOR ENHANCEMENT PROGRAM



January 30, 2018

Background

The SR 71 project has been a long standing priority:

- 2000 Traffic Congestion Relief Program Legislation
- 2009 LRTP
- 2016 Federal Earmark Repurposing
- 2016 Measure M
- 2018 Trade Corridor Enhancement Program Award

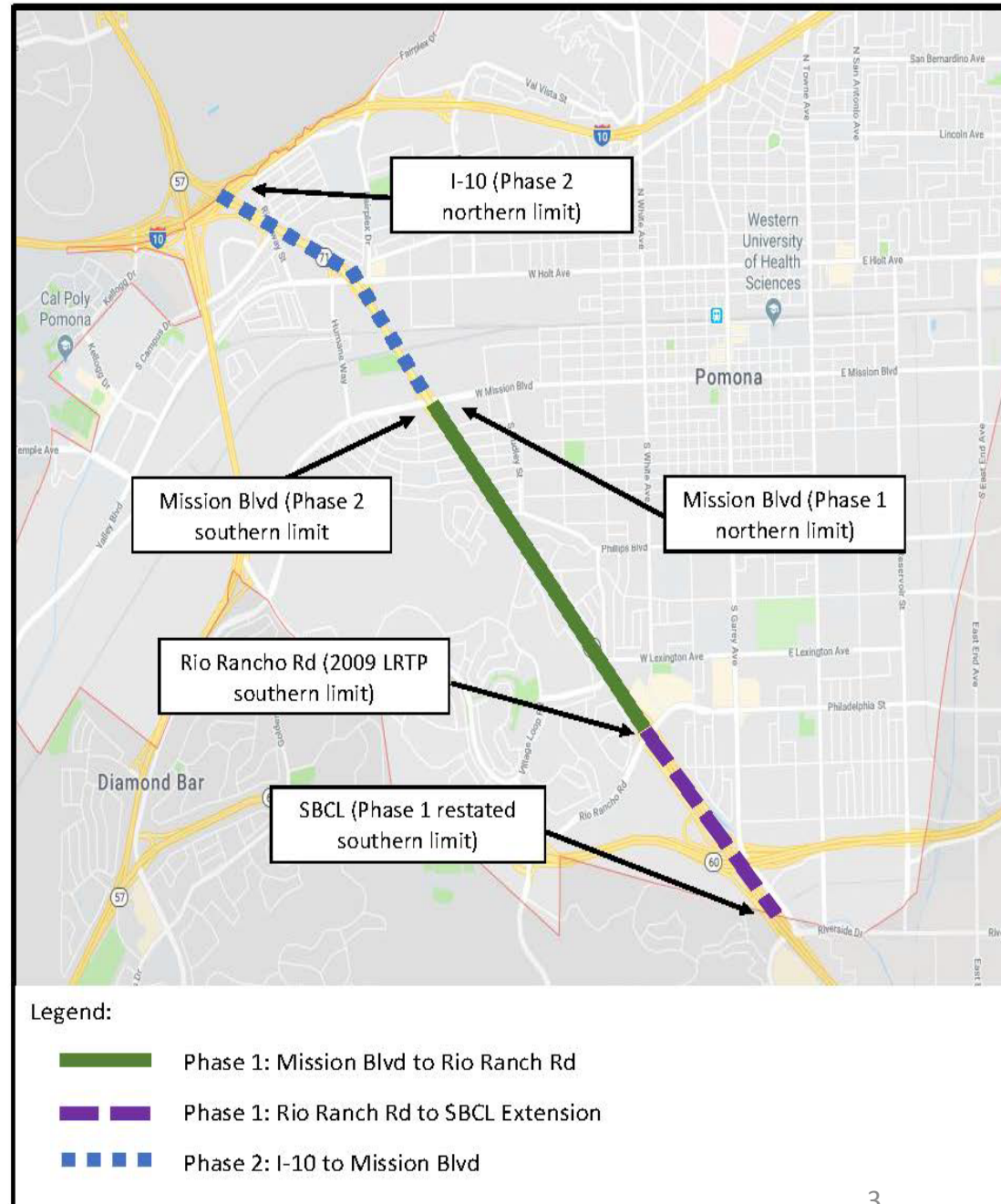
In 2017, the project was phased to:

- Provide more time for necessary coordination with Union Pacific Railroad in Northern Segment
- Avoid lapsing of federal earmarks
- Allow Phase 1 to compete for discretionary grants

Scope

Phase 1:

- Upgrades from an expressway to a freeway.
- Includes one HOV lane and one additional mixed-flow between Mission Blvd. and the San Bernardino County Line (SBCL) in each direction.
- Closes the at-grade intersections and widens the median south of Rio Rancho Road to SBCL.
- Extends to the SBCL as the new southerly limit, connecting to the San Bernardino County Segment recently widened.



Project Schedule

Project Phase	Status
Environmental- Phase 1 and 2	Completed May 2013
Design- Phase 1	To be completed December 2019
Right of Way- Phase 1	To be completed December 2019
Construction- Phase 1	Award in May 2020
Design and Right of Way- Phase 2	Anticipated completion 2022*
Construction- Phase 2	Award in 2022*

* Contingent upon third party issue resolution and funding availability.

Project Funding

SR 71 Phase 1 Construction Funding	
Sources	Dollars
State Trade Corridor Enhancement Program	\$44,000,000
Measure M	\$105,072,000
Total	\$149, 072,000

Measure M Expenditure Plan includes \$248,557,000 (2015\$s) for the SR 71 (Phase 1 and 2).

Staff Recommendation

CONSIDER:

Approving the programming of \$105,072,000 in local funds for the construction of Phase 1; and

Amending the 2009 Long Range Transportation Plan to restate the project's southern limit from Rio Rancho Road to the Los Angeles/San Bernardino County Line (SBCL).

Approval will permit Metro and Caltrans to execute the Funding Agreement, and will allow for the project to be advertised for construction.



Board Report

File #: 2019-0758, File Type: Application

Agenda Number: 18.

PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 20, 2019

SUBJECT: TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM GRANT APPLICATIONS

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to prioritize projects, commit funding match and submit grant applications to California's Transit and Intercity Rail Capital Program as detailed in Attachment A.

ISSUE

On October 18, 2019, the California State Transportation Agency (CalSTA) announced its Call for Projects for the 2020 Cycle 4 Transit and Intercity Rail Capital Program (TIRCP). Grant applications are due by January 16, 2020. CalSTA requires applicants to identify and provide evidence of the amount and sources of funds committed to the projects, as well as to prioritize and explain the prioritization of their applications. CalSTA also requires applicants to use project cost estimates approved by the Chief Executive Officer or other authorized officer. Attachment A details the funding match commitment, prioritization, and costs for the three projects we have identified through our Evaluative Criteria Framework and our assessment of the TIRCP Project Evaluation Criteria as being the most competitive for 2020 Cycle 4 grant awards.

BACKGROUND

The TIRCP was authorized by State of California law to fund transformative capital improvements that modernize California's transit systems, including bus and rail, to achieve all of the following policy objectives:

- reduce emissions of greenhouse gases
- expand and improve transit service to increase ridership
- integrate the rail service of the state's various rail operations (including integration with the high speed rail system); and
- improve transit safety

It is also the goal of the program to maximize benefits to disadvantaged communities and low-income communities and households. At least 25 percent of the available funding must be for projects that

provide a direct, meaningful, and assured benefit to disadvantaged communities.

CalSTA's fund estimate for the TIRCP Cycle 4 Call for Projects is approximately \$450 million to \$500 million. This estimate is based on anticipated revenue through Fiscal Year (FY) 2024-25 from Senate Bill 1 (Road Repair and Accountability Act of 2017) and Cap and Trade Program auction proceeds, plus any additional funds approved through the annual budget.

CalSTA will program projects starting with FY 2020-21 and ending with FY 2024-25. However, CalSTA can enter into a multiyear funding agreement with eligible applicants for any duration through a multiyear funding agreement. CalSTA may also use this authority to program funds for a project that would depend on funds received subsequent to the five-year program, primarily intended for projects that have long construction timelines that extend beyond FY 2024-25. CalSTA intends to fund a small number of transformative projects that will significantly reduce vehicle miles traveled, congestion, and greenhouse gas emissions by:

- creating a new transit system;
- increasing the capacity of an existing transit system; or
- significantly increasing the ridership of a transit system.

CalSTA also seeks to fund projects that link housing with key destinations and improve accessibility to economic opportunities.

Metro has been very successful in securing TIRCP grant awards. In the 2018 Cycle 3 we were awarded about \$1.1 billion (representing 25 percent of total funding awarded statewide) for "pillar" and other Metro capital projects, including:

- West Santa Ana Branch Light Rail Transit Corridor (\$300 million)
- Green Line Light Rail Extension to Torrance (\$231.3 million)
- Gold Line Foothill Extension to Montclair (\$290.2 million)
- Orange/Red Line to Gold Line BRT Connector (\$50 million)
- East San Fernando Valley Transit Corridor (\$205 million)
- Vermont Transit Corridor (\$5 million)
- Network System Integration (\$7 million)

In the 2016 Cycle 2 we were awarded \$40 million for the Airport Metro Connector 96th Street Station/Metro Green Lines Extension to LAX and \$69.2 million for the Metro Red Line and Purple Line Core Capacity Improvements projects. In the 2015 Cycle 1, we received about \$38.5 million for the Willowbrook/Rosa Parks Station & Blue Line Light Rail Operational Improvements Project.

DISCUSSION

Findings

To meet CalSTA's deadline and address its grant requirements and funding priorities, as well as its Project Evaluation Criteria, staff employed the Evaluative Criteria Framework (first shared with the

Board in 2017 and again most recently in September 2019) and met with staff from several Metro departments to help identify projects that could be eligible and most competitive for this TIRCP grant opportunity.

In our assessment of potential projects, we also considered the following:

- project status, approval and funding commitment; and
- the Board's October 2016 Resolution that authorizes the Chief Executive Officer (CEO) or his/her designee to file applications to secure federal, state, regional and local sources of revenue for "Board-approved projects and activities".

Based on this assessment, staff recommends developing TIRCP grant applications for the following three projects (shown in order of priority):

1. *Zero-Emission Buses and Charging Infrastructure Deployment & System Integration*

The project consists of the procurement and integration in transit revenue service of 220 battery-electric buses and supportive charging infrastructure. The zero-emission buses will replace an equal number of compressed natural gas (CNG) buses that have exceeded their useful life, including CNG tanks. The zero-emission buses will be deployed on several existing routes that are currently served by Metro's Division 9 and Division 18. These routes serve predominantly disadvantaged communities and low-income communities and households ("priority populations"). The project supports the July 2017 prioritization of the Metro Board of Directors of the Strategic Plan for the transition to a zero-emission bus fleet by 2030. The project also supports state's Innovative Clean Transit Regulation that requires transit agencies to transition to a 100% zero-emission bus fleet by 2040 and requires for large transit agencies that starting January 1, 2023, 25% of the total number of new bus purchases in each calendar year must be zero-emission buses with this percent of new purchases growing to 50% by 2026 and 100% by 2029.

The estimated total project cost is \$210 million total and the TIRCP grant request is for \$105 million. The project's funding plan assumes a commitment by Metro of about: \$67.1 M in Regional Improvement Program (RIP) funds, as authorized by the Board of Directors in October 2019 and through prior actions, to be allocated by the California Transportation Commission; \$5.4 million in Section 5339 Bus and Bus Facilities Program funds that staff secured from the Federal Transit Administration; and an additional \$32.5 million in local and other funds planned for ongoing bus replacements in Metro's Short Range Financial Forecast that we need to commit to the project.

2. *Metrolink Antelope Valley Line Capital & Service Improvement Program of Projects*

This project addresses the need to provide faster, safer, more reliable and more frequent rail service for Metrolink's Antelope Valley Line (AVL). The project is responsive to the July 2019 Motion 5.1 that the Metro Board of Directors unanimously approved to support the implementation of a key set of infrastructure improvements that will allow Metrolink to operate an improved level of service through collaboration with Metro, subregional governments, and local jurisdictions. The Program of Projects (POP) consists of two major components:

a. Construction of Capital Improvements (excluding Environmental and Engineering)

- The Balboa Double Track Extension (\$41.9 million)
- Brighton to McGinley Double Track (\$72.9 million)
- Canyon Siding Extension (\$57.7 million)
- Lancaster Terminal Improvements (\$31.1 million)

The estimated total cost of the proposed capital improvements is approximately \$203.6 million. The TIRCP grant request is for \$102 million. The project's funding plan assumes Metro's commitment of up to \$102 million in North County Measure M Transit Multi-year Subregional Program (MSP) funds. Metro staff is continuing to work with Metrolink and the other subregional partners along the AVL corridor to assess opportunities to offset the commitment of North County Measure M Transit MSP funds with other applicable regional and subregional funds that could be available over the project delivery schedule.

b. Implementation of Multiple Unit Train Pilot Project

The Multiple Unit Train Pilot Project will allow testing the application of new technology to deliver potentially more cost-effective solutions for current and potential augmentation of Metrolink service on the AVL. As this pilot project will be the first test of rail multiple unit technology in Los Angeles County, the proposed scope will also provide a general framework for potential future application of the technology along other rail corridors. The estimated total cost of the proposed pilot is dependent upon the scope, which is still being determined at this time. An updated scope, cost, funding plan and recommendation for Metro's commitment will be provided prior to the November Planning Committee meeting.

3. *Los Angeles Metro Light Rail CORE Capacity and System Integration Project*

The project addresses capital, operational, rehabilitation, and expansion (i.e., CORE) needs for the Crenshaw/LAX Line and Green Line necessary to accommodate and allow the operation of three-car trains, including:

- a. Platform expansion at Aviation, Douglas, Mariposa, and Redondo Beach stations;
- b. Rehabilitation work at the El Segundo Station; and
- c. Addition of two new traction power substations (TPSS).

This project is necessary to increase the passenger capacity of trains in anticipation of the opening of the Crenshaw/LAX Line, the Green Line extension to Torrance, and the Airport Metro Connector Station that will serve those light rail transit lines and connect to the LAX Automated People Mover. It is also necessary as it addresses the need for addition capacity to the projected increase in travel demand due to the completion of nearby development projects, mainly the LA Stadium & Entertainment District at Hollywood Park (home of the Rams and Chargers football teams and anticipated to host about 300 major events per year) in the City of Inglewood, as well as other related planned projects, such as the Transit Connector/Automated People Mover that the City of Inglewood is studying for a direct connection to the Metro Crenshaw/LAX Line and to the Metro Green Line. This project also supports Metro's commitment to deliver a robust State of Good Repair (SGR) Program that invests in modernization and enhancements to renew asset life and reduce asset breakdowns

that impact daily service and customer experience. Major rehabilitation of the Green Line is necessary to prevent service degradation, improve passenger experience, and bring its 25-year old assets up to current Metro SGR standards.

The estimated total project cost is \$200 million total and the TIRCP grant request is for \$70 million. The project's funding plan assumes Metro's commitment of \$130 million in in local and other funds planned for ongoing state of good repair in Metro's Short Range Financial Forecast that we need to commit to the project.

Consideration of Twenty-Eight by '28 Initiative Pillar Projects

At the February 2019 Board meeting, the Metro Board approved Motion 32.4 by Directors Garcetti, Butts, Solis and Hahn that affirmed the Board's support for the Twenty-Eight by '28 Initiative and established four "pillar projects" that would be prioritized for acceleration. These projects are the following:

- Gold Line Eastside Extension 2
- Green Line Extension to Torrance
- Sepulveda Transit Corridor
- West Santa Ana Branch to Downtown LA

Staff considered all four of these projects for this TIRCP cycle and determined that these four projects would not be eligible or ready to submit for this current cycle.

CalSTA requires applicants to demonstrate their ability to absorb any cost overruns and deliver the proposed project with no additional funding from the TIRCP beyond its grant award, as well as to fund initial operating costs.

In the 2018 TIRCP Cycle 3, Metro secured funding for two pillar projects - the West Santa Ana Branch to Downtown LA and the Green Line Extension to Torrance. As a result of securing these funds, Metro will not be able to apply for additional funding through TIRCP.

The remaining two pillar projects-the Gold Line Eastside Extension 2 and the Sepulveda Transit Corridor-are not at a strong enough level of "project readiness" to allow Metro to submit competitive applications for these projects in Cycle 4, which funds projects from FY 21 to FY 25.

Staff remains committed to identifying other funding opportunities across other state and federal programs for the four pillar projects. Developing the scope and advancing the Gold Line Eastside Extension 2 and the Sepulveda Transit Corridor in a timely manner will be vital to allowing Metro to pursue these funding opportunities in future cycles.

Other Considerations

Project readiness was a key consideration in our assessment. CalSTA indicated that the most highly rated projects are those with an approved environmental document. With this into consideration, we could not identify Measure M projects and other priorities identified in the Long Range Transportation

that could be competitive for this grant cycle.

While CalSTA does not restrict the number of grant applications an agency may submit, it advises submitting projects that are scalable where practical. CalSTA indicated that it may evaluate projects with clear phases or scalability for a project component that would receive the highest rating if partial funding for the project is under consideration. Due to the relatively limited funding available for Cycle 4 to make grant awards compared to Cycle 3, we limited the number of our agency's grant applications to a total of three. However, each application includes several components and is scalable.

Also, while CalSTA does not require a minimum match requirement, it considers funding leverage as being desirable and to be considered in the evaluation of expected project benefits. If a project is awarded funds, all funds identified as committed to the project may be required as a funding match at the time of project selection. CalSTA may also make some funding available for demonstration projects that are smaller scale efforts with great potential to be expanded.

Equity Platform

The Evaluative Criteria Framework we used for identifying potential projects comprises six main project assessment parameters focused on developing competitive grant applications, while addressing equity both directly through project priorities and through the emphasis on consistency with Board policies and directives. The first and primary parameter is focused on sustaining Measure M and other pre-Measure M/Long Range Transportation Plan priorities and schedules. Equity-related factors were also considered as part of the five performance measures developed to assess and prioritize projects in the Measure M Expenditure Plan. Specifically, the "Economy" and "Sustainability/Quality of Life" themes included metrics attached to investments in disadvantaged communities. We also incorporated in our assessment the third pillar ("Focus and Deliver") of Metro's Equity Platform, which emphasizes investment decisions that advance outcomes that promote and sustain opportunities in underserved communities. This pillar aligns with one of the goals of the TIRCP aimed at maximizing the benefits to "priority populations", which include disadvantaged communities, low-income communities and low-income households. Almost all of the service areas of the proposed projects for the TIRCP grant opportunity comprise these priority populations.

DETERMINATION OF SAFETY IMPACT

The three projects recommended for TIRCP Cycle 4 applications, if selected for grant awards and implemented, will have a positive impact on Metro's safety standards, as well of Metrolink (as applicable to the AVL). These buses are designed to comply with all applicable federal, state and local safety standards. The zero-emission buses will include improved safety features and amenities, including enhanced ADA securement provisions, operator barriers, and enhanced video surveillance capabilities. These buses will also replace buses that have reached the end of their useful life and have expiring CNG fuel tanks that are impractical to replace. The POP for Metrolink's AVL and the Los Angeles Metro Light Rail CORE Capacity and System Integration Project will both result in safer and more reliable service, therefore improving the overall customer experience.

FINANCIAL IMPACT

Adoption of the recommended action could result in the award of \$277 million to our agency. A grant award for the procurement of zero-emission buses and charging infrastructure will support funding Modification No. 2 to Contract OP28367-002, Part C with BYD Coach & Bus, LLC (BYD) to purchase 40 Contract Option forty-foot ZE buses that the Board of Directors approved in September 2019 in anticipation of receiving state and federal grants. It will also support the procurement and deployment of an additional 180 buses and necessary charging infrastructure. With bus option deliveries not anticipated until FY 2021, and those from new contracts starting to be delivered in FY 2023, there will be no impact to our agency's FY 2020 budget. Similarly, there will be no impact to our agency's FY 2020 budget from the other two projects included in the Recommended Action, as construction activities and Pilot implementation will start after FY 2022.

Since the projects will be implemented through multi-year contracts, the Cost Center Managers and Chief Operations Officer will be responsible for budgeting the costs in future years.

Impact to Budget

There will be no impact to our agency's FY 2020 budget. Any funding committed by our agency for TIRCP Cycle 4 grant applications will be included in future year budgets.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Recommended Action supports multiple goals of the Strategic Plan:

- Goal # 1 to provide high-quality mobility options that enable people to spend less time traveling; and
- Goal # 3 to enhance communities and lives through mobility and access to opportunity.

The proposed projects expand and integrate transit options, as well as improve the quality of the transit network, service and assets. The proposed investments will also benefit those with the greatest mobility needs, as almost all of their service areas comprise disadvantaged communities, low-income communities and low-income households. TIRCP grant awards for the proposed projects will also expedite the delivery of a multimodal program of projects that includes bus, light rail, and commuter rail service in time for the 2028 Summer Olympics. The investment in a world-class bus, light rail, and commuter rail system will result in more reliable and convenient transit service that will attract new users (including those shifting from driving), increase overall ridership, and improve access to jobs and job-related opportunities as well as to educational, health, and recreational destinations.

The proposed Program of Projects for the AVL also implements an action of the first goal of the Vision 2028 Strategic Plan that specifically asks to partner with Metrolink to increase the capacity of the regional transportation system. Overall, the proposed projects will provide access to high-quality transit options to driving, therefore serving not only transit-dependent members of our community but also those who currently depend on their own vehicles for their travel.

ALTERNATIVES CONSIDERED

Staff considered not submitting grant applications for TIRCP Cycle 4. We do not suggest this alternative as it will preclude our agency from applying for a major capital discretionary grant program that could fund some of our identified needs (i.e., procurement of zero-emission buses and charging infrastructure), as well unfunded needs we have identified through our assessment of potential projects (i.e., the AVL POP and the Metro Light Rail CORE Capacity and System Integration Project). As there is no formula or target of funding to be allocated to LA County in TIRCP Cycle 4, any funding not realized by Metro will not be carried over into future cycles.

NEXT STEPS

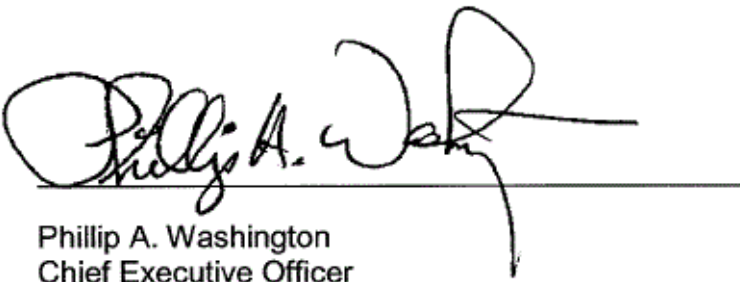
Upon approval of the Recommended Action by the Board of Directors, staff will expand its stakeholder outreach and seek letters of support for our grant applications. We will finalize and submit the grant applications to CalSTA by the January 16, 2020 deadline.

ATTACHMENTS

Attachment A - Recommended Projects, Funding Match and Priority for TIRCP Cycle 4

Prepared by: James Andrew, Transportation Planning Manager, Countywide Planning & Development, (213) 922-2086
Chirag Rabari, Transportation Planning Manager, Countywide Planning & Development, (213) 922-5538
Ashad Hamideh, Senior Director, Countywide Planning & Development, (213) 922-5539
Michael Cano, Deputy Executive Officer, Countywide Planning & Development, (213) 418-3010
Wil Ridder, Executive Officer, Countywide Planning & Development, (213) 922-2887
Laurie Lombardi, Senior Executive Officer, Countywide Planning & Development, (213) 418-3251

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



Phillip A. Washington
Chief Executive Officer

Evaluative Criteria Framework to Guide Project Candidate Selection 2020 Transit and Intercity Rail Capital Program

To guide Metro's decision-making process in selecting projects for consideration for competitive grants from the 2020 Transit and Intercity Rail Capital Program (TIRCP), staff employed the Evaluative Criteria Framework. Using this iterative process, staff arrived at a focused list of potential candidate projects that meet the six evaluative criteria considerations.

1. Sustain Measure M and other Pre-Measure M/LRTP Priorities and Schedules

Staff reviewed the Measure M Expenditure Plan, focusing on the twenty four major projects and applicable Multi-year Subregional Programs (MSP) that are slated to begin construction within the first twenty years of the plan. Each of the twenty four projects and applicable MSP was then evaluated based on the following three requirements, in the following order:

- Does the Project have eligible scope for TIRCP consideration?
- Is the Project eligible for additional TIRCP funding?
- Can the Project award a construction, procurement or design-build contract within the five-year programming period through FY 2024/25?

To accomplish this evaluation, staff met and discussed candidate projects with staff from various Metro departments, including Regional Rail and Planning, to determine which projects that have not previously been awarded TIRCP funds through construction would be considered eligible for TIRCP based on the specified project eligibility as set forth in the program guidelines, and of those projects, which ones would be able to enter into a construction or design-build (D-B) contract and initiate that phase of work no later than FY 2024/25 as prescribed by the program cycle.

The consideration of projects being eligible for additional TIRCP funding is important as Metro was successful in securing approximately \$1.1 billion in TIRCP funding in the 2018 cycle for six major capital projects:

- West Santa Ana Branch Light Rail Transit Corridor (\$300 million)
- Green Line Light Rail Extension to Torrance (\$231.3 million)
- Gold Line Foothill Extension to Montclair (\$290.2 million)
- Orange/Red Line to Gold Line BRT Connector (\$50 million)
- East San Fernando Valley Transit Corridor (\$205 million)
- Vermont Transit Corridor (\$5 million – Environmental Only)

Additionally in the 2016 TIRCP cycle Metro was awarded \$40 million for the Airport Metro Connector 96th Street Station project.

Of these prior awards, only the Vermont Transit Corridor would be eligible for additional TIRCP funding as it only received funding for environmental clearance. All other projects are not eligible because CalSTA does not provide additional TIRCP funding beyond its grant awards, including paying for any cost overruns.

Staff subsequently identified four projects¹ from the Measure M Expenditure Plan (see table on the following page) that met all three requirements:

- Westside Purple Line Extension Section 3
- Orange Line BRT Improvements
- Crenshaw/LAX Track Enhancement Project
- Transit Program (North County)

The Transit Program in North County is responsive to the July 2019 Board Motion 5.1 and specifically involves the implementation of capital and service improvements on the Metrolink Antelope Valley Line (AVL). This Board motion prioritized the construction of four capital improvements including:

- Balboa Double Track Extension
- Brighton to McGinley Double Track
- Canyon Siding Extension
- Lancaster Terminal Improvements

The motion also included the implementation of a multiple unit train pilot project to test the application of new technology to deliver potentially more cost-effective solutions for current and potential increased Metrolink service on the AVL.

Following this initial screening, staff looked at near-term capital projects that are standing commitments included in Measure R and the LRTP. Two other projects were found to meet the project type and delivery timeframe conditions for eligibility in the 2020 cycle of the TIRCP:

- Zero-Emission Buses (ZEB) and Charging Infrastructure – Supports State of California Innovative Clean Transit Regulation that requires transit agencies to transition to a 100% zero-emissions bus fleet by 2040 with progressive ZEB purchase requirements as well as the July 2017 Metro Board prioritization of completing the 100% ZEB transition by 2030.
- Green Line and Crenshaw/LAX Line Capacity Improvements – Extension of the platforms at four existing light rail stations to support the operation of three-car trains along the Green and Crenshaw/LAX Lines.

This first step of the Evaluative Criteria revealed six possible candidates to consider further.

¹ Projects listed in priority order from the Measure M Expenditure Plan.

Measure M Expenditure Plan Projects		Is the Project Definition Eligible for TIRCP Consideration?	Is the Project Eligible for Additional TIRCP Funding?	Can the Project Meet the FY 2024/25 Construction/ D-B Contract Award Date?
Expenditure Plan Major Projects				
1	Airport Metro Connector 96th St. Station/ Green Line Extension to LAX	Yes	No	
2	Westside Purple Line Extension Section 3	Yes	N/A	Yes
3	High Desert Multi-Purpose Corridor (HDMC)	No		
4	I-5 North Capacity Enhancements (SR-14 to Lake Hughes Rd)	No		
5	Gold Line Foothill Extension to Claremont	Yes	No	
6	Orange Line BRT Improvements	Yes	Yes	Yes
7	BRT Connector Orange/Red Line to Gold Line (av/sf)	Yes	No	
8				
9	East SF Valley Transit Corridor Project	Yes	No	
10	West Santa Ana Transit Corridor LRT	Yes	No	
11	Crenshaw/LAX Track Enhancement Project	Yes	Yes	Yes
12	SR-71 Gap from I-10 to Rio Rancho Rd.	No		
13	LA River Waterway & System Bikepath	No		
14	Complete LA River Bikepath	No		
15	Sepulveda Pass Transit Corridor (Phase 1) (sf/w)	No		
16				
17	Vermont Transit Corridor	Yes	Yes	
18	SR-57/SR-60 Interchange Improvements	No		
19	Green Line Extension to Crenshaw Blvd. in Torrance	Yes	No	
20	I-710 South Corridor Project (Phase 1)	No		
21	I-105 Express Lane from I-405 to I-605	No		
22	Sepulveda Pass Transit Corridor (Phase 2) (sf/w)	Yes	Yes	
23				
24	Gold Line Eastside Extension (one alignment) (gc/sg)	Yes	Yes	
25				
26	West Santa Ana Transit Corridor LRT (cc/gc)	Yes	No	
27				
28	I-710 South Corridor Project (Phase 2)	No		
29	I-5 Corridor Improvements (I-605 to I-710)	No		
Multi-year Subregional Programs				
64	Transit Program (nc)	Yes	Yes	Yes

2. Match Competitiveness of Projects to New/Expanded Programs Criteria

Following staff's efforts to determine which Measure M/ Measure R/ L RTP Priorities satisfied basic project eligibility criteria, staff refined the list based on the relative competitiveness of these projects given the program's objectives. The intent of the TIRCP is to fund transformative capital improvements that will modernize California's intercity, commuter, and urban rail systems, as well as bus and ferry transit systems, to significantly reduce emissions of greenhouse gases, vehicle miles traveled, and congestion. Accordingly, and based on the TIRCP evaluation criteria, staff determined that the most competitive projects would be those that:

- Create a new transit system, increase the capacity of an existing transit system, or otherwise significantly increase the ridership of a transit system.
- Link key destinations and improve accessibility to economic opportunities.
- Achieve geographic equity, with particular attention in identifying efforts to address underserved communities within our region or service area.
- Fund construction or implementation phases of the project.
- Integrate the services of the state's various rail and transit operations.
- Benefit disadvantaged communities, low-income communities, and/or low-income households.
- Include separable project elements and are scalable to allow implementation if available resources do not permit the full project to be funded.
- Leverage funding from other sources, particularly from other greenhouse gas reduction programs, although there is no minimum match requirement.
- Do not supplant already committed funds.

After reviewing the six potential candidate projects that were initially identified, staff determined that the Crenshaw/LAX Track Enhancement Project and the Orange Line BRT Improvements Project are not competitive for TIRCP funds. The Orange Line BRT Improvements Project was also fully funded through the SB1 Local Partnership Program (LPP) in the 2018 SB1 cycle.

3. Certainty (Formula) vs. Risk (Competitive/Discretionary)

As the TIRCP is a competitive grant program, all candidate projects advanced to the application process must be able to withstand the degree of risk involved with securing external funds. Additionally, as the TIRCP is funded solely through state funds, existing project funding plans were examined to assess whether introducing state funding would complement or compromise the other sources planned for. Accordingly, staff elected to:

- Remove the Westside Purple Line Extension Section 3 Project as it is on track to secure a Full Funding Grant Agreement (FFGA) with the Federal Transit

Administration (FTA). Introducing state funding would insert additional timing for coordinating the allocation of TIRCP funds that could compromise the FFGA.

4. Geographic Balance

With the three remaining candidate projects, Metro has an opportunity to put forth competitive grant applications that help realize Cap and Trade and SB 1 investments throughout Los Angeles County and support the goal of achieving geographic balance:

- San Gabriel Valley/Gateway Cities/South Bay/Central City Area:
 - Zero-Emission Buses (ZEB) and Charging Infrastructure (Divisions 9 and 18)

- North County/Arroyo Verdugo/San Fernando Valley/Central City Area:
 - Metrolink Antelope Valley Line (AVL) Capital and Service Improvements

- South Bay/Central City Area/Westside Cities:
 - Green Line and Crenshaw/LAX Line Capacity Improvements

5. Consistency with Board Policies and Directives

The projects selected for TIRCP applications are consistent with board policies and directives, particularly those to maintain the priority of the Measure M Expenditure Plan and to leverage local sales tax to bring in a competitive share of state and federal funding into Los Angeles County for transportation infrastructure priority projects.

6. Consistency with Metro Long Range Transportation Plan (LRTP) and SCAG Regional Transportation Plan (RTP)

All of the projects selected by Metro for TIRCP applications are included in and consistent with the priorities set forth in Metro's LRTP and SCAG's RTP.

Summary of Evaluation of Candidate Projects:

Based on this assessment, the following three projects meet the Evaluative Criteria for candidate project selection and will be eligible and competitive for 2020 TIRCP funds:

1. Zero-Emission Buses (ZEB) and Charging Infrastructure
2. Metrolink Antelope Valley Line (AVL) Capital and Service Improvements
3. Green Line and Crenshaw/LAX Line Capacity Improvements

**2020 CYCLE TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM
PROJECT PRIORITY AND LOCAL MATCH COMMITMENT**

Project	Priority	Total Cost (\$ millions)	TIRCP Request (\$ millions)	Local Match (\$ millions)
Zero-Emission Buses and Charging Infrastructure	1	\$210	\$105	\$105
Metrolink Antelope Valley Line Capital and Service Improvements*	2	\$204	\$102	\$102
Green Line and Crenshaw/LAX Line Capacity Improvements	3	\$200	\$70	\$130
Total	N/A	\$614	\$277	\$337

* Multiple unit train pilot project pending final scoping and cost estimate not included in total cost



Board Report

File #: 2019-0742, File Type: Contract

Agenda Number: 24.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE NOVEMBER 21, 2019

SUBJECT: SHOP TOWELS (WYPALLS)

ACTION: CONTRACT AWARD

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a two-year, Indefinite Delivery, Indefinite Quantity (IDIQ) Contract No. CY63850000 to JWL Supplies, the lowest responsive and responsible bidder for Shop Towels (Wypalls). The Contract one-year base amount is \$686,565 inclusive of sales tax, and the one-year option amount is \$730,453, inclusive of sales tax, for a total contract amount of \$1,417,018, subject to resolution of protest(s), if any.

ISSUE

Shop towels are used on a day-to-day basis to clean and maintain facilities, equipment, and rolling stock by the rail and bus maintenance and operations departments. Metro staff throughout the agency require the shop towels to maintain safe work environments and the cleanliness of the rail and bus fleet to ensure the highest quality of customer experience when riding Metro. Award of this contract will ensure an adequate inventory of shop towels for bus and rail operations.

BACKGROUND

The Material Management usage reports revealed that on an annual basis approximately 12,000 cases of shop towels were issued throughout the rail and bus operating divisions and at other facilities and work sites to maintain the cleanliness of facilities, equipment, rolling stock, and to ensure safety for our employees. The shop towels purchased under this procurement will be maintained in inventory and managed by Materiel Management.

DISCUSSION

Shop towels have multiple uses which include efforts to meet customer facing and internal cleanliness goals and objectives. The shop towels are used primarily by maintenance personnel at bus and rail divisions. Mechanics, service attendants, and custodians support the use of these shop towels because the product's absorbent qualities and cloth like characteristics are needed to clean surfaces, and to pick up oil and grease. The towels are also used at the operating divisions to clean the windshields and side windows of buses and rail cars.

The shop towels are used by janitorial staff for the daily cleaning of facilities throughout the Metro system, and for general purpose cleaning functions based on their individual consumption

requirements.

The Metro staff whose job functions require the use of shop towels are provided training on the proper use of these materials, and management tracks the consumption of the shop towels using the Maintenance and Materials Management (M3) system to ensure that employees are avoiding waste and using these products responsibly.

The Contract to be awarded is a "requirements type" agreement in which Metro commits to order up to the specified quantity for a specific duration of time, but there is no obligation or commitment for Metro to order all of the shop towels that may be anticipated. The bid quantities are estimates only, with deliveries to be ordered and released as required. The Diversity and Economic Opportunity Department (DEOD) documented a sixty percent (60%) SBE commitment by JWL Supplies and verified that they are meeting the Small Business Prime Set-Aside requirements established for this procurement.

These paper products will be purchased, maintained in inventory and managed by Materiel Management. As the shop towels are issued, the appropriate budget project numbers and accounts will be charged.

DETERMINATION OF SAFETY IMPACT

Award of this contract will ensure that all operating divisions have adequate inventory to maintain the bus and rail fleets, facilities, equipment, and supplies for other general-purpose cleaning and maintenance activities according to Metro Maintenance and facility standards, and OSHA standards.

FINANCIAL IMPACT

The twelve (12) month funding of \$686,565 for shop towels is included in the FY20 budget in various cost centers for Administration and Bus and Rail Operations. The paper products will be funded from each cost center's Material and Supplies budget line item number 50431 under multiple operating projects.

Since this is potentially a multi-year Contract, the Cost Center Managers and respective SBU Chief will be accountable for budgeting the cost in future fiscal years.

Impact to Budget

The source of funds for this procurement will come from Federal, State and local funding sources, including fares, that are eligible for Bus and Rail Operating or Capital Projects. These funding sources will maximize the use of funds for these activities given approved funding provisions and guidelines.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The procurement of shop towels supports Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. The shop towels will assist in maintaining the safety, cleanliness, and reliability of the rail and bus fleet and ensure the highest quality of service to our customers who expect clean vehicles that arrive at their destinations in accordance with the scheduled service intervals for Metro rail and bus operations.

ALTERNATIVES CONSIDERED

The alternative is to not award the contract and to procure shop towels on an as-needed basis. This approach is not recommended since it does not provide a commitment from the supplier to ensure availability and price stability.

NEXT STEPS

Metro's requirements for shop towels will be fulfilled under the provisions of the contract.

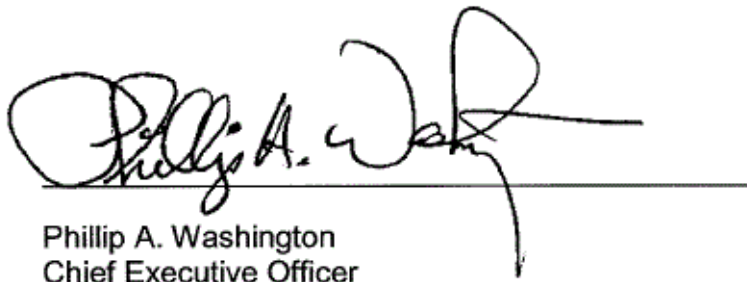
ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared By: James D. Pachan, Superintendent of Maintenance, (213) 922-5804

Reviewed by: Debra Avila, Chief, Vendor/Contract Management (213) 418-3051
James T. Gallagher, Chief Operations Officer (213) 418-3108



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

PURCHASE OF SHOP TOWELS (WYPALLS)

CONTRACT NO. CY6385000

1.	Contract Number: CY6385000	
2.	Recommended Vendor: JWL Supplies	
3.	Type of Procurement (check one): <input checked="" type="checkbox"/> IFB <input type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates :	
	A. Issued: 6/21/19	
	B. Advertised/Publicized: 6/21/19	
	C. Pre-proposal/Pre-Bid Conference: N/A	
	D. Proposals/Bids Due: 8/22/19	
	E. Pre-Qualification Completed: 9/30/19	
	F. Conflict of Interest Form Submitted to Ethics: 9/12/19	
	G. Protest Period End Date: 11/21/19	
5.	Solicitations Picked up/Downloaded: 5	Bids/Proposals Received: 34
6.	Contract Administrator: Tanya Allen	Telephone Number: 213/922-1018
7.	Project Manager: Alex DiNuzzo	Telephone Number: 213/922-5860

A. Procurement Background

This Board Action is to approve Contract No. CY6385000 for the procurement of Shop Towels (Wypalls). Board approval of contract awards are subject to resolution of any properly submitted protest.

IFB No. CY63850 was issued in accordance with Metro’s Acquisition Policy and the contract type is Indefinite Delivery, Indefinite Quantity (IDIQ).

This solicitation was issued under Metro’s Small Business Enterprise (SBE) Set-Aside Program where only Metro certified SBE firms are eligible for participation. All certified SBEs must also meet the program’s Commercially Useful Function (CUF) requirements to be considered fully Responsive to the IFB.

One amendment was issued during the solicitation phase of this IFB:

- Amendment No. 1, issued on July 16, 2019, provided a revised bid opening date.

A total of five (5) bids were received on May 30, 2019 and they are listed in alphabetical order:

1. Advantage Solutions, LLC
2. Bash Boy Enterprises, Inc.
3. JWL Supplies
4. Los Angeles Chemical Co., Inc.
5. Supply Solutions

B. Evaluation of Bids

This procurement was conducted in accordance and complies with LACMTA’s Acquisition Policy for a competitive sealed bid. There were three bids that were deemed responsive and responsible to the IFB requirements. However, Supply Solutions the apparent low bidder was deemed non-responsive due to not requesting evaluation of their product, as an approved-equal, prior to the defined deadline specified in the IFB. Bash Boy Enterprises, Inc. was deemed non-responsive because they did not meet the Commercial Useful Function (CUF) requirements.

JWL Supplies (JWL) the lowest responsible responsive bidder was found to be in full compliance in meeting the bid and technical requirements of the IFB.

C. Price Analysis

The recommended bid price from JWL has been determined to be fair and reasonable based upon adequate price competition and current market value of shop towels.

Low Bidder Name	Bid Amount	Metro ICE
JWL Supplies	\$1,417,017.60	\$1,232,642
Los Angeles Chemical Co., Inc.	\$1,522,663.20	
Advantage Solutions, LLC	\$2,152,332.00	

D. Background on Recommended Contractor

The recommended firm, JWL Supplies located in Los Angeles, California has been in business for seven (7) years as a lead distributor in janitorial and industrial supplies. JWL has provided extensive experience in supplying show towels (Wypalls) to other municipalities and companies such as Dallas Authority Transit District (DART), Pomona and Compton Unified School Districts, Department of General Services (DGS), VA Hospital – Long Beach, and CBS Studios. JWL has provided satisfactory products and services to Metro.

DEOD SUMMARY

SHOP TOWELS (WYPALLS)/ CY63850000

A. Small Business Participation

Pursuant to 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**.

JWL Supplies, an SBE Prime, is performing 100% of the work with its own workforce. JWL Supplies made a 60% SBE commitment as a regular dealer.

SMALL BUSINESS PRIME (SET-ASIDE)

	SBE Prime Contractor	SBE % Committed
	JWL Supplies	60%
	Total Commitment	60%

B. Living/Prevailing Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) 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 #: 2019-0777, File Type: Contract

Agenda Number: 25.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE NOVEMBER 21, 2019

SUBJECT: LIQUID WASTE REMOVAL SERVICES

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a five-year, firm fixed unit rate Contract No. OP64570000 to Western Environmental Services for Liquid Waste Removal Services in an amount not-to-exceed \$6,961,410, effective December 16, 2019, subject to resolution of protest(s), if any.

ISSUE

The liquid waste removed from Metro facilities must be evacuated from the wastewater processing systems by a licensed transporter and transported to a fully permitted Treatment, Storage and Disposal Facility (TSDF). This contract award for liquid waste removal services will ensure that Metro facilities are safely disposing of liquid waste and remain in compliance with hazardous and non-hazardous material laws and regulations.

On July 30, 2019, invitation for bid was issued in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit price. A Pre-Bid Conference was held on August 7, 2019. One bid was received on the due date of August 26, 2019 from Western Environmental Services, current contractor, which was determined to be responsive and responsible to the minimum qualification requirements.

BACKGROUND

Metro Bus and Rail Operation facilities generate approximately 1.7 million gallons of liquid waste each year during the servicing of wastewater processing systems (e.g., clarifiers, sump pits, storage tanks, stormceptors and caustic tanks). These wastewater processing systems collect liquid waste associated with the steam cleaning of bus and rail car components, chassis jet cleaning of buses, interior and exterior washing of buses and rail cars, stormceptors and waste storage tanks.

DISCUSSION

As a generator of hazardous and non-hazardous liquid waste, Metro is required to comply with federal, state and local environmental laws and regulations. This includes ensuring the waste is

legally removed and transported by a licensed transporter to a permitted TSDf for proper treatment and disposal. Additionally, the routine servicing of the various wastewater processing systems shall ensure their efficient and effective operation as well as ensure Metro is compliant with applicable hazardous and non-hazardous laws and regulations.

Metro's compliance with environmental laws and regulations will greatly reduce Metro's liability, minimizing the possibility of regulatory fines/notice to comply orders and negative publicity. Furthermore, Metro will preserve and protect the safety of the environment, the public and Metro staff.

DETERMINATION OF SAFETY IMPACT

The approval of this contract will ensure that hazardous and non-hazardous liquid waste is properly transported and disposed at permitted and fully licensed facilities. The services provided under this contract shall ensure Metro facilities accumulate and schedule the removal of hazardous and non-hazardous liquid waste in compliance with federal, state and local environmental regulations.

FINANCIAL IMPACT

The funding of \$625,000 for this service is included in the FY20 budget in cost center 3120, Quality Assurance, Service Contract Services, under project number 306002, 300022, 300033, 300044, 300055 and 300066 Bus and Rail Operation Maintenance.

Since this is a multi-year contract, the cost center manager and Senior Executive Officer, Maintenance will be accountable for budgeting the cost in future years.

Impact to Budget

The current year funding for this action will come from Enterprise operating fund. The source of funds for this procurement will come from Federal, State and local funding sources including sales tax and fares that are eligible for Bus and Rail Operating Projects. These funding sources will maximize the use of funds for these activities.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended contract award supports Metro Vision 2028 Strategic Goal 5: Provide responsive, accountable, and trustworthy governance; Initiative 5.2- Metro will exercise good public policy judgement and sound fiscal stewardship. The approval of this contract will ensure that Metro compliant with all local, state and federal laws and regulations, and ensure compliance with Metro environmental compliance policies and procedures.

ALTERNATIVES CONSIDERED

Metro may engage the services of a contractor to provide liquid waste removal services on an as-needed basis. This alternative is not recommended because without fixed unit-rate pricing and a routine service schedule, costs can vary, and pick-up schedules may not meet Metro's service

requirements.

We also considered providing the services through Metro in-house staff. However, this alternative is not recommended since a licensed transporter is required to remove and transport hazardous and non-hazardous liquid waste from Metro facilities. Furthermore, the treatment and disposal of the liquid waste can only be performed by a permitted TSD. Metro does not have the necessary vehicles, facilities, equipment, licenses, permits or trained personnel to transport or dispose of hazardous and non-hazardous liquid waste.

NEXT STEPS

Upon approval by the Board, staff will execute Contract No. OP64570000 with Western Environmental Services, for liquid waste removal service.

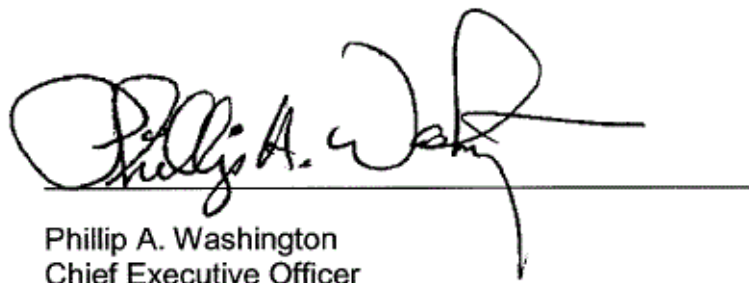
ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Daniel Ramirez, Division Maintenance Superintendent, (213) 922-5197
James Jimenez, Sr. Manager Environmental Compliance & Services, (213) 922-5870

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 418-3108
Debra Avila, Chief, Vendor/Contract Management Officer, (213) 418-3051



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

LIQUID WASTE REMOVAL SERVICES/OP64570000

1.	Contract Number: OP64570000	
2.	Recommended Vendor: Western Environmental Services	
3.	Type of Procurement (check one): <input checked="" type="checkbox"/> IFB <input type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: July 30, 2019	
	B. Advertised/Publicized: July 29, 2019	
	C. Pre-Bid Conference: August 7, 2019	
	D. Bids Due: August 26, 2019	
	E. Pre-Qualification Completed: September 12, 2019	
	F. Conflict of Interest Form Submitted to Ethics: August 26, 2019	
	G. Protest Period End Date: November 25, 2019	
5.	Solicitations Picked up/Downloaded: 15	Bids Received: 1
6.	Contract Administrator: Greg Baker	Telephone Number: (213) 922-7577
7.	Project Manager: James Jimenez	Telephone Number: (213) 922-5870

A. Procurement Background

This Board Action is to approve the award of Contract No. OP64570000 to Western Environmental Services to remove, transport and dispose of hazardous and non-hazardous liquid waste from Metro clarifiers, sump pits, trenches, hoists, pits, water/oil separators, waste fuel tanks, elevators and escalators pits, storage tanks and caustic tanks at various Metro facilities throughout Los Angeles County. Board approval of contract awards are subject to the resolution of any properly submitted protest.

On July 30, 2019, Invitation for Bid (IFB) No. OP64570 was issued in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit price.

One amendment was issued during the solicitation phase of this IFB:

- Amendment No. 1, issued on August 5, 2019 clarified the contact information for the DEOD representative.

A Pre-Bid Conference was held on August 7, 2019. However, no potential bidders attended.

A total of 15 firms downloaded the IFB and were included on the planholders' list. Two questions were received from potential bidders and responses were provided prior to the bid due date.

One bid was received on the due date of August 26, 2019 from Western Environmental Services (WES).

Metro staff canvassed fourteen potential bidders on the planholders' list to determine why no other bids were received. The following is a summary of the results of the market survey:

1. Potential bidder was tied up on other projects and has limited staff to pursue this project as a prime contractor;
2. Potential bidder lost track of the procurement timeline due to personnel changes;
3. Potential bidder does not possess the required licenses, certifications and credentials to provide the services;
4. Potential bidder does not have the necessary equipment to perform the required services; and
5. Potential bidder finds its firm's capabilities does not align with the requested services and that paperwork required by Metro is too onerous.

B. Evaluation of Bid

This procurement was conducted in accordance with Metro's Acquisition Policy for competitive sealed bids. WES' bid was determined to be responsive and responsible to the minimum qualification requirements of the IFB. WES also committed to meeting the 10% DBE goal required by the solicitation.

Qualifications Summary of Firm

Western Environmental Services, Inc. (WES) has been in business for 22 years providing a wide range of waste disposal needs. WES is the incumbent and currently provides liquid waste removal services to Metro. Industries served by WES include construction, trucking/freight, food processing, hospitals, schools, manufacturing and pipeline/refineries.

C. Price Analysis

The bid price from WES has been determined to be fair and reasonable based upon price analysis, independent cost estimate, and technical analysis.

Bidder Name	Bid Amount	Metro ICE
Western Environmental Services	\$6,961,410	\$7,472,632

D. Background on Recommended Contractor

The recommended firm, WES, located in Glendora, California, is a waste service and management company specializing in handling, packaging, transporting, and

disposing of hazardous, non-hazardous, industrial and universal waste. WES provides a 24-hour emergency response, waste minimization, waste characterization, transportation, regulation and compliance and steam cleaning/pressure washing services (stormwater regulations). WES is the incumbent, a Metro certified SBE, currently providing liquid waste removal services and has performed satisfactorily.

DEOD SUMMARY

LIQUID WASTE REMOVAL SERVICES/OP64570000

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 10% Disadvantaged Business Enterprise (DBE) goal for this solicitation. Western Environmental Services exceeded the goal by making a 10.80% DBE commitment.

Small Business Goal	10% DBE	Small Business Commitment	10.80% DBE
----------------------------	----------------	----------------------------------	-------------------

	DBE Subcontractors	Ethnicity (Only Applicable For DBE Contract)	% Committed
1.	First Fuel	Caucasian Female	10.80%
Total Commitment			10.80%

B. Living/Prevailing Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) 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 #: 2019-0752, File Type: Appointment

Agenda Number: 26.

**OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE
NOVEMBER 21, 2019**

SUBJECT: MEMBERSHIP ON METRO SAN GABRIEL VALLEY SERVICE COUNCIL

ACTION: APPROVE NOMINATION

RECOMMENDATION

APPROVE Leonard Pieroni for membership on Metro’s San Gabriel Valley Service Council.

ISSUE

A member of the San Gabriel Valley Service Council submitted his resignation effective September 23, 2019. The term of the now-vacant seat is July 1, 2017 - June 30, 2020.

DISCUSSION

Metro seeks to appoint Service Council members reflective of the demographics of each respective region. The 2016 American Community Survey demographics of each of the Service Council regions are as follows:

Region	Hispanic	White	Asian	Black	Other	Total
Gateway Cities	65.2%	15.2%	9.0%	8.3%	2.3%	100.0%
San Fernando Valley	41.7%	40.9%	11.0%	3.5%	3.0%	100.0%
San Gabriel Valley	49.9%	18.3%	26.2%	3.3%	2.3%	100.0%
South Bay Cities	43.7%	22.8%	12.3%	17.2%	4.0%	100.0%
Westside Central	43.2%	31.0%	13.3%	9.3%	3.1%	100.0%
Metro Service Area Total	48.9%	25.8%	14.6%	7.8%	2.9%	100.0%

The following individual has been nominated to serve by the City of La Cañada Flintridge and approved by the Cities of Pasadena and Sierra Madre, all of whom serve as the appointing authorities for this vacant seat. If approved by the Board, this appointment will serve the remainder of the seat’s three-year term. A brief listing of qualifications and the nomination letter are provided.

San Gabriel Valley

A. Leonard Pieroni, San Gabriel Valley Service Council, New Appointment

Nominated by: Cities of La Cañada Flintridge, Pasadena, and Sierra Madre
Term Ending: June 30, 2020

The demographic makeup of the San Gabriel Valley Service Council with the appointment of this nominee will consist of three (3) Hispanic members, five (5) White members, and one (1) Asian member as self-identified by the members in terms of racial/ethnic identity. The gender breakdown of the Council will be seven (7) men and two (2) women.

DETERMINATION OF SAFETY IMPACT

Maintaining the full complement of representatives on each Service Council to represent each service area is important. As each representative is to be a regular user of public transit, and each Council is composed of people from diverse areas and backgrounds, this enables each Council to better understand the needs of transit consumers including the need for safe operation of transit service and safe location of bus stops.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of this recommendation supports the following Metro Strategic Plan Goal: 30 Enhance communities and lives through mobility and access to opportunity.

ALTERNATIVES CONSIDERED

The alternative to approving this appointment would be for this nominee to not be approved for appointment. To do so would result in reduced effectiveness of the Service Council, as it would increase the difficulty of obtaining the quorum necessary to allow the Service Council to formulate and submit their recommendations to the Board. It would also result in the Service Council having less diverse representation of their respective service area.

NEXT STEPS

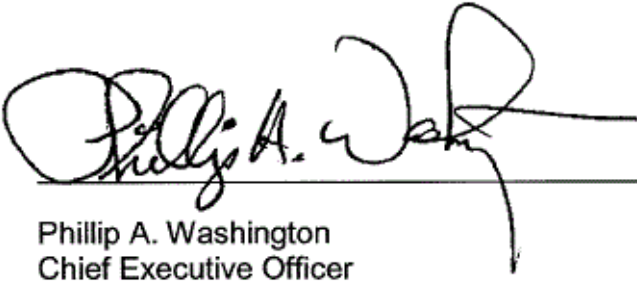
Staff will continue to monitor the major contributors to the quality of bus service from the customer's perspective, and share that information with the Service Councils for use in their work to plan and to implement and improve bus service in their areas and the customer experience using our bus service.

ATTACHMENTS

Attachment A - Nominee's Listing of Qualifications
Attachment B - Nomination Letter

Prepared by: Conan Cheung, Sr. Executive Officer, Service Development, Scheduling
and Analysis, (213) 418-3034
Dolores Ramos, Chief Administrative Analyst, Regional Service Councils,
(213) 922-1210

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 418-3108



Phillip A. Washington
Chief Executive Officer

NEW APPOINTEE BIOGRAPHY AND QUALIFICATIONS

Leonard Pieroni, Nominee for San Gabriel Valley Service Council



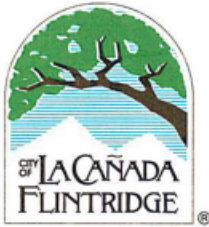
Mayor Leonard Pieroni has lived in La Cañada Flintridge since 5th grade attending Paradise Canyon Elementary School. Prior to joining the La Canada Flintridge City Council in 2015, Mayor Pieroni served on the City's Public Works and Traffic Commission.

Mayor Pieroni is currently employed as the Section Manager for NASA's Jet Propulsion Laboratory's Facilities Engineering and Construction division. He holds a Bachelor of Science degree in mechanical engineering from California Polytechnic State

University – San Luis Obispo.

Len and his wife Brenda have two teenage children. He is involved in several local groups including the Boy Scouts of America and is currently president of the Crescenta Valley Sheriff's Support Group.

APPOINTING AUTHORITY NOMINATION LETTER



City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

October 1, 2019

Ms. Dolores Ramos
Metro Service Councils
One Gateway Plaza, MS99-7-2
Los Angeles, CA 90012

Dear Ms. Ramos:

Sent via email to: ramosd@metro.net

Dear Ms. Ramos:

The City of La Cañada Flintridge nominates Mayor Leonard Pieroni to fill the unexpired term of office ending June 30, 2020 on the San Gabriel Valley Service Council. Please advise if there is any further information you require.

Sincerely,

A handwritten signature in blue ink that reads "Mark R. Alexander". The signature is fluid and cursive.

Mark R. Alexander
City Manager

c: City Council
The Honorable John Harabedian, Mayor, City of Sierra Madre
Gabriel England, City Manager, City of Sierra Madre
The Honorable Terry Tornek, Mayor, City of Pasadena
Steve Mermell, City Manager, City of Pasadena
Phillip A Washington, Chief Executive Officer

**Board Report**

File #: 2019-0628, **File Type:** Motion / Motion Response**Agenda Number:** 27.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
NOVEMBER 21, 2019****SUBJECT: ORDINANCE FOR ENFORCEMENT OF TOLL VIOLATIONS FOR THE METRO
EXPRESSLANES****ACTION: APPROVE RECOMMENDATIONS****RECOMMENDATION**

APPROVE amendment to Title 7 of the Ordinance for Enforcement of Toll Violations (Attachment A). The ordinance will become effective January 5, 2020.

ISSUE

Toll evasion penalties are regulated by the California Vehicle Code (CVC) Section 40258. In order for appropriate penalties to be enforced, the Metro Board must adopt an ordinance establishing the administrative procedures, processing fees, and penalties to ensure compliance with statute.

BACKGROUND

As a requirement for implementing the I-10 and I-110 ExpressLanes, the Metro Board initially adopted the Ordinance to Establish the LACMTA Administration of Tolls and Enforcement of Toll Violations for the Metro ExpressLanes in April 2012. This original ordinance established administrative procedures and penalties associated with ExpressLanes violations. Per the California Vehicle Code, changes affecting violations on the ExpressLanes must be reflected in an ordinance adopted by the operating agency. As a result, in order to incorporate the changes required to deploy the Board adopted Occupancy Detection System and the Pay as You Go program, the Board must adopt the updated Ordinance for Enforcement of Toll Violation provided as Attachment A. Changes from the original ordinance are shown in Attachment A as blue-strikeout text (i.e., deletions) and as red-bolded text (i.e., additions).

The Occupancy Detection System is a proof of concept that would allow the toll system to verify the number of occupants declared in the vehicle at the time of travel and compare it to the system's observed occupancy. The registered owner of the vehicle would be responsible for the correct toll amount plus a \$4 processing fee.

The Pay as You Go pilot program allows drivers to use the Metro ExpressLanes without a FasTrak transponder which has been a program requirement to date. The registered owner of the vehicle would be charged the toll and a \$4 processing fee.

DISCUSSION

An update to the Ordinance for Enforcement of Toll Violation for Metro ExpressLanes is required to allow implementation of the Occupancy Detection System and Pay as You Go program. Both programs follow the same violation process once the transaction is flagged. This ordinance update also includes several minor language changes throughout, for added clarity, consistency, and precision of meaning.

The following outlines the steps associated with the Occupancy Detection System process:

1. If the system detects the number of occupants declared in the vehicle was less than the number verified by the system the transaction is flagged as a violation.
2. An "Occupancy Correction Notice of Toll Evasion Violation" will be mailed to the registered owner of the vehicle within 21 days of the transaction. The first notice will include the correct toll amount plus a \$4 processing fee.
3. If payment is not received within 30 days, there will be an additional \$21 penalty added to the total and a "Past Due Notice of Toll Evasion Violation" will be mailed.
4. If payment is not received within 30 days after the second notice, a third notice, "Delinquent Notice of Toll Evasion Violation" is mailed out with an additional \$30 penalty.
5. If payment is not received 30 days after the third notice a hold may be placed on the vehicle's registration and/or the violation will be sent to collections.

The following steps illustrate the Pay as You Go process:

1. If a vehicle drives through the I-10 and I-110 ExpressLanes without a transponder the transaction is flagged as a violation.
2. A "Pay as You Go Notice of Toll Evasion Violation" will be mailed to the registered owner of the vehicle within 21 days of the transaction. The first notice will include the correct toll amount plus a \$4 processing fee.
3. If payment is not received within 30 days, there will be an additional \$21 penalty added to the total and a "Past Due Notice of Toll Evasion Violation" will be mailed.
4. If payment is not received within 30 days after the second notice, a third notice, "Delinquent Notice of Toll Evasion Violation" is mailed out with an additional \$30 penalty.
5. If payment is not received 30 days after the third notice a hold may be placed on the vehicle's registration and/or the violation will be sent to collections.

For both types of toll evasion violations, customers will be provided two levels of review for contesting these notices: an Investigative Review and/or an Administrative Hearing. A customer may request an Investigative Review at any time during the violation escalation process provided the violation has not been placed on DMV Hold or sent to collections. Administrative Hearings can be requested after an Investigative Review has been completed and are held before an impartial Hearing Officer who will render a decision based on the facts of the case and applicable laws. The Administrative Hearing process utilizes the same procedures as the Metro Transit Court, and gives the appellant an opportunity to present evidence, witness statements, and arguments as to the reason(s) a particular violation should be dismissed. Violations that are deemed invalid either by the system or through the contest processes will be dismissed.

Metro staff is following a tailored outreach strategy and educational campaign for both the Occupancy Detection System and the Pay as You Go program. For the Occupancy Detection System, customers were sent initial notification of the upcoming changes through mailed statement inserts and e-mail on October 1, 2019, and the Metro ExpressLanes web site was simultaneously updated with new information about the system. Customers will be sent additional correspondence with more information about the Occupancy Detection System one month in advance of its activation. Furthermore, for the first two months of operation (i.e., the “grace period”), informational notices will be mailed in place of actual toll evasion violations to any customers found to be mis-representing their vehicle occupancies.

Outreach for the Pay as You Go program will similarly include notifications sent to existing ExpressLanes account-holders through mailed statement inserts and e-mail, along with updates to the Metro ExpressLanes web site. Furthermore, because much of the target audience for the Pay as You Go program is non-customers traveling on the I-10 and I-110 ExpressLanes corridors, outreach will also include a series of portable Changeable Message Signs placed in the freeway shoulders near ExpressLanes access points to notify corridor users of the change in policy for drivers accessing the ExpressLanes without transponders. Specific locations for these portable Changeable Message Signs are being determined in coordination with Caltrans and are subject to final Caltrans approval. Outreach for the Pay as You Go program will occur after the program has become active, to prevent customer confusion regarding which access options are currently available and which take effect at a future date.

FINANCIAL IMPACT

There is no cost related to the adoption of this ordinance. Staff will continue to monitor the performance of the ExpressLanes to make sure the program goals are achieved.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports strategic plan Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. ExpressLanes provides drivers with the option of a more reliable trip while improving the overall operational efficiency of the freeway network.

ALTERNATIVES CONSIDERED

The Board may elect not to adopt an ordinance establishing an updated toll evasion process and penalties for the program. This alternative is not recommended because without adoption of the changes identified in the ordinance, Metro is precluded from implementing the Occupancy Detection System and Pay as You Go program.

NEXT STEPS

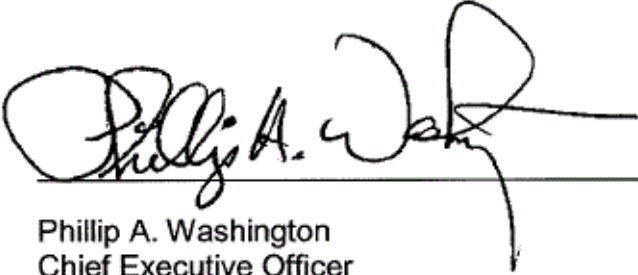
Upon Board approval, staff will take the necessary steps to implement the new ordinance and continue performing the marketing/outreach plans for the Occupancy Detection System and Pay as You Go program as described above.

ATTACHMENTS

Attachment A - Ordinance for Enforcement of Toll Violations

Prepared by: Barkev Tatevosian, Principal Transportation Planner, (213) 922-2452
Silva H. Mardrussian, Senior Manager, Transportation Planning, (213) 418-3132
Tim Lew, Senior Director, (213) 418-3134
Mark Linsenmayer, Deputy Executive Officer, Congestion Reduction, (213) 922-5569

Reviewed by: Shahrzad Amiri, Executive Officer, Congestion Reduction, (213) 922-3061



Phillip A. Washington
Chief Executive Officer

Attachment A:

Ordinance for Enforcement of Toll Violations

**AN ORDINANCE TO ESTABLISH
THE LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY ADMINISTRATION OF
TOLLS AND ENFORCEMENT OF TOLL VIOLATIONS
FOR THE METRO EXPRESSLANES**

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY:

SECTION 1: Effective January 5, 2020, The Los Angeles County Metropolitan Authority Administrative Code Title 7, **Administration of Tolls and Enforcement of Toll Violations for the Metro ExpressLanes-Toll Violations**, is hereby established to read as follows:

Title 7
Preamble

Los Angeles County Metropolitan Transportation Authority (“Metro”) is authorized pursuant to California Streets and Highways Code section 149.9 to operate high occupancy toll facilities, the “Metro ExpressLanes”. The implementation and operation of the Metro ExpressLanes is intended to reduce congestion, ~~improving~~ **and improve** travel ~~and safety~~ for the motoring public. While traveling in the Metro ~~Expresslanes,~~ **ExpressLanes, Motorists** ~~motorists~~ **Motorists** are required to have a properly mounted transponder associated with a valid FasTrak[®] Account to facilitate ~~vehicle~~ **Vehicle** occupancy validation and the toll collection process pursuant to California Vehicle Code section 23302 et. seq. **Motorists using a FasTrak Account are also required to properly declare the Vehicle’s occupancy. Metro Board of Directors established a twelve-month pilot program to enable a three-notice Violation enforcement process, referred to as “Pay as You Go”. The Pay as You Go pilot may be extended to a new date certain or indefinitely by the Board of Directors. Vehicles traveling on the Metro ExpressLanes without a valid FasTrak Account will receive a Pay as You Go Notice of Toll Evasion Violation. Vehicles traveling on Metro ExpressLanes whose operators have declared less occupants than the number verified at time of the Violation, will receive an Occupancy Correction Notice of Toll Evasion Violation. Vehicles** who evade the payment of tolls while travelling on the Metro ExpressLanes shall be subject to civil penalties to encourage proper use of the Metro ExpressLanes, pursuant to California Vehicle Code section 40250. This ordinance establishes the administrative procedures and penalties, enacted pursuant to Article 4, Chapter 1 of Division 17 of the California Vehicle Code, to ensure compliance with statute and fairness in the treatment of violators.

Definitions

07-01-020 Definitions

- A. **“Affidavit of Non-Liability” shall mean the required document, located on the reverse of every Notice of Toll Evasion Violation, to be submitted by the recipient of any Metro ExpressLanes Notice of Toll Evasion Violation that provides the written reason the recipient is not liable for the Violation.**
- B. “Code” shall mean the California Vehicle Code.
- C. **“Delinquent Notice of Toll Evasion Violation” shall mean the written notice provided to the registered owner of a Vehicle when payment for a Past Due Notice of Toll Evasion Violation has not been received by Metro by the Due Date.**
- D. “Delinquent Penalty” is the **penalty** amount ~~accessed~~**assessed** when a Violation is deemed to be delinquent ~~as set forth in section 07-01-035.~~
- E. “Department” shall mean the California Department of Motor Vehicles.
- F. **“Digital Declaration” shall mean the electronic means established by Metro through a bona fide authorized internet site or other such authorized application for the purpose of enabling the Motorist with a FasTrak Account and a Transponder that is not a Switchable Transponder to self-declare the number of vehicle occupants at least 30 minutes prior to travel on the Metro ExpressLanes.**
- G. **“DMV Hold Fee” is the amount assessed when a Delinquent Notice of Toll Evasion Violation remains unpaid more than 60 days and a vehicle registration hold is placed with the Department until such time that payment for the notice is received by Metro or the Department.**
- H. “Due Date” shall mean the date specified in the ~~Notice of Toll Evasion Violation and Pay as You Go Notice of Delinquent Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation, and Delinquent Notice of Toll Evasion Violation~~ by which payment of the ~~Penalty or toll plus processing fee, past due penalty, and delinquent penalty~~ **must be received by Metro, or a** written explanation of contest ~~must be received~~**submitted to Metro.**
- I. “FasTrak Account” shall mean an account established with any of the California toll operators to administer the payment of tolls.
- J. “Metro” ~~means~~**shall mean** the Los Angeles County Metropolitan Transportation Authority and its subsidiary, the Public Transportation Services Corporation, and their contractors.
- K. “Metro ExpressLanes” shall mean the toll facilities on the I-110 and I-10.
- L. “Motorists” shall mean and include the registered owner, rentee, lessee and driver of a Vehicle.
- M. “Notice of ~~Delinquent~~Toll Evasion Violation” ~~shall mean the written~~**is any** notice ~~provided~~**such as Pay as You Go, Occupancy Correction, Past Due or Delinquent Notice of Toll Evasion Violation sent by the Processing Agency** to the registered owner ~~of a Vehicle when a Penalty has not been timely received by Metro~~**or other responsible party informing them of the evasion of toll payment on the Metro ExpressLanes.**
- ~~A.~~ **“Occupancy Correction** Notice of Toll Evasion Violation” shall mean the written notice provided to the registered owner of a Vehicle ~~which has committed a Violation.~~

- N. ~~“Penalty” shall mean the monetary amounts assessed to each toll Violation, including the unpaid Tolls,~~ **when a Motorist declares more vehicle occupants than were present at the Toll Evasion Penalty and time of travel on the Delinquent Penalty, and constitutes a toll evasion penalty under Code section 40252 Metro ExpressLanes.**
- O. **“Past Due Notice of Toll Evasion Violation” shall mean the written notice provided to the registered owner of a Vehicle when payment for a Pay as You Go Notice of Toll Evasion Violation or an Occupancy Correction Notice of Toll Evasion Violation has not been received by Metro by the Due Date.**
- P. **“Past Due Penalty” is the penalty amount assessed when a Violation is deemed to be past due.**
- Q. **“Pay as You Go Notice of Toll Evasion Violation” shall mean the written notice provided to the registered owner of a Vehicle when a Motorist uses the Metro ExpressLanes without a valid FasTrak account.**
- R. **“Penalty” is the amount assessed under section 07-01-035.**
- S. “Processing Agency” shall mean Metro, or the contractor or vendor designated by Metro, as the party responsible for the processing of the notices of toll evasion.
- T. **“Processing Fee” is the fee amount assessed on the Pay as You Go Notice of Toll Evasion Violation or the Occupancy Correction Notice of Toll Evasion Violation.**
- U. “Repeat Violator” ~~means~~ **shall mean** any registered owner for whom more than **five (5)** Notices of Toll Evasion Violation have been issued in any calendar month within the preceding 12- month period.
- V. “Switchable Transponder” shall mean a **FasTrak** Transponder with a switch ~~which~~ **that** allows the ~~motorists~~ **Motorists** to self-declare the number of vehicle occupants.
- W. “Terms and Conditions” shall mean the obligations of Metro and a FasTrak customer ~~with regard to~~ **regarding** the usage and maintenance of a FasTrak Account as published by Metro from time to time.
- X. “Toll” shall mean the monetary charges established by Metro for use of the Metro ExpressLanes.
- ~~B. “Toll Evasion Penalty” is the amount assessed under section 07-01-035.~~
- Y. “Transponder” shall mean a FasTrak electronic device issued by any of the California toll operators that meets the specifications ~~of California Code of Regulations Title 21 and is~~ used to pay tolls electronically **within the State of California.**
- Z. “Vehicle” shall mean any vehicle as defined in Code section 670.
- AA. “Violation” shall mean the commission of any activity proscribed ~~in sections 07-01-025 and 07-01-030~~ **by section 07-01-030 hereof or the failure to comply with any duty mandated by section 07-01-025** hereof.

07-01-025 Metro ExpressLanes Usage Requirements

- A. While traveling in the Metro ExpressLanes, ~~Motorists~~ **Vehicles** shall have a properly mounted ~~transponder~~ **Transponder** associated with a valid FasTrak Account. **Motorists must use either a Switchable Transponder or the Metro authorized Digital Declaration systems to facilitate identify the number of Vehicle occupants when traveling on the Metro ExpressLanes. Vehicles that travel on the Metro ExpressLanes without a valid funded FasTrak Account shall be issued a Pay as You Go Notice of Toll Evasion Violation with associated tolls and Processing**

Fees consistent with the posted toll rates for a single occupant toll plus any associated Processing Fees.

- B. Vehicles with an associated valid FasTrak Account that meet the minimum vehicle occupancy ~~validation and the toll collection process~~ requirement for travel on a Metro ExpressLanes are high-occupancy Vehicles and eligible for the reduced Toll, consistent with the posted rates at the time of travel. A Vehicle occupancy-declaration must be made prior to using the Metro ExpressLanes consistent with published requirements for making Vehicle occupancy declarations.**
- C. Motorists traveling in the Metro ExpressLanes ~~with~~**without** the minimum number of ~~vehicle~~**Vehicle** occupants to qualify for high-~~occupancy lane use at that time must have a Switchable Transponder set to the required number of occupants or they-~~**occupancy Toll rates** will be charged the posted single-occupancy Toll.
- (1) Metro ExpressLanes users with a Switchable Transponder shall set the self-declaration switch to the actual number of vehicle occupants prior to travel.
 - (2) Metro ExpressLanes users ~~without~~**with a Transponder that is not** a Switchable Transponder will be charged the posted single occupancy Toll rate **unless the Motorist declares the vehicle occupancy by following Metro's published rules for vehicle occupancy declaration, or Digital Declaration.**
 - (3) Vehicle occupancy violations, including falsely self-declaring the vehicle occupancy, are subject to citation by the California Highway Patrol **or the issuance of an Occupancy Correction Notice of Toll Evasion Violation by Metro.**
- D. The FasTrak Account associated with the Transponder must have a balance sufficient to pay the charged Tolls at the time a Vehicle enters the Metro ExpressLanes.
- E. Metro ExpressLanes FasTrak accountholders shall adhere to the Terms and Conditions provided at the time of account opening, **and** as updated thereafter with notification to the accountholders.

07-01-030 Liability for Failure to Pay Toll

- A. ~~No~~**Except as otherwise exempted in advance of travel by Metro, no** person shall cause a Vehicle to enter the Metro ExpressLanes without payment of the Toll ~~for the Vehicle~~ by use of a Transponder, issued by Metro or any California toll agency, which is associated with a FasTrak Account with a balance sufficient to pay those Tolls. **No person shall cause a Vehicle to enter the Metro ExpressLanes with fewer vehicle occupants than self-declared using a Switchable Transponder or Digital Declaration.**
- B. Except as provided herein, the registered owner and the driver, rentee or lessee of a Vehicle which is the subject of any Violation shall be jointly and severally liable for the **Toll, Processing Fee and** Penalty imposed under this ordinance, unless the registered owner can **sufficiently** demonstrate that the Vehicle was used without the express or implied consent of the registered owner. Anyone who pays any **Toll, Processing Fee or** Penalty pursuant to this ordinance shall have the right to recover the same from the driver, rentee or lessee.
- C. The driver, rentee or lessee of a Vehicle who is not the owner of the Vehicle may contest the Notice of Toll Evasion Violation in accordance with this ordinance.

- D. Any **Vehicle owner or** Motorist assessed a Penalty for a Violation shall be deemed to be charged with a non-criminal, civil violation.

07-01-035 Penalties and Processing of Violation(s)

- A. The ~~Toll Evasion~~ **Processing Fee and** Penalty for a Violation of this ordinance shall ~~initially be \$25 for each~~ **be set forth in Table 1 – Schedule of** Violation ~~and the Delinquent Penalty shall be an additional \$30 for each unpaid Violation deemed delinquent.~~ **Penalties.** These **Processing Fee and** Penalty amounts, may be increased or decreased by Metro’s Chief Executive Officer ~~up to 5%~~ annually, provided the calculated amount does not exceed the amount set forth in Code section 40258(A). Any amendments to the **Processing Fee and** Penalty amounts shall be posted on the Metro website 90 days in advancement of enactment.
- B. If a Vehicle is found, by automated devices, by visual observation, or otherwise, to have evaded ~~tolls~~ **Tolls** on the Metro ExpressLanes, a **Pay as You Go** Notice of Toll Evasion Violation shall be mailed by first class mail to the registered owner **of the Vehicle at the address as shown on the record of the Department within 21 days of the Violation. If a Vehicle is found, by automated devices, by visual observation, or otherwise, to have declared more Vehicle occupants that are verified by Metro systems, an Occupancy Correction Notice of Toll Evasion Violation shall be mailed by first class mail to the registered owner of the Vehicle** at the address as shown on the record of the Department within 21 days of the Violation. If accurate information concerning the identity and address of the registered owner **of the Vehicle** is not available within 21 days from the Violation, the Processing Agency shall have an additional 45 calendar days to obtain such information and forward **either the Pay as You Go Notice of Toll Evasion Violation; provided that where or the Occupancy Correction Notice of Toll Evasion Violation. Where** the registered owner is a Repeat Violator, the Processing Agency shall forward ~~the~~ **either the Pay as You Go Notice of Toll Evasion Violation or the Occupancy Correction** Notice of Toll Evasion Violation within 90 calendar days of the Violation.

Table 1
Schedule of Violation Penalties

Processing Fee	\$4 per Violation
Past Due Penalty	\$21 per Violation¹
Delinquent Penalty	\$30 per Violation²
DMV Hold Fee	\$3 per Violation³
The amounts in this table are effective January 5, 2020	

¹ **The Past Due Penalty is additive to the Toll and Processing Fee issued with the Pay as You Go Notice of Toll Evasion Violation or the Occupancy Correction Notice of Toll Evasion Violation**

² **The Delinquent Penalty is additive to the Toll, Processing Fee, and Past Due Penalty issued with the Past Due Notice of Toll Evasion Violation**

³ **The DMV Hold Fee is additive to the Toll, Processing Fee, Past Due Penalty, and Delinquent Penalty issued with the Delinquent Notice of Toll Evasion Violation**

07-01-040 Pay as You Go Notice of Toll Evasion Violation

- A. The Pay as You Go Notice of Toll Evasion Violation shall contain (1) the date, time and location of the alleged unpaid Toll, (2) the Toll and Processing Fee due for the Violation, (3) the identity and address of the registered owner of the Vehicle, (4) the Vehicle make and license plate number, (5) the procedure to follow for payment of the amount due, (6) a statement in bold print that payments may be sent in the mail, (7) the date and time within which the Pay as You Go Notice of Toll Evasion Violation must be paid before escalation to a Past Due Notice of Toll Evasion Violation with Past Due Penalty added to the Violation, (8) a clear and concise explanation of the procedures for filing an Affidavit of Non-Liability in those circumstances set forth in section 07-01-040 C, D, E, and F and for contesting the alleged Notice of Toll Evasion in accordance with section 07-01-085 and appealing an adverse decision in accordance with section 07-01-095 and (9) the Due Date, which is also the date by which the written explanation of contest must be received by Metro.**
- B. The Pay as You Go Notice of Toll Evasion Violation shall contain, or be accompanied with, an Affidavit of Non-Liability and information of what constitutes non-liability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the Processing Agency.**
- C. If the Affidavit of Non-Liability is returned to the Processing Agency by the Due Date of the Pay as You Go Notice of Toll Evasion Violation together with satisfactory proof that the driver at the time of the Violation did not possess express or implied consent to drive the Vehicle as evidenced by a stolen vehicle police report, if the Processing Agency is satisfied that the registered owner is not responsible for the Violation, the Processing Agency shall cancel the Pay as You Go Notice of Toll Evasion Violation and make an adequate record of the reasons.**
- D. If the Affidavit of Non-Liability is returned to the Processing Agency by the Due Date with satisfactory proof that the registered owner of the Vehicle given the Pay as You Go Notice of Toll Evasion Violation had made a bona fide sale or transfer of the Vehicle and had delivered possession thereof to the purchaser prior to the date of the alleged Violation and either (1) has complied with section 5602 of the Code, or (2) the Processing Agency is satisfied with evidence that establishes that the transfer of ownership and possession of the Vehicle occurred prior to the date of the alleged Violation, and has obtained verification from the Department, then the Processing Agency shall terminate proceedings against the originally served registered owner and proceed against the new owner of the Vehicle.**
- E. If the Affidavit of Non-Liability is returned to the Processing Agency by the Due Date of the Pay as You Go Notice of Toll Evasion Violation together with satisfactory proof of an executed written rental agreement or lease between a bona fide renting or leasing company and its customer that identifies the rentee or lessee and provides the name and address of the rentee or lessee, the Processing Agency shall serve or mail to the rentee or lessee identified in the Affidavit of Non-Liability a Pay as You Go Notice of Toll Evasion Violation.**

- F. If the description of the Vehicle in the Pay as You Go Notice of Toll Evasion Violation does not match the corresponding information on the registration card for that Vehicle, the Processing Agency may, on written request of the registered owner of the Vehicle, cancel the Pay as You Go Notice of Toll Evasion Violation without the necessity of appearance by that registered owner.**

07-01-045 Dismissal of Pay as You Go Notice of Toll Evasion Violation

- A. If, after a copy of the Pay as You Go Notice of Toll Evasion Violation has been sent to the registered owner of the Vehicle, and the Processing Agency determines that due to failure of proof of the Violation, the Pay as You Go Notice of Toll Evasion Violation should be dismissed, the Processing Agency shall cancel the Pay as You Go Notice of Toll Evasion Violation, and the registered owner of the Vehicle shall be notified by first-class mail.**
- B. If the full amount of the Pay as You Go Notice of Toll Evasion Violation is received by the Due Date by the entity authorized to receive the payment and there is no contest as to that notice, proceedings under this ordinance shall terminate.**
- C. If the registered owner of the Vehicle provides satisfactory proof to the Processing Agency that he or she was not the registered owner of the Vehicle on the date of the Violation as set forth in section 07-01-040, proceedings against the notifying party shall terminate. This shall not limit the right of the Processing Agency to pursue collection of the Pay as You Go Notice of Toll evasion Violation from the person who was the registered owner of the Vehicle on the date of the alleged Violation.**

07-01-050 Occupancy Correction Notice of Toll Evasion Violation

- A. The Occupancy Correction Notice of Toll Evasion Violation shall contain (1) the date, time and location of the alleged unpaid Toll, (2) the Toll and Processing Fee due for the Violation, (3) the identity and address of the registered owner of the Vehicle, (4) the Vehicle make and license plate number, (5) the procedure to follow for payment of the amount due, (6) a statement in bold print that payments may be sent in the mail, (7) the date and time within which the Occupancy Correction Notice of Toll Evasion Violation must be paid before escalation to a Past Due Notice of Toll Evasion Violation with Past Due Penalty added to the Violation, (8) a clear and concise explanation of the procedures for filing an Affidavit of Non-Liability in those circumstances set forth in section 07-01-050 C, D, E, and F and for contesting the alleged Notice of Toll Evasion in accordance with section 07-01-085 and appealing an adverse decision in accordance with section 07-01-085 and (9) the Due Date, which is also the date by which the written explanation of contest must be received by Metro.**
- B. The Occupancy Correction Notice of Toll Evasion Violation shall contain, or be accompanied with, an Affidavit of Non-Liability and information of what constitutes non-liability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the Processing Agency.**
- C. If the Affidavit of Non-Liability is returned to the Processing Agency within 30 days of the issuance of the Occupancy Correction Notice of Toll Evasion**

Violation together with satisfactory proof that the driver at the time of the Violation did not possess express or implied consent to drive the Vehicle as evidenced by a stolen vehicle police report, if the Processing Agency is satisfied that the registered owner of the Vehicle is not responsible for the Violation, the Processing Agency shall cancel the Occupancy Correction Notice of Toll Evasion Violation and make an adequate record of the reasons.

- D. If the Affidavit of Non-Liability is returned to the Processing Agency by the Due Date with satisfactory proof that the registered owner given the Occupancy Correction Notice of Toll Evasion Violation has made a bona fide sale or transfer of the Vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged Violation and either (1) has complied with section 5602 of the Code, or (2) the Processing Agency is satisfied with evidence that establishes that the transfer of ownership and possession of the Vehicle occurred prior to the date of the alleged Violation, and has obtained verification from the Department, then the Processing Agency shall terminate proceedings against the originally served registered owner and proceed against the new owner of the Vehicle.
- E. If the Affidavit of Non-Liability is returned to the Processing Agency by the Due Date of the Occupancy Correction Notice of Toll Evasion Violation together with satisfactory proof of an executed written rental agreement or lease between a bona fide renting or leasing company and its customer that identifies the rentee or lessee and provides the name and address of the rentee or lessee, the Processing Agency shall serve or mail to the rentee or lessee identified in the Affidavit of Non-Liability an Occupancy Correction Notice of Toll Evasion Violation.
- F. If the description of the Vehicle in the Occupancy Correction of Toll Evasion Violation does not match the corresponding information on the registration card for that Vehicle, the Processing Agency may, on written request of the registered owner, cancel the Pay as You Go Notice of Toll Evasion Violation without the necessity of appearance by that person.

07-01-055 Dismissal of Occupancy Correction Notice of Toll Evasion Violation

- A. If, after a copy of the Occupancy Correction Notice of Toll Evasion Violation has been sent to the registered owner of the vehicle, and the Processing Agency determines that due to failure of proof of the Violation, the notice should be dismissed, the Processing Agency shall cancel the Occupancy Correction Notice of Toll Evasion Violation, and the registered owner of the Vehicle shall be notified by first-class mail.
- B. If the full amount of the Occupancy Correction Notice of Toll Evasion Violation is received by the entity authorized to receive the payment of the Occupancy Correction Notice Toll Evasion Violation by the Due Date and there is no contest as to that Occupancy Correction Notice of Toll Evasion Violation, proceedings under this ordinance shall terminate.
- C. If the registered owner of the Vehicle provides satisfactory proof to the Processing Agency that he or she was not the registered owner on the date of the Violation as set forth in sections 07-01-050, proceedings against the notifying

party shall terminate. This shall not limit the right of the Processing Agency to pursue collection of the Occupancy Correction Notice of Toll Evasion Violation from the person who was the registered owner of the Vehicle on the date of the alleged Violation.

07-01-060 Past Due Notice of Toll Evasion Violation

- A. **The Past Due** Notice of Toll Evasion Violation shall contain (1) the date, time and location of the alleged Violation, (2) the section of the Code allegedly violated, (3) the Penalty due for that Violation, (4) the identity and address of the registered owner, (5) the Vehicle make and license plate number, (6) the procedure to follow for payment of the amount due, (7) a statement in bold print that payments may be sent in the mail, (8) the date and time within which the ~~Penalty~~ **Past Due Notice of Toll Evasion Violation** must be paid, (9) a clear and concise explanation of the procedures for filing an ~~affidavit~~ **Affidavit** of ~~non-liability~~ **Non-Liability** in those circumstances set forth in section 07-01-~~040~~**060** B, C, **D** and ~~DE~~ and for contesting the alleged Violation and appealing an adverse decision in accordance with section 07-01-~~055~~**085** and (10) the Due Date, which is also the date by which the written explanation of contest must be received by Metro.
- B. The **Past Due** Notice of Toll Evasion Violation shall contain, or be accompanied with, an ~~affidavit~~ **Affidavit** of ~~non-liability~~ **Non-Liability** and information of what constitutes non-liability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the Processing Agency.
- C. If the ~~affidavit~~ **Affidavit** of ~~non-liability~~ **Non-Liability** is returned to the Processing Agency within ~~21~~**30** days of the issuance of the **Past Due** Notice of Toll Evasion Violation together with **satisfactory** proof that the driver at the time of the Violation did not possess express or implied consent to drive the Vehicle as evidenced by a stolen vehicle police report, if the Processing Agency is satisfied that the registered owner is not responsible for the Violation, the Processing Agency shall cancel the **Past Due** Notice of Toll Evasion Violation and make an adequate record of the reasons.
- D. If the ~~affidavit~~ **Affidavit** of ~~non-liability~~ **Non-Liability** is returned to the Processing Agency by the Due Date with **satisfactory** proof that the registered owner given the **Past Due** Notice of Toll Evasion Violation has made a bona fide sale or transfer of the Vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged Violation and either (1) has complied with section 5602 of the Code, or (2) the Processing Agency is satisfied with evidence that establishes that the transfer of ownership and possession of the Vehicle occurred prior to the date of the alleged Violation, and has obtained verification from the Department, then the Processing Agency shall terminate proceedings against the originally served registered owner and proceed against the new owner of the Vehicle.
- E. If the ~~affidavit~~ **Affidavit** of ~~non-liability~~ **Non-Liability** is returned to the Processing Agency by the Due Date of the **Past Due** Notice of Toll Evasion Violation together with ~~the~~ **satisfactory** proof of an executed written rental agreement or lease between a bona fide renting or leasing company and its customer that identifies the rentee or lessee and provides the driver's license number, name and address of the rentee or lessee, the Processing Agency shall serve or mail to the rentee or lessee identified in

the ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** a **Past Due** Notice of Toll Evasion Violation.

- F. If payment of the ~~Penalty~~**Past Due Notice of Toll Evasion Violation** is not received by Processing Agency by the Due Date ~~on the Notice of Toll Evasion Violation~~, the Processing Agency shall deliver by first- class mail a ~~Notice of Delinquent~~ **Notice of Toll Evasion Violation**.
- G. If the description of the Vehicle in the **Past Due** Notice of Toll Evasion Violation does not match the corresponding information on the registration card for that Vehicle, the Processing Agency may, on written request of the ~~Motorist~~**registered owner**, cancel the **Past Due** Notice of Toll Evasion Violation without the necessity of appearance by that person.

07-01-~~045~~**065** Dismissal of **Past Due** Notice of Toll Evasion Violation

- A. If, after a copy of the **Past Due** Notice of Toll Evasion Violation has been sent to the ~~Motorist~~**registered owner**, the Processing Agency determines that due to failure of proof of apparent Violation the **Past Due** Notice of Toll Evasion Violation shall be dismissed, the Processing Agency shall cancel the **Past Due** Notice of Toll Evasion Violation, and the ~~Motorist~~**registered owner** shall be notified by first-class mail.
- B. If the full amount of the ~~Penalty~~**Past Due Notice of Toll Evasion Violation** is received by the ~~person~~**entity** authorized to receive the payment ~~of the Penalty~~ by the Due Date and there is no contest as to that Violation, proceedings under this ordinance shall terminate.
- C. If the registered owner of the Vehicle provides **satisfactory** proof to the Processing Agency that he or she was not the registered owner on the date of the Violation as set forth in sections 07-01-~~040~~ and 07-01-~~050~~**060**, proceedings against the notifying party shall terminate. This shall not limit the right of the Processing Agency to pursue collection of the ~~delinquent toll evasion Penalty~~**Past Due Notice of Toll Evasion Violation** from the person who was the registered owner of the Vehicle on the date of the alleged Violation.

07-01-~~050~~ Notice of **070** Delinquent **Notice of** Toll Evasion Violation

- A. If the payment of the ~~Penalty~~**Past Due Notice of Toll Evasion Violation** is not received by the Processing Agency by the Due Date ~~on the Notice of Toll Evasion Violation~~, and there is no contest as to that Violation as set forth in section 07-01-~~060~~**085**, the Processing Agency shall deliver by first-class mail to the registered owner of the Vehicle a ~~Notice of Delinquent~~ **Notice of Toll Evasion Violation**.
- B. Metro shall establish a procedure for providing, upon request, a ~~photo-~~**static photostatic** copy of the original **Past Due** Notice of Toll Evasion Violation, **and/or the original Pay as You Go Notice of Toll Evasion Violation or Occupancy Correction Notice of Toll Evasion Violation**, or an electronically produced facsimile of the ~~original Notice of Toll Evasion Violation documents~~ within 15 days of **Metro's receipt of** a request. Metro may charge a fee sufficient to recover the actual costs of providing the copy not to exceed two dollars (\$2) **for each document**, to be established by the Chief Executive Officer of Metro. Until the Processing Agency complies with a request for a copy of the original notice ~~of~~

~~Violation~~, the Processing Agency may not proceed to collection of amounts covered by such notice(s).

- C. The ~~Notice of Delinquent~~ **Notice of Toll Evasion Violation** shall contain the information required to be contained in the original **Past Due** Notice of Toll Evasion Violation and, additionally, shall contain a notice to the registered owner that, unless the registered owner pays the ~~Penalty,~~ **amounts in the Delinquent Notice of Toll Evasion Violation**, contests the Violation pursuant to the procedure set forth in the **Delinquent** Notice of Toll Evasion Violation, or completes and returns to the Processing Agency an ~~affidavit~~ **Affidavit of non-liability** **Non-Liability**, as provided with the **Delinquent** Notice of Toll Evasion Violation and in compliance with section 07-01-~~045~~**070** D, E and F, within ~~1530~~ days after the mailing of the ~~Notice of Delinquent~~ **Notice of Toll Evasion Violation** (the Due Date): (1) the Penalty shall be considered a debt due and owing Metro, (2) the renewal of the Vehicle registration shall be contingent upon compliance with the ~~Notice of Delinquent~~ **Notice of Toll Evasion Violation** at Metro's election, and (3) Metro may seek to recover in any lawful manner, as provided for in section 07-01-~~075~~**100**.
- D. The ~~Notice of Delinquent~~ **Notice of Toll Evasion Violation** shall contain, or be accompanied with, an ~~affidavit~~ **Affidavit of non-liability** **Non-Liability** and information of what constitutes non-liability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the Processing Agency.
- E. If the ~~affidavit~~ **Affidavit of non-liability** **Non-Liability** is returned to the Processing Agency within ~~1530~~ days of the mailing of the ~~Notice of Delinquent~~ **Notice of Toll Evasion Violation** (the Due Date) together with **satisfactory** proof that the driver at the time of the Violation did not possess express or implied consent to drive the Vehicle as evidenced by a stolen vehicle police report, if the Processing Agency is satisfied that the registered owner is not responsible for the Violation, the Processing Agency shall cancel the **Delinquent** Notice of Toll Evasion Violation and make an adequate record of the reasons.
- F. If the ~~affidavit~~ **Affidavit of non-liability** **Non-Liability** is returned to the Processing Agency by the Due Date with **satisfactory** proof that the registered owner given the **Delinquent** Notice of Toll Evasion Violation has made a bona fide sale or transfer of the Vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged Violation and either (1) has complied with section 5602 of the Code, or (2) the Processing Agency is satisfied with evidence that establishes that the transfer of ownership and possession of the Vehicle occurred prior to the date of the alleged Violation, and has obtained verification from the Department, then the Processing Agency shall terminate proceedings against the originally served ~~Motorists~~ **registered owner** and proceed against the unauthorized driver at the time of the Violation, or the new owner of the Vehicle.
- G. If the ~~affidavit~~ **Affidavit of non-liability** **Non-Liability** is returned to the Processing Agency within ~~1530~~ days of the mailing of the **Delinquent** Notice of ~~Delinquent~~ Toll Evasion Violation (the Due Date set forth in the **Delinquent** Notice of ~~Delinquent~~ Toll Evasion Violation) together with ~~the~~ **satisfactory** proof of an executed written rental agreement or lease between a bona fide renting or leasing company and its customer that identifies the rentee or lessee and provides the driver's license number, name, and address of the rentee or lessee, the Processing Agency shall mail to the

rentee or lessee identified in the ~~affidavit~~**Affidavit** of ~~non-liability~~**Non-Liability** a ~~Notice of Delinquent~~ **Notice of** Toll Evasion Violation. If payment is not received within ~~1530~~ days of such mailing of the ~~Notice of Delinquent~~ **Notice of** Toll Evasion Violation, the Penalty shall be considered a debt due and owing Metro and Metro may seek to recover in any lawful manner, as provided for in section 07-01-075, from the rentee or lessee.

07-01-~~055~~**080** Payment After Notice

- A. If a ~~Motorist~~**registered owner** who was mailed a **Past Due** Notice of ~~Delinquent~~ Toll Evasion Violation pursuant to section 07-01-~~050~~**060**, or any other person who presents the **Past Due Notice of Toll Evasion Violation, deposits the Toll and Penalty due with an entity authorized to receive it, then the Processing Agency shall terminate all proceedings where the amount deposited satisfies the amount due. If the entity authorized to receive payments for the Processing Agency receives full payment of the Pay as You Go Notice of Toll Evasion Violation or** ~~Notice of Occupancy Correction Notice of Toll Evasion Violation~~ **within 15 days of the date of the of the Past Due Notice of Toll Evasion Penalty, the Penalty shall consist of the amount of the original Pay as You Go Notice of Toll Evasion Violation or the Occupancy Correction Notice of Toll Evasion Violation without any additional administrative fees or charges.**
- B. **If a registered owner who was mailed a Delinquent Notice of Toll Evasion Violation pursuant to section 07-01-070, or any other person who presents the Delinquent Notice of Toll Evasion Violation, deposits the Penalty due with a** ~~person~~**an entity** authorized to receive it, then the Processing Agency shall terminate all proceedings where the amount deposited satisfies the amount due. If the ~~registered owner, by appearance or by mail, makes payment~~**entity authorized to receive payments for** the Processing Agency **receives full payment of the Past Due Notice of Toll Evasion Violation** within 15 days of the ~~mailing date~~ **mailing date** of the ~~Notice of the Delinquent~~ **Notice of** Toll Evasion Penalty, the Penalty shall consist of the amount of the original ~~penalty~~**Past Due Notice of Toll Evasion Violation** without any additional administrative fees or charges.
- C. If the ~~Notice of Delinquent~~ **Notice of** Toll Evasion Violation has been filed with the Department pursuant to subdivision (b) of Code section 40267 or a civil judgment has been entered pursuant to Code section 40267 and **full** payment of the ~~Penalty~~**Delinquent Notice of Toll Evasion Violation** together with the ~~administrative fee of the Department and the administrative service fee of the Processing Agency for costs of service and any applicable assessment~~**DMV Hold Fee** is received, the Processing Agency shall immediately transmit the payment information to the Department in the manner prescribed by the Department, **and** terminate proceeding, **including termination of any associated civil judgment entered pursuant to Code section 40267,** on the ~~Notice of Delinquent~~ **Notice of** Toll Evasion Violation.

07-01-~~060~~**085** Contest of **Pay as You Go** Notice of Toll Evasion Violation ~~or,~~ **Occupancy Correction** Notice of ~~Delinquent~~ Toll Evasion Violation, **Past Due Notice of Toll Evasion Violation or Delinquent Notice of Toll Evasion Violation**

- A. A person may contest a **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation** or ~~Notice of Delinquent Notice of Toll Evasion Violation~~ within ~~21~~**30** days of the ~~issuance~~**date** of the **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation**, or ~~within 15 days of the issuance of the Notice of Delinquent Toll Evasion Violation, whichever occurs later~~**Notice of Toll Evasion Violation by providing to the Processing Agency, within the 30 day period, a written explanation of contest that states all facts and circumstances with satisfactory proof that supports such contest.**
- B. The Processing Agency shall establish a fair and impartial investigation process to investigate the ~~circumstance of the notice with respect to the contestant's written explanation of reasons for contesting a Violation~~**circumstances of the Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation or Delinquent Notice of Toll Evasion Violation.** The Processing Agency shall investigate with its own records and staff the circumstances of the ~~notice with respect to the contestant's written explanation of reasons for contesting the Violation~~**contest.** If based upon the results of that investigation, the Processing Agency is satisfied that the Violation did not occur or that the registered owner was not responsible for the Violation, the Processing Agency shall cancel the **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation** or ~~Notice of Delinquent Notice of Toll Evasion Violation~~ and make an adequate record of the reasons for cancelling the notice. The Processing Agency shall mail the **written** results of the investigation to the person who contested the **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation** or the ~~Notice of Delinquent Notice of Toll Evasion Violation~~.
- C. A person who contests a **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation** or ~~Notice of Delinquent Notice of Toll Evasion Violation~~ and is not satisfied with the results of the investigation may, within ~~15~~**30** days of the mailing of the results of the investigation, deposit the amount of the Penalty as set forth in section 07-01-~~065-D~~**035** and request an administrative review. An administrative review shall be held within 90 calendar days following the receipt of the request for an administrative review accompanied by the required deposit amount. The person requesting the administrative review may request one continuance, not to exceed 21 calendar days. The person requesting the administrative review shall indicate to the Processing Agency his or her election for a review by mail or personal conference.
- D. The deposit for requesting an administrative review shall be as follows:
- 1) Except as provided herein, an individual seeking an administrative review shall deposit the full amount of the ~~Penalty~~**Toll, Processing Fee and Penalties** due at the time of the request.
 - 2) For Violations arising out of the same set of operative facts and belonging to the same registered vehicle owner, the maximum amount of ~~Penalty~~**Tolls, Processing**

- Fees, and Penalties** required to be deposited shall be (a) \$250 or (b) \$250 plus 10 percent of Penalty above \$1,000, whichever is greater.
- 3) Individuals unable to pay the required deposit may apply for a hardship exception.
- E. If the person requesting an administrative review is a minor, that person shall be permitted to appear at an administrative review or admit responsibility for a Violation without the necessity of the appointment of a guardian. The Processing Agency may proceed against that person in the same manner as if that person were an adult.
- F. As evidence of the Violation the Processing Agency shall produce the **Pay as You Go Notice of Toll Evasion Violation, Occupancy Correction Notice of Toll Evasion Violation, Past Due Notice of Toll Evasion Violation, Delinquent** Notice of Toll Evasion Violation or a copy thereof, information received from the Department identifying the registered owner of the Vehicle, and a statement under penalty of perjury from the **person/entity** authorized to issue a notice of Violation that the Tolls or other charges and any applicable **fees and penalties** were not paid in accordance with Metro's policies. This documentation in proper form shall be prima facie evidence of the Violation.
- G. The reviews shall be conducted **by Metro Transit Court** in accordance with the written procedures established by the Metro Transit Court which shall ensure a fair and impartial review of the contested Violations. The Metro Transit Court shall provide its decision by first-class mail to the contestant. If a notice of appeal to the California Superior Court is not filed within the period set forth in section 07-01-~~070-095~~, the decision shall be deemed final.

07-01-~~065~~090 Hearing Officers

Metro's Chief Executive Officer shall designate the Metro Transit Court hearing officers as the hearing officer(s) appointed to conduct administrative reviews. The hearing officers shall demonstrate the qualifications, training and objectivity necessary to perform fair and impartial reviews. The hearing officer's employment, performance evaluation, compensation and benefits shall not be directly or indirectly linked to the outcome of reviews or the revenue generated by such reviews. Hearings shall be conducted according to such written procedures as may be approved from time to time by the Chief Executive Officer. The hearing shall provide an independent, objective, fair and impartial review of contested violations.

07-01-~~070~~095 Appeal to Superior Court

A person who requests an administrative review and is not satisfied with the results of the review, may within 20 days after the mailing of the Metro Transit Court's final decision seek review by filing an appeal to the California Superior Court, where the case shall be heard de novo, except that the contents of the Processing Agency's file in the case on appeal shall be received in evidence. For the purposes of computing the 20-day period, section 1013 of the Code of Civil Procedure shall be applicable. The Processing Agency shall admit into evidence as prima facie evidence of the facts stated therein, a copy of the **Past Due** Notice of Toll Evasion Violation and/or ~~Notice of Delinquent~~ **Notice of** Toll Evasion Violation. A copy of the notice of appeal shall be served in person or by first-class mail upon the Processing Agency by the contestant. Notwithstanding section 72055 of the Government Code, the fee for filing the notice of appeal shall be \$25. If the

appellant prevails, this fee, together with the deposit of the Penalty made by the contestant, shall be promptly refunded by the Processing Agency in accordance with the judgment of the court.

07-01-~~075~~100 Collection of Unpaid **Tolls, Processing Fees and Penalties**

If payment is not received within the time periods set forth herein, and no **written contest explaining all facts, circumstances and satisfactory proof supporting such written** contest has been timely filed, or has been resolved, Metro and the Processing Agency are authorized to proceed under one or more of the following options for the collection of unpaid ~~Penalties~~ **Toll, Processing Fee, Past Due Penalty and Delinquent Penalty**:

- A. Transmit an itemization of unpaid **Tolls, Processing Fees and Penalties** with the Department for collection with the registration of the Vehicle, **precluding the registered owner from renewing their Vehicle registration until such Tolls, Processing Fees and Penalties are paid or resolved pursuant to this ordinance.** Metro shall pay the fees assessed by the Department associated with the recording of the ~~Notice of Delinquent~~ **Notice of Toll Evasion Violation** and may charge the amount of the ~~fee~~ **DMV Hold Fee** to the ~~Motorists~~ **registered owner** to be collected by the Department **or by Metro.**
- B. If more than four hundred dollars (\$400) in unpaid Penalties have been accrued by any person or registered owner, Metro may file proof of that fact with the Superior Court with the same effect as a civil judgment. Execution may be levied and other measures may be taken for the collection of the judgment as are authorized for the collection of any unpaid civil judgments entered against a defendant in an action on a debt. The court may assess costs against a judgment debtor to be paid upon satisfaction of the judgment. The Processing Agency shall mail a notice by first-class mail to the person or registered owner indicating that a judgment shall be entered for the unpaid Penalties and that after 30 days from the date of the mailing of the notice, the judgment shall have the same effect as an entry of judgment against a judgment debtor. The notice shall include all information required by Code section 40267. The filing fee and any costs of the collection shall be added to the judgment amount.
- C. If the Processing Agency has determined that registration of the Vehicle has not been renewed for 60 days beyond the renewal date, and the Penalty has not been collected by the Department pursuant to section 4770 of the Code, **Metro may** file proof of unpaid Penalties with the court with the same effect as a civil judgment as provided above, except that if the amount of the unpaid Penalty is not more than four hundred dollars (\$400), the filing fee shall be collectible by the court from the debtor.
- D. Contract with a collection agency to collect Penalty amounts.
- E. Submit a request to the California State Controller for an offset of unpaid Penalty owing by a ~~Motorist~~ **registered owner** against any amount owing the person or entity by a claim for a refund from the Franchise Tax Board under Personal Income Tax Law or the Bank and Corporation Law or from winnings in the California State Lottery, as authorized by California Government Code section 124 19.10. Metro shall provide notice of intent to request an offset by first-class mail to the ~~Motorist~~ **registered owner** 30 days prior to the request date.

F. Pursue such other remedies and enforcement procedures that are authorized under the laws of the State of California.

07-01-~~080~~105 Termination of Proceedings

The Processing Agency shall terminate proceedings on the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation, in any of the following cases:

Upon receipt of collected penalties remitted by the Department under Code section 4772 for that ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation. If the ~~Notice of~~ Delinquent **Notice of** Toll Evasion Violation was returned to the Processing Agency pursuant to Code section 4774 and five years have elapsed since the date of the Violation. The Processing Agency receives information that the Penalties have been paid to the Department pursuant to Code section 4772.

07-01-~~085~~110 Confidentiality

Any information obtained during the enforcement of Violations shall not be used for any purpose other than to pursue the collection of Violations or process Tolls.

07-01-~~090~~115 Other Notices

Nothing herein shall prohibit Metro or the Processing Agency from establishing informal methods of notifying Motorists **and registered owners** of Violations and from collecting Tolls, **Fees** and Penalties for Violations through such means.

07-01-~~95~~120 Implementation

The Chief Executive Officer of Metro is hereby authorized and directed to develop procedures, forms, documents and directives which may be necessary to implement the terms of this ordinance and may delegate his duties and obligations under this ordinance to the Executive Officer, Congestion Reduction Initiative or the Chief Hearing Officer.

07-01-~~100~~125 Severability

If any term, covenant or condition of this ordinance shall be held by a court of competent jurisdiction to be invalid or unenforceable, then the remainder of this ordinance shall not be affected and each remaining provision shall be valid and enforceable to the fullest extent permitted by law unless any of the stated purposes of this ordinance would be defeated.



Board Report

File #: 2019-0769, **File Type:** Informational Report

Agenda Number: 31.

CONSTRUCTION COMMITTEE NOVEMBER 21, 2019

SUBJECT: LINK UNION STATION PROJECT

**ACTION: APPROVE USE OF CONSTRUCTION MANAGER/GENERAL CONTRACTOR
(CM/GC) PROJECT DELIVERY METHOD**

RECOMMENDATION

CONSIDER:

- A. FINDING that the use of a construction manager/general contractor (CM/GC) project delivery method for the Link Union Station Project, pursuant to Public Utilities Code Sections 130242, to achieve certain private sector efficiencies by an integrated project delivery team; and
- B. APPROVING a competitive solicitation of a CM/GC contract(s) to qualified proposers, pursuant to Public Utilities Code Section 130242 (e), whose proposals will be evaluated by utilizing appropriate evaluation criteria (including price) set forth in the solicitation documents.

(REQUIRES 2/3 VOTE OF THE BOARD)

ISSUE

Metro is able to enter into contracts for a CM/GC delivery pursuant to Public Utilities Code Section 130242. Staff is requesting approval to utilize the competitive procurement process for the selection of a construction manager/general contractor (CM/GC) for the Link Union Station Project, which will allow staff to proceed with a selection of a recommended CM/GC contractor for contract award subject to future Board approval.

DISCUSSION

A Construction Management/General Contractor project delivery method is procured to provide pre-construction services during the design phase of the project and commit to construct the project at defined scope and price. The CM/GC project delivery method provides for an integrated project delivery team consisting of the owner, designer/engineer and construction manager/general contractor (CM/GC) that enables team collaboration to develop the design plans and maximize cost and schedule savings of the project costs. Since the CM/GC contractor is providing preconstruction services during the design phase such as providing constructability reviews, value engineering,

pricing, scheduling and construction phasing, the CM/GC project delivery method, will improve quality, higher certainty on final construction cost and delivery schedule and lower potential for change orders, disputes and third-party delays during construction.

As the collaborative design process is being completed, Metro would enter into exclusive negotiations with the CMGC contractor. A detailed independent cost estimate would be developed by Metro as the basis for these negotiations. If Metro and the CMGC cannot come to terms, off ramps would be defined in the contract that would allow Metro to pursue other contracting options such as a competitive bid.

Staff is recommending the CM/GC method for the delivery of the Link Union Station (Link US) Project due to a fixed and constrained budget, large stakeholder base with a variety of rail and transit operators and the complexity of maintaining operations of Los Angeles Union Station, serving approximately 100,000 passengers every weekday, as summarized below:

1. Fixed budget: The current budget for Phase A of the Link US Project is \$950 million, over 93% of which comes from the State and other agencies. Metro has very limited ability to absorb any cost overruns.
2. Los Angeles Union Station (LAUS) Operations: LAUS railyard includes “live” tracks with 188 Metrolink and Amtrak trains every weekday operating from 4am to 10pm. In addition, LAUS serves over 100,000 passengers every weekday and offers an abundance of rail (Metro Red Line, Purple Line and Gold Line) and bus (over 1,000 buses every week day at Patsaouras Plaza and bus stops around the station) services.
3. Complexity on a constrained site: LAUS must maintain operations with no or very minimal disruptions to transit, commuter and inter-city rail services during construction. There is a large number of stakeholders (SCRRA, HSR, Amtrak, Caltrans, City of Los Angeles, Metro Union Station Property Management, etc.) with each entity involved with defining design and operational requirements. Some examples of physical constraints within the area of the Link US run-through tracks are: the US-101 Freeway including the on- and off-ramps, the Metro Red/Purple Line tunnel and the Division 20 Portal expansion.

CM/GC Independent Review Panel

On October 11, 2019, Metro’s Program Management department hosted an independent review panel comprising of representatives from the Dallas Area Rapid Transit (DART), San Diego Association of Governments (SANDAG), Southern California Regional Rail Authority (SCRRA), California High Speed Rail Authority (CHSRA), the City of Los Angeles, and senior staff from Metro’s Program Management and Vendor/Contract Management departments. The panel addressed two questions prepared by staff:

1. Is CM/GC the right delivery method for the Link US Project and why?
2. What are the advice and lessons learned from your experience and expertise on the CM/GC delivery method?

For question no.1 regarding if CM/GC is the right project delivery method, eight (8) of the twelve (12) panel members recommended the use of CM/GC because of the budget constraints, site and operational constraints and the large group of stakeholders involved. Some panel members also shared concerns about the use of Design-Bid-Build and Design-Build delivery methods for the Project, mainly due to the significant risk of cost overruns from change orders.

With regards to advice and lessons learned from the panels' experiences on CM/GC contract under question no. 2, the panel provided the following:

1. Include a design and construct to budget/cost clause in contracts;
2. For live tracks and station, incentivize the CM/GC with performance score card to minimize disruption to operations;
3. Co-location of key project team members in one office to enhance collaboration and efficiency;
4. Maintain key project team members from design through construction with penalty for changes to key members on the CM/GC and the engineer teams;
5. Defined off-ramp strategy and be ready and willing to implement;
6. Importance of an independent cost estimate to validate both the CM/GC and engineer's cost estimates;
7. Define the first tier subcontractor plan and qualifications (not selection);
8. Define key roles and responsibilities of operations and maintenance of Los Angeles Union Station.

Lastly, DART discussed the positive experience with the use of a cooperation agreement between the owner, the designer and the CM/GC contractor to define roles and responsibilities of each party including providing an incentive program to encourage improved quality, minimize impacts to operations at Union Station during construction, lower project costs and target early completion date. DART also suggested incorporating the Metrolink's project schedule on Metrolink's work on early track, signal and communication into Metro's Link US Phase A Project Schedule.

In consideration of the recommendations by the CM/GC independent review panel, staff recommends the use of the CM/GC project delivery method for the Link US Project. The CM/GC contract will be structured with off-ramp opportunities for Metro if both parties cannot reach agreement on price or other contract terms as outline in Attachment A Link Union Station Phase A CM/GC Off Ramp Opportunities.

DETERMINATION OF SAFETY IMPACT

The Link US project is being planned and designed in accordance with Metro and Metrolink standards, state and federal requirements. Approval of the Link US project will have no impact on safety.

FINANCIAL IMPACT

Approval of the staff recommendation will allow staff to proceed with a competitive procurement process utilizing the CM/GC project delivery method. Staff will develop a Life of Project (LOP) budget recommendation when designs are finalized and seek approval on the award of a GMP

contract for construction with the CM/GC firm.

The amount of \$23.446 million in FY 20 is included in the approved FY20 budget for cost center 2415 under SCRIP 460089. Since this is a multi-year project Senior Executive Officer, Program Management/Regional Rail will be accountable for budgeting the costs in future years.

Impact to Budget

There is no impact to the FY20 budget. The sources of funds secured to date for the Link US Project includes the State's TIRCP grant funds, High-Speed Rail funds, and previously approved and programmed Measure R 3% Commuter Rail funds.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Link US project supports Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. The proposed run-through tracks would increase regional and intercity rail capacity and reduce train idling at Los Angeles Union Station (LAUS), enable one-seat rides from Santa Barbara County to San Diego County through LAUS, and accommodate a new high-quality transportation option such as High Speed Rail in Southern California. The project also supports Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system. The proposed new passenger concourse and the new outdoor plaza (West Plaza) would improve customer experience and satisfaction by enhancing transit and retail amenities at LAUS, and improving access to train platforms with new escalators and elevators. Lastly, the project supports Strategic Goal 4: Transform LA County through regional collaboration and national leadership. The project requires close collaboration with many local, regional, State and Federal partners including City of Los Angeles, SCRRA, LOSSAN Authority, Caltrans, CHSRA, CalSTA, FRA and Amtrak.

ALTERNATIVES CONSIDERED

The Board may elect not to approve the staff recommendation to use the CM/GC project delivery approach for the Link US Project. The board may choose to use other project delivery methods such as Design-Build or Design-Bid-Build. This is not recommended because the advantages of using CM/GC for the Link US Project including improved design quality, enhanced efficiencies and a design-to-budget principal, lower potential for change orders will not be realized.

NEXT STEPS

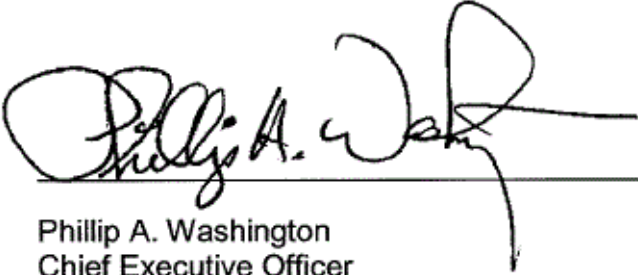
Approval of this action would allow staff to proceed with a competitive procurement process utilizing the CM/GC project delivery method pursuant to Public Utilities Code Section 130242 (e). Staff will hold an industry review in January 2020 to receive feedback on the draft scope of work for the CM/GC contract. Staff plans to release the CM/GC RFQ package by February 2020 and CM/GC RFP Package as early as April 2020.

ATTACHMENTS

Attachment A - Link Union Station Phase A CM/GC Off Ramp Opportunities

Prepared by: Kunle Ogunrinde, Senior Manager, Transportation Planning, Regional Rail, (213) 418-3330
Vincent Chio, Director, Regional Rail, (213) 418-3178
Jeanet Owens, Senior Executive Officer, Regional Rail, (213) 418-3189

Reviewed by: Richard Clarke, Chief Program Management Officer, (213) 922-7557
Debra Avila, Chief Vender/Contract Management Officer, (213) 418-3051



Phillip A. Washington
Chief Executive Officer

Attachment A
Link US CM/GC Off-Ramp Opportunities

DRAFT			PRE-CONSTRUCTION PHASE	CONSTRUCTION PHASE
Task Order 1 6 MONTHS (Jan to Jun 2021)	Task Order 2 10 MONTHS (Jul 21' to Apr 22')	Task Order 3 8 MONTHS (May 22' to Dec 22')	Task Order 4, 5, etc. 48 MONTHS (Jan 23' to Dec 26')	
35% Phase B Design Milestone	65% Design Milestone	90% Design Milestone	A/E to prepare as constructed documents	
SEPARATE TASK ORDER ISSUED OR OFF-RAMP AND TERMINATION	SEPARATE TASK ORDER ISSUED AND/OR OPPORTUNITY FOR EARLY CONSTRUCTION WORK OR OFF-RAMP AND TERMINATION	NEGOTIATION TO DETERMINE LUMP SUM CONSTRUCTION TASK ORDER OR OFF-RAMP AND TERMINATION		
If Terminated, Metro may proceed with second highest CM/GC proposer (TBD if this is feasible under Metro's statutory authority)	If Terminated, Metro may proceed with second highest CM/GC proposer (TBD if this is feasible under Metro's statutory authority)	If Terminated, Metro may proceed with second highest CM/GC proposer (TBD if this is feasible under Metro's statutory authority)		



Board Report

File #: 2019-0798, **File Type:** Contract

Agenda Number: 35.

**EXECUTIVE MANAGEMENT COMMITTEE
NOVEMBER 21, 2019**

SUBJECT: FINANCIAL ADVISORY SERVICES: PRE-PROCUREMENT AND PROCUREMENT FOR THE SEPULVEDA TRANSIT CORRIDOR PRELIMINARY DEVELOPMENT AGREEMENT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to:

- A. EXECUTE Modification No. 2 to Task Order No. PS51074-3049000 with Ernst & Young Infrastructure Advisors, LLC, (EYIA) to continue support for development and execution of a contract for a pre-development agreement (PDA) for the Sepulveda Transit Corridor project through contract award, in the amount of \$539,575 increasing the not-to-exceed Task Order value from \$1,099,280 to \$1,638,855; and
- B. INCREASE Contract Modification Authority (CMA) by \$227,915 from \$100,000 to \$327,915 in support of any unforeseen additional level of effort.

ISSUE

Task Order No. PS51074-3049000 currently provides for P3 Financial Advisory Services for the development and execution of a contract for a PDA for the Sepulveda Transit Corridor project. Staff is requesting a modification in the amount of \$539,575 for Task Order No. PS51074-3049000, to support Metro's current procurement and execution schedule, with appropriate schedule contingency. Staff is requesting an increase in CMA by \$227,915 to account for any additional unforeseen expenses or required level of effort, to be utilized with appropriate justification.

DISCUSSION

A PDA is a form of early contractor involvement in project development for a capital construction project. The goal of a PDA is to drive value in project design through early contractor input into approach, constructability, performance, risk, cost, and schedule, with incentives to drive innovation throughout the project's lifecycle.

A PDA of the type that Metro determined to pursue draws on lessons learned and best practices for early contractor involvement from around the world. However, a PDA of this type and nature is without meaningful precedent in the US, and the procurement process and form of contract that Metro ultimately developed is more complex than anticipated when the task order was scoped and awarded.

Further, after engagement of EYIA, Metro staff determined that it was in Metro's interest to allow for award of up to two PDA contracts, contributing additional complexity to the proposal evaluation process.

Due to these two factors, the level of effort required to execute the solicitation process, including financial advisory support for review and assessment of proposals, has increased. An increase in CMA will give staff appropriate contingency budget for any unforeseen additional level of effort.

FINANCIAL IMPACT

This Task Order is included in the FY20 Budget in Cost Center 2031 - Public Private Partnerships, account 50316, and project 405701. To date in FY 2019, \$10,250,735.98 has been encumbered and \$3,845,260.98 has been expended, with \$4,239,264.02 remaining in the budget.

Since this is a multi-year contract, the cost center manager and Deputy Executive Officer, Innovation, will be accountable for budgeting the cost in future fiscal years.

ALTERNATIVES CONSIDERED

Staff considered reducing the complexity of the proposal evaluation approach. However, this would have led to a less thorough and competitive process for determining recommendation for contract award.

Staff also considered utilizing in-house resources to provide financial assessment, however Metro staff generally do not have the qualification to provide complex P3 financial analysis.

Staff's assessment indicated that none of these options were a cost-effective or prudent option for Metro.

STRATEGIC PLAN

The Metro Vision 2028 Strategic Plan identifies five goals to guide Metro's work and initiatives. This modification supports the following goals.

- ***Goal 1: Provide high-quality mobility options that enable people to spend less time traveling.***
Metro's PDA delivery model for the Sepulveda Transit Corridor is focused on delivering maximum project performance at the earliest possible date, within Metro's financial constraints. A robust procurement process with a thorough evaluation of all responsive and responsible proposals is a critical part of delivering on this value proposition.
- ***Goal 2: Deliver outstanding trip experiences for all users of the transportation system.***
A key benefit of PDA delivery is higher optimizing project performance over the project lifecycle (reliability, safety, cleanliness, etc.).

-
- **Goal 5. Provide responsive, accountable, and trustworthy governance within the Metro organization.**

The integrity of Metro's procurement process is one of the most important factors in achieving responsive, accountable, and trustworthy governance. Including sufficient technical support for a process with high integrity supports this goal.

NEXT STEPS

Upon Board approval, staff will execute Modification No. 2 to Task Order No. PS51074-3049000 with Ernst & Young Infrastructure Advisors, LLC, to continue support for development and execution of a contract for a PDA for the Sepulveda Transit Corridor project, through contract award.

ATTACHMENTS

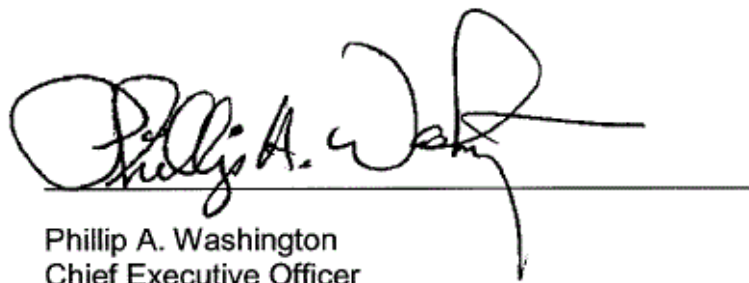
Attachment A - Procurement Summary

Attachment B - Task Order Modification/Change Order Log

Attachment C - DEOD Summary

Prepared by: Colin Peppard, Senior Director, Special Projects, (213) 418-3434

Reviewed by: Joshua Schank, Chief Innovation Officer, (213) 418-3345
Debra Avila, Chief, Vendor/Contract Management Officer, (213) 418-3051



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

**FINANCIAL ADVISORY SERVICES: PRE-PROCUREMENT AND PROCUREMENT
FOR THE SEPULVEDA PASS TRANSIT CORRIDOR PRELIMINARY
DEVELOPMENT AGREEMENT/PS51074-3049000**

1.	Contract Number: Task Order No. PS51074-3049000		
2.	Contractor: Ernst & Young Infrastructure Advisors, LLC		
3.	Mod. Work Description: Continue support for development and execution of a contract for a PDA for the Sepulveda Transit Corridor project, through contract award.		
4.	Task Order (TO) Work Description: Financial Advisory Services: Pre-Procurement and Procurement for the Sepulveda Pass Transit Corridor Preliminary Development Agreement.		
5.	The following data is current as of: 10/24/19		
6.	TO Completion Status		Financial Status
	TO Awarded:	3/19/18	TO Award Amount: \$1,000,000
	Notice to Proceed (NTP):	3/19/18	Total of Modifications Approved: \$99,280
	Original Complete Date:	2/28/21	Pending Modifications (including this action): \$539,575
	Current Est. Complete Date:	2/28/21	Current TO Value (with this action): \$1,638,855
7.	Contract Administrator: Lily Lopez		Telephone Number: (213) 922-4639
8.	Project Manager: Colin Peppard		Telephone Number: (213) 418-3434

A. Procurement Background

This Board Action is to approve Modification No. 2 to Task Order No. PS51074-3049000, under Contract No. PS2210-3049-G-06, to continue support for development and execution of a contract for a PDA for the Sepulveda Transit Corridor project, through contract award.

This Task Order Modification was processed in accordance with Metro's Acquisition Policy. The contract/task order type is firm fixed price. All other terms and conditions remain in effect.

On March 19, 2018, Task Order No. PS51074-3049000 in the amount of \$1,000,000 was issued to Ernst & Young Infrastructure Advisors LLC (EYIA), under the Public-Private Partnership Technical Bench, Discipline 6 (Financial Analysis) for Financial Advisory Services: Pre-Procurement and Procurement for the Sepulveda Pass Transit Corridor Preliminary Development Agreement.

One modification has been issued to date. Refer to Attachment B – Task Order Modification/Change Order Log for modifications issued to date.

B. Cost Analysis

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate (ICE), cost analysis, and technical analysis. Metro's ICE underestimated the level of effort required from senior level staff to conduct the PDA for the Sepulveda Transit Corridor project. All labor rates remain unchanged from the original task order.

Proposal Amount	Metro ICE	NTE Negotiated Amount
\$539,575	\$475,000	\$539,575

**TASK ORDER MODIFICATION/CHANGE ORDER LOG
PUBLIC-PRIVATE PARTNERSHIP TECHNICAL BENCH /
TASK ORDER NO. PS51074-3049000
TASK ORDER LOG VALUE ISSUED TO DATE**

Mod. No.	Description	Status (approved or pending)	Date	\$ Amount
1	Preparation of additional RFP documentation and Preliminary Development Agreement contract language.	Approved	10/7/19	\$99,280
2	Continue support for development and execution of a contract for a PDA for the Sepulveda Transit Corridor project, through contract award.	Pending	12/5/19	\$539,575
	Task Order Modification Total:			\$638,855
	Original Task Order Amount:		03/19/18	\$1,000,000
	Total:			\$1,638,855

DEOD SUMMARY

**FINANCIAL ADVISORY SERVICES: PRE-PROCUREMENT AND PROCUREMENT
FOR THE SEPULVEDA PASS TRANSIT CORRIDOR PRELIMINARY
DEVELOPMENT AGREEMENT/PS51074-3049000**

A. Small Business Participation

Ernst & Young Infrastructure Advisors, LLC (EYIA) made a Small Business Enterprise (SBE) participation commitment of 12.11% for this Task Order contract. The project is 83% complete. EYIA has a current SBE participation of 8.27%, which represents a 3.84% shortfall.

As reported by EYIA and confirmed by Metro's Project Manager, SHA Analytics LLC was originally slated to provide risk analysis services and support the development of a project risk register for the Sepulveda PDA procurement. However, as the project progressed, Metro determined that these services would not be required, and likely could not be performed, for another 1-2 years after the project becomes more defined (EYIA will seek approval to terminate given this de-scoping). EYIA also reported that while the scope of services required for this task order is more directly related to the services provided by Ross Infrastructure Development LLC, EYIA projects that it will still meet its individual commitment to System Metrics Group, as well as its overall Task Order SBE commitment, by the end of contract term.

Notwithstanding, Metro Project Managers and Contract Administrator will work in conjunction with DEOD to ensure that EYIA is on schedule to meet or exceed its SBE commitment. If EYIA is not on track to meet its small business commitment, Metro staff will ensure that EYIA submits an updated mitigation plan.

Small Business Commitment	12.11% SBE	Small Business Participation	8.27% SBE
----------------------------------	-------------------	-------------------------------------	------------------

	SBE Subcontractors	% Committed	Current Participation¹
1.	System Metrics Group	3.04%	0.00%
2.	SHA Analytics LLC	7.03%	0.00%
3.	Ross Infrastructure Development LLC	2.04%	8.27%
	Total	12.11%	8.27%

¹Current 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 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.



Board Report

File #: 2019-0778, File Type: Contract

Agenda Number: 36.

CONSTRUCTION COMMITTEE NOVEMBER 21, 2019

SUBJECT: DIVISION 20 PORTAL WIDENING AND TURNBACK FACILITY

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. APPROVING AND ADOPTING minor changes to project definition and CEQA Addendum to the Final Environmental Impact Report (FEIR) for the Division 20 Portal Widening and Turnback Facility (Attachment A); and
- B. ESTABLISHING a Life-of-Project (LOP) Budget of \$801,749,577 for the Division 20 Portal Widening Turnback Project.

ISSUE

The Metro Board of Directors certified the Division 20 Portal Widening and Turnback Facility (Project) Final Environmental Impact Report (FEIR) on October 25, 2018. Since then, two components of the Project—a column to support the high-speed rail (HSR) and a ventilation shaft building—have been eliminated. Additionally, the Citizens Warehouse/Lysle Storage Company building (commonly known as the Pickle Works building) has been demolished due to a fire (unrelated to the Project). Therefore, mitigation measures previously adopted to minimize impacts to the Pickle Works building are no longer necessary. Pursuant to Public Resources Code section 21166 and California Environmental Quality Act (CEQA) Guidelines section 15164, Metro analyzed the potential environmental impacts of the changes in the Project definition and concluded that an addendum to the FEIR would be appropriate. As set forth in the analysis undertaken in the Addendum to the EIR the proposed refinements will not result in new or substantially more adverse impacts than those previously documented.

The establishment of the LOP Budget for the Division 20 Portal Widening and Turnback Project at the time of contract award is consistent with the recommendations in the Office of the Inspector General (OIG) Construction Management Best Practices Study Report and lessons learned regarding establishing final budgets, when adequate information (such as the receipt of hard bids) is available.

BACKGROUND

Metro committed to the Federal Transit Administration (FTA), as part of the Full Funding Grant Agreement (FFGA) for the Westside Purple Line Extension (WPLE) Section 1, to make appropriate infrastructure modifications to allow the Purple Line system to operate at reduced headways. The FFGA states that reduced headways must be achievable by late 2024. The Project will achieve the required headways for the Red and Purple Lines and enhance operational capacity at the division.

The Project elements include:

- Widening the tunnel portal that currently connects the Metro Red and Purple Lines to Division 20;
- Constructing new storage tracks;
- Reconfiguring existing tracks and access roads to accommodate a turnback facility;
- Installing a new Traction Power Substation (TPSS) and emergency backup power generator;
- Expanding the rail yard west, into areas previously occupied by the former Citizens Warehouse/Lysle Storage Company building, the LAPD Viertel's Central Division Police Garage, and the former National Cold Storage facility;
- Repurposing an existing building at 100-120 North Santa Fe Avenue for maintenance of way (MOW) activities;
- Modifying the 1st Street Bridge piers and providing a seismic upgrade to the Bridge superstructure; and
- Vacating portions of three City streets: Jackson, Banning, and Ducommun Streets east of Center Street.

On March 23, 2017, the Board approved the award of a professional services contract to complete preliminary engineering and final design for the Division 20 Portal Widening and Turnback Project. The Board also approved the award of a Construction Management Support Services contract on May 17, 2018. A task order was issued to begin abatement and early demolition work on the newly acquired properties for the project on October 8, 2018. Award of a separate power contract was issued on June 18, 2019 to begin procurement of a new traction power substation.

On January 5, 2019, a Request for Qualifications (RFQ)/Invitation-for-Bid (IFB) was issued for Contract No. C1136 using the lowest bid price to select a contractor to construct the project. Three bids were received on September 26, 2019 with an apparent lowest bidder and price identified. The bids ranged from \$439.8M to \$447.9M. The Metro Independent Cost Estimate (ICE) was \$431.5M (Project Chronology is summarized in Attachment C).

DISCUSSION

The Addendum to the Final EIR provides clarifications and analysis on the following items:

- The elimination of two project elements (a column to support the high-speed rail (HSR) and a ventilation shaft building)
- Demolition of the Citizens Warehouse/Lysle Storage Company building (commonly known as the Pickle Works building) due to a fire (unrelated to the Project), and
- Revised mitigation measures necessitated by aforementioned changes to the Project and its surrounding circumstances.

The elimination of the column to support HSR and the ventilation shaft building will result in reduced impacts. In addition, the fire and subsequent demolition of the Citizens Warehouse/Lysle Storage Company building changes the building's eligibility for the National Register of Historical Places. As a result, the mitigation measures previously identified to maintain and protect the building have been eliminated from the Project. Although the elimination of these items alters the Project and reduces its potential impacts, the EIR continues to serve as the appropriate document addressing the environmental impacts of project construction and operational activities pursuant to CEQA.

In particular, the analysis undertaken in the Addendum confirms that the proposed Project refinements will not result in new or substantially more severe adverse impacts than those previously documented in the EIR. Therefore, supplemental environmental review is not required under CEQA. (See Pub. Resources Code, § 21166; 14 Cal. Code Regs. ("CEQA Guidelines"), § 15162.)

Life of Project Budget

From inception, the Division 20 Portal Widening and Turnback Project has been funded on a fiscal year basis. The proposed LOP budget for this project has been based on total project costs incurred (including Metro labor, non-labor costs and right-of-way acquisition), bid price, anticipated scope changes, up to 20 additional Operations personnel, and contingency.

Funding in the amount of \$801.7 million (See Attachment D - Funding/Expenditure Plan) has been identified to be obtained from Red/Purple Line projects that were included in the 2014 Short Range Transportation Plan (SRTP) but are no longer required for Metro's operation of the Red and Purple Lines. Metro Program Management, Operations and Systems have evaluated the following SRTP projects and determined they are not required for Red/Purple Line Operations: North Hollywood Terminal, Train Control for reduced headways, Traction Power for reduced headways and Tunnel Improvements under Santa Monica Mountains. Two additional projects, Union Station Upgrades and Division 20 Improvements are also identified in the LRTP and will contribute to fund Division 20 Project.

Design-bid-build projects typically carry a ten percent contingency because the design is carried out to 100%. In this case twenty percent contingency is justifiable due to several high-risk factors:

- Construction occurs within an active railyard
- Multiple cut-overs are required to ensure service to the mainline is not impacted
- Multiple overlapping construction contracts including rail welding from WPLE Section 1, Link Union Station, and ESOC
- Schedule is critical as it is related to Metro's FFGA commitment for the opening of WPLE Section 1

Additionally for Board's information, as part of the overall expansion of the Division 20 yard, a separate shop expansion project will be required. Design work for this separate project is at a very early stage and will progress towards completion through Winter 2021. Staff will bring forward to the Board a separate LOP recommendation for that project at a later date once design is completed and construction costs are known.

DETERMINATION OF SAFETY IMPACT

Approval of this item will have no impact on safety.

FINANCIAL IMPACT

The funding required for FY20 is included in the Adopted Budget under project 865519 Division 20 Portal Widening Turnback Facility, cost center 8510, in various accounts. The cost for the 19 additional FTEs required in Operations for this project is included in the proposed LOP. Five of the nineteen project FTEs will be addressed through the annual budget process in future fiscal years based on the assessment of project schedule and related annual staffing deployment needs. Likewise, the positions will taper off as the project comes to completion.

This is a multi-year project and it is the responsibility of the Project Manager and Chief Program Management Officer to budget for this project in future fiscal years.

Impact to Budget

The sources of funds for the recommended actions are Measure R 35%, Measure R 2%, SB1 - Local Partnership Program, and Cap & Trade Transit and Intercity Rail Capital Program (TIRCP). These funds are not eligible for Bus and Rail Operating expenses. The funding sources are subject to change based on availability and eligibility at the time of expenditure.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of this recommendation supports the following Metro Strategic Plan Goals:

1. Provide high-quality mobility options that enable people to spend less time travelling;
2. Deliver outstanding trip experience for all users of the transportation system; and
3. Enhance communities and lives through mobility and access to opportunity.

ALTERNATIVES CONSIDERED

Item A: The Board may consider not approving changes in the Project definition and the Addendum to the Final EIR. This is not recommended as the revisions, additions, and clarifications included in the updated Project definition and described in the Addendum will ensure that the Project's design and construction are informed by existing conditions and constraints. In particular, advancing construction without this new information could result in design or construction activities that may need to be revised, via a change order, after the construction contractor is on board. Change orders are costly and cause delays. The Addendum will allow for the appropriate level of clarification to move the Project forward in the near-term.

Item B: The Board may choose to not move forward with adopting an LOP budget. This is not recommended as the LOP is based on actual bids which provide an accurate forecast for construction costs.

NEXT STEPS

Upon Board approval of the changes in the Project definition and the Addendum, staff will file the Notice of Determination (Attachment B) and ensure all project activities are consistent with the revised mitigation measures.

ATTACHMENTS

Attachment A - Addendum

Attachment B - Notice of Determination

Attachment C - Division 20 Chronology

Attachment D - Funding Plan

Attachment E - Division 20 Portal Widening & Turnback Facility FTE Plan

Prepared by:

Cris Liban, Executive Officer, Environmental Compliance and Sustainability (213) 922- 2471

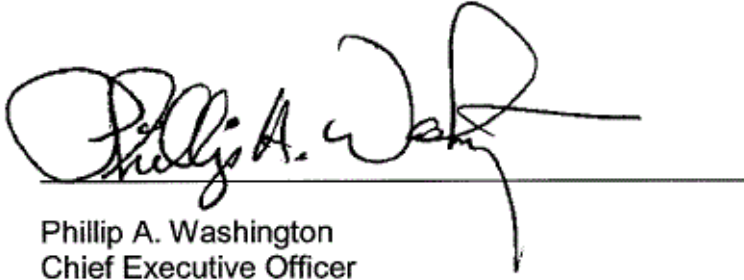
Rick Meade, Senior Executive Officer (213) 922-7917

Reviewed by:

Richard Clarke, Chief Program Management Officer (213) 922-7557

Debra Avila, Chief Vendor/Contract Management Officer (213) 418-3051

James Gallagher, Chief Operations Officer (213) 418-3108



Phillip A. Washington
Chief Executive Officer

**ADDENDUM TO
ENVIRONMENTAL IMPACT REPORT FOR THE DIVISION 20 PORTAL
WIDENING/
TURNBACK FACILITY PROJECT
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
SCH # 2017101034**

JULY 2019

1.0 INTRODUCTION

This environmental document is an Addendum to the Division 20 Portal Widening/Turnback Facility Project (Project; Proposed Project) Environmental Impact Report (EIR) (State Clearinghouse No. 2017101034), which was certified by the Metro Board of Directors on October 25, 2018. The purpose of this Addendum is to evaluate whether changes to the Project or to its surrounding circumstances necessitate supplemental environmental review under the California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000 et seq.), pursuant to Public Resources Code Section 21166 and Section 15162 of the State CEQA Guidelines (14 Cal. Code Regs. et seq.). This Addendum also considers revised mitigation measures that have been necessitated by changes to the Project and its surrounding circumstances. Specifically, since the certification of the EIR, two components of the Project—a column to support the high-speed rail (HSR) and a ventilation shaft building—have been eliminated. Additionally, the Citizens Warehouse/Lysle Storage Company building (commonly known as the Pickle Works building) has been demolished due to a fire (unrelated to the Project). As discussed in Section 4.0, *Significance Determination*, the elimination of the column to support HSR and the ventilation shaft building will result in reduced impacts. In addition, the fire at and demolition of the Citizens Warehouse/Lysle Storage Company building changes the building's eligibility for the National Register of Historical Places. As a result, the mitigation measures previously identified to maintain and protect the building have been eliminated from the Project. Although the elimination of the HSR component and the fire and demolition of the building alter the Project and the potential impacts, the EIR, and the construction and operational activities that were addressed within it, continue to serve as the appropriate document addressing the environmental impacts of these improvements pursuant to CEQA.

1.1 BACKGROUND

The EIR for the Proposed Project addressed construction-level and operational-level impacts related to the Division 20 Portal Widening/Turnback Facility Project, which is composed of the following: widening of the existing portal for the Metro Red and Purple Lines Maintenance Yard (Division 20 Rail Yard), development of a high-capacity turnback facility, increased train storage capacity, and reconfiguration of the existing internal tracks and access roads. The EIR evaluated potential environmental effects on aesthetics, agriculture and forestry resources, air quality, biological resources, construction effects, cultural resources, energy, geology and soils, greenhouse gas (GHG) emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, tribal cultural resources, utilities and service systems, and mandatory findings of significance. The Final EIR concluded that impacts related to noise and cultural resources are considered significant and unavoidable, while all other impacts have been reduced to less-than-significant levels through implementation of mitigation measures when necessary.

CEQA requires public agencies to analyze and consider the environmental consequences of their decisions to approve development projects over which they exercise discretion. As lead agency, Metro prepared an EIR for the Division 20 Portal Widening/Turnback Facility Project in compliance with CEQA and the State CEQA Guidelines. In accordance with the State CEQA Guidelines, the Draft EIR was prepared and distributed to public agencies and the general public by Metro on March 16, 2018, for a 45-day public review period. A Notice of

Availability (NOA) for public review was posted at the Los Angeles County Clerk's Office, the NOA was issued to 1,182 mailing addresses, and a link to a digital copy of the Draft EIR was provided. In addition, following the Metro Board of Director's certification of the Final EIR, a Notice of Determination (NOD) was filed with the State Clearinghouse of the Governor's Office of Planning and Research on October 31, 2018. The notices included a list of locations where the document was available for public review. Comments on the Draft EIR were received and responded to within the Final EIR.

1.2 PURPOSE OF THE ADDENDUM TO THE EIR

When a proposed project is changed or there are changes in the environmental setting, a determination must be made by the Lead Agency prior to any subsequent discretionary approvals as to whether a Subsequent EIR must be prepared. Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 set forth the circumstances under which a subsequent EIR is required.

In contrast, CEQA Guidelines Section 15164 provides, in relevant part, that “[t]he lead agency ... shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” (CEQA Guidelines, Section 15164(a).) An Addendum need not be circulated for public review but can be included in or attached to the Final EIR. (CEQA Guidelines, Section 15164(c)).

The criteria for determining whether an Addendum or Subsequent EIR is prepared are outlined below. If the criteria below are satisfied, then an Addendum is the appropriate document:

- No new significant impacts would result from the project or from new mitigation measures.
- No substantial increase in the severity of environmental impacts would occur.
- There are no new alternatives or mitigation measures, considerably different from those set forth in the EIR, or prior alternatives or mitigation measures that were previously found to be infeasible, which are now feasible and would substantially reduce one or more significant impacts, but the project proponent declines to adopt the mitigation measure or alternative.

Based on the information provided in Section 3. *Changes to the Project*, the changes to the Proposed Project would not result in new significant impacts or substantially increase the severity of impacts previously identified in the EIR. None of the factors set forth in CEQA Guidelines Section 15162 (a)(3) are present. Therefore, an Addendum is appropriate, and this Addendum has been prepared to demonstrate that the new information related to this Project would have no significant effect on the environment.

2.0 PROJECT DESCRIPTION

2.1 EXISTING OPERATIONS

The Division 20 Rail Yard currently (pre-Project) supports a fleet of 104 heavy rail vehicles. Current activities includes 19 pull-outs and 21 pull-ins on weekdays and 10 pull-outs and 10 pull-ins on weekend days and holidays. Up to 150 logistical movements are performed within

the yard and shops daily (roughly six per hour), although most days have less activity. Maintenance of Way (MOW) activities occur at various locations in the Rail Yard and will also occur at a new building (MOW Location 64) that is being constructed adjacent to the 6th Street Bridge. There are currently no turnback movements within the Division 20 Rail Yard. Metro Red and Purple Line trains turn back at Union Station, reversing direction from eastbound to westbound. The current minimum headway that can be achieved at Union Station is approximately 7.5 minutes on each line (3.75 minutes between Union Station and the Wilshire/Vermont Station, where the Metro Red and Purple Lines diverge).

The area adjacent to One Santa Fe that is proposed to be used for storage tracks is currently used by the MOW Department for motor vehicle traffic, including trucks moving into and out of the area on a 24-hour basis, 7 days per week. The non-revenue vehicle repair shop is also located in this area, as well as a storage building for the Material Management Department. Approximately 25 trains move in or out of the building daily (roughly one per hour). Employee parking for vehicle maintenance and transportation staff is located along the southwestern portion of the project site. The Material Management Department maintains an additional storage building just south of the parking lot. The Transportation Department offices, training, and Yard Control are located at this building.

This project description remains primarily unchanged by the minor technical changes identified under the Addendum (described in Section 3.0 of this document). One substantive change, however, is that the successful implementation of the Proposed Project will no longer require modification of the Citizens Warehouse/Lysle Storage Company building, as this building has already been demolished. Additionally, the column to support HSR and a ventilation shaft building have been eliminated.

3.0 CHANGES TO THE PROJECT

The EIR for the Project analyzed the potential impacts on the environment that would be caused by the Project's construction and operation. Since the certification of the Final EIR, the HSR component of the Project and the ventilation shaft building have been eliminated and the Citizens Warehouse/Lysle Storage Company building has been demolished in response to a fire at that building. These changes to the Project and its surrounding circumstances are further described below.

3.1 ELIMINATION OF HSR COLUMN AND VENTILATION SHAFT BUILDING

In the Final EIR, the Project included the construction of a column to support a potential future HSR elevated structure. The column was planned to be located between Metro rail tracks and was planned to extend approximately 15 to 17 feet above the existing grade. However, this project component has since been eliminated.

In addition, in the Final EIR, the Project included the construction of a ventilation shaft building. However, this project component has since been eliminated because the Link US alignment no longer spans the portal.¹

The resulting changes to the analysis, based on the elimination of the column and the ventilation shaft building, are described below in Section 4.0, *Significance Determination*.

3.2 FIRE AT THE CITIZENS WAREHOUSE/LYSLER STORAGE COMPANY BUILDING AND THE BUILDING'S SUBSEQUENT DEMOLITION

Following the Metro Board of Director's certification of the Final EIR, on the evening of November 9, 2018, The Citizens Warehouse/Lysle Storage Company building (commonly known as the "Pickle Works" building) caught fire. Following the fire, the City of Los Angeles demolished the building, and the building site was cleared. Prior to this event, the EIR's analysis had determined the property to be eligible for classification as a historical resource per Section 15064.5(a)(4) of the CEQA Guidelines for its associations with establishment of the Los Angeles neighborhood now called the "Arts District." For further details regarding the fire and its impact on the Citizens Warehouse/Lysle Storage Company building, refer to the DPR 523L analysis in Appendix A to this Addendum.

Prior to the fire and demolition of the building, the Project proposed only partial demolition of the Citizens Warehouse/Lysle Storage Company building, while stabilizing and preserving in place the remaining part of the building. In addition, mitigation measures CR-2 and CR-3 were identified to minimize impacts of the Project. Mitigation measure CR-2 comprised efforts to commemorate the historical significance through an exhibit, report, or website, while mitigation measure CR-3 detailed plans to retain and stabilize the remaining portion of the Citizens Warehouse/Lysle Storage Company building. Because the building has been demolished and is no longer in existence, mitigation measures CR-2 and CR-3 are no longer applicable and are no longer included as part of the Project.

The current plan for the former site of the Citizens Warehouse/Lysle Storage Company building is to build a fence around the remaining part of the site. The site will be used as a temporary employee parking site during construction of the Project. Following construction, the site does not have a programmed use. It will remain a vacant lot until Metro's Joint Development team determines a future use for the property. Metro's Joint Development process includes extensive engagement that begins with initial community outreach to create development guidelines.

4.0 SIGNIFICANCE DETERMINATION

The EIR prepared for the Project found that there would be significant impacts related to cultural resources and noise, while all other potential impacts on the environment could be mitigated to a less-than-significant level. The new components of the Project would not result in any changes to the required right-of-way and would not increase the severity of potential

¹ As a result of the LINK US project's environmental review and in coordination with that project's funding partners, the Link US alignment has shifted to the north and east of the Portal and the combined Regional Rail and HSR elevated structure no longer spans the Portal. As a result of this change, there is no longer a need for a support column for a potential future HSR elevated structure.

impacts or level of impacts identified in the EIR; instead, they would decrease the severity of potential impacts in some cases, as discussed below.

4.1 AESTHETICS

Because the Citizens Warehouse/Lysle Storage Company building has been demolished, the Project would no longer introduce any changes that would affect the visual setting of the Citizens Warehouse/Lysle Storage Company building or the visual setting of the area around the building.

Also, elimination of the HSR column and ventilation shaft building would reduce impacts on the existing visual character and quality of the project site and its surroundings. As such, the impact on visual character and quality would remain less than significant.

4.2 AIR QUALITY

Elimination of the HSR column and the ventilation shaft building would reduce the amount of emissions that would occur during construction because their elimination reduces the amount of construction that must occur. Table 1, which includes data gathered from the Final EIR, details the emissions the construction of the column would have resulted in. Although the emissions associated with the construction of the ventilation shaft building were not quantified, the removal of this project component will reduce overall emissions because the building will no longer need to be constructed. In addition, the Project would no longer require the partial demolition of the Citizens Warehouse/Lysle Storage Company building because the building was demolished following the fire, thus further reducing the construction emissions attributable to the Project. This Project change would result in a further reduction in impacts on air quality as the air quality impact associated with the partial demolition of the building would no longer occur.

Table 1. Maximum Daily Emissions – Project Construction

Phase	Daily Emissions (Pounds Per Day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Installation of High-Speed Rail Column						
On-Site Emissions	0.2	0.9	7.1	<0.1	<0.1	<0.1
Off-Site Emissions	0.1	2.9	1.1	<0.1	0.3	0.1
Total	0.3	3.8	8.2	0.1	0.3	0.1

Because the HSR column, ventilation shaft building, and the partial demolition of the Citizens Warehouse/Lysle Storage Company building have been eliminated from the Project, construction emissions would be reduced, and construction of the Project would still result in a less-than-significant impact related to air quality thresholds.

Elimination of the HSR column and the ventilation shaft building as Project components would have negligible effects on long-term operational emissions of criteria pollutants, ozone precursor pollutants, and toxic air contaminants, as there would be no direct long-term emissions associated with the HSR column and the ventilation building would have only been

used during emergencies. Therefore, emissions would be less than or equal to the operational emission identified in the approved EIR. No new significant operational air quality impacts would result from Project modifications.

4.3 CULTURAL RESOURCES

The fire that occurred at the Citizens Warehouse/Lysle Storage Company building, and the subsequent demolition of the building, have changed the impacts of the Project. The revised impacts, in turn, have necessitated revisions in the planned mitigation measures related to cultural resources. Previously, it was determined that demolition of the eastern portion of the remaining Citizens Warehouse/Lysle Storage Company building along the railroad tracks and the Los Angeles River would result in a significant impact because demolition of most of what is still extant would be a substantial adverse change in its significance as a California Register-listed resource. As a result, mitigation measure CR-2 and CR-3 were to be implemented to minimize impacts on the building.

However, because of the occurrence of the fire at the Citizens Warehouse/Lysle Storage Company building and the subsequent demolition of the building, there is no longer a California Register-listed resource in existence. As a result, the Project would not result in a substantial adverse change in significance for the Citizens Warehouse/Lysle Storage Company building, a California Register-listed resource, and the Project would not require mitigation measures CR-2 and CR-3 to minimize the Project's impact on the building.

Although there would no longer be a significant impact on the Citizens Warehouse/Lysle Storage Company building, there would still be a significant impact on cultural resources due to the Project's impact on the 1st Street Bridge over the Los Angeles River and the National Ice and Cold Storage resources. These impacts were analyzed previously in the EIR. As such, the Proposed Project would not result in new significant impacts that have not already been addressed in the approved EIR.

4.4 GREENHOUSE GAS EMISSIONS

As detailed in Section 4.2, Air Quality, elimination of the HSR column, the ventilation shaft building, and the partial demolition of the Citizens Warehouse/Lysle Storage Company building from the Project would reduce the amount of emissions that would occur during construction. GHG emissions would be reduced, and the Project would still result in a less-than-significant impact related to GHG thresholds. Long-term operational GHG emissions would be less than or equal to those emissions identified in the Final EIR. Changes in operational GHG emissions would be negligible, as there would be no direct long-term operational GHG emissions associated with the HSR column and the ventilation building would have only been used during emergencies. As such, the Proposed Project would not result in new significant impacts that have not already been addressed in the approved EIR.

4.5 HAZARDS AND HAZARDOUS MATERIALS

The Project would no longer require partial demolition of the Citizens Warehouse/Lysle Storage Company building because the building has already been demolished. Because the planned demolition has been eliminated from the Project, the associated risks of encountering

hazards and hazardous materials during demolition of the building have been eliminated as well. Furthermore, hazardous materials are strictly regulated by local, state, and federal agencies, including the California Division of Occupational Safety and Health, the City of Los Angeles Fire Code, and all other federal, state, and local regulations. Metro would be required to comply with all relevant rules and regulations. Therefore, compliance with regulatory control measures would ensure there would be no risk of exposure to construction workers who come near the site of the previous Citizens Warehouse/Lysle Storage Company building.

Impacts related to the transport, use, and disposal of hazardous materials during construction would remain less than significant, as all other demolitions would remain compliant with regulatory control measures. As such, the Proposed Project would not result in new significant impacts that have not already been addressed in the approved EIR.

4.6 NOISE AND VIBRATION

Elimination of the column designed to support the HSR and the ventilation shaft building would result in a reduction in noise and vibration. Of the two project components, construction of the column would have resulted in more noise, as it would have required pile drilling during daytime hours that would have generated a maximum noise level of approximately 84 dBA at 50 feet. Because the column and ventilation shaft building would no longer be constructed, noise and vibration would be reduced. However, as detailed in the EIR, construction of the Project would still result in significant impacts related to noise and vibration because heavy-duty equipment would operate adjacent to One Santa Fe.

As discussed with respect to Impact 3.7.3 in the EIR, prior to mitigation, operation of the Project would result in a potentially significant operational noise impact related to wheel squeal and noise from wheels crossing over gaps in standard frogs for the yard tracks leading into the storage yard adjacent to One Santa Fe, those passing under the bridge heading toward the Division 20 Rail Yard, and those leading to the Maintenance Facility. The elimination of the column designed to support the HSR and the ventilation shaft building would not alter this impact. Implementation of Mitigation Measure NV-3 would reduce the Project's operational noise impact to a less-than-significant level. The changes to the Project would not affect operational vibration; this impact remains less than significant.

For these reasons, the Proposed Project would not result in new significant impacts that have not already been addressed in the approved EIR.

4.7 OTHER TOPIC AREAS

The project components identified under the Addendum would not result in any additional land disturbance beyond what was analyzed in the EIR. Therefore, impacts related to agriculture and forestry, biological resources, geology and soils, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation and traffic, utilities and service systems, or other mandatory findings of significance would remain as determined in the EIR, having either no impact, less-than-significant impact, or less-than-significant impact with mitigation incorporated.

5.0 DETERMINATION

Based on the information and analysis in this Addendum, and the EIR previously prepared for the Project, pursuant to Section 21166 of the Public Resources Code and Section 15162 of the State CEQA Guidelines, Metro has determined that:

1. There are no substantial changes to the Project that would require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of significant impacts previously identified in the EIR.
2. Substantial changes have not occurred in the circumstances under which the Project is being undertaken that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of significant impacts previously identified in the EIR.
3. There is no new information of substantial importance that was not known and could not have been known at the time the EIR was prepared that would have resulted in any of the following:
 - a) The Project would have one or more new significant effects not discussed in the EIR.
 - b) Significant effects previously examined would be substantially more severe than shown in the EIR.
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project, but the Project proponent declines to adopt the mitigation measure or alternative.
 - d) Mitigation measures or alternatives that are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

6.0 ORGANIZATIONS AND PERSONS CONSULTED

6.1 PREPARERS

Metro

June Susilo	Deputy Executive Officer, Program Management
Roger Martin	Senior Manager, Transportation Planning
Michael Cortez	Manager, Community Relations
Andrina Dominguez	Senior Environmental Specialist
Matthew Marquez	Community Relations Officer
Christina Harrington	Communications Assistant

ICF

Lee Lisecki
Namrata Cariapa
Will Herron
Daniel Paul

Program Director
Project Manager
Environmental Planner
Senior Historic Preservation Architect

APPENDIX A
DPR 523L ANALYSIS

CONTINUATION SHEET

Page 1 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update

Resource Name: Citizens Warehouse/Lysle Storage Company

P1. Other Identifier: Site of California Vinegar and Pickle Works; Site of James Hill and Sons Company; Site of James K. Hill and Sons Pickle Works; Pickle Works; R.W. Prideham Co., Lysle Storage Co.; Citizens Warehouse; Art Dock.

P2.c. Address: 110–122 Center Street

P7. Owner: City of Los Angeles

B10. Theme: Art, Social History; **Periods of Significance:** 1905–c.1909; c. 1978-1986

Present Status Code: 2S2

[Presently Proposed] Revised Status Code: 6Z

B10. Significance

Updated Conditions, June 2019:

The subject property was demolished in January of 2019. (Please see Figure 1.)

On the evening of November 9, 2018, the Citizens Warehouse/ Lysle Storage Company building: commonly known as the James K. Hill and Sons Pickle Works property (“Pickle Works”), caught fire. Prior to this event, the present analysis had determined the property eligible as a historical resource per Section 15064.5(a)(4) of the CEQA Guidelines for its associations with establishment of the Los Angeles neighborhood now called the “Arts District.” The subject property, which is in part responsible for the neighborhood’s name and identity, was one of the first properties to house artists in the Arts District area, and began doing so by the late 1970s. Reinforcing this eligibility under this theme was the fact that from 1981 to 1986, a loading bay in the west elevation housed the Carlton Francis project “Art Dock”- one of the first Arts District galleries of any kind in the vicinity. Please see the text below for discussion and context of the subject property’s association to the Arts District.

Minus its original c. 1888 portion, which was demolished in 2007, at the time the present undertaking began, the large 1905 and 1909 building portions still existed. Prior to receiving entry into the building, a historic assessment was conducted wherein a list of character-defining features present upon the building’s north, east, and west exterior elevations was identified. The majority of these character-defining features survived the fire event: common bond brickwork; patterned but irregular spacing of fenestration and openings; segmentally arched window openings of variegated dimensions—though all original windows appear to be lost; [damaged] four-part corbelling at west and north elevation rooflines; ceramic insulators affixed to west

CONTINUATION SHEET

Page 2 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update

elevation; [damaged] faux shutters and planters; elevated single-bay loading docks, including the Art Dock, which was the second loading bay from the north at the west elevation; basement window openings (windows lost); stucco-capped parapets at the roofline; [badly damaged] raised parapet at east elevation; ghost signage at east elevation; dedicated rail spur at east elevation; and the banking of the east elevation correspondent to the spur line. It might be noted that though many of these features pertain to design elements of a style (late Victorian) or building type (industrial), the property was not identified as a historically significant example of style or type relative to NRHP/ CRHR Criterion C/3.

Before the building as demolished, the recent fire substantially damaged its interior and ceiling. What remained was largely a building shell. Recent drone footage indicates that the entirety of the building's upper level spaces were destroyed, in addition to lower-level spaces at the building's northern bays as the wood floor above them collapsed. Though open views of all lower floors were not readily visible from available imagery, the fire appears to have burned the entirety of the building's interior. This was based not only off the previously mentioned visible damage at both levels of the building's northern portion, but also the visible damage at both levels of the south elevation. Interior features that appeared to be lost in the fire included: wood structural framing (columns, joists corbels); wood finish floors, interior sliding steel doors, and original remaining elevator cab items that included wood gates. Prior to demolition it was inconclusive how much of the hollow space that functioned as Art Dock remained, but it might be noted that Art Dock was primarily experienced from the public right-of-way as "world's first drive-by art gallery," and from the public right-of-way the Art Dock bay, even after the fire, looked much as it did before.

The Citizens Warehouse/Lysle Storage Company building included spaces that appeared to have been reconfigured from the 1970s onward, from commercial and industrial use to that of residential, in order to house various artists that occupied the building. The high-ceilinged spaces doubled as studios, allowing for art to be made. Corresponding to an oft-followed, if not marketed, later pattern, these spaces incorporated early, original elements from the building with basic, cheap, and rough-hewn later-era renovations of exposed beam and wall board to make kitchens, bathrooms, bedrooms, and other defined living spaces (see Figures 1 and 3). The result brought forth a sectional layering and unintended spatial complexity that became influential upon later "Los Angeles School" postmodernists, who appropriated the look and feel into multiple industrial conversions of their own. The architectural historian Charles Jencks has called this phenomena "ad-hocism," which he has ascribed as a primary character defining feature of Los Angeles School Postmodernism of the 1970s through the 1990s (See Figures 2 and 4). Citizen's Warehouse was not a particularly significant design example of this phenomena, and no high design aims are known to have been intended with its spaces.

CONTINUATION SHEET

Page 3 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update

However, until the fire, the Citizen's Warehouse remained a telling example of this concept and—particularly for its Arts District vicinity—one of the very first.

After the fire, all visible volumes and spaces historically associated with the building's use as early artist's lofts within the Arts District appeared to have been destroyed (Figures 5 and 6). Therefore, the historic integrity necessary for the building to convey its associations to early artists housed within the building appeared to be lost. It was the finding of this analysis pre-fire that the Pickle Works property did not appear eligible under any NRHP or CRHR Criteria, due to the loss of the building's 1888 portion, coupled with the identified level of significance, which appeared to have been strictly at the municipal level, of the building's Arts District associations. Because of lost integrity relative to the fire damage, the remnants no longer appeared to be a historical resource for the purposes of CEQA relative to the present analysis. It might be noted that the Art Dock: a significant character-defining feature intended to be experienced from the public right-of-way, appeared to remain (Figure 7).

CONTINUATION SHEET

Page 4 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update



Figure 1: The former site of Citizens Warehouse/ Lysle Storage Company (Pickle Works). ICF, June 2019.

CONTINUATION SHEET

Page 5 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update

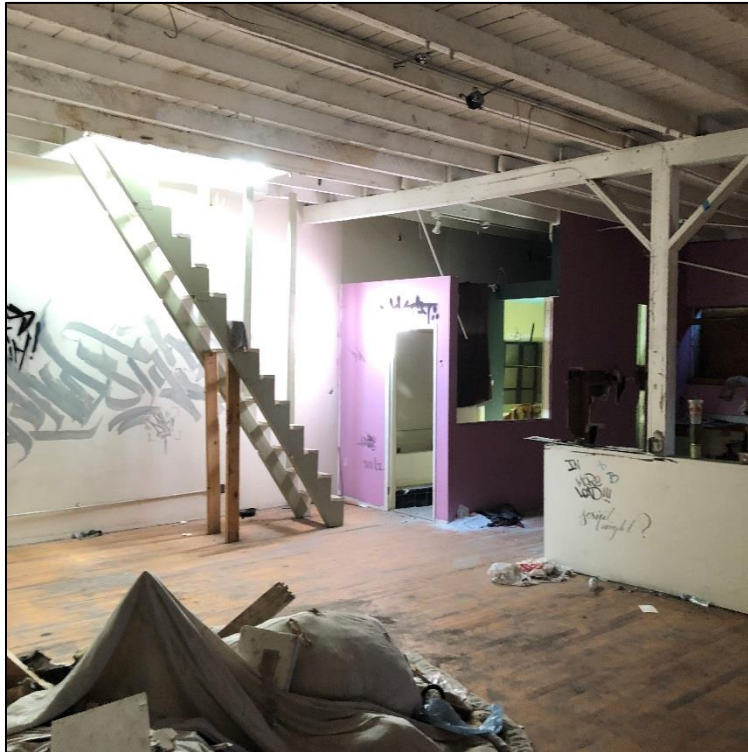


Figure 2. Interior, second level, facing SW. As an early artist loft, the combination of recent, ad-hoc elements to make spaces livable coupled with original design features of the early twentieth century building, were, taken together, a primary character-defining feature. ICF, August 2018.

CONTINUATION SHEET

Page 6 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update



Figure 3. Frank Israel, Bay Cities Garage, Los Angeles (Venice Beach), 1990. Late architect Frank Israel (1950-1995) gained significance for incorporating ad-hoc renovations into pre-existing industrial and commercial spaces. Though not a historically significant example of architectural design, the similar adaptation of the Citizen's Warehouse spaces presage this phenomenon, which becomes associated with Los Angeles School Postmodernism. Michael Locke, Flickr. http://www.flickrriver.com/photos/michael_locke/8666745583/.

CONTINUATION SHEET

Page 7 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update

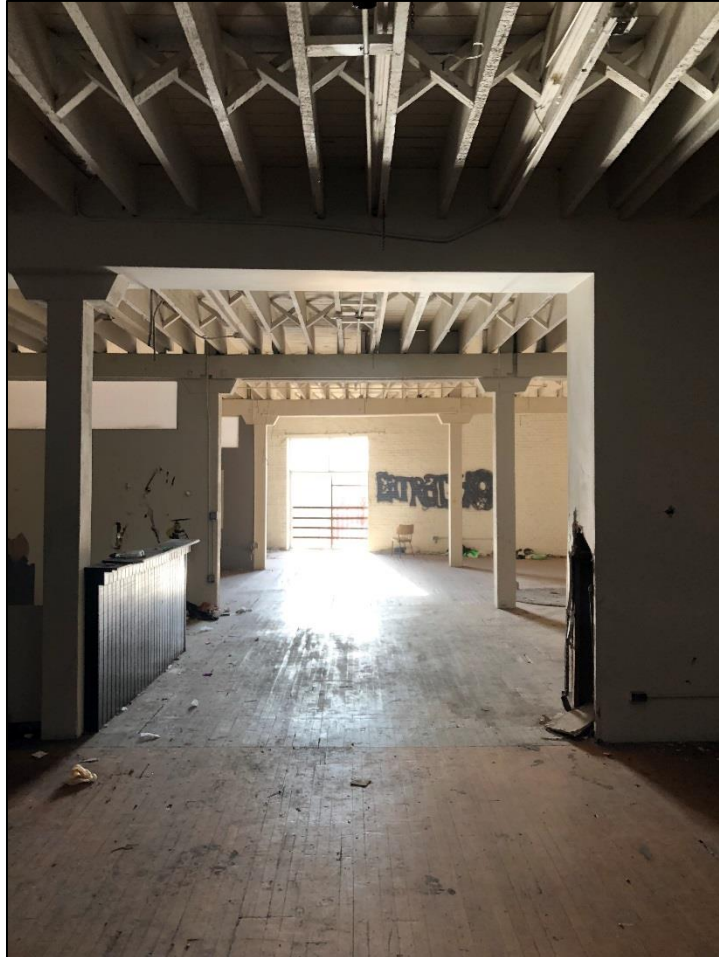


Figure 4. Interior, first level. Facing east. As an early artist loft, the combination of recent, ad-hoc elements to make spaces livable coupled with original design features of the early twentieth century building, were, taken together, a primary character defining feature. ICF, August 2018.

CONTINUATION SHEET

Page 8 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update



Figure 5. Eric Owen Moss, 8522 National Boulevard, Culver City CA, 1988. Similar to Frank Israel, Eric Owen Moss: a Los Angeles Architect and former Director of the Southern California Institute of Architecture, has undertaken multiple renovations incorporating ad-hoc, unfinished and rough design elements into multiple pre-existing industrial buildings. For this project Moss won a National AIA Honor Award in 1992. Though never intended to be high design, a similar, ad-hocist approach to reuse was present within the Citizen's Warehouse building. The Los Angeles School Postmodernism—which Moss' work is part of—was highly informed by the collagist sensibilities of such conversions. Tom Bonner, <http://ericowenmoss.com/project-detail/8522-national/>.

CONTINUATION SHEET

Page 9 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update



Figure 6. Citizens Warehouse/ Lysle Storage Company (Pickle Works). Drone footage of north and central portions. Looking north, northeast, and downward. Zephyr UAS: November, 2018.



Figure 7. Citizens Warehouse/Lysle Storage Company (Pickle Works). Drone footage of southern portion. Looking north, northeast, and downward. Zephyr UAS: November, 2018.

CONTINUATION SHEET

Page 10 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update



Figure 8. Citizens Warehouse/Lysle Storage Company (Pickle Works). West elevation. The former Art Dock is the last loading bay to the right with the single wood board over it. Looking southeast. ICF: November, 2018.

CONTINUATION SHEET

Page 11 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update



Figure 9. Citizens Warehouse/Lysle Storage Company (Pickle Works). North elevation. Looking southeast.
ICF: November, 2018.

CONTINUATION SHEET

Page 12 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update



Figure 10. Citizens Warehouse/Lysle Storage Company (Pickle Works). East elevation. Looking northwest.
ICF: November, 2018.

CONTINUATION SHEET

Page 13 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update



Figure 11. Citizens Warehouse/Lysle Storage Company (Pickle Works). West and south elevations. Looking northeast. ICF: November, 2018.

EARLY HISTORY

Located entirely within a portion of the building demolished in 2007, the building's original tenants appear to have been the California Vinegar and Pickle Works, which was listed at the property in the 1888 City Directory but by 1890 relocated to 88 S. Los Angeles Street. The James K. Hill Pickle Works incorporated in June of 1894, and a Sanborn Map of the same year indicates the presence of this business at the far southern end of the property, in place of the earlier pickling entity within the original 1888 buildings. The Sanborn Map shows a one-story addition to the north housing pickling vats. What presently remained until the November 2018 fire was not directly or indirectly associated with either of the pickling enterprises.

Though, until the fire, nothing of the 1888 or 1894 portions appeared to remain, fairly recent photo-documentation shows that both the 1905 and c. 1909 additions were stylistically in-kind to

CONTINUATION SHEET

Page 14 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update

the original, echoing its running course brick cladding, multipart corbelling at the roofline, and segmentally arched woodframe, multi-light windows of varying proportions. According to the Galvin Preservation Associates (GPA) report, the Lysle family, whose patriarch Addison Lysle came from the Pittsburgh coal trades, purchased the building in 1905 and presumably oversaw its first major expansion of that same year. The Lysle family would continue to own the building through the 1960s. This includes an early period when the building was occupied by the paper manufacturing company of noted Los Angeles citizen, businessman, and former Chairman of the County Board of Supervisors R.W. Prideham, who undertook the c. 1909 addition and occupied the building until 1916. Early in its history, the building also housed the Lysle Storage Company, and the Western Door and Sash Company. By 1957 the property is identified as the "Citizen's Warehouse."

ARTS DISTRICT

Neither the 2001 or 2003 evaluations, nor the 2014 report, addressed the property's historic associations with the early advent of the City of Los Angeles Arts District, which spanned from Broadway to the west, the LA River to the East, Commercial Street to the north, and Olympic Street to the south. Beginning in the mid-1970s, artists who came to the area as a less expensive alternative to Venice Beach and other points west began occupying, often illegally, vacant warehouses, offices, and other industrial buildings in which they made artwork and lived. The earliest of the artists into the area appeared just west of the 110 freeway near Beaudry Avenue in the mid-1970s, before migrating toward Broadway; then along the Los Angeles River, beginning with the Pickle Works property and similar abandoned buildings; then southward, into the heart of what is presently known as the "Arts District."

Citizens Warehouse/Lysle Storage Company was among the first of a non-contiguous grouping of buildings in the LA River vicinity occupied by artists, which is today called the "Arts District." The artists' presence in the building, which was illegal but allowed by empathetic property owners, seemed to start in the late 1970s. Among the multiple artists who occupied the space were Marc Kreisel and Carlton Davis. Marc Kreisel is the former owner of the seminal punk rock and Arts District venue Al's Bar, and one of the original "Young Turks"—the subject of a documentary about the first artists to settle in this area. Carlton Davis operated a fairly publicized drive-by gallery from 1981 to 1986 called "Art Dock" from what is now the middle loading bay of the west elevation. During Art Dock's run, Davis curated 35 separate exhibits in this dock, which was readily visible to passing cars whenever Davis was home and its roll-up door was open. It was a "drive-through art gallery" in the words of Davis. A self-published 228-page book authored by Davis was published about Art Dock in 2013, and Art Dock has been written of as an early gallery for the area. Many of its artists, including Scott Greiger, Kim Jones, Gary Lloyd, Karen Kristin, and Miles Forst, went on to successful careers in the art world as professors, practitioners, and artists with works in permanent museum collections in Los

CONTINUATION SHEET

Page 15 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update

Angeles and elsewhere. Among the museums in possession of their works is the Los Angeles Museum of Contemporary Art (MOCA), whose downtown location appears to have been informed by the burgeoning arts district nearby.

The late 1970s/early 1980s presence of artists within the subject building—known primarily to them as “Citizens Warehouse,” was an extremely early chapter in LA Arts District history, prior to passage in 1981 of the Artists in Residence (AiR) program, which formalized and codified the live/work arrangement of artists occupying industrial buildings in the City of Los Angeles. The subject building would continue to house artists until c. 2007, when it was vacated in advance of the 1st St. Viaduct Widening.

PREVIOUS ANALYSIS:

For the Federal Transit Administration (FTA) and the Los Angeles County Metropolitan Transportation Authority (Metro) undertaking known as the Los Angeles Eastside Corridor, in May 2001, Greenwood and Associates surveyed the subject property for compliance with Section 106 of the National Historic Preservation Act. FTA determined it eligible for the National Register of Historic Places (NRHP) under Criterion A for its association with early industrial development of Los Angeles with a period of significance of 1888–1927 and under Criterion C as an excellent example of “a dwindling stock of Victorian-era buildings remaining in the former heart of Los Angeles’ warehouse district.” The California State Historic Preservation Officer (SHPO) concurred with FTA’s finding on December 5, 2001. For the Federal Highway Administration (FHWA) and Caltrans, in a Historical Resource Evaluation Report (HRER) prepared for the First Street Viaduct and Street Widening Project, in August of 2003, JRP Consulting concurred with FTA’s 2001 NRHP eligibility determination, along with applying California Register of Historical Resources (CRHR) eligibility under Criterion 1 and Criterion 3. JRP did not prepare an updated DPR as part of the HRER. In December 2005, a Memorandum of Agreement (MOA) was executed among FHWA, SHPO, Caltrans, and the City of Los Angeles to minimize the effect of removing the southernmost 30 feet of the oldest portion of the building. In November 2012, for the City of Los Angeles Bureau of Engineering, GPA re-evaluated the subject property as part of an amendment to the MOA after the southernmost 75 feet (not 30 feet), and the oldest portion of the building, were demolished. The GPA report, which is attached, found the property to be NRHP-ineligible under any Criteria after the demolition, but that analysis was never submitted to or otherwise concurred with by the SHPO.

Presently, as of June 2019, the subject property is listed in the California Historic Resources Inventory (HRI) with a 2S2 Status Code: “Individual property determined eligible for NR by a consensus through Section 106 process. Listed in the CR.” However, this 2S2 status code was assigned back in 2001 and does not reflect the demolition of the entire original 1888/1894 portions once occupied by Pickle Works companies, which served as the basis for the

CONTINUATION SHEET

Page 16 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update

determination of NRHP eligibility under both criteria A and C. Additionally, this status was ascribed before the November 2018 fire and the building's subsequent demolition.

Immediately prior to the fire, what remained of the subject property were in-kind additions to the now demolished 1888 portion that—based off GPA research using Sanborn maps and historic era building permits—were completed 1905 and c. 1909. Consequently, the resource name had been changed to the Citizens Warehouse/Lysle Storage Company to reflect the names of the historic-era occupants of the still extant portions of buildings, pre-fire and pre-demolition, on the property. The Citizens Warehouse/Lysle Storage Company was one of the first of a non-contiguous grouping of industrial buildings occupied by artists that nearly 40 years later has now lent the neighborhood both its character and its name: the "Arts District." Until the fire and subsequent demolition, despite the loss of the property's southerly 75 feet, as an individual property and a contributor to a non-contiguous local district, the property continued to be considered a historical resource for CEQA purposes as per Section 15064.5(a)(4) of the CEQA Guidelines, in part for its historic associations to the Arts District unaddressed by previous analysis. However, even before the fire, the basis for the NRHP eligibility determination of the property was no longer extant.

The loss of the southernmost 75 feet of the building, once occupied by the California Vinegar and Pickle Works and the James K. Hill and Sons Pickle Works, called into question whether the property was still eligible for the NRHP as determined through consensus determination by FTA/SHPO in 2001. Because that determination (Historical Resource Status Code 2S2) cannot officially be changed through the CEQA process, it was recommended that the NRHP determination be reconsidered the next time Section 106 of the NHPA applies to the subject property. Therefore, the analysis of the subject property relative to the present undertaking had proposed a California Historical Resource Status Code of 7N ("Needs to be reevaluated") be applied to the subject property.

Though the November 2019 fire severely compromised the build's historic integrity, the question remained of whether Art Dock as a standalone resource still retained its historic integrity. Post-fire images had indicated that this key element of the larger property was still intact. However, in January of 2019 the Citizens Warehouse/Lysle Storage Company Building, including Art Dock, was demolished in its entirety. Though the present process is a CEQA-only undertaking, because of the property's total loss, it is recommended that the SHPO, in conjunction with the California Office of Historic Preservation, revise the 2S2 Status Code to 6Z: "Found ineligible for NR, CR or Local designation through survey evaluation."

CONTINUATION SHEET

Page 18 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update



Figure 13. Artists at Citizens Warehouse c. 1981. Source: Carton Davis, *The Art Dockuments*, 95.

CONTINUATION SHEET

Page 19 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

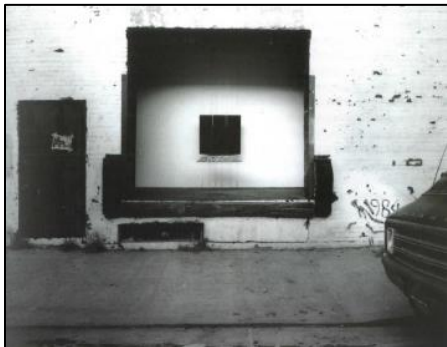
*Date 06/17/2019 Update



14



15



16



17

SELECTED ART DOCK EXHIBITIONS. (Figures 14-17) (All images: Davis, Carlton, *The Art Dockuments: Tales of the Art Dock: The Drive by Gallery*. [Los Angeles, CA]: Carlton Davis, 2012.)

Figure 14. Scott Griger, *Vivid*, Early Summer, 1982.

Figure 15. Eve Montana, *Homage to the Studio*, Winter, 1982.

Figure 16. Leonard Seagal, *Comedia del Arte*, Summer, 1984.

Figure 17. Marguerite Elliott, *Summer Harvest in Los Angeles*, Fall, 1984

CONTINUATION SHEET

Page 20 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update



Figure 18. [Pre- Nov. 2018 Fire]: Citizens Warehouse/Lysle Storage Company, showing truncated south elevation to right of frame. View: NE. Photo: ICF. September, 2017.

Sources:

Avocado, Laurie. "Citizens Warehouse or Pickle Works Building." *Evanescence City* [blog]. Available:

<http://evanescent-city.blogspot.com/2014/10/citizens-warehouse-or-pickle-works.html>

Davis, Carlton. *The Art Dockuments: Tales of the Art Dock: The Drive by Gallery*. [Los Angeles, CA]: Carlton Davis, 2012.

Eric Owen Moss Architects. "8522 National." Culver City, CA: Eric Owen Moss Architects, c. 2018. <http://ericowenmoss.com/project-detail/8522-national/>

Galvin Preservation Associates. "Reevaluation of the Pickle Works Building: 1001 E. 1st Street, Los Angeles." Technical report. November, 2012.

Greenwood and Associates. "James K. Hill & Sons Pickle Works." DPR 523a and b evaluation forms. May 21, 2001.

CONTINUATION SHEET

Page 21 of 21

*Resource Name or # Citizens Warehouse/Lysle Storage Co.

*Recorded by: Daniel Paul

*Date 06/17/2019

Update

JRP Historical Consulting Services. "Historical Resources Evaluation Report: 1st Street Viaduct and Street Widening Project." Technical report. February 10, 2004.

Locke, Michael. "Bay Cities Garage (Continuum) Frank Israel 1990." Photograph, 2013.
http://www.flickrriver.com/photos/michael_locke/8666745583/

Los Angeles Conservancy. *Venice Eclectic: Modern Architecture from the 70s and 80s*. tour guide. Los Angeles: Los Angeles Conservancy, 2013.
https://www.laconservancy.org/sites/default/files/files/documents/VeniceEclecticBook_Final4Web_LR.pdf

Miller, Lindsey. Isolation and Authenticity in Los Angeles' Arts District Neighborhood. Master's Thesis. University of Southern California, May 2014.

"Sgl. Or Suite Offices. [Citizens Warehouse]". Los Angeles Times. Classified advertisement. December 7, 1957: 41.

Attachments:

Greenwood and Associates. "James K. Hill & Sons Pickle Works." DPR 523a and b evaluation forms. May 21, 2001.

California Office of Historic Preservation (OHP). Historic Property File [Prop. #: 161922 James K. Hill and Sons Pickle Works." August 17, 2006.

Galvin Preservation Associates. "Reevaluation of the Pickle Works Building: 1001 E. 1st Street, Los Angeles." Technical report. November, 2012.

APPENDIX B
REVISED MITIGATION MONITORING AND REPORTING PROGRAM

1. REVISED MITIGATION MONITORING AND REPORTING PROGRAM

1.1. INTRODUCTION

Section 21081.6 of the Public Resources Code requires a lead agency under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) 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 Environmental Impact Report (EIR) are implemented, effectively minimizing the identified environmental effects.

The purpose of this revised MMRP is to eliminate mitigation measures CR-2 and CR-3 because the fire at the Citizens Warehouse/Lysle Storage Company building and demolition of the building changed the building’s eligibility for the National Register of Historical Places. Prior to the fire and demolition of the building, the Project proposed only partial demolition of the Citizens Warehouse/Lysle Storage Company building, while stabilizing and preserving in place the remaining part of the building. In addition, mitigation measures CR-2 and CR-3 were identified to minimize impacts of the Project on the historic building. Mitigation measure CR-2 comprised efforts to commemorate the historical significance through an exhibit, report, or website, while mitigation measure CR-3 detailed plans to retain and stabilize the remaining portion of the Citizens Warehouse/Lysle Storage Company building. Because the building has been demolished by the City of Los Angeles and is no longer in existence, mitigation measures CR-2 and CR-3 are no longer applicable and are no longer included as part of the Project. The elimination of the mitigation measures CR-2 and CR-3 are shown below in strikeout text.

1.2. 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.
- Party Responsible for Implementing Mitigation – The entity accountable for the action.
- Enforcement Agency, Monitoring 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

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
Aesthetics	Light and Glare	AES-1 Construction-related light fixtures shall be equipped with glare diffusers and feature directional shielding in order to avoid the spillover of light onto adjacent residences.	Equip construction lighting with glare diffusers and directional shielding	Metro/ Contractor	1. Metro 2. Metro 3. Construction
		AES-2 Permanent operations-related light fixtures shall feature directional shielding in order to avoid the spillover of backlight and uplight onto adjacent residences.	Equip permanent operations-related lighting with directional shielding	Metro/ Contractor	1. Metro 2. Metro 3. Operations
Cultural Resources	Significance of a Historical Resource	CR-1 Design measures shall be developed by the Project Architect and Engineer and implemented by the Project Contractor to minimize harm due to alterations to the 1 st Street Bridge. Design measures shall include surface treatment of new concrete to reflect but be distinguishable from the original board-form appearance, retention of the decorative brackets, and an infill treatment of the incising arches in a manner similar to the treatment used when the Bridge was first widened to accommodate the Eastside Light-Rail Extension of the Metro Gold Line Project.	Develop and implement design measures to minimize harm resulting from alterations to the 1 st Street Bridge.	Metro/ Contractor	1. Metro/City of Los Angeles Office of Historic Resources 2. Metro 3. Pre-construction
		CR-2 Metro shall conduct further historical research and analysis to document, in an exhibit, report, or website, the historic association and significance of the Citizens Warehouse/Lysle Storage Company building. The documentation shall include a discussion of who lived and worked in the building and its role in the early settlement history of the Arts District. A description of the construction history of the complex from 1888 until the present time shall also be included in the documentation. Copies of the report or exhibit shall be provided to the City of Los Angeles Public Library for public education purposes. The documentation shall be completed prior to commencement of any Project construction activities that could adversely affect the Citizens Warehouse/Lysle Storage Company building.	Document the historic association and significance of the Citizens Warehouse/Lysle Storage Company building, including a discussion of its role in the early settlement history of the Arts District and its former occupants. Provide this research and analysis to the City of Los Angeles Public Library.	Metro/ Cultural Resources Consultant	1. Metro/City of Los Angeles Office of Historic Resources 2. Metro 3. Prior to demolition of the Citizens Warehouse/Lysle Storage Company building

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
Cultural Resources	Significance of a Historical Resource	<p>CR-3 Metro shall do the following to minimize impacts to the Citizens Warehouse/Lysle Storage Company building:</p> <p>A. Metro shall retain and stabilize approximately 24,000 square feet of floor area of the extant portion of the Citizens Warehouse/Lysle Storage Company building along Center Street (8,000 square feet per story on the basement, the ground floor, and the second floor), including the former location of the Art Dock, for potential future reuse:</p> <ol style="list-style-type: none"> 1. Stabilization of the remaining portions of the building to remain shall be designed and conducted in a manner consistent with the applicable SOL's Standards. The stabilization design shall be prepared prior to commencement of any of the Proposed Project's construction activities that could adversely affect the Citizens Warehouse/Lysle Storage Company building. 2. In order to preserve the maximum amount of historic materials comprising the floors and ceiling joists, Metro shall saw cut through the first floor, second floor, and roof along the eastern side to be stabilized. 3. Demolition of the eastern portion of the building may not occur until after the stabilization (item A.1) and saw cut (item A.2) are complete. 4. Brick exterior cladding material, windows, and other character-defining materials and features obtained from the demolition of the eastern wall of the Citizens Warehouse/Lysle Storage Company building shall be salvaged and stored so that those original materials 	<p>Prepare and implement a plan to retain, stabilize, and preserve the opportunity to expand the Citizens Warehouse/Lysle Storage Company building for potential reuse and retain eligibility for designation as a City of Los Angeles Historic Cultural Monument.</p>	Metro/ Contractor	<ol style="list-style-type: none"> 1. Metro/City of Los Angeles Office of Historic Resources 2. Metro 3. Pre-construction

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
		<p>can be re-used to clad the southern façade of the existing building or to clad any proposed Pickle Works replication addition to the south.</p> <p>B. Metro shall consult with the Arts District community to identify an appropriate future use for the Citizens Warehouse/Lysle Storage Company building. Renovations to accommodate the new use shall not preclude the building's eligibility to be considered as a City of Los Angeles Historic Cultural Monument.</p> <p>C. Upon identification of an appropriate future use for the Citizens Warehouse/Lysle Storage Company building, Metro shall develop an adaptive reuse plan in consultation with the Los Angeles Conservancy and the City of Los Angeles Office of Historic Resources. The adaptive reuse plan shall:</p> <p>1. Develop an adaptive reuse design for historic rehabilitation consistent with the SOI's Standards for Rehabilitation to a total of up to approximately 26,700 square feet of floor area.</p> <p>a. The adaptive reuse design shall include replication of the original southern façade of the former Pickle Works building to the maximum extent possible.</p> <p>b. The adaptive reuse plan shall be developed by Metro in consultation with the Los Angeles Conservancy and the City of Los Angeles Office of Historic Resources to ensure that adequate guidance is in place for historic rehabilitation principles to</p>			

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
		<p>be incorporated into the needs of potential future reuse.</p> <p>c. Metro shall obtain the services of a firm specializing in historic preservation rehabilitation projects to provide guidance for development of the plan.</p> <p>D. Metro shall do the following to enable the Cultural Heritage Commission's consideration of the Citizens Warehouse/Lysle Storage Company as a City of Los Angeles Historic-Cultural Monument:</p> <p>1. Ensure the following character-defining features are preserved in the adaptive reuse design along the north and west elevations to convey the building's association with the Los Angeles Arts District during the 1970s and 1980s:</p> <p>a. Common bond brick work</p> <p>b. Patterned but irregular spacing of fenestration and openings</p> <p>c. Segmentally arched windows of variegated dimensions</p> <p>d. Four-part corbelling at west and north elevation rooflines</p> <p>e. Ceramic insulators affixed to west elevation</p> <p>f. Sawtooth element at roof</p> <p>g. Recessed wood frame multi-light windows</p> <p>h. Faux shutters and planters</p> <p>i. The Art Dock bay, located at 112 Center Street (west elevation, second dock from north)</p>			

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
		<p> j. Elevated single-bay loading docks k. Basement windows l. Stucco-capped-stepped parapets at the roofline 4. Apply to the City of Los Angeles Office of Historic Resources and Cultural Heritage Commission for their consideration of the Citizens Warehouse/Lysle Storage Company to be designated as a City of Los Angeles Historic Cultural Monument. a. The application shall base the statement of significance on the building's association with the Los Angeles Arts District during the 1970s and 1980s under Criterion 1: Is identified with important events of national, state, or local history, or exemplifies significant contributions to the broad cultural, economic or social history of the nation, state, city or community. b. The nomination for Historic Cultural Monument status would be prepared after the stabilization is complete. E. Metro shall preserve the opportunity to expand the Citizens Warehouse/Lysle Storage Company building towards the 1st Street Bridge to provide up to approximately 2,700 square feet of floor area (900 square feet per story on the basement, the ground floor, and the second floor). The determination whether to expand the building towards the 1st Street Bridge shall be made by Metro in consultation with the Arts District community, the Los Angeles Conservancy, and the City of Los Angeles Office of Historic Resources. </p>			

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
		<p>1. Any expansion of the building towards the 1st Street Bridge area shall be conducive to replicating the appearance of the no longer extant portion of the former Pickle Works building built in 1888, which was demolished by a different entity for a previous project – the widening of the 1st Street Bridge.</p> <p>F. A certificate of occupancy shall be recorded on the property for the future reuse within five years of Metro's purchase of the property from the City.</p>			
		<p>CR-4 Metro shall prepare a report that documents, in-depth, the history and context of ice making and cold storage facilities in Los Angeles and the role played by National Ice and Cold Storage during its most significant years. Copies of the report shall be provided to the City of Los Angeles Public Library for public education purposes. The report shall be prepared prior to any demolition activities that would affect the National Ice and Cold Storage facility.</p>	<p>Prepare report on the history and context of ice making and cold storage facilities in Los Angeles and the role played by National Ice and Cold Storage during its most significant years. Provide copies of the report to the City of Los Angeles Public Library.</p>	<p>Metro/Cultural Resources Consultant</p>	<p>1. Metro/City of Los Angeles Office of Historic Resources 2. Metro 3. Prior to demolition of National Ice and Cold Storage facility.</p>
Cultural Resources	Significance of an Archaeological Resource	<p>CR-5 A qualified archaeologist who meets the standards of the Secretary of the Interior for Archaeology (Project Archaeologist) shall be retained to provide and supervise archaeological monitoring of all project-related, ground-disturbing construction activities (e.g., boring, grading, excavation, drilling, trenching) that occur after existing pavement and buildings are removed. A Cultural Resources Monitoring and Mitigation Plan (CRMMP) shall be developed prior to the start of ground-disturbing activities outlining qualifications and roles of the Project Archaeologist and archaeological monitor,</p>	<ol style="list-style-type: none"> 1. Retain qualified archaeologist 2. Develop CRMMP 3. Monitor all ground-disturbing activities 4. Monthly Reports 5. Discovery Protocols 6. Data Recovery 	<p>Metro/Project Archaeologist</p>	<ol style="list-style-type: none"> 1. Metro/California Office of Historic Preservation 2. Metro 3. Construction

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
		<p>monitoring procedures, reporting requirements, and procedures to follow if cultural resources are encountered during construction.</p> <p>The Project Archaeologist shall prepare monthly cultural resources monitoring progress reports to be filed with Metro. In the event that cultural resources are exposed during construction, the archaeological monitor shall temporarily halt construction within 50 feet (15 meters) of the discovery (if safe) while the potential resource is evaluated for significance (i.e., eligible for listing in the CRHR per PRC Section 5024.1(c), or in a local register of historical resources as defined in PRC Section 5020.1(k)). Construction activities could continue in other areas that are a distance of at least 50 feet from the discovered resource. If the discovery proves to be significant, representatives of Metro and the Project Archaeologist shall meet to determine the appropriate avoidance or minimization measures. In considering suggested mitigation, Metro shall determine whether avoidance and preservation in place is feasible in light of such factors as the nature of the find, the Proposed Project design, costs, and other considerations. Under CEQA Guidelines Section 15126.6(b)(3), preservation in place is the preferred method of mitigation and, if feasible, shall be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of the impacts. If avoidance and preservation in place is infeasible, other appropriate measures, such as data recovery excavation, shall be instituted. If data recovery is deemed appropriate, a Treatment or Data Recovery Plan (Plan) outlining the field and laboratory methods to be used shall be prepared by the Project Archaeologist in accordance with CEQA Guidelines Section 15064.5(f) and approved by Metro prior to initiation of data recovery work.</p>			

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
		The Plan shall specify the appropriate treatment and/or curation of collected materials.			
Cultural Resources	Destruction of Paleontological Resource or Site or Unique Geologic Feature	CR-6 A qualified paleontological monitor shall be retained to monitor project-related excavation activities on a full-time basis in previously undisturbed Pleistocene deposits, if encountered. Project-related excavation activities of less than ten feet in depth shall be monitored on a part-time basis to ensure that underlying paleontologically sensitive sediments are not being affected. In addition, the monitor shall ensure the proper differentiation between paleontological and archaeological resources.	<ol style="list-style-type: none"> 1. Full-time monitoring in area of undisturbed Pleistocene deposits 2. Part-time monitoring when excavation is less than ten feet. 3. Review recovered resources to differentiate between paleontological and archaeological resources 	Metro/ Paleontological Monitor	<ol style="list-style-type: none"> 1. Metro 2. Metro 3. Construction
		CR-7 A Paleontological Monitoring and Mitigation Plan (PMMP) shall be developed by a qualified professional paleontologist prior to the start of ground-disturbing activities. A qualified professional paleontologist shall be retained to supervise the monitoring of construction. Paleontological resource monitoring shall include inspection of exposed geologic units during active excavations within sensitive geologic sediments, as defined by the PMMP and as needed. The monitor shall have authority to temporarily divert grading away from exposed fossils in order to efficiently recover the fossil specimens and collect associated data. The qualified paleontologist shall prepare monthly progress reports to be filed with Metro. At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis. Matrix sampling shall be conducted to test for the presence of microfossils.	<ol style="list-style-type: none"> 1. PMMP development 2. Retain paleontologist 3. Monitoring 4. Monthly reporting 5. Matrix sampling 	Metro/ Paleontological Monitor	<ol style="list-style-type: none"> 1. Metro 2. Metro 3. Pre-construction/ Construction

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
Cultural Resources	Destruction of a Paleontological Resource or Site or Unique Geologic Feature	CR-8 Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility. The most likely repository would be the Natural History Museum of Los Angeles County.	Curate recovered fossils and deposit in designated curation facility.	Metro/ Paleontological Monitor	1. Metro 2. Metro 3. Construction
	Disturbance of Human Remains	CR-9 In the event that human remains, as defined above, are encountered at the Project Site, procedures specified in the Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e) shall be followed. In this event, all work within 100 feet (30 meters) of the burial shall cease, and any necessary steps to ensure the integrity of the immediate area shall be taken. This shall include establishment of a temporary Environmentally Sensitive Area (ESA) marked with stakes and flagging tape around the find and 100-foot buffer. The Los Angeles County Coroner shall be immediately notified. The Coroner must then determine whether the remains are Native American. Work shall continue to be diverted while the Coroner determines whether the remains are Native American. Should the Coroner determine that the remains are Native American, the Coroner has 24 hours to notify the NAHC, who shall in turn, notify the person they identify as the most likely descendent (MLD) of any human remains. Further actions shall be determined in consultation with the MLD. Upon being granted access to the site, the-MLD has 48 hours to make recommendations regarding the treatment or disposition of the remains of the discovery. If requested by the MLD, measures shall be taken to the extent feasible to preserve and protect the remains in situ. If preservation in place is not feasible in light of such factors as the nature of the find, the Proposed Project design, costs, and other	1. Cease work within 100 feet of discovery. 2. Notify Los Angeles County Coroner 3. Preserve in place/reburial/repatriation of remains in consultation with MLD	Metro/ Archaeological Monitor	1. Los Angeles County Department of Medical Examiner-Coroner 2. Metro 3. Construction

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
		considerations, the appropriate treatment, reburial, or repatriation of the remains shall be determined in consultation with the MLD. If the MLD does not make recommendations within 48, Metro shall, with appropriate dignity, re-inter the remains in an area of the property secure from further disturbance. Alternatively, if Metro does not accept the MLD's recommendations, Metro or the MLD may request mediation by the NAHC. The location of the remains shall be kept confidential and secured from disturbances and looting until the appropriate treatment has been identified and implemented. No information regarding the discovery of human remains shall be publicized.			

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
Noise and Vibration	Exceedance of Applicable Standards	NV-1 The Contractor shall submit a Noise Control and Monitoring Plan to Metro that is prepared, stamped, and administered by the Contractor's Acoustical Engineer. This plan shall state that: <ul style="list-style-type: none"> • Equipment shall include enclosed engines, acoustically attenuating shields, and/or high-performance mufflers; • Equipment and staging areas shall be located away from noise-sensitive receivers; • Idling of construction equipment shall be restricted to a maximum of five minutes, except as provided in the exceptions to the applicable California Air Resources Board regulations regarding idling; • Temporary noise barriers and/or noise control curtains shall be installed; • Construction-related truck traffic shall be routed away from local residential streets and/or sensitive receivers; • Impact pile driving shall be prohibited; • The use of impact devices such as jackhammers and hoe rams shall be minimized, using concrete crushers and pavement saws instead; • The Noise Control and Monitoring Plan shall include a site drawing, an inventory of equipment, calculations of the one-hour L_{eq} noise levels at sensitive receptors (i.e., OSF), and compliance with FTA noise criteria. An updated Noise Control and Monitoring Plan shall be completed and submitted within ten days of the start of each quarterly period, or whenever there is a major change in work schedule, construction methods, or equipment operations.	Prepare Noise Control and Monitoring Plan and submit to Metro.	Metro/ Contractor	1. Metro 2. Metro 3. Pre-construction
Noise and Vibration	Exceedance of Applicable Standards	NV-2 Metro shall install low-impact frogs at locations with special trackwork. This applies to the OSF-adjacent storage yard and yard tracks within a 200-	Install low-impact frogs	Metro/ Contractor	1. Metro 2. Metro 3. Construction

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
		foot radius of the northern portion of the northern OSF building. This also applies to existing yard tracks leading to the Maintenance Facility, as well as new yard tracks within a 200-foot radius of the northern portion of the southern OSF building.			
	Exposure of Persons to or Generation of Excessive Groundborne Vibration or Noise	<p>NV-3 The Contractor shall submit a Vibration Monitoring Plan to Metro that is prepared, stamped, and administered by the Contractor's Acoustical Engineer. This plan shall include:</p> <ul style="list-style-type: none"> • A survey of OSF building foundations with photographs of existing conditions limited to buildings within 25 feet of high-vibration-generating construction activities. Another survey shall be completed at the end of construction activities to assess potential damage. Damaged structures shall be returned to the preconstruction state by the Contractor. • A requirement to monitor vibration at any building where vibratory rollers or similar high-vibration-generating equipment would be operated within 25 feet of buildings and at any location where complaints about vibration are received from building occupants. Construction activities shall be stopped and alternative methods introduced if vibration levels exceed 0.2 inches per second at OSF. 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. • Nighttime construction activities near OSF shall not include equipment operations within the minimum distances shown in Table 3.7.9. 	Prepare Vibration Monitoring Plan and submit to Metro.	Metro/ Contractor	1. Metro 2. Metro 3. Pre-construction

Impact Area	Potential Effects	Mitigation Measures	Action	Responsible Party	1. Enforcement Agency 2. Monitoring Agency 3. Monitoring Phase
Tribal Cultural Resources	Substantial Adverse Change to a Tribal Cultural Resource	TCR-1 Because of the potential for tribal cultural resources, a Native American monitor shall be retained to monitor all project-related, ground-disturbing construction activities (e.g., boring, grading, excavation, drilling, trenching) that occur after existing pavement and buildings are removed. The appropriate Native American monitor shall be selected based on ongoing consultation under AB 52 and shall be identified in the Cultural Resources Monitoring and Mitigation Plan (CRMMP), as described in Mitigation Measure CR-5. Monitoring procedures and the role and responsibilities of the Native American monitor shall be outlined in the project CRMMP. In the event the Native American monitor identifies cultural or archeological resources, the monitor shall be given the authority to temporarily halt construction (if safe) within 50 feet (15 meters) of the discovery to investigate the find and contact the Project Archaeologist and Metro. The Native American monitor and consulting tribe(s) shall be provided an opportunity to participate in the documentation and evaluation of the find. If a Treatment Plan or Data Recovery Plan is prepared, the consulting tribe(s) shall be provided an opportunity to review and provide input on the Plan.	Retain Native American Monitor	Native American Monitor/ Project Archaeologist	1. Metro 2. Metro 3. Construction

Notice of Determination**Appendix D****To:**

Office of Planning and Research
 U.S. Mail: Street Address:
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: Los Angeles
 Address: 12400 Imperial Highway
Norwalk, CA 90650

From:

Public Agency: LACMTA
 Address: One Gateway Plaza
Los Angeles, CA 90012
 Contact: Cris B. Liban
 Phone: (213) 922-2471

Lead Agency (if different from above): _____

Address: _____

Contact: _____

Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2017101034

Project Title: Division 20 Portal Widening/Turnback Facility Project

Project Applicant: Los Angeles County Metropolitan Transportation Authority

Project Location (include county): City of Los Angeles, Los Angeles County, California

Project Description: Subsequent to certification of the Project's Environmental Impact Report (EIR) and approval of the Project, changes to the Project were proposed. These changes include revised mitigation measures that have been necessitated by changes to the environmental setting (the Citizens Warehouse/Lysle Storage Company building, also known as the Pickle Works building, was demolished due to a fire that was unrelated to the Project) and the elimination of two Project components—a column to support the high-speed rail project and a ventilation shaft building. An Addendum has been prepared that describes these changes and the environmental consequences of the changes. As described in the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines have occurred that would require preparation of a subsequent EIR or negative declaration.

This is to advise that the Los Angeles County Metropolitan Transportation Authority has approved the above
 Lead Agency or Responsible Agency)

described changes on 12/05/19 and has made the following determinations regarding the above
 (date)
 described project changes.

1. The project changes [will will not] have a significant effect on the environment.
2. An Addendum to an Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] previously made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] previously adopted for this project.
6. Findings [were were not] previously made pursuant to the provisions of CEQA.

This is to certify that the Addendum and the final EIR with comments and responses and record of project approval, is available to the General Public at:

Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Los Angeles, CA 90012

Signature (Public Agency): _____ Title: _____

Date: _____ Date Received for filing at OPR: _____

**Division 20 Portal Widening Turnback Project
Los Angeles, California
(October 2019)**

In May 2014 the Los Angeles County Metropolitan Transportation Authority (LACMTA) and Federal Transit Authority (FTA) entered in a Federal Funding Grant Agreement (FFGA) for the Westside Purple Line Extension Section 1, with revenue operations scheduled for October 31, 2024 and service to be provided every four minutes. To meet this headway LACMTA is making infrastructure improvements to the existing Metro Division 20 Yard as part of the Division 20 Portal Widening Turnback Project. Improvements include the construction of a turnback facility and new storage tracks to accommodate capacity for the full extension of the Purple Line.

The Division 20 Portal Widening Turnback Project has completed final design and early abatement activities. The project is on target to issue a Notice-to-Proceed to the main construction contractor in January 2020 with a target project completion date in late 2023.

With Sections 2 and 3 of the Westside Purple Line Extension expected to be completed after Section 1 opens, more trains will be added to the system. As a result, the existing shop will need to be expanded to accommodate the increased rail fleet. The Division 20 Shop Expansion Project is currently in conceptual design with final design to be completed through of 2021. Construction for this separate project could start as early as 2022 and completed by 2025.

FUNDING/EXPENDITURE PLAN
 DIVISION 20 PORTAL WIDENING TURNBACK PROJECT
 LIFE OF PROJECT BUDGET (LOP)

ATTACHMENT D

(DOLLARS IN MILLIONS)

Capital Project # 865519	Prior	FY20	FY21	FY22	FY23	FY24	Total	% of Total
Uses of Funds								
Support Facilities: Yards, Shops, Admin.Bldgs.		51.9	100.0	128.0	100.0	42.0	421.9	52.6%
Sitework & Special Conditions	10.9	10.0	7.1				28.0	3.5%
Systems		9.0	10.0	20.2	18.0	11.0	68.2	8.5%
Row, Land, Existing Improvements	101.6						101.6	12.7%
Vehicles								
Professional Services	25.2	14.0	14.0	12.0	12.0	11.0	88.2	11.0%
Project Contingency			21.0	29.0	27.3	16.6	93.9	11.7%
Total Life of Project Budget Cost:	\$137.7	\$84.9	\$152.1	\$189.2	\$157.3	\$80.6	\$801.8	100%
Sources of Funds*								
TIRCP	4.8	7.7	28.2	28.5			69.2	8.6%
SB1 - Local Partnership Program				10.0	30.0	10.0	50.0	6.2%
Measure R 35% / 2%	132.9	77.2	123.9	150.7	127.3	70.6	682.6	85.1%
Total Life of Project Budget Funding:	\$137.7	\$84.9	\$152.1	\$189.2	\$157.3	\$80.6	\$801.8	100%

*Funding sources subject to change based on availability and eligibility at the time of expenditure.

Operations Division 20 Portal Widening and Turnback Facility FTE Plan

	Union	Position	# of FTEs	Start (MMM-YY)	End (MMM-YY)	FY20	FY21
1	NC	Manager, Rail Transportation (Track Allocation)	1	Jan-20	Nov-23	1	
2	AFSCME	RTOS, Yard Control	3	Jan-20	Nov-23	3	
3	AFSCME	RTOS, ROC	1	Sep-20	Nov-23		1
4	SMART	Train Operators	2	Sep-20	Nov-23		2
5	ATU	Service Attendants	2	Nov-20	Mar-23		2
6	AFSCME	Supervisor, Wayside (Discipline TBD)	1	Jan-20	Apr-23	1	
7	ATU	Track Inspector	2	Feb-20	Nov-23	2	
8	ATU	Signal Inspector	2	Feb-20	Nov-23	2	
9	ATU	Rail Electronic Comm Inspector	1	Feb-20	Nov-23	1	
10	ATU	Traction Power Inspector	2	Feb-20	Nov-23	2	
11	ATU	Facilities Systems Technician	1	Mar-20	Nov-23	1	
12	ATU	Electrician	1	Mar-20	Nov-23	1	
			19			14	5

**Subject to change based on project schedule
14 FTEs in FY20 and 5 FTEs in FY21*



Board Report

File #: 2019-0778, File Type: Contract

Agenda Number: 36.

CONSTRUCTION COMMITTEE NOVEMBER 21, 2019

SUBJECT: DIVISION 20 PORTAL WIDENING AND TURNBACK FACILITY

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. APPROVING AND ADOPTING minor changes to project definition and CEQA Addendum to the Final Environmental Impact Report (FEIR) for the Division 20 Portal Widening and Turnback Facility (Attachment A); and
- B. ESTABLISHING a Life-of-Project (LOP) Budget of \$801,749,577 for the Division 20 Portal Widening Turnback Project.

ISSUE

The Metro Board of Directors certified the Division 20 Portal Widening and Turnback Facility (Project) Final Environmental Impact Report (FEIR) on October 25, 2018. Since then, two components of the Project—a column to support the high-speed rail (HSR) and a ventilation shaft building—have been eliminated. Additionally, the Citizens Warehouse/Lysle Storage Company building (commonly known as the Pickle Works building) has been demolished due to a fire (unrelated to the Project). Therefore, mitigation measures previously adopted to minimize impacts to the Pickle Works building are no longer necessary. Pursuant to Public Resources Code section 21166 and California Environmental Quality Act (CEQA) Guidelines section 15164, Metro analyzed the potential environmental impacts of the changes in the Project definition and concluded that an addendum to the FEIR would be appropriate. As set forth in the analysis undertaken in the Addendum to the EIR the proposed refinements will not result in new or substantially more adverse impacts than those previously documented.

The establishment of the LOP Budget for the Division 20 Portal Widening and Turnback Project at the time of contract award is consistent with the recommendations in the Office of the Inspector General (OIG) Construction Management Best Practices Study Report and lessons learned regarding establishing final budgets, when adequate information (such as the receipt of hard bids) is available.

BACKGROUND

Metro committed to the Federal Transit Administration (FTA), as part of the Full Funding Grant Agreement (FFGA) for the Westside Purple Line Extension (WPLE) Section 1, to make appropriate infrastructure modifications to allow the Purple Line system to operate at reduced headways. The FFGA states that reduced headways must be achievable by late 2024. The Project will achieve the required headways for the Red and Purple Lines and enhance operational capacity at the division.

The Project elements include:

- Widening the tunnel portal that currently connects the Metro Red and Purple Lines to Division 20;
- Constructing new storage tracks;
- Reconfiguring existing tracks and access roads to accommodate a turnback facility;
- Installing a new Traction Power Substation (TPSS) and emergency backup power generator;
- Expanding the rail yard west, into areas previously occupied by the former Citizens Warehouse/Lysle Storage Company building, the LAPD Viertel's Central Division Police Garage, and the former National Cold Storage facility;
- Repurposing an existing building at 100-120 North Santa Fe Avenue for maintenance of way (MOW) activities;
- Modifying the 1st Street Bridge piers and providing a seismic upgrade to the Bridge superstructure; and
- Vacating portions of three City streets: Jackson, Banning, and Ducommun Streets east of Center Street.

On March 23, 2017, the Board approved the award of a professional services contract to complete preliminary engineering and final design for the Division 20 Portal Widening and Turnback Project. The Board also approved the award of a Construction Management Support Services contract on May 17, 2018. A task order was issued to begin abatement and early demolition work on the newly acquired properties for the project on October 8, 2018. Award of a separate power contract was issued on June 18, 2019 to begin procurement of a new traction power substation.

On January 5, 2019, a Request for Qualifications (RFQ)/Invitation-for-Bid (IFB) was issued for Contract No. C1136 using the lowest bid price to select a contractor to construct the project. Three bids were received on September 26, 2019 with an apparent lowest bidder and price identified. The bids ranged from \$439.8M to \$447.9M. The Metro Independent Cost Estimate (ICE) was \$431.5M (Project Chronology is summarized in Attachment C).

DISCUSSION

The Addendum to the Final EIR provides clarifications and analysis on the following items:

- The elimination of two project elements (a column to support the high-speed rail (HSR) and a ventilation shaft building)
- Demolition of the Citizens Warehouse/Lysle Storage Company building (commonly known as the Pickle Works building) due to a fire (unrelated to the Project), and
- Revised mitigation measures necessitated by aforementioned changes to the Project and its surrounding circumstances.

The elimination of the column to support HSR and the ventilation shaft building will result in reduced impacts. In addition, the fire and subsequent demolition of the Citizens Warehouse/Lysle Storage Company building changes the building's eligibility for the National Register of Historical Places. As a result, the mitigation measures previously identified to maintain and protect the building have been eliminated from the Project. Although the elimination of these items alters the Project and reduces its potential impacts, the EIR continues to serve as the appropriate document addressing the environmental impacts of project construction and operational activities pursuant to CEQA.

In particular, the analysis undertaken in the Addendum confirms that the proposed Project refinements will not result in new or substantially more severe adverse impacts than those previously documented in the EIR. Therefore, supplemental environmental review is not required under CEQA. (See Pub. Resources Code, § 21166; 14 Cal. Code Regs. ("CEQA Guidelines"), § 15162.)

Life of Project Budget

From inception, the Division 20 Portal Widening and Turnback Project has been funded on a fiscal year basis. The proposed LOP budget for this project has been based on total project costs incurred (including Metro labor, non-labor costs and right-of-way acquisition), bid price, anticipated scope changes, up to 20 additional Operations personnel, and contingency.

Funding in the amount of \$801.7 million (See Attachment D - Funding/Expenditure Plan) has been identified to be obtained from Red/Purple Line projects that were included in the 2014 Short Range Transportation Plan (SRTP) but are no longer required for Metro's operation of the Red and Purple Lines. Metro Program Management, Operations and Systems have evaluated the following SRTP projects and determined they are not required for Red/Purple Line Operations: North Hollywood Terminal, Train Control for reduced headways, Traction Power for reduced headways and Tunnel Improvements under Santa Monica Mountains. Two additional projects, Union Station Upgrades and Division 20 Improvements are also identified in the LRTP and will contribute to fund Division 20 Project.

Design-bid-build projects typically carry a ten percent contingency because the design is carried out to 100%. In this case twenty percent contingency is justifiable due to several high-risk factors:

- Construction occurs within an active railyard
- Multiple cut-overs are required to ensure service to the mainline is not impacted
- Multiple overlapping construction contracts including rail welding from WPLE Section 1, Link Union Station, and ESOC
- Schedule is critical as it is related to Metro's FFGA commitment for the opening of WPLE Section 1

Additionally for Board's information, as part of the overall expansion of the Division 20 yard, a separate shop expansion project will be required. Design work for this separate project is at a very early stage and will progress towards completion through Winter 2021. Staff will bring forward to the Board a separate LOP recommendation for that project at a later date once design is completed and construction costs are known.

DETERMINATION OF SAFETY IMPACT

Approval of this item will have no impact on safety.

FINANCIAL IMPACT

The funding required for FY20 is included in the Adopted Budget under project 865519 Division 20 Portal Widening Turnback Facility, cost center 8510, in various accounts. The cost for the 19 additional FTEs required in Operations for this project is included in the proposed LOP. Five of the nineteen project FTEs will be addressed through the annual budget process in future fiscal years based on the assessment of project schedule and related annual staffing deployment needs. Likewise, the positions will taper off as the project comes to completion.

This is a multi-year project and it is the responsibility of the Project Manager and Chief Program Management Officer to budget for this project in future fiscal years.

Impact to Budget

The sources of funds for the recommended actions are Measure R 35%, Measure R 2%, SB1 - Local Partnership Program, and Cap & Trade Transit and Intercity Rail Capital Program (TIRCP). These funds are not eligible for Bus and Rail Operating expenses. The funding sources are subject to change based on availability and eligibility at the time of expenditure.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of this recommendation supports the following Metro Strategic Plan Goals:

1. Provide high-quality mobility options that enable people to spend less time travelling;
2. Deliver outstanding trip experience for all users of the transportation system; and
3. Enhance communities and lives through mobility and access to opportunity.

ALTERNATIVES CONSIDERED

Item A: The Board may consider not approving changes in the Project definition and the Addendum to the Final EIR. This is not recommended as the revisions, additions, and clarifications included in the updated Project definition and described in the Addendum will ensure that the Project's design and construction are informed by existing conditions and constraints. In particular, advancing construction without this new information could result in design or construction activities that may need to be revised, via a change order, after the construction contractor is on board. Change orders are costly and cause delays. The Addendum will allow for the appropriate level of clarification to move the Project forward in the near-term.

Item B: The Board may choose to not move forward with adopting an LOP budget. This is not recommended as the LOP is based on actual bids which provide an accurate forecast for construction costs.

NEXT STEPS

Upon Board approval of the changes in the Project definition and the Addendum, staff will file the Notice of Determination (Attachment B) and ensure all project activities are consistent with the revised mitigation measures.

ATTACHMENTS

- Attachment A - Addendum
- Attachment B - Notice of Determination
- Attachment C - Division 20 Chronology
- Attachment D - Funding Plan
- Attachment E - Division 20 Portal Widening & Turnback Facility FTE Plan

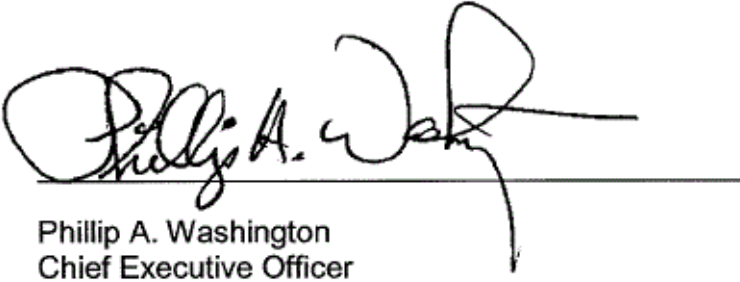
Prepared by:

Cris Liban, Executive Officer, Environmental Compliance and Sustainability (213) 922- 2471
Rick Meade, Senior Executive Officer (213) 922-7917

Reviewed by:

Richard Clarke, Chief Program Management Officer (213) 922-7557
Debra Avila, Chief Vendor/Contract Management Officer (213) 418-3051

James Gallagher, Chief Operations Officer (213) 418-3108



Phillip A. Washington
Chief Executive Officer

**Board Report**

File #: 2019-0787, **File Type:** Budget**Agenda Number:** 37.

**CONSTRUCTION COMMITTEE
NOVEMBER 21, 2019****SUBJECT: 7TH AND METRO STATION RADIO REPLACEMENT****ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

INCREASE the Life of Project (LOP) Budget for the Regional Connector Concurrent Non-FFGA Activities Project, capital project number 861228 by \$6,450,000 to a total amount of \$46,441,168. This will address critical radio system interface requirements at 7th & Metro.

ISSUE

The existing radio system at 7th & Metro station is more than 25 years old and is obsolete. The age and obsolescence of this life-expired equipment could present possible safety risks to Metro's rail operations due to potential reliability and intermittent maintenance issues. The radio infrastructure ("head-end") at 7th & Metro is uniquely critical to Metro's rail system as it currently serves the Metro Red, Purple, Blue, and Expo lines, including operations, maintenance, security and emergency response radio channels. Moreover, this location is critical to the forthcoming operation of the Regional Connector line, facilitating extension of rail service to Azusa and East Los Angeles.

The Regional Connector Project, in collaboration with Metro Operations and Corporate Safety, have studied how to integrate a new radio system into Metro's existing radio infrastructure, including the extension of new Regional Connector radio channels into the existing station and tunnels. Staff have concluded that it is not practicable to achieve this integration, in compliance with the revised Metro Rail Design Criteria (MRDC), without a complete replacement of the existing radio system at 7th & Metro.

With the understanding that the existing infrastructure requires replacement and that seamless radio operation is essential for operational safety along the Regional Connector, Expo and the Blue Line tunnel, it is recommended that the Regional Connector Project execute contract modifications to design, procure, install and test a new "head-end" radio system at 7th & Metro.

DISCUSSION

Metro Blue Line service to 7th & Metro commenced in 1991, with Section 1 of the Metro Red Line opening for revenue service at the station in 1993. The 7th & Metro Station includes existing radio transmission and reception equipment (i.e., a "head end") to service the Metro Blue, Red, and Purple

lines, including radio channels for operations, maintenance, Metro Security and emergency response & law enforcement. The existing system was expanded in 2012 to add two Metro Operations channels to accommodate the Expo line.

Metro Corporate Safety conducted a condition assessment in 2016 and concluded that replacement of the existing head-end was needed due to the system's age, condition, and risk of inability to repair. A reliable head-end was critical to rail operations safety, incident & emergency response, and to maintenance ability. The recommendations put forth by Corporate Safety are being included in a future radio replacement project for the Red/Purple lines

The Regional Connector Project is installing a radio system for the new tunnels & stations, including a new radio head-end at the 1st & Central/Little Tokyo station. This new radio system will be expanded to include channels for Gold Line Operations that do not currently exist at 7th & Metro or within the existing Metro rail tunnels. It was realized that it would be impractical to expand the radio system at 7th & Metro as required utilizing the existing head-end equipment. This was primarily due to the existing equipment being obsolete, the liability and risk of damaging existing equipment, and a determined inability to achieve seamless radio operation through the connected underground rail systems. Therefore, a modified approach was proposed which included a complete replacement of the existing 7th & Metro head-end to serve as the main communication system, with the second head-end being installed at the new 1st & Central station under the Regional Connector project serving as the 'hot-standby' system. This redundancy is required to meet the recently updated Metro Design Criteria.

By performing this work in conjunction with the Regional Connector Project, system and equipment compatibility and consistency is provided, to the advantage of operations, maintenance and emergency services. Additional cost efficiencies can also be realized by combining the work with similar work already underway by the Project.

Thus, these planned enhancements to the radio system will extend radio channels into the existing infrastructure, replace life-expired equipment due for replacement, and potentially mitigate operational safety risks by improving system continuity and redundancy.

DETERMINATION OF SAFETY IMPACT

The approval of this Work Scope and LOP Budget increase will allow Metro to address potential operational safety concerns, while improving overall service quality and system reliability. The new radio head-end will replace an obsolete system to provide for seamless operation between the new and existing infrastructures and additional operating and emergency responder channels throughout the tunnels and stations.

FINANCIAL IMPACT

Adoption of Recommendation will increase the LOP Budget for Project no. 861228 (Concurrent non-FFGA Activities Project) by \$6,450,000 to the total amount of \$46,441,168. The concurrent non-FFGA Activities are for projects related or being performed by the Regional Connector project, but

part of the base scope of that project. The \$300,000 required in FY20 for the radio system upgrade is included in FY20 adopted budget. The Project Manager and Chief Program Management Officer are responsible for budgeting for all costs associated with 7th & Metro radio system in the future.

Impact to Budget

The additional \$6,450,000 is funded with Measure M State of Good Repair 2%. This is an appropriate source for the upgrade of an existing radio system at 7th & Metro head-end.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of the recommended action is consistent with Metro Strategic Plan Goal 1: providing high-quality mobility options that enable people to spend less time traveling.

ALTERNATIVES CONSIDERED

The Board may decline to approve the recommended actions. Staff do not recommend this alternative because potential safety concerns with the existing station and tunnels would not be addressed and there is a risk of not receiving CPUC approval once the Regional Connector is completed due to the inability to achieve seamless radio operation through the connected underground rail systems.

NEXT STEPS

Upon approval by the Board, Staff will complete negotiations with the Regional Connector contractor and execute a contract modification under authorization delegated to the CEO for the work to be installed and commissioned during pre-revenue operations period.

ATTACHMENTS

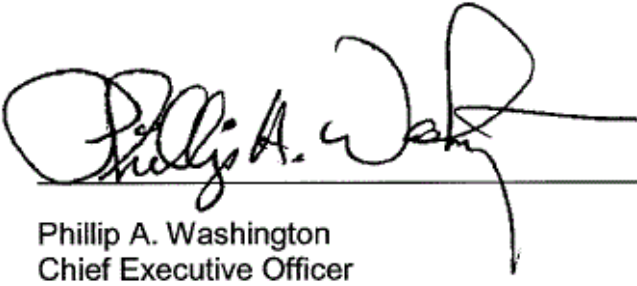
Attachment A - Funding Plan

Attachment B - Measure R and Measure M Unified Cost Management Policy Analysis

Prepared by: Gary H Baker, Executive Officer and Project Manager for Regional Connector Project, (213) 893-7191

Leonid Bukhin, Deputy Executive Officer, Corporate Safety (213) 922-7218

Reviewed by: Richard Clarke, Chief Program Management Officer (213) 922-7557
James Gallagher, Chief Operations Officer, (213) 418-3108



Phillip A. Washington
Chief Executive Officer

FUNDING PLAN
REGIONAL CONNECTOR CONCURRENT NON-FFGA ACTIVITIES PROJECT
LIFE OF PROJECT BUDGET (LOP)
(DOLLARS IN MILLIONS)

Capital Project 861226	Prior	FY20	FY21	FY22	FY23	LOP Total	% of Total
Uses of Funds							
Construction	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Systems (7th/Metro)	0.0	0.3	4.6	1.5	0.0	6.5	13.9%
Right of Way	22.5	15.0	0.0	0.0	0.0	37.5	80.7%
Professional Services	0.4	0.2	0.2	0.2	0.3	1.2	2.6%
Unallocated Contingency	0.0	0.3	0.4	0.5	0.2	1.3	2.8%
Total Uses	22.8	15.7	5.2	2.2	0.5	46.4	100.0%
Source of Funds							
Local Sources							
Measure R - Rail Capital General Improvements (2%)	0.0	10.5	0.0	0.0	0.0	10.5	22.6%
Lease Revenues	0.0	5.0	0.6	0.7	0.5	6.7	14.3%
Repayment of Capital Project Loans (Fund 3562)	22.8	0.0	0.0	0.0	0.0	22.8	49.2%
Measure M - Metro State of Good Repair (2%)	0.0	0.3	4.6	1.5	0.0	6.5	13.9%
Total Local Funds	22.8	15.7	5.2	2.2	0.5	46.4	100.0%
Total Sources	\$22.8	\$15.7	\$5.2	\$2.2	\$0.5	\$46.4	100.0%

ATTACHMENT B

Regional Connector Concurrent Non-FFGA Activities

Measure R and Measure M Unified Cost Management Policy Analysis

Introduction

The Measure R and Measure M Unified Cost Management Policy (the Policy) was adopted by the Metro Board of Directors in June 2018. The precursor Measure R cost management policy was adopted in March 2011. The intent of the Policy is to inform the Metro Board of Directors regarding potential cost increases to Measure R-funded projects and the strategies available to close any funding gaps. The Regional Connector Concurrent Non-FFGA Activities Project (the Project) is subject to this policy analysis.

The Regional Connector Concurrent Non-FFGA Activities Project was created in April 2014 at the time the design-build contract was awarded and initial Life-of-Project (LOP) budget set for the Regional Connector Project. The Project is a component of the Regional Connector Project and was created due to constraints on costs that are not eligible under the New Starts full funding grant agreement that has been awarded to the Regional Connector Project.

The LOP requires an increase of \$6,459,000, from \$39,991,168 to \$46,441,168. This analysis recommends trade-offs required by the Policy to identify the funds necessary to meet the cost increase.

Measure R and Measure M Unified Cost Management Policy Summary

The adopted Policy stipulates the following:

If a project increase occurs, the Metro Board of Directors must approve a plan of action to address the issue prior to taking any action necessary to permit the project to move to the next milestone. Increases will be measured against subsequent actions on cost estimates taken by the Metro Board of Directors, including the determination of the LOP. Shortfalls will first be addressed at the project level prior to evaluation for any additional resources using these methods in this order as appropriate:

- 1) Scope reductions;
- 2) New local agency funding resources;
- 3) Value Engineering;
- 4) Other cost reductions within the same transit or highway corridor;
- 5) Other cost reductions within the same sub-region; and finally,
- 6) Countywide transit or highway cost reductions or other funds will be sought using pre-established priorities.

The Policy analysis considers options for the Project as well as the related Regional Connector Project.

Scope Reductions

Given that the goal of the Regional Connector Project is to provide seamless travel between two points, it is not possible to shorten the project. The two end points of the project (Little Tokyo/Arts District Station and 7th Street/Metro Center Station) are 1.9 miles apart and there is no possible way to shorten the segment between these points that is consistent with the Locally Preferred Alternative and the operational objectives of the project. We therefore recommend moving to the next step.

New Local Agency Funding Resources

The Project is located in the City of Los Angeles and the Central City Area subregion (as defined in Measure M). These entities have local return, Multi-Year Subregional Program, and other transportation funding that is eligible for the Project. However, given the name of the Project includes “Regional” and is intended to benefit the Metro rail network, the local agency funding is not being considered for the cost increase.

Value Engineering

The Regional Connector Project has undergone several reductions, including the removal of the 5th/Flower Street Station. Further reductions would likely substantially delay the project or result in a project not consistent with the Locally Preferred Alternative. As a result, we recommend moving to the next step.

Other Cost Reductions within the Same Transit Corridor

The corridor of the Project includes Exposition Light Rail Transit, Gold Line Foothill Extension, and the Gold Line Eastside Extension. The Exposition Light Rail Transit Phase II (Expo II) and Gold Line Foothill Extension have been completed and have no savings or surplus which could be transferred to the Project. The Expo II project did realize Measure R savings, but the Board has directed those savings to the Westside Subway Section 2 project (see Board report #2016-0379). In addition, the Expo II project was partially debt financed with Measure R bonds, and the Board-adopted “Measure R Fiscal Responsibility Policy” requires that any interest for the project is repaid from the surplus. The Foothill Extension II, now ending in Pomona, does not have available funding, as it has been shortened due to cost increases from the initial terminus in Claremont, and has required the use of subregional and State grant funding. While the Gold Line Eastside Transit Corridor Extension Phase II is in the same corridor, the funding for this project is outside of the timeframe needed for the Project.

Other Cost Reductions within the Same Sub-region

The Regional Connector Project is located within the Central, or Central City Area Subregion. Given that the project will create continuous corridors between several subregions (Central, Gateway, San Gabriel Valley, and Westside), we are recommending that any remaining funding shortfall for the Project be dealt with at the Countywide level.

Countywide Cost Reductions and/or Other Funds

The Project is eligible for Measure R 35% Transit funds, but these have all been allocated to the Regional Connector Project. The Project is not eligible for Proposition A

and Proposition C as much of the Project is deemed “new subway” and not allowed under the Act of 1998 (Note: Staff is investigating the potential to allocate a portion of the Regional Connector Project to above-ground rail). The Project is eligible for Measure R Rail Capital General Improvements 2%, Metro Lease Revenues, Measure M State of Good Repair 2%, and Repayment of Capital Project Loans Fund 3562. A combination of the funds is recommended to address the increase in the Project LOP.



Board Report

File #: 2019-0629, File Type: Informational Report

Agenda Number: 7.

2nd REVISED
PLANNING AND PROGRAMMING COMMITTEE
NOVEMBER 20, 2019
EXECUTIVE MANAGEMENT COMMITTEE
NOVEMBER 21, 2019

SUBJECT: MEASURE R ORDINANCE PRELIMINARY 10-YEAR REVIEW AND POTENTIAL AMENDMENTS

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE the Measure R Ordinance Preliminary Ten-Year Review and Potential Amendments.

ISSUE

The Measure R Ordinance (“Ordinance”) permits the Board to amend the Ordinance not more than once every ten years, beginning in 2020, to transfer sales tax revenue between the transit and highway capital subfunds. This Board item provides preliminary staff findings regarding the transfer. In addition, information is given on possible additional amendments to transfer funding among existing projects or add funding for new projects.

No recommendations for amendments to the Ordinance are being made at this time.

BACKGROUND

The Measure R Ordinance, which became effective in January 2009, identifies the allowable uses for the 0.5% countywide sales tax that funds Metro capital projects and transit operations. The Ordinance created both transit and highway capital subfunds that receive a percentage of the Measure R sales tax revenue and fund the capital projects listed on the Expenditure Plan (Attachment A of the Ordinance). One of the capital projects is a Capital Project Contingency (“Contingency”). Per the Ordinance, the Contingency is to be used, among other things, to pay interest on debt.

DISCUSSION

The amount available for Contingency is currently estimated to be significantly lower than identified in

the Expenditure Plan, as the total amount of Measure R sales tax is less than initially anticipated. The following table shows the current estimate of Contingency (from the November 2019 Short Range Financial Forecast, or “2019 Financial Forecast”) versus the amount in the Expenditure Plan. Contingency has decreased from \$3.3 billion to \$694 million for transit and \$2.6 billion to \$1.1 billion for highway (based on actual receipts and the most recent forecast of sales tax revenue over the 30-year term of Measure R, minus total spending for all other capital projects identified in the Expenditure Plan).

Measure R Capital Project Contingency Expenditure Plan vs. 2019 Financial Forecast 30-Year Totals (Fiscal Years 2010 to 2039)		
(\$ in millions)	Expenditure Plan	2019 Financial Forecast
Transit Capital Projects	\$ 10,514	\$ 10,514
Transit Capital Project Contingency	\$ 3,276	\$ 694
Total Transit Revenue (35%)	\$ 13,790	\$ 11,208
Highway Capital Projects	\$ 5,304	\$ 5,304
Highway Capital Project Contingency	\$ 2,576	\$ 1,101
Total Highway Revenue (20%)	\$ 7,880	\$ 6,405

Metro has issued debt payable from the transit capital subfunds, and this outstanding debt has and will continue to accrue interest. No debt has yet been issued that is payable from the highway capital subfund. In the 2019 Financial Forecast, an additional \$3.5 billion of debt is estimated to be needed to complete the projects in the Measure R Expenditure Plan, payable from both transit and highway capital subfunds. As shown in the table below, the total estimated interest payable from transit debt including outstanding debt is \$2.0 billion. For highway debt the total interest payable is \$513 million. The amount of transit interest payable exceeds the amount available for Contingency.

Measure R Debt Interest Outstanding and Planned Debt Issuance (2019 Financial Forecast)	
(\$ in millions)	Interest Payable
Outstanding Transit Debt	\$ 1,360
Planned Transit Debt	\$ 662
Total Transit Debt	\$ 2,022
Outstanding Highway Debt	\$ -
Planned Highway Debt	\$ 513
Total Highway Debt	\$ 513

Given the amounts allocated to capital projects in the Expenditure Plan (other than the Contingency)

there is insufficient future sales tax revenue to pay the transit interest, including planned future transit debt. This may require a transfer of funds from the highway to transit capital subfund.

The amount of the transfer cannot be determined precisely now as it will depend on actual sales tax receipts and debt issuances over the next 20 years. If sales tax is higher or lower than forecasted, this may cause less or more future debt issues and resulting interest. In addition, there are three transit projects (Expo II, Purple Line Extension, Airport Metro Connector) that are not currently allocated the total amount of Measure R identified in the Expenditure Plan. In the 2019 Financial Forecast, the Measure R surplus on these projects is being used to pay interest on the debt issued for the projects (in accordance with the Board-approved “Fiscal Responsibility Policy,” recommendation A, May 2011). Two of the projects are not yet completed and may require additional Measure R funding. The Purple Line Extension will likely require additional Measure R funding for an expanded Division 20.

At this time, a future \$500 million transfer is estimated to be needed from highway to transit. However, the transfer is not needed immediately, as there are sufficient Measure R sales tax receipts and debt capacity to fund the transit capital projects on schedule over the next 10 years without the transfer. Staff recommends that any transfer is postponed. The timing and amount of the transfers will be monitored annually and a future recommendation will be provided to the Board when the need to make a transfer appears more definitive.

Transfer of Funds to Other or New Projects

In addition to the possible transfer of highway and transit Contingency, several Measure R projects have not fully utilized all Measure R funding in the Expenditure Plan, and the funding for these projects could potentially be transferred to other existing or new projects. The Metro Board has adopted policies that affect the future transfer of funds, including the aforementioned Fiscal Responsibility Policy, as amended. This policy requires that interest on debt is allocated to the project financed, reducing the surplus, or if the project is accelerated, offsetting the amount spent on capital costs. For any transfer for a new or augmented project, a proportional amount of the Contingency is also transferred. These and other policy requirements will need to be followed, in consideration of the Ordinance provisions and contractual obligations related to Metro debt financing.

The following projects may have surpluses that could be transferred.

- **Interstate 5 North Capacity Enhancements from SR-14 to Kern County Line (Truck Lanes):** \$410 million in Expenditure Plan. Current project under development ends at Parker Rd. Approximately \$267 million of Measure R available for future project. Funds may be needed for current project if cost increases. Any surplus would be eligible for uses identified by the subregion.
- **Interstate 405, I-110, I-105, and SR-91 Ramp and Interchange Improvements (South Bay):** \$906 million in Expenditure Plan. Approximately \$92 million spent through fiscal 2019. Use of funds determined in conjunction with South Bay subregion. Funds could be transferred for transit or other uses of regional benefit.

Projects were funded prior to the passage of Measure R. The surplus has been either programmed after 2029 through previous Board action, or on new projects identified by the subregion with Metro approval.

- **San Fernando Valley North-South Rapidways (Canoga Corridor):** \$182 million of Measure R transit funds available. Currently programmed for use after 2029.

The following project, which was expected to be completed with a Measure R surplus, will have the Measure R funding used instead of Proposition C 25% sales tax funds that were programmed for the project prior to the adoption of Measure R. This was approved by previous Board action (~~#2015-1763~~) (~~#2017-1763~~). The Proposition C 25% “replacement credits” have been programmed after 2029 in the Board-adopted short range transportation plan.

- **Interstate 5 Capacity Enhancement from I-605 to Orange County Line, from SR-134 to SR-170, and Carmenita Road Interchange Improvement:** \$108.4 million of Measure R surplus, or replacement credits, allocated to West Santa Ana Branch per Expenditure Plan. A total of \$122.9 million of Measure R surplus programmed after 2029. All or a portion of the surplus may be needed if the project cost increases, or to address the impact of prior scope reductions.

Findings

As discussed herein, the following are key findings of this report.

- A transfer of Measure R funds, estimated to be \$500 million, from the highway to transit capital subfund appears necessary. The actual transfer can be postponed and not affect the immediate funding of transit or highway capital projects.
- Staff will monitor the status of the transfer requirement annually and make a future recommendation should a transfer be needed.
- Several Measure R projects have actual or forecasted surplus Measure R revenues. Prior Board action has programmed much of the surplus after 2029.
- Staff will monitor the status of the projects and report back to the Board when they can be officially closed and the funding can be reprogrammed. The existence of surplus funds may not be confirmed at this time.
- For the South Bay highway program, staff will work with the South Bay subregion and determine if the subregion recommends closing the remaining funding in this program and reprogram the funds to another project or projects of regional benefit.

FINANCIAL IMPACT

This is an informational item and does not have a direct financial impact.

Impact to Budget

There is no direct impact to the FY20 budget.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This item helps ensure fiscal responsibility in how funding determinations are made and transparency in the agency's investment decisions (Goal #5).

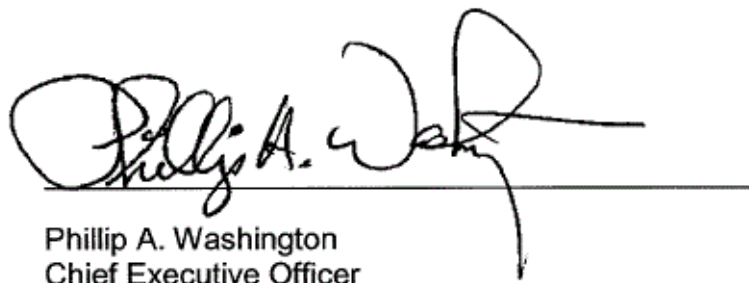
NEXT STEPS

Subsequent to the filing of this Board item, Metro staff will seek feedback from the Board and stakeholders, and may bring forward specific amendments to the Ordinance for the Board's approval. Metro staff will concurrently develop a detailed amendment process that identifies the steps and responsibilities required to identify and potentially implement amendments to the Measure R Ordinance.

Any amendment would require 2/3 Board approval and notification to the cities and county.

Prepared by: Craig Hoshijima, DEO, 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



Phillip A. Washington
Chief Executive Officer

Measure R Ordinance Preliminary 10-Year Review and Potential Amendments Agenda Item #7

Executive Management Committee
November 21, 2019



Background

- **Measure R sales tax revenue can be transferred between transit and highway capital subfunds with Board approval**
- **Capital Project Contingency is used to pay interest on debt**
- **Measure R Ordinance permits Board to amend Ordinance NO MORE than once every 10 years**

Expenditure Plan vs 2019 Forecast

Measure R Capital Project Contingency Expenditure Plan vs. 2019 Financial Forecast 30-Year Totals (Fiscal Years 2010 to 2039)		
(\$ in millions)	Expenditure Plan	2019 Financial Forecast
Transit Capital Projects	\$ 10,514	\$ 10,514
Transit Capital Project Contingency	\$ 3,276	\$ 694
Total Transit Revenue (35%)	\$ 13,790	\$ 11,208
Highway Capital Projects	\$ 5,304	\$ 5,304
Highway Capital Project Contingency	\$ 2,576	\$ 1,101
Total Highway Revenue (20%)	\$ 7,880	\$ 6,405

Potential Transfers

- **A \$500M transfer from highway to transit may be needed for debt interest**
- **Projects with Measure R funding surplus**
 - **Previously funded projects (prior to Measure R)**
 - **Proposition C funds (replacement credits) to be used instead of Measure R**
 - **Any surplus is eligible for use within subregion; may be needed for final cost of project**

Potential Surplus

Projects with potential Measure R surplus
<ul style="list-style-type: none">• I-5N enhancements from SR-14 to Kern County Line
<ul style="list-style-type: none">• I-405, I-110, I-105, and SR-91 Ramp and Interchange Improvements
Previously funded projects
<ul style="list-style-type: none">• San Fernando Valley N/S Rapidways (Canoga Corridor)
Replacement Credits
<ul style="list-style-type: none">• Interstate 5 Capacity Enhancement from I-605 to Orange County Line, from SR-134 to SR-170, and Carmenita Road Interchange Improvement

Summary

- **Potentially insufficient future sales tax revenue to pay for transit interest**
- **Precise amount of transfer will depend on actual sales tax receipts and debt issuances**
- **Any project surplus is eligible for use by subregion; depends on project completion and ultimate cost**



Board Report

File #: 2019-0624, File Type: Agreement

Agenda Number: 11.

PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 20, 2019

SUBJECT: EXPO/CRENSHAW JOINT DEVELOPMENT

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute an amendment to the Exclusive Negotiation Agreement and Planning Document with Watt Companies, doing business as WIP-A, LLC, and the County of Los Angeles for 12 months with the option to extend for an additional four months for the joint development of 1.77 acres of Metro-owned property and 1.66 acres of County-owned property at the Expo/Crenshaw Station.

ISSUE

Metro, the County of Los Angeles (County) and Watt Companies, doing business as WIP-A, LLC (Developer) are parties to an Exclusive Negotiation Agreement and Planning Document (ENA) for the development of a mixed-use project adjacent to the Expo/Crenshaw Station (See Attachment A - Site Map). The development program includes a minimum of 400 total rental units (15% of which will be restricted to households earning 30% or less of area median income, and 5% of the total units restricted to households earning 30-80% of area median income), and at least 40,000 square feet of commercial and community space (Project). The ENA is set to expire on December 15, 2019. An extension of the ENA term is necessary to allow the Developer sufficient time to fully entitle and environmentally clear the Project with the City of Los Angeles and finalize the Joint Development Agreement (JDA) and Ground Lease (GL) terms, subject to Metro Board of Directors (Metro Board) and County Board of Supervisors (County Board) approval.

BACKGROUND

Following a competitive solicitation process, the Metro Board and County Board approved entering into a six-month ENA in late 2017/early 2018 with the Developer for joint development of Metro and County-owned parcels at the Expo/Crenshaw Station (Site). The six-month ENA provided an interim period before executing a long-term ENA so that the community could provide input on the Project and the Developer could identify a community-based organization to partner with on the development of the Project.

In the spring of 2018, the Developer entered into an agreement with West Angeles Community

Development Corporation (WACDC) to partner in the execution and operation of the Project. On September 25, 2018 the County Board approved entering into an ENA with the Developer and Metro for a term of 18 months with the option to extend up to 30 months. On September 27, 2018 the Metro Board approved entering into a 14-month ENA with the Developer and the County with the request that staff provide a progress report which was issued in March 2019. The tri-party ENA was executed on October 15, 2018 and will expire on December 15, 2019.

DISCUSSION

The Developer has diligently performed its obligations under the ENA including performing extensive, on-going community outreach, refining the conceptual development plan, and submitting the Project for entitlements with the City as further described below.

Community Outreach

After the 14-month ENA was executed, the Developer held several meetings with local residents, community organizations and government officials to provide updates on the proposed Project. An online survey aimed at gathering input on the Project was circulated and over 200 responses were received. Given the Project will be required to comply with the County's Local Hire Policy, in June 2019 the Developer, in partnership with WACDC, Vernon-Central/LATTC WorkSource Center and Coalition for Responsible Community Development, hosted a local hire "listening session". At this meeting the Developer and their partners obtained feedback on past experiences with local hire programs and began to share information on future employment resources associated with the Project.

Concept Development

Metro and the County, with support from an urban design consultant, have extensively reviewed the Developer's Project plans and provided feedback on the design. The review has focused on conformance with the community vision as outlined in the Expo/Crenshaw Station Joint Development Guidelines, responsiveness to community input received, and on ensuring compatibility between the Project and Metro infrastructure. On July 11, 2019, the Developer and WACDC hosted a workshop where they unveiled the revised conceptual plans based on stakeholder and Metro/County feedback. Over 200 stakeholders attended. Participants engaged with the Developer's architectural/urban design team and expressed that they were generally pleased with the Project's progress. Although the Project has been refined, the Project scope as approved by the Metro Board and County Board in September 2018 remains unchanged.

Entitlements

The Developer submitted for entitlements from the City of Los Angeles in September 2019. Metro Joint Development Policy and relevant case law do not allow the Metro Board to approve JDA and GL terms nor authorize Metro to enter into related agreements until a project has received an environmental clearance under the California Environmental Quality Act. The recommended 12-month ENA term extension (with an option to extend an additional four months) will allow the Developer to complete the entitlements process, environmentally clear the Project, and begin to assemble the Project's financing sources. Metro staff, with support from a financial consultant and County Counsel, have been diligently negotiating a term sheet outlining the JDA and GL terms, subject to Metro and County Board approval.

Equity Platform

Consistent with the Equity Platform pillar “listen and learn”, the Project has gone through a lengthy community engagement process beginning with the creation of Development Guidelines which set the vision for these publicly-owned properties. The Developer continues to maintain a commitment to engaging with stakeholders, and has refined the Project in response to feedback. Furthermore, the Project is an opportunity to “focus and deliver” by adding much needed, transit-oriented affordable housing and other community benefits in the Crenshaw community.

DETERMINATION OF SAFETY IMPACT

Approval of this item will have no adverse impact on safety as it only seeks a time extension for the ENA period during which no improvements will be constructed. An analysis of safety impacts will be completed and presented to the Metro Board for consideration if and when negotiations result in proposed terms for a JDA and GL.

FINANCIAL IMPACT

Funding for joint development activities related to the ENA and the Project is included in the adopted FY20 budget in Cost Center 2210, Project 401045.

Impact to Budget

There is no impact to the FY20 budget. The ENA executed in October 2018 required the Developer to pay Metro a non-refundable fee of \$25,000, as well as a \$50,000 deposit to cover third-party expenses. The Developer must replenish that deposit when it reaches a balance of less than \$25,000.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This recommendation supports the Strategic Plan Goal to “enhance communities and lives through mobility and access to opportunity”, specifically Initiative 3.2 which states “Metro will leverage its transit investments to catalyze transit-oriented communities and help stabilize neighborhoods where these investments are made.” The proposed Project will deliver a number of community benefits, including transit-accessible housing and new commercial/community space.

ALTERNATIVES CONSIDERED

The Board could chose not to extend the ENA term, in which case the ENA would expire in December 2019. Metro could then choose to solicit a new developer and proposal for the Site. Staff does not recommend this alternative due to the fact that the Developer, Metro, and the County have worked diligently and in good faith as partners to advance the Project. Furthermore, the recommended action builds upon the significant community input and procurement process that has transpired thus far. A new procurement process would delay the development of Site, and Metro and the County may fail to take advantage of currently favorable conditions in the real estate market.

NEXT STEPS

Upon approval of the recommended action, staff will prepare and execute an amendment to the ENA extending the term for 12 months with the option to extend an additional four months. Metro staff, with support from a financial consultant and County Counsel, will continue working with the Developer to finalize negotiations for a JDA and GL. Following the Developer's completion of the entitlements and environmental clearance process with the City of Los Angeles and before the end of the ENA period, staff will return to the Board with recommended JDA and GL terms. The Developer and WACDC, together with Metro and County staff, will continue to engage with the community as the Project advances. During the ENA period the Developer will begin to assemble financing for the Project including affordable housing resources.

ATTACHMENTS

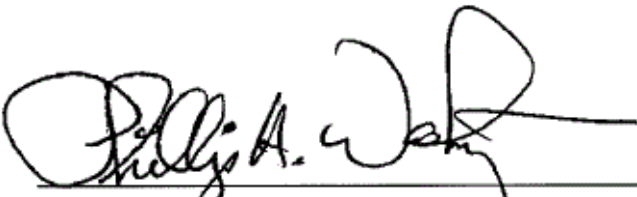
Attachment A - Site Map

Prepared by: Nicole Velasquez Avitia - Manager, Countywide Planning & Development, (213) 922-7439

Nick Saponara - Executive Officer (Interim), Countywide Planning & Development, (213) 922-4313

Holly Rockwell - Sr. Exec. Officer, Real Estate, Transit Oriented Communities and Transportation Demand Management, (213) 922-5585

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



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A
SITE MAP



SITE A

Owner: Los Angeles County
Site: 1.66 acres
Use: County Probation Department

SITE B

Owner: Metro
Site: 1.77 acres
Use: Construction staging

Expo/Crenshaw Joint Development Project



Planning and Programming Committee

November 20, 2019



Metro

Legistar #2019-0624, Agenda Item 11

Recommendation

- Amend the Exclusive Negotiation Agreement and Planning Document (ENA) with Watt Companies to extend it 12 months with an option to extend an additional 4 months.



Background

- **June 2016:** Board adopted Development Guidelines following more than 25 community meetings.
- **Late 2017/Early 2018:** After a competitive RFP process, Metro and County Boards approved a 6-month Short-Term Exclusive Negotiation Agreement (ENA) with Watt Companies.
- **September 2018:** Metro Board approved entering into a 14-month ENA which will expire December 15, 2019.

Project Progress

During 14-month ENA period, Developer has made significant progress in fulfilling its obligations under the ENA:

- Held several meetings with community stakeholders including hosting a local hire “listening session” and a public workshop with more than 200 attendees
- Conducted an online survey aimed at gathering input with over 200 responses received
- Advanced project design in response to community feedback
- Submitted for entitlements from City of Los Angeles in September 2019

Project Scope

- 401 total rental units (20% affordable set aside)
 - 15% restricted to households earning 50% or less of AMI
 - 5% restricted to households earning 30-80% of AMI
- 40,000 sq. ft. of commercial and community space
 - Proposed tenants include a grocery store and local small businesses
- Nearly an acre of public open space
- Preserves opportunity to build second entrance to Expo/Crenshaw underground station

Next Steps

- **Late 2020** – Entitlements and environmental clearances expected.

- **On-going through 2020**
 - Negotiate term sheet for Joint Development Agreements and Ground Leases with Metro and County
 - Public hearings and continued community engagement
 - Secure project financing

- **Early 2021** – Return to Metro and County Boards for consideration of final transaction terms



Board Report

File #: 2019-0740, File Type: Program

Agenda Number: 17.

PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 20, 2019

**SUBJECT: MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM - GATEWAY CITIES
SUBREGION**

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. APPROVING programming of \$27,764,900 in Measure M Multi-Year Subregional Program (MSP) - I-605 Corridor "Hot Spot" Interchange Improvements Program (Expenditure Line 61); and
- B. AUTHORIZING the Chief Executive Officer (CEO) or his designee to negotiate and execute all necessary agreements for approved projects.

ISSUE

Measure M MSPs are included in the Measure M Expenditure Plan. All MSP funds are limited to capital projects. Each subregion is required to develop an MSP five-year plan (Plan) and project list. Based on the amount provided in the Measure M Expenditure Plan, a total amount of \$65,255,715 was forecasted to be available for programming, from Fiscal Year (FY) 2017-18 to FY 2021-22, to the Gateway Cities Subregion (Subregion) in the I-605 Corridor "Hot Spot" Interchange Improvements Program (expenditure line 61). Board approval is necessary to program the funds to these projects and allow Metro to enter into Funding Agreements with the respective implementing agencies.

DISCUSSION

In June 2017, the Metro Board of Directors approved the adoption of the Measure M Master Guidelines (Guidelines) with two amendments and five approved motions. Subsequently, the Administrative Procedures for Measure M MSP was signed by the CEO on February 2, 2018.

The Subregion consists of 27 cities and an adjacent unincorporated area of Los Angeles County. The Gateway Cities Councils of Government (GCCOG) led the Plan development process, which included working with the member agencies along with a public participation process. The GCCOG Governing Board also adopted Subregional Qualitative Performance Measures including Mobility, Economic Vitality, Accessibility, Safety and Sustainability & Quality of Life, as required per the

Administrative Procedures.

In the last several months, Metro staff worked closely with the GCCOG and the implementing agencies on eligibility reviews of the proposed projects. All projects submitted by the Subregion are scheduled to start in FY 2019-20 and/or FY 2020-21 (near term - first two programming years). For those projects that are programmed in FY 2019-20 and FY 2020-21, Metro required, during staff review, a detailed project scope of work to confirm eligibility and establish the program nexus during the Plan development process, i.e. project location and limits, length, elements, phase(s), total expenses and funding requested, and schedule, etc. This level of detail will ensure timeliness of the execution of the Project Funding Agreements once the Metro Board approves the Plan.

Equity Platform

Consistent with Metro's Equity Platform, the MSP outreach effort recognizes and acknowledges the need to establish comprehensive, multiple forums to meaningfully engage the community to comment on the proposed projects under all Programs. The GCCOG along with member agencies and adjacent unincorporated area of Los Angeles County undertook an extensive outreach effort and invited the general public to a series of public workshops and meetings. Metro will continue to work with the Subregion to seek opportunities to reach out to a broader constituency of stakeholders.

DETERMINATION OF SAFETY IMPACT

Programming of Measure M MSP funds to the Gateway Cities Subregion projects will not have any adverse safety impacts on Metro's employees or patrons.

FINANCIAL IMPACT

In FY 2019-20, \$1.5 million is budgeted in Cost Center 0442 (Highway Subsidies) for the Transportation System Mobility Improvement Program (Project #475502). Upon approval of this action, staff will use the approved FY 2019-20 budget to reallocate necessary funds to appropriate projects within Cost Center 0442. Since these are multi-year projects, Cost Center 0442 will be responsible for budgeting the cost in future years.

Impact to Budget

The sources of funds for these projects are Measure M Highway Construction 17%. These fund sources are not eligible for Metro bus and rail operating and capital expenditures.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Recommendation supports the following goals of the Metro Vision 2028 Strategic Plan:

Goal 1: Provide high-quality mobility options that enable people to spend less time traveling by alleviating the current operational deficiencies and improving mobility along the projects.

Goal 4: Transform LA County through regional collaboration by partnering with the Council of

Governments and the local jurisdictions to identify the needed improvements and take the lead in development and implementation of their projects.

ALTERNATIVES CONSIDERED

The Board could elect not to approve the programming of funds for the Measure M MSP projects for the Gateway Cities Subregion. This is not recommended as the proposed projects are in compliance with the Measure M Ordinance, Guidelines and the Administrative Procedures.

NEXT STEPS

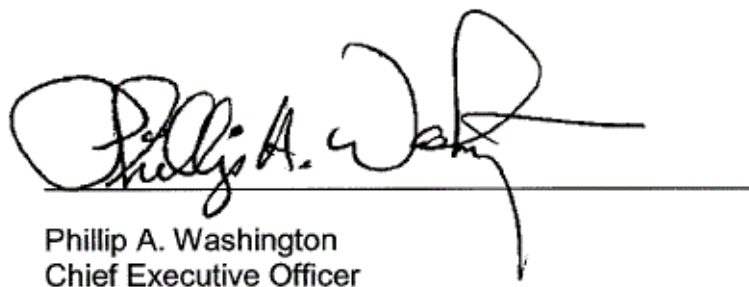
Upon Board approval, respective implementing agencies will be notified, and Funding Agreements will be executed with those who have funds programmed in FY 2019-20. Staff will continue to work with the GCCOG and the implementing agencies to identify and implement projects. Annual updates will be provided to the Board.

ATTACHMENTS

Attachment A - I-605 Corridor "Hot Spot" Interchange Improvements Program Project List

Prepared by: Ernesto Chaves, DEO, Project Management, (213) 418-3142
Fanny Pan, DEO, Countywide Planning & Development, (213) 418-3433
Shawn Atlow, EO, Countywide Planning & Development, (213) 418-3327
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

Gateway Cities Subregion

Measure M Multi-Year Subregional Plan - I-605 Corridor "Hot Spot" Interchange Improvement (Expenditure Line 61)

	Agency	Project ID No.	Project/Location	Funding Phases	FY 2019-20	FY2020-21	FY2021-22	Total Program
1	Bellflower	MM5509.01	Lakewood Blvd Arterial Improvement Project	PS&E Construction		\$ 217,500	\$ 1,232,500	\$ 1,450,000
2	Cerritos	MM5509.02	Del Amo Blvd Bridge Replacement & Traffic Signal Synch Project	Environmental PS&E Construction	400,000	1,000,000	1,000,000	2,400,000
3	Downey & Pico Rivera	MM5509.03	Telegraph Rd Traffic Safety Enhancements Phase II	PS&E Construction	350,000			350,000
4	LA County	MM5509.04	Carmenita Rd and Imperial Hwy Intersection Improvements	PS&E Construction	300,000	630,000	1,000,000	1,930,000
5	Long Beach	MM5509.05	Studebaker Rd - Loynes Dr Complete Streets	Environmental PS&E	250,000	3,000,000	3,000,000	6,250,000
6	Norwalk	MM5509.06	Firestone Blvd Widening Project, Phase I	Environmental PS&E Construction	3,284,900	5,000,000	5,000,000	13,284,900
7	Whittier	MM5509.07	Beverly Blvd at Norwalk Blvd Realignment Project	PS&E ROW Construction	150,000	550,000	1,400,000	2,100,000
Total Programming Amount					\$ 4,734,900	\$10,397,500	\$12,632,500	\$ 27,764,900



Board Report

File #: 2019-0757, **File Type:** Contract

Agenda Number: 20.

FINANCE, BUDGET AND AUDIT COMMITTEE NOVEMBER 20, 2019

SUBJECT: MUNICIPAL ADVISORS

ACTION: APPROVE BENCH CONTRACTS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award six-year bench Contract Nos. PS64441000A through PS64441000J with the firms listed in Attachment A for municipal advisory services and execute task orders under these contracts for a total not-to-exceed amount of \$6,590,000 effective January 1, 2020 through December 31, 2025, subject to the resolution of protest(s) if any.

ISSUE

Metro has a recurring need for municipal advisory services to support our debt program. The existing bench contract expires December 31, 2019. The establishment of the bench facilitates the use of at least three (3) municipal advisors consistent with Metro's Debt Policy.

BACKGROUND

Metro requires the services of municipal advisors to assist with the issuance and management of our bonds, commercial paper and short-term borrowing programs, and lease financings, and to assist with the investment of debt service and reserve funds.

DISCUSSION

Metro has approximately \$5.4 billion in bonds outstanding. The municipal advisors will assist in evaluating the risks and opportunities associated with debt issuances and monitoring our debt portfolio to alert Metro to opportunities to refund and or restructure our bonds to achieve present value savings. The municipal advisors will assist in the preparation of presentations to rating agencies, lenders and investors. We expect the municipal advisors to provide analytical support as well as advice during negotiations for TIFIA loans, grants and other sources of funding. The municipal advisors additionally will assist with other tasks such as overseeing the selection and documentation processes to implement structured finance products. They will also assist with other tasks on an as-needed basis.

The bench of municipal advisors is divided into two categories: Lead or Project Basis. KNN Public Finance, Montague DeRose & Associates, Inc., and Public Resources Advisory Group (PRAG)

received the highest evaluation scores and will each serve a two-year term as Lead on a retainer basis. The Lead Municipal Advisor helps staff plan and coordinate the debt program objectives for the term that they serve as the Lead. Firms not serving as the Lead will be issued competitive Task Orders on a per project basis as needed by Metro. Under the bench approach, Project Basis firms are not guaranteed any work. During the expiring contract's six-year term, 23 Task Orders were issued.

The breadth of the bench will allow Metro to use different firms over the term of the contract for specialized services or financings. The bench also provides an opportunity for smaller and regional firms to participate on projects. Six of the ten recommended firms, including two of the leads, are certified small businesses by the State of California, with two of the six certified by Metro.

DETERMINATION OF SAFETY IMPACT

Approval of this item will not impact the safety of our patrons or employees.

FINANCIAL IMPACT

The FY20 adopted budget includes \$1,000,000 for these services in Cost Center 0521, Non-Departmental Treasury, under Project 610306, Project 610307 and Project 660301 and Project 670301, Financing Costs. Since this is a multi-year agreement, the Cost Center Manager, Treasurer and Chief Financial Officer will be accountable for budgeting the cost in future years.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Recommendation supports the following Metro Strategic Plan Goal(s):

Goal #5: Provide responsive, accountable and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

- A. Conduct a separate procurement for each individual task as needed. This alternative is not recommended because it would require extensive additional staff time to process each request and result in delays due to the lead time required to complete the individual procurements. Because many of our transactions are dependent on market conditions and are very time sensitive, we may miss opportunities while going through the procurement process.

- B. Develop in-house staff resources to meet these requirements. This alternative is not recommended because external municipal advisors deal with the specific technical, specialized and quantitative matters of the financial market place on a daily basis. It is not practical to maintain this expertise in-house.

NEXT STEPS

Upon approval, staff will execute the bench contracts for municipal advisory services. Individual task orders will be issued on an as-needed, competitive basis.

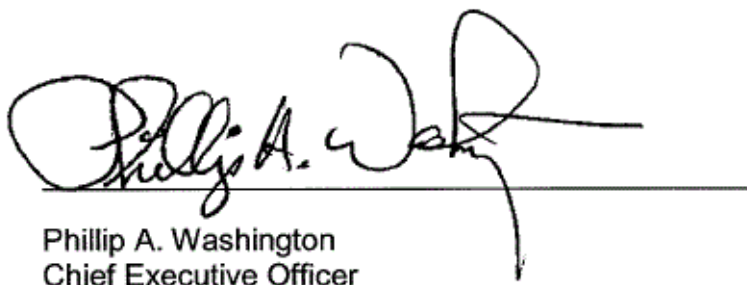
ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Susan Cariasa-Ginsberg, Administration & Financial Services Manager, (213) 922-4026
Donna R. Mills, Treasurer, (213) 922-4047

Reviewed by: Nalini Ahuja, Chief Financial Officer, (213) 922-3088
Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

MUNICIPAL ADVISORY SERVICES / PS64441000A – PS64441000J

1.	Contract Number: PS64441000A – PS64441000J	
2.	Recommended Vendors: Montague DeRose and Associates, Inc.; KNN Public Finance; Public Resources Advisory Group; Fieldman Rolapp and Associate; PFM Financial Advisors LLC; Backstrom, McCarley Berry & Co.; Sperry Capital, Inc.; Omnicap Group LLC; Hilltop Securities, Inc.; Columbia Capital Management LLC	
3.	Type of Procurement (check one): <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.	Procurement Dates:	
	A. Issued: July 30, 2019	
	B. Advertised/Publicized: July 30, 2019	
	C. Pre-Proposal Conference: N/A	
	D. Proposals Due: August 29, 2019	
	E. Pre-Qualification Completed: October 31, 2019	
	F. Conflict of Interest Form Submitted to Ethics: September 23, 2019	
	G. Protest Period End Date: November 25, 2019	
5.	Solicitations Picked up/Downloaded: 23	Bids/Proposals Received: 10
6.	Contract Administrator: Ernesto N. DeGuzman	Telephone Number: (213) 922-7267
7.	Project Manager: Susan Cariasa-Ginsberg	Telephone Number: (213) 922-6162

A. Procurement Background

This Board Action is to approve the award of bench Contract Nos. PS64441000A through PS64441000J for municipal advisory services for a six-year term effective January 1, 2020 for an aggregate amount not-to-exceed \$6,590,000. Board approval of contract awards are subject to resolution of properly submitted protest.

Request for Proposal (RFP) PS64441 was issued in accordance with Metro's Acquisition Policy and the contract type is firm fixed labor rate for task orders, firm fixed annual retainer for Lead Financial Advisors while serving in that capacity, and firm fixed price for bond issues.

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

- Amendment No. 1, issued on August 2, 2019 clarified the use of the Form 60 as the pricing form to be used for cost/price proposals.
- Amendment No. 2, issued on August 20, 2019 clarified the number of hard copy and electronic copies of the proposals to be submitted.

There were five questions submitted and responses were provided prior to the proposal due date.

Ten proposals were received on the due date of August 29, 2019 from the following firms listed in alphabetical order:

	Proposer Name
1	Backstrom, McCarley Berry & Co.
2	Columbia Capital Management LLC
3	Fieldman Rolapp and Associate
4	Hilltop Securities, Inc.
5	KNN Public Finance
6	Montague DeRose and Associates, Inc.
7	Omnicap Group LLC
8	PFM Financial Advisors LLC
9	Public Resources Advisory Group (PRAG)
10	Sperry Capital, Inc.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Metro’s Treasury Department and a representative from an outside peer agency was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were first evaluated on the following minimum Pass/Fail requirements. The solicitation specified that any proposal that did not meet these requirements will be ineligible for further evaluation:

- Proposer must be an independent municipal advisory firm that does not provide products or services including underwriting of municipal securities that have potential to create a conflict of interest with regards to a firm’s fiduciary obligations under the contract. Proposers were asked to provide a signed affidavit confirming that they will not provide underwriting services to LACMTA if they are serving as LACMTA’s Municipal Advisor in any capacity.
- Proposer (or staff directly assigned to LACMTA) has a minimum of five (5) years of current experience providing municipal advisory services.
- Proposer is currently registered as a Municipal Advisor Firm with SEC and MSRB
- Proposer shall be an IRMA as defined by the SEC.

All ten proposals met the minimum pass/fail requirements.

The proposals were then evaluated based on the following evaluation criteria:

- | | |
|--|-----|
| • Small Business Evaluation | 10% |
| • Degree of the Prime’s Skills and Experience | 25% |
| • Qualifications of Staff to be Assigned | 20% |
| • Understanding of Work and Appropriateness of Approach for Implementation | 20% |
| • Cost Proposal | 25% |

The evaluation criteria are appropriate and consistent with criteria developed for the procurement of similar services in the past. Several factors were considered when developing

these weights, giving the greatest importance to the Degree of the Prime's Skills and Experience, and the Cost Proposal.

On September 27, 2019, the PET concluded its independent evaluation of the ten proposals. All firms were determined to be responsive to the RFP and qualified to be on the bench.

Qualifications Summary of Proposers:

Montague DeRose and Associates, Inc.

Montague DeRose and Associates, Inc. is a California-based firm, founded in 1995 to serve as the financial advisor on TIFIA loans, bond issues, commercial paper, and other financial projects for the public sector. They have performed work for a number of public agencies including the former San Bernardino Associated Governments (now the San Bernardino County Transportation Authority), the State of California, and the United States Department of Transportation. They have extensive experience creating financing models for county master transportation plans and capital improvement plans. They have advised USDOT on TIFIA loans and would be able to bring this experience as Financial Advisor for our TIFIA financings. As a Lead Financial Advisor, they will provide service in all areas of financial management, including bond issues, derivatives and policy review and development.

KNN Public Finance

KNN Public Finance serves as a lead financial advisor to various transportation entities such as the San Francisco County Transportation Authority, Santa Clarita Valley Transportation Authority, and the Napa Valley Transportation Authority. They have provided financial advisory services to state and local governments since 1982 and is based in Oakland, California. KNN will provide transaction services, cash flow modeling, investor and rating relations programs, and debt and financial policy development, including assisting in determining the key factors that drive financial decisions and strategies.

Public Resources Advisory Group

Public Resources Advisory Group (PRAG) was founded in 1985 and maintains an office in Los Angeles while their main office is in New York. PRAG is wholly owned and managed by its employees. It provides services for the State of California, the Port of Long Beach, and the Denver Union Station Project Authority. PRAG's focus is on California public agencies with complex financing programs. PRAG will advise on projects that include complex analytics and modeling cash flows, variable rate obligations, and rating strategies.

Fieldman Rolapp and Associate

Fieldman Rolapp & Associate is a California-based independent financial advisory firm that began business in 1966. They have established models for measuring coverage on sales tax-based bond issues as well as cash flow modeling. The firm's concentration is 100% on public finance. This firm will be able to provide advice for bond issuance, strategic advice and cash flow modeling, and other projects. They have served as a financial advisor for the Port of Los Angeles, the City of Irvine, and the Solid Waste Resources Revenue Bond Project with the City of Los Angeles.

PFM Financial Advisors LLC

PFM Financial Advisors LLC (PFM) was founded in 1975 in Los Angeles and has previously advised LACMTA in bond proceeds investments, development of new trust agreements, commercial paper programs, fixed and variable rate bond issuance and refunding, and the development of debt and swap policies. PFM has a proven record of satisfactory service to the LACMTA.

Backstrom, McCarley Berry & Co.

Backstrom, McCarley Berry & Co. has a strong history in banking and consulting projects on numerous transportation issues throughout the country. They have been registered with the Municipal Securities Rulemaking Board (MSRB) and Securities and Exchange Commission (SEC) for over ten years and maintain offices in New York, Chicago, Houston, and San Francisco. The firm has consulted for the San Francisco Municipal Transportation Agency and the San Francisco International Airport as well as the Bay Area Rapid Transit District (BART). They have demonstrated analytical skills and experience to provide advice on Agency financial matters. Backstrom, McCarley Berry & Co. is a Metro-certified SBE.

Sperry Capital, Inc.

Sperry Capital, Inc. (SPI) was established in 1994 and provides financial advisory services to state and local governmental agencies. They have provided services to Orange County Transportation Authority and the Transbay Joint Powers Authority. They are registered as a municipal advisor and have served other agencies advising on sales tax revenue bonds, tax-exempt commercial paper and TIFIA loans. SPI provides financial advice on a project basis on such issues as post issuance compliance, commercial paper issuance, public-private partnerships, and investments, as well as other financial management tools. SPI is a Metro-certified SBE.

Omnicap Group LLC

Omnicap Group LLC (Omnicap) is a nationally recognized municipal advisor established in 2004 and the firm has been providing financial and investment advisory services on a national level since its inception. Omnicap is a registered municipal advisor with the MSRB and SEC and a SEC Registered Investment Advisor. Omnicap is certified as a small business enterprise by the City of LA, LA County, and the State of California. Omnicap is focused on providing financial advisory, swap advisory, investment advisory, and post-issuance tax compliance services to tax-exempt issuers on a national level.

Hilltop Securities, Inc.

Hilltop Securities, Inc. is a financial advisory firm that is a registered broker/dealer. It serves as financial advisor to the Regional Transportation District (Colorado), Metropolitan Atlanta Rapid Transit Authority, Port of Houston, Maryland Transportation Authority, the Oklahoma Department of Transportation, Rhode Island Department of Transportation, Oklahoma Turnpike Authority, Miami-Dade International Airport, New Jersey Turnpike Authority, Dallas Fort Worth Airport, North Texas Tollway Authority, Miami-Dade County. Expressway Authority, Rhode Island Turnpike and Bridge Authority, and Tampa-Hillsborough County Expressway Authority.

Columbia Capital

Columbia Capital Management LLC (Columbia) was formed in 1996 and provides municipal bond issuers with independent financial advice. It has helped many high-profile issuers throughout the nation on approximately \$61.1 billion of bonds, including fixed and variable rate, new money and refunding in areas including general obligation, revenue, annual appropriation, transportation, toll/turnpike, mass transit, parking, education, housing, pension, unemployment, and utilities. Columbia maintains staffed offices in Glendale, CA; Overland Park, Kansas; and Chicago, Illinois. Each of Columbia's offices have been established for at least one year, and 100% of the firm's employees are dedicated to public finance. Its current mass transit clients include Metro/Bi-State Development Agency (St. Louis), the Regional Transportation Authority of Northeastern Illinois, and the Chicago Transit Authority.

The three highest ranked proposers (Montague DeRose and Associates, Inc., KNN Public Finance, and PRAG) were selected to provide lead financial advisory services, alternating for a term limit of two years each. When not serving as lead financial advisors, they will be competing for task orders along with the rest of the bench.

C. Cost/Price Analysis

All future Task Order RFPs will contain a specific statement of work which will be competed among the firms on the bench. The Bench contractors will propose according to the requirements in the task order and a cost/price analysis will be performed prior to task order award.

DEOD SUMMARY

MUNICIPAL ADVISORY SERVICES / PS64441000A – PS64441000J

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) did not establish a Small Business Enterprise (SBE) or Disabled Veteran Business Enterprise (DVBE) goal for this solicitation due to the lack of subcontracting opportunities. According to Metro Project Management, the work performed by the municipal advisor is a highly specialized service that is not easily divisible into subcontractor tasks. However, staff was encouraged to outreach to certified firms to propose as Primes.

Two (2) of the Ten (10) firms selected as bench participants: Backstrom, McCarley, Berry & Co., and Sperry Capital, Inc. made 100% SBE commitments as SBE Prime contractors, performing the work with their own workforces.

	SBE Prime	% Committed
1.	Backstrom, McCarley Berry & Co.	100%
	Total SBE Commitment	100%

	SBE Prime	% Committed
1.	Sperry Capital, Inc.	100%
	Total SBE Commitment	100%

B. Living Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) 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.



File #: 2019-0581, File Type: Oral Report / Presentation

Agenda Number: 22.

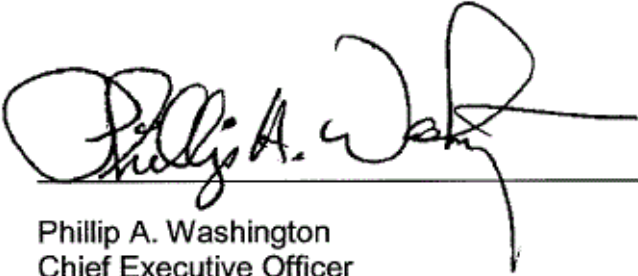
**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
NOVEMBER 21, 2019**

**SUBJECT: ORAL REPORT ON A LINE OPENING AND UPDATE ON RIGHT OF WAY
CLEANLINESS**

ACTION: RECEIVE ORAL REPORT

RECOMMENDATION

RECEIVE oral report on A Line Opening and Update on Right of Way Cleanliness.



Phillip A. Washington
Chief Executive Officer

**A Line Opening
&
Cleanliness Program Update**

A Line Reopening

A Line Opening - November 2, 2019

- A Line Service Levels: 6 minute headway during peak times; 12 minute headway during off-peak

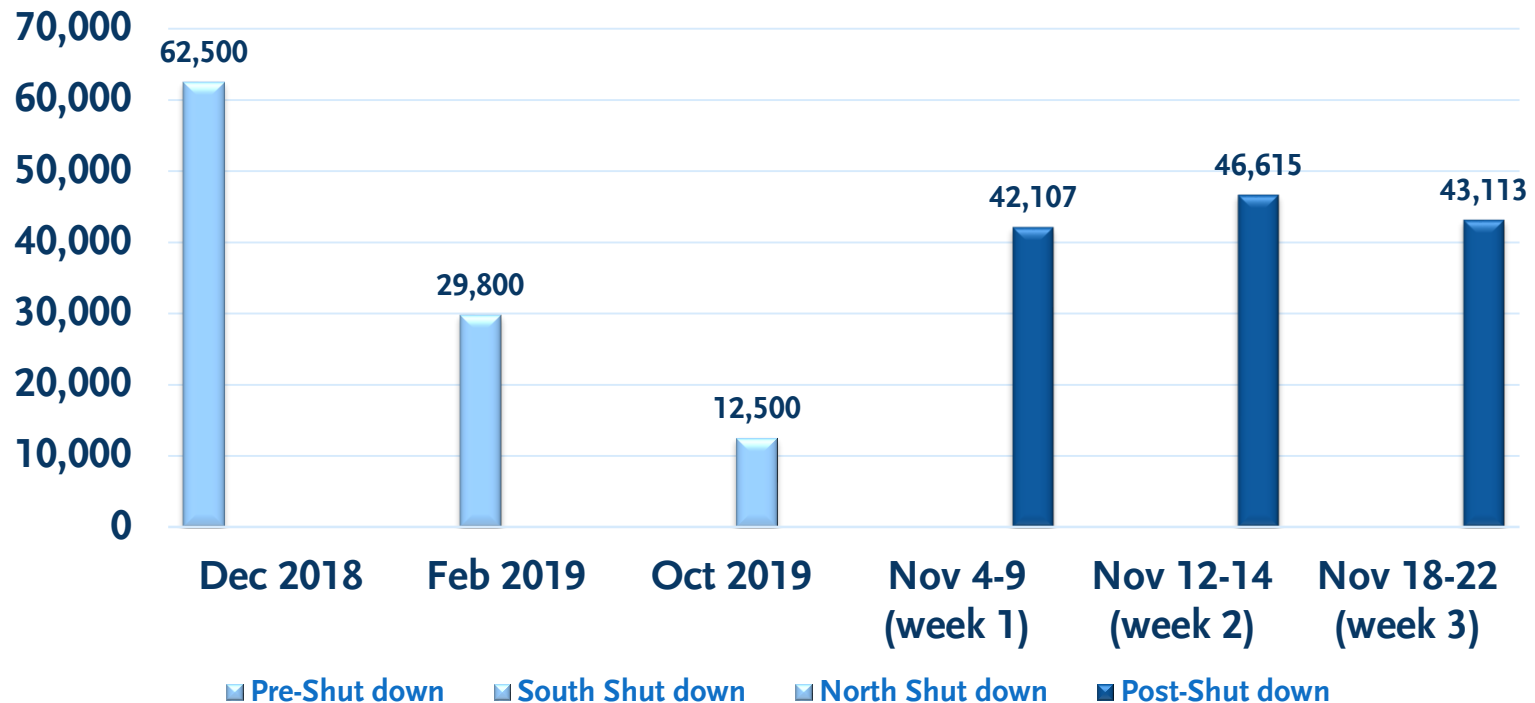
Service Enhancements

- Line 456: Launched as a 6 month pilot utilizing the Line 860 route between DTLA and Long Beach
- Flower Street Bus Only Lane: Under evaluation for another 5 months



A Line Weekly Average Ridership

A Line



**A Line post-shutdown ridership:
gradually increasing**

A Line – Operations Initiatives

Deployed Task Force

- Rail Fleet Services technicians
- Rail Operations supervisors
- Maintenance & Engineering signals and traction power technical personnel
- Strategically placed staff along the trunk during peak hours to quickly respond issues on A Line & Expo

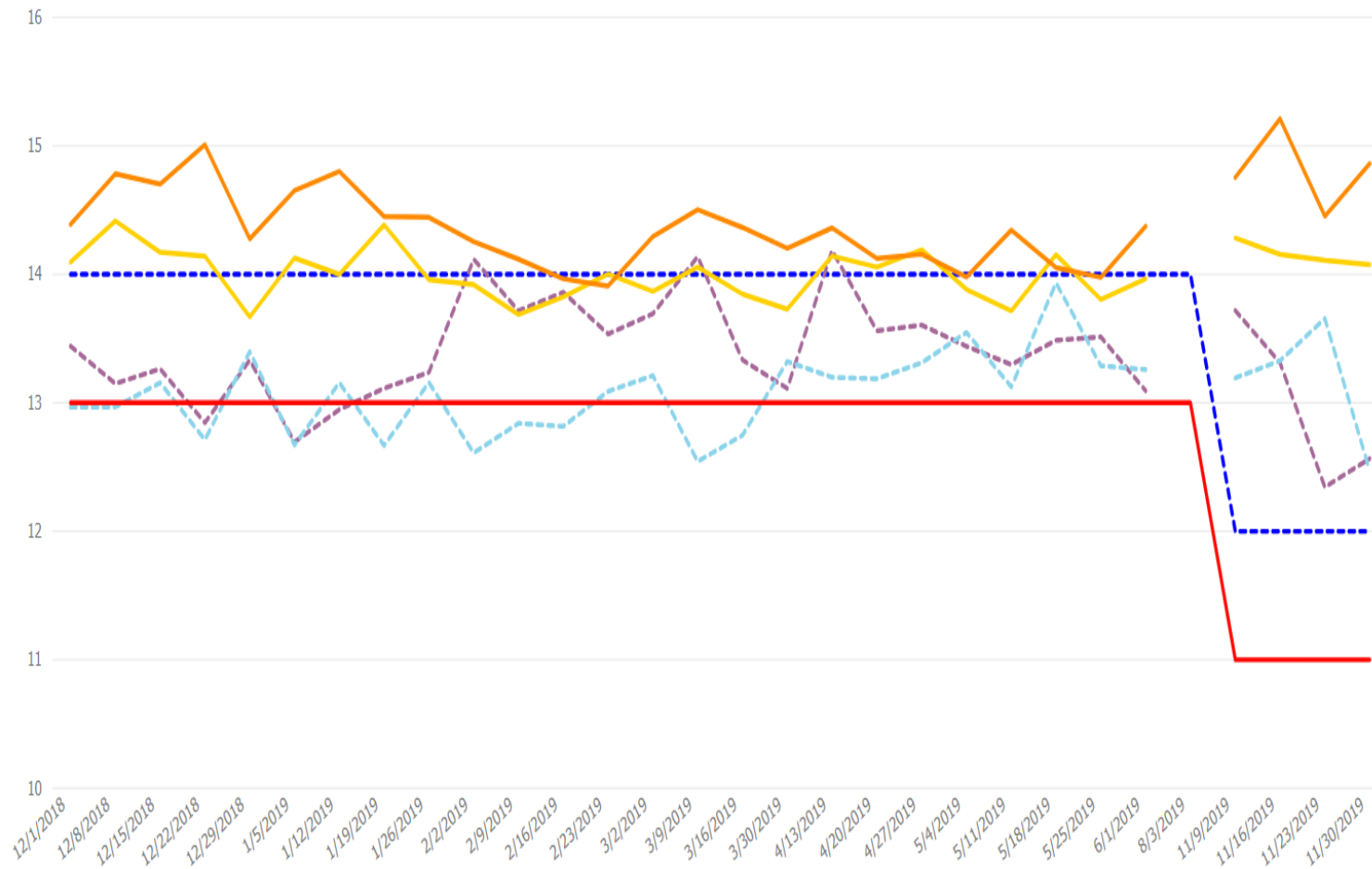
Work Program

- Review entire A Line rail car fleet

A Line Average Run Time – Weekly

A Line Average Runtime: 7th/Metro - Washington, DX Only

--- North - Sched Run Time --- NORTH_AM - - North_PM - - South - Sched Run Time - - South_AM - - SOUTH_PM



Northbound:

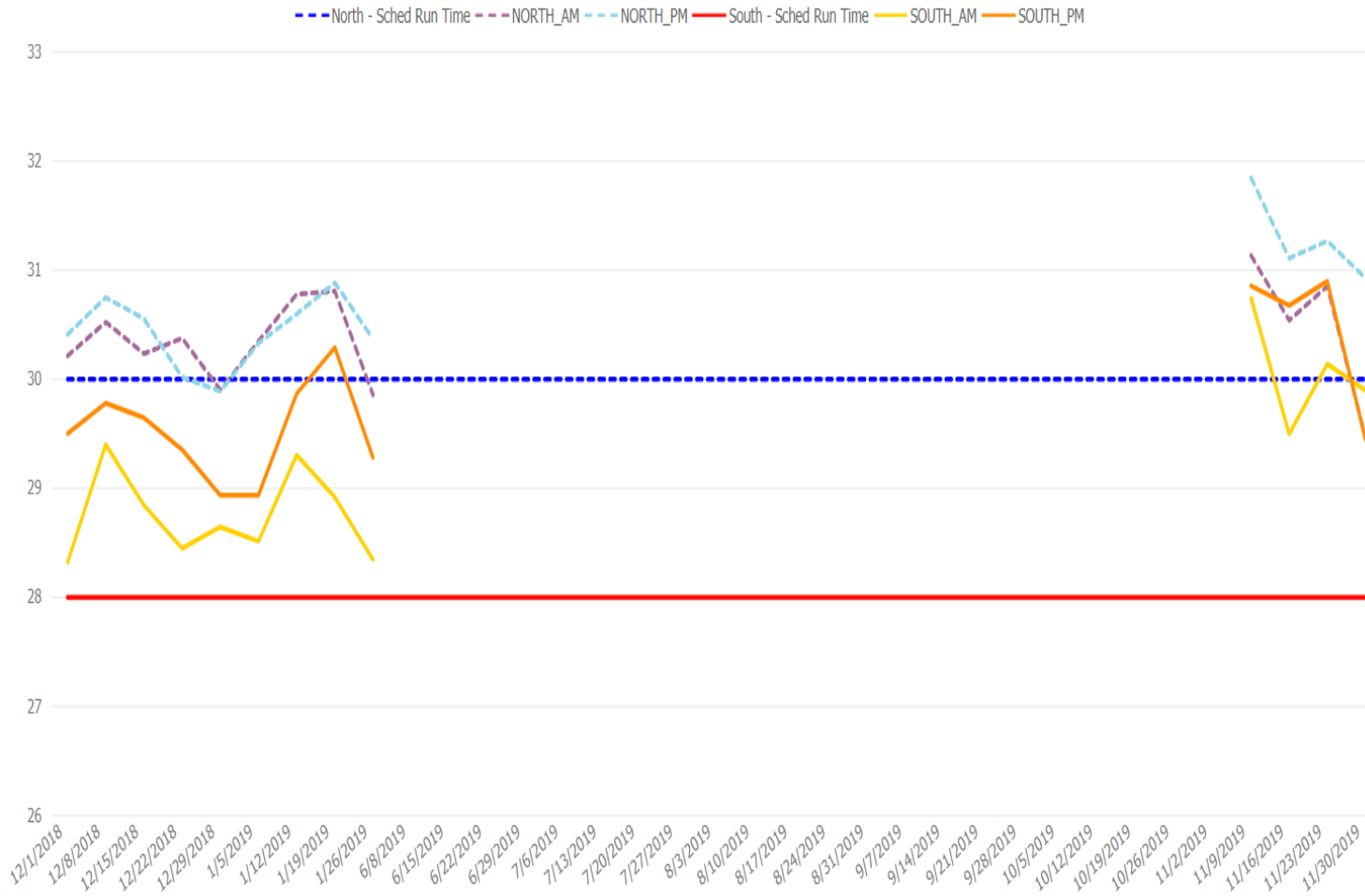
- Close to schedule

Southbound:

- Mixed results

A Line Run Time – Weekly Analysis

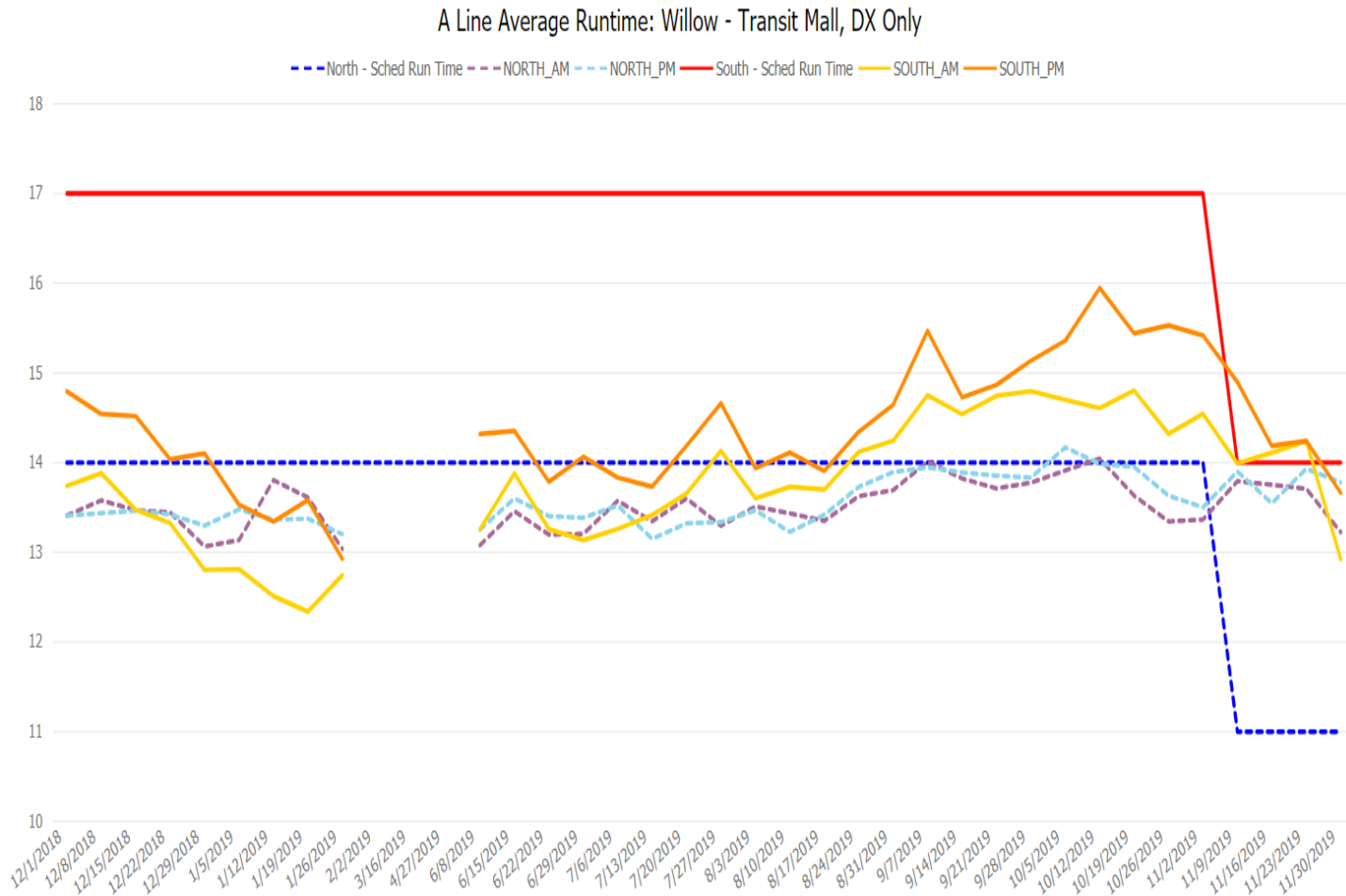
A Line Average Runtime: Washington - Willow, DX Only



Washington – Willow Segment

- Running times above expected

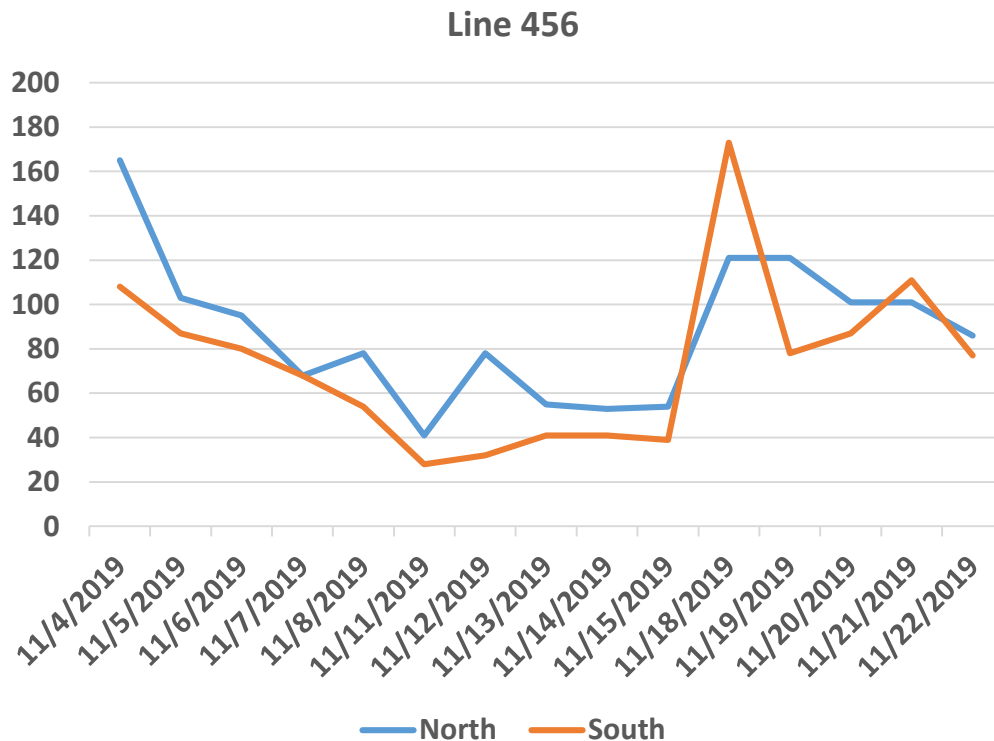
A Line Run Time – Weekly Analysis



Long Beach

- Improved travel times in Long Beach as a result of improvements to the signaling system by City of Long Beach
- Southbound service is slower than expected

Line 456 Ridership – Weekdays



Date	North	South	Average Per Trip
Week 1			
11/4/19	165	108	34
11/5/19	103	87	24
11/6/19	95	80	22
11/7/19	68	68	17
11/8/19	78	54	17
Week 2			
11/11/19	41	28	8
11/12/19	78	32	13
11/13/19	55	41	11
11/14/19	53	41	10
11/15/19	54	39	10
Week 2			
11/18/19	121	173	37
11/19/19	121	78	25
11/20/19	101	87	24
11/21/19	101	111	27
11/22/19	86	77	20

Early trend: Mixed

Cleanliness Program Update

Ongoing

- Adherence to regularly scheduled cleanliness & maintenance levels
- Continued coordinated efforts with partners to improve shared right-of-way (ROW) cleanliness
- Measure status and report back regularly

Rail Station & Bus Terminal Cleaning Program

Daily

- All rail stations are cleaned at a minimum of twice daily, 7 days/week which includes:
 - Empty trash receptacles
 - Spot sweep and mop (floors and stairs)
 - Dust and wipe ticket machines, map cases, handrails, and pylons
 - Elevator inspections and cleaning
 - Odor mitigation

Weekly

- All heavy/light rail stations are pressure washed at a minimum of once per week which includes the use of a heated and high-pressure water spray to clean and disinfect surfaces and structures:
 - Grime
 - Dirt
 - Gum
 - Human waste



Rail & Bus Equipment Cleaning Program

Daily Exterior

- Equipment washed every other day or as needed
- Division supervision performs daily cleanliness inspections

Daily Interior

- Thoroughly blowout/ vacuum interior
- Sweep and mop floors
- Remove graffiti
- Windows and stanchions wipe down
- Clean and or replace seat inserts
- Remove gum

Bi-Weekly

- Treatment with pesticides

Monthly

- Interior deep cleaning and detailing: including floor scrubbing, fabric seat insert deep cleaning or replacement, panel scrub, and paint touch-ups
- Replace window vandal film as required



ROW, Station, Facilities and Lots Cleaning Program

Daily & As-Needed

- Graffiti abatement services at Rail Stations

Weekly

- Landscape and irrigation maintenance
- Trash and weed removal at Rail Stations
- Waste management services
- Power sweeping services

Monthly

- Glass and stainless steel anti-graffiti film replacement services
- Pest and bird control services



Before – A Line



After – A Line



Before – Red Line



After – Red Line



Before – Green Line



After – Green Line

ROW, Station, Facilities and Lots Cleaning Program

Quarterly

- Herbicide application, trash, weed and graffiti removal along the ROW operating envelope

As-Needed Services In Addition to Regularly Scheduled Maintenance

- Homeless encampment clean-up
- Artificial ivy installation as a graffiti deterrent on an as-needed basis
- Tree trimming services
- Fencing repairs
- Graffiti abatement along the ROW
- Glass replacement services
- Red and Gold Line tunnel washing services



Path Forward - Partnerships & Collaborative Joint Efforts

Cleanliness

- Continue cooperation and collaboration with external partner agencies to improve the overall cleanliness conditions of our facilities, equipment, and along shared ROWs & Railroads
- Continue to prioritize multi-agency ROW clean-up efforts using the current clean-up encampment procedure and documenting lessons learned
- Continue to rely on Metro Community Service Workers to help keep our system clean and collaborate with Caltrans for potential program enhancements

Graffiti

- Provide partner agencies and private property owners information regarding external mural programs and use of artificial ivy as options for graffiti deterrent



Board Report

File #: 2019-0728, File Type: Contract

Agenda Number: 23.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE NOVEMBER 21, 2019

SUBJECT: ENGINEERING SUPPORT FOR RAIL MAINTENANCE SERVICES

ACTION: APPROVE CONTRACT MODIFICATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Contract Modification No. 4 to Contract No. PS46172000, with Gannett Fleming Transit & Rail Systems, for engineering support of rail maintenance to exercise the first-year option, for an amount of \$5,000,000, increasing the total contract not-to-exceed amount from \$16,000,000 to \$21,000,000, through April 2021.

ISSUE

Metro Maintenance and Engineering has limited scope and depth of engineering and technical resources to develop and execute capital projects and meet the day-to-day engineering needs necessary to maintain and improve railway infrastructure assets and systems. Contract No. PS46172000 has been providing significant engineering support that's enabled Metro to augment internal resources on an on-call basis in situations where either Metro does not have sufficient capacity or the expertise necessary to perform a task.

The base term for Contract No. PS46172000 is approaching its initial contract authority. A contract modification is required to exercise the first-year option to continue providing engineering support.

BACKGROUND

In April 2018, the Board of Directors approved the award of Contract No. PS46172000 for Rail Maintenance and Engineering support in a total not-to exceed amount of \$31,000,000, inclusive of \$16,000,000 for the initial two-year base, and \$5,000,000 for each of the three, one-year options. This task order based contract provides for a range of services that includes train control, traction power, communications, track, mechanical, electrical, plumbing, civil design, and fare collection. Also included are support services for project management, construction management, and computer aided design and drafting (CADD).

DISCUSSION

The State of Good Repair (SGR) for the Maintenance of Way and Facilities Maintenance work

program is approximately \$21 million per fiscal year. Maintenance and Engineering has determined that a support cost of 10-15% is reasonable in order to deliver capital projects on time and on budget. Contract No.PS46172000 is presently in the second of the two base years and has awarded task orders totaling \$14,615,000 to date.

A Disadvantaged Business Enterprise (DBE) commitment of 25% was established as part of this contract. The DBE participation is based on the aggregate of all task orders awarded. To date, Gannett Fleming Transit & Rail Systems has 62.28% DBE participation by subcontracting to DBE certified firms.

This contract continues to support the planning, implementation, and execution of SGR projects. Refer to Attachment A for a list of SGR projects this contract is supporting.

Prior to each task order authorization, Maintenance and Engineering develops the scope of work, schedule and independent cost estimate. Metro's Vendor/Contract Management (V/CM) will then request proposal details and pricing information and negotiate a fair and reasonable amount in accordance with agreed upon Metro terms and conditions.

DETERMINATION OF SAFETY IMPACT

The engineering support services for rail maintenance are not directly related to a specific safety issue. However, the services provided via this contract will contribute to maintaining the transit system in a state of good repair as recommended by Metro's Transit Asset Management (TAM) Plan, which is essential to providing a safe and reliable service for riders who use the Metro rail system daily.

FINANCIAL IMPACT

The total for the first-year option is \$5,000,000. For FY20, funding is included in the operating and capital project budget(s) under various cost centers and projects, including cost centers: 3910 - Maintenance and Engineering, 3922 - Rail Communications Systems, 3926 - Rail Signal Systems, 3927 - Rail MOW Track Maintenance, 3928 - Rail Traction Power Systems, 3960 - Rail Transit Engineering, and 3929 - Rail MOW Engineering, Account 50316 -Professional and Technical Services. As additional task orders become necessary to execute, they will be funded through the appropriate capital projects.

Since this is a multi-year contract, the Project Manager will ensure that the balance of funds is budgeted in future fiscal years.

Impact to Budget

The source of funds for this action are Federal, State, and Local funds including fares that are eligible for Operations and Maintenance. For capital related task orders, the source of funds will be dependent on the specific capital project funding. Use of all related funding will maximize the use of allowable funding allocations given approved funding guidelines and provisions.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of this recommendation supports the following Metro 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.

This engineering support services contract will help maintain safety, service and reliability standards in an effort to provide a world-class transportation system that enhances quality of life for all who live, work, and play within Los Angeles County.

ALTERNATIVES CONSIDERED

1) Solicit competitive bids for each individual task order as it becomes required. This is not recommended as it would require extensive additional staff time to process each request and result in project delays due to the lead time required to complete each procurement cycle. Additionally, procuring these services on a per-assignment basis would impose additional burden on the Vendor/Contract Management (V/CM) department.

2) Utilize existing Engineering staff to provide the required technical support. This is not feasible as the current budgeted MOW Engineering capacity is fully utilized to maintain Metro's existing systems and oversee the acceptance of the new rail lines. Also, there would not be sufficient existing staff to re-assign to provide technical support to the various capital projects concurrently.

NEXT STEPS

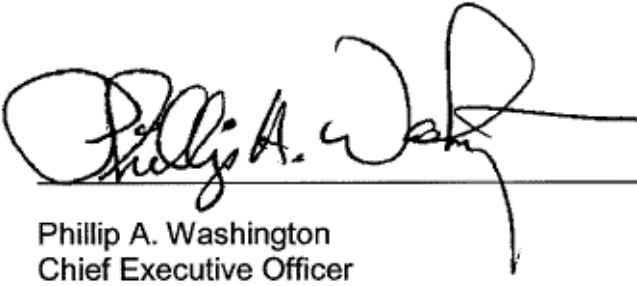
Upon Board approval, staff will execute Modification No. 4 to Contract No. PS46172000 with Gannett Fleming Transit & Rail Systems to provide engineering support for Rail Maintenance and Engineering on an as needed, task-orders basis.

ATTACHMENTS

Attachment A - List of Supported Project Uses
Attachment B - Procurement Summary
Attachment C - Contract Modification/Change Order Log
Attachment D - DEOD Summary

Prepared by: Marshall Epler, DEO, Systems Engineering, (213) 617-6232
Geyner Paz, Senior Administrative Analyst, (213) 617-6251

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 418-3108
Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051



Phillip A. Washington
Chief Executive Officer

LIST OF SUPPORTED PROJECT USES

ENGINEERING SUPPORT FOR RAIL MAINTENANCE SERVICES / PS46172000

Description
Support for Door Enable System
Project to implement an Overhead Catenary System (OCS) Monitoring System
Support for MRL Gas Analyzer Upgrade Project
Project to upgrade Transit Passenger Information System (TPIS)
Support for various TPSS/COM/TP/UPS Battery Replacement Projects
Computer Aided Design (CAD) Support to Capture System Configuration
Project for SCADA to monitor Manual and Motor Operated OCS Section Switches
Project for Communication Based Train Control (CBTC) Upgrade to EXPO Line
Support for Corrosion Protection Project
Support for System Security and Law Enforcement Projects
Support for MGL Train Control and TWC Replacement Project
Support for Bus and Rail Facility Maintenance Projects
Support for MRL Train to Wayside Communication (TWC) Rehabilitation Project
Support for Radio Replacement Project
Support for Rehabilitation of MBL Emergency Trip System (ETS) Project
Support for various Rail Maintenance and Engineering Initiatives
Support for Rail Maintenance and Engineering Acceptance of Various Mega Projects
Support for Rail Maintenance and Engineering Capital Program
Support for various Safe-7 projects
Support for Analysis of Traction Power system along Red / Purple Line trunked corridor
Assessments and Inspections of Critical Fire/Life/Safety Elements and Infrastructure
Assessments and Inspections of Critical Wayside Control and Power Systems

PROCUREMENT SUMMARY

ENGINEERING SUPPORT FOR RAIL MAINTENANCE SERVICES / PS46172000

1.	Contract Number: PS46172000		
2.	Contractor: Gannett Fleming Transit & Rail Systems		
3.	Work Description: Exercise Option Year 1 for On-Call Engineering Support Services in support of Maintenance of Way projects.		
4.	Contract Work Description: On-Call Engineering Support Services in support of Maintenance of Way projects.		
5.	The following data is current as of: October 14, 2019		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	April 26, 2018	Contract Award Amount: \$16,000,000
	Notice to Proceed (NTP):	N/A	Total of Modifications Approved: \$0
	Original Complete Date:	April 26, 2020	Pending Modifications (including this action): \$5,000,000
	Current Est. Complete Date:	April 26, 2021	Current Contract Value (with this action): \$21,000,000
7.	Contract Administrator: Victor Zepeda		Telephone Number: (213) 922-1458
8.	Project Manager: Marshall Epler		Telephone Number: (213) 617-6232

A. Procurement Background

This Board Action is to authorize the CEO to approve Contract Modification No. 4 to exercise option year one in support of Rail Maintenance and Engineering to continue providing the engineering and rail maintenance support, extending the period of performance through April 2021.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is firm fixed unit rates.

On April 26, 2018, the Board approved a two-year base, and three, one-year options Contract No. PS46172000 to provide on-call engineering support services on a task order basis with Gannett Fleming Transit & Rail Systems, in an amount not-to-exceed \$16,000,000 for the two-year base.

Refer to Attachment C, Contract Modification/Change Order Log.

B. Cost/Price Analysis

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

ENGINEERING SUPPORT FOR RAIL MAINTENANCE SERVICES / PS46172000

Mod. No.	Description	Status (approved or pending)	Date	Amount
1	Revise the Approved Subcontractors (SP-04), revise the insurance requirements to minimize Metro's risk, and revise the approved unit rates for the newly added Subcontractors.	Approved	10/22/18	\$0.00
2	Revise the Approved Subcontractors and revise the approved unit rates for the newly added Subcontractors.	Approved	2/11/19	\$0.00
3	Revise the approved unit rates for Year 2 and adjust the retention rate.	Approved	6/11/19	\$0.00
4	Exercise Option Year 1 extending Period of Performance through April 2021.	PENDING	12/5/19	\$5,000,000
	Modification Total:			\$5,000,000
	Original Contract:		4/26/18	\$16,000,000
	Total:			\$21,000,000

DEOD SUMMARY

ENGINEERING SUPPORT FOR RAIL MAINTENANCE SERVICES / PS46172000

A. Small Business Participation

DEOD established a 25% Disadvantaged Business Enterprise (DBE) goal for this Task Order contract for the participation of DBE certified firms. Gannet Fleming made a 25% DBE overall commitment for this contract. The overall DBE participation is based on the cumulative value of all task orders issued.

To date, thirty-four (34) task orders have been awarded. Based on payments reported, Gannet Fleming is exceeding its commitment with a DBE participation of 62.28%.

Small Business Commitment	25% DBE	Small Business Participation	62.28% DBE
----------------------------------	----------------	-------------------------------------	-------------------

	DBE Subcontractors	Ethnicity	Current Participation¹
1.	Acumen Building Enterprise	African American	4.34%
2.	Armand Consulting	Caucasian Female	11.64%
3.	C2PM, Inc.	Asian Pacific American	12.20%
4.	Colmena Engineering	Hispanic American	9.06%
5.	GC Tech, Inc.	African American	7.90%
6.	Mammoth Associates, LLC	Caucasian Female	5.83%
7.	Pacific Railway Enterprises	Caucasian Female	5.36%
8.	PacRim Engineering Inc.	Asian Pacific American	4.51%
9.	Rani Engineering, Inc.	Hispanic American	1.44%
Total			62.28%

¹Current 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 not applicable to this contract.

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will continue to 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). Trades that may be covered

include: surveying, potholing, field, soils and materials testing, building construction inspection, construction management and other support trades.

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 #: 2019-0722, **File Type:** Informational Report**Agenda Number:** 34.

**EXECUTIVE MANAGEMENT COMMITTEE
NOVEMBER 21, 2019****SUBJECT: METRO WORKFORCE INITIATIVE NOW - LOS ANGELES (WIN-LA)****ACTION: RECEIVE AND FILE****RECOMMENDATION**

RECEIVE AND FILE the status report on Metro Workforce Initiative Now - Los Angeles (WIN-LA).

ISSUE

The transportation industry is experiencing a gap in the demand for and supply of skilled workforce, making succession planning and workforce development crucial for Metro to deliver Measure M programs over the next 40 years and beyond. Metro is focused on meeting the workforce challenges through various systematic approaches outlined in Metro's Career Pathways (MCP), which include the transportation school, Workforce Initiative Now-Los Angeles (WIN-LA) along with the Project Labor Agreement/ Construction Careers Policy (PLA/CCP) and other initiatives. Furthermore, by harnessing Metro's investments in transportation infrastructure the creation of high-quality jobs through regional workforce development can build the industry's future labor force and improve equity outcomes for communities throughout Los Angeles County and the United States.

BACKGROUND

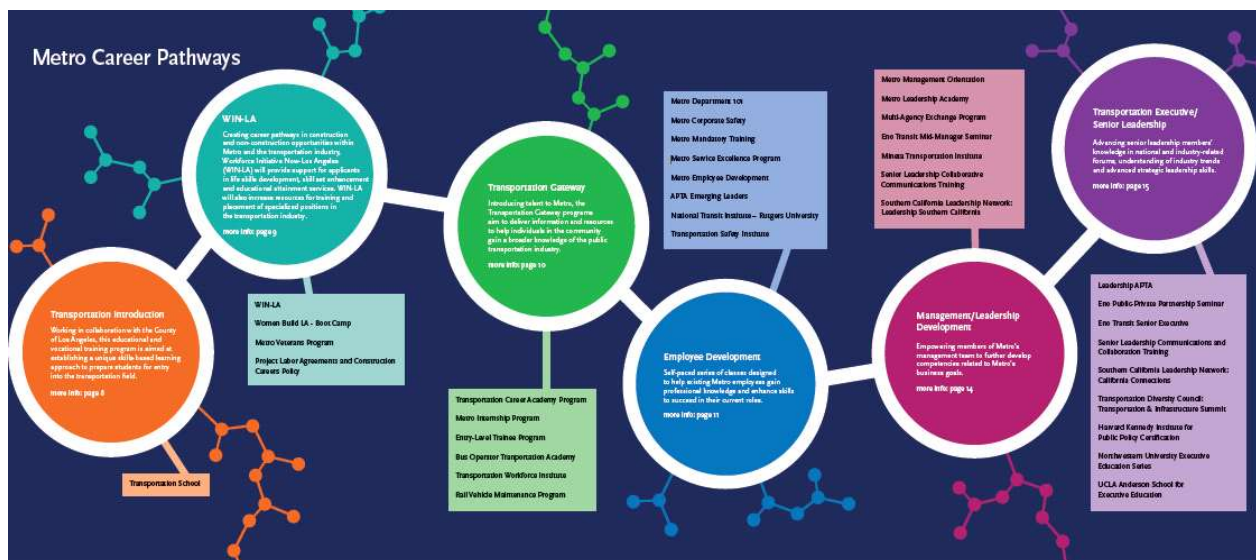
Metro formally announced WIN-LA on July 28, 2017 at a pledge event that convened members of Metro's Board of Directors, including members from the region's workforce development and community college sectors, prime contractors and the small business community including labor representatives and others. The pledge event showed commitment to supporting WIN-LA and the regional collaboration to deliver an employer driven workforce development program to identify, assess, train and employ the future transportation workforce. The pledge event also commemorated the regional collaboration between Metro, the City of Los Angeles Workforce Development Board, the County of Los Angeles Workforce Development Board, including the five consortia regional Workforce Development Boards (WDB), by signing of a ceremonial Memorandum of Understanding (MOU). Through concerted efforts the regional partnership was formalized in February 2018 through execution of MOUs with the City of Los Angeles WDB and the County of Los Angeles WDB followed by Pacific Gateway WDB and South Bay Workforce Investment Board (WIB) in 2018. As an employer

driven workforce development initiative delivered through a regional collaboration of partners, WIN-LA focuses on creating career pathways in the transportation infrastructure industry through the intentional outreach and inclusion of priority communities throughout LA County and beyond.

- > **Our Vision:** Metro’s infrastructure revolution is the pathway to better lives and sustained communities.
- > **Our Mission:** WIN-LA is Metro’s Commitment to attract, hire and grow a world-class transportation workforce from the communities of LA County.
- > **Our Core Objective:** To help people obtain the education and training they need to get jobs at Metro and within the transportation industry.

Furthermore, the formalization of WIN-LA is also through integration with the MCP; incorporation in Metro’s Vision 2028 Strategic Plan within Goal 3; and alignment with Metro’s internal recruitment and hiring processes including pilot application on designated procurements and contracts.

Figure 1. Metro Career Pathways



DISCUSSION

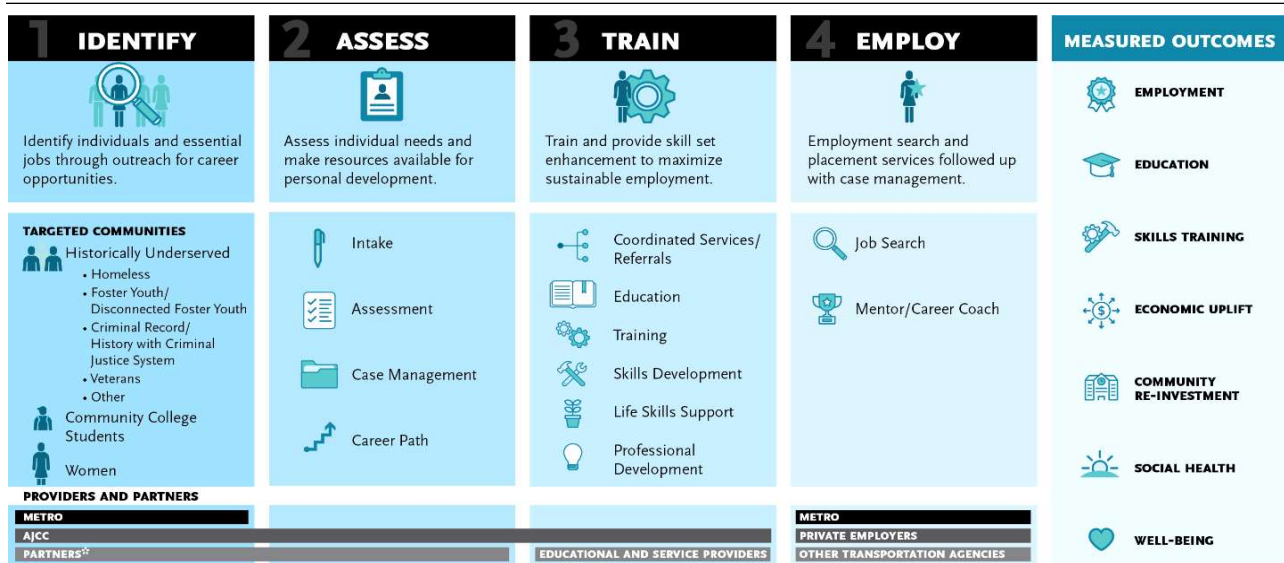
As Metro continues to lead the infrastructure, transportation and mobility transformation for the region, the need to build a responsive workforce is imperative. Concurrently, across the transportation industry, there is an aging workforce and generational shift impacting workforce capacity building and succession planning and an overall change in perceptions regarding skilled labor and workforce; hence, there is the potential for ongoing challenges and labor gaps in the years to come. As of September 2018, more than 40% of Metro’s workforce will be eligible for retirement over the next five years; 50% of Metro’s workforce will be eligible for retirement by 2024; and nearly 70% of employees are over the age of 40. Therefore, the shifts occurring nationally across the industry and those localized within Metro and other regional municipal transportation agencies further supports Metro’s mission to deliver an employer driven workforce development program such as WIN-LA.

Moreover, Metro’s Vision 2028 and the Program Management Plan inclusive of “Twenty-Eight by ‘28” Initiative outlines an aggressive infrastructure program that will deliver over twenty-eight highway and transit projects by 2028 and beyond. Consequently, the potential for an increased demand in skilled labor and a high-volume workforce for ongoing operations, maintenance and support services is likely, and the need to build the capacity and availability of the regional labor workforce is of utmost importance. This report provides a high-level update on the WIN-LA program framework and the phased implementation that commenced in summer 2018 through a soft-launch. This includes preparations for the program’s pilot implementation which leverages formalized commitments on Metro’s local funded procurements for the creation of high-quality jobs with private employers and supports industry-wide workforce capacity building.

I. WIN-LA Program Framework

Recognizing WIN-LA’s mission to “attract, hire and grow a world-class transportation workforce from the communities of Los Angeles County,” staff has developed a program framework as demonstrated in Figure 2 to identify and develop WIN-LA “job ready” participants for careers in the transportation and infrastructure industries. WIN-LA career pathways are comprised of construction, and non-construction opportunities in operations/maintenance including administration and professional services. The program framework engages regional partners and aligns resources to identify, assess and train historically underrepresented communities including community college students, women and others to gain access to transportation careers with focus on skilled, professional and hard-to-fill positions within Metro and the transportation industry.

Figure 2. WIN-LA Framework



*PHASE 1 PARTNERS: America's Job Centers of CA, LA Regional Community Colleges, Veteran Service Providers (CBOs), Foster System/Care Providers (CBOs) and others

The development, implementation and monitoring, and control of WIN-LA is spearheaded by staff within Diversity and Economic Opportunity (DEOD) unit of the Vendor/Contract Management Department. DEOD staff has led various activities and achieved momentous milestones for the phased implementation of WIN-LA with Phase I focused on internal Metro opportunities. Activities include:

- assessment of Metro and the industry’s hard-to-fill positions;
- analysis of workforce (e.g. hiring and retirement) projections;
- review of internal positions and career pathways;
- performance of strategic initiatives with focus on creating attainable career pathways for targeted populations;
- assessment of national workforce development and/or career development programs including best practices;
- commissioning of economic and workforce analysis leading to a comprehensive report of the demographics, economic conditions and characteristics of the LA County population and workforce;
- development of WIN-LA website and client management system/platform; and
- others.

In an effort to gain a greater understanding of the demographics, economic conditions and characteristics of LA County’s population and workforce, Metro staff commissioned the development of a comprehensive analysis and report. The report titled “Economic and Workforce Analysis for Workforce Initiative Now-Los Angeles (WIN-LA), Los Angeles Metro, (Report)” was developed by Madrid Consulting Group in February 2018. As outlined in the Report, demographic characteristics have a significant role in the growth and nature of the labor force and in-turn determine to a large

extent the growth potential of the local economy and future employment. Additionally, demographic characteristics such as ages, occupations and educational characteristics of the local population are key indicators of the labor force's capabilities. The Report highlights the following characteristics of LA County's (LACO) population which supports WIN-LA's mission for the intentional outreach and inclusion of priority communities:

- > 24% of LACO residents (25 years or older) have not obtained a high-school diploma or equivalent
- > 19% of LACO residents (25 years or older) have obtained some college
- > 28% LACO residents (25 years or older) have Bachelor's degree or higher
- > 31% of veterans in LACO have a Bachelors' Degree or higher
- > Nearly 1 out of 6 (16%) young people in LACO are considered disconnected youth (defined as teenagers and young adults between the ages of 16 and 24 who are neither in school nor working) with South Los Angeles having the highest concentration of disconnected youth
- > LACO has more than 47,000 homeless individuals.

As also highlighted in the Report, the transportation industry is burdened by a legacy and demographics that have presented challenges to recruit the next generation of the workforce. The Report highlights the following industry demographics which further supports the intentional outreach and inclusion of women and community college students as part of the priority communities:

- > The high level of gender parity in the transportation industry is a notable statistic;
- > 55% of the workforce is 45 years and older; and 28% is 55 years and older; and
- > 5.3% of workers in the transportation industry are 19-24 year of age.

Recognizing the demographic composition of the population and the industry including Metro's focus to lead through an equity lens; and Vision 2028 Strategic Plan Goal 3 "enhance communities and lives through mobility and access to opportunity," the agency's responsiveness to the current and future composition of the labor force includes outreach to hard-to-reach populations and "**priority communities**" identified for WIN-LA as:

- Individuals in economically disadvantaged areas (zip codes where median household annual income is <\$40,000)
- Homeless
- Single custodian parents
- Receiving public assistance
- Lacking a high school diploma or GED
- Criminal record or history with the criminal justice system
- Veterans
- Emancipated foster youth
- Chronically unemployed

Including:

- Community college students; and
- Women.

Metro is an Equal Opportunity Employer thus WIN-LA is also accessible to anyone interested in a career in transportation industry.

II. WIN-LA Regional Collaboration

The success of WIN-LA's integrated program framework and the desired measurable outcomes in support of economic uplift for priority communities relies upon the regional collaboration of partners and the aligned services of inter-agencies, service providers and community stakeholders. In recognition of desired measurable outcomes, Metro's collaborative of partners comprised of regional WDBs; California Community Colleges LA/OC Regional Consortium; Los Angeles Community College District (LACCD); and Transportation Workforce Institute (TWI) supports the leverage of resources available through state, federal and local programs such as the Workforce Innovation Opportunity Act (WIOA) and the Strong Workforce Program. Moreover, the collaborative includes the engagement of community-based partners, labor partners and others including private sector partners in support of delivering a strategic workforce development program that facilitates the intentional outreach and inclusion of priority communities and many others with the goal of helping them gain access to education, training and supportive services to become a part of the future job-ready workforce and talent pipeline for Metro and the transportation infrastructure industry. Following are the core principles of this first-ever regional collaborative:

- * Cross section of public and private sector partners
- * Shared values, goals and objectives
- * Enhanced access to education and training
- * Integrated and coordinated support services
- * Innovative strategies for outreach, identification and inclusion.

A. Advisory Committee

In effort to further strengthen the regional collaborative and bolster WIN-LA's goals and objectives, Metro staff convened a WIN-LA Advisory Committee in fall 2017. The advisory committee is comprised of leaders from community-based organizations such as The Weingart Center, Chrysalis, First Place for Youth and Alliance for Children's Rights; partnering workforce development agencies, academia including Metro's Faith Based Leaders Group and internal Metro partners such as Human Capital and Development (HC&D), Office of Civil Rights and others. The WIN-LA Advisory Committee serves to:

- * Provide insight and expertise in the development and implementation of WIN-LA program, career pathways and collaborative services
- * Inform best practices for workforce development and leveraging expertise of services providers with focus on priority communities

- * Enhanced access to education and training
- * Support in the identification of resources for regional impact.

B. Regional Career Service Centers

Leverage of the formal MOUs with the regional WDBs supported the selection of eleven (11) America Job Centers of California (AJCC) (formerly recognized as WorkSource Centers) to serve as WIN-LA Career Services Centers (CSC) to provide intake, assessment, case management including support services and career coaching for WIN-LA participants. A map outlining the CSC locations is provided as Attachment A. Individuals interested in pursuing a career in transportation may enroll in WIN-LA online at winla.metro.net and select a designated WIN-LA CSC. Participants enrolled in the program must successfully demonstrate the commitment to pursue a career through the program. The participants commitment is through the achievement of **key milestones** to demonstrated “job readiness” such as the completion of:

- Career pathway planning
- Transportation Workforce Readiness
- Customer service training
- Interview preparation, and
- Other foundational, training and/or supportive service milestones as assigned by the career coach.

Recognizing WIN-LA provides job-ready participants the opportunity to compete for jobs with Metro and other employers in transportation infrastructure industry, there is no guarantee of employment; hence the program provides participants with exposure to industry topics, education, training and skills including access to regional services that serve as an added value to participants in pursuit of a high-quality job and career.

C. Transportation Workforce Readiness

In recognition of the need to build the future job-ready talent pipeline and regional labor force not only for Metro but the transportation infrastructure industry at-large, the program includes the intentional integration of education into WIN-LA’s framework. Moreover, in keeping to WIN-LA’s objective to help people obtain the education and training they need for high-quality jobs supported by career pathways, Metro, in collaboration with the Los Angeles Community College Consortium, LACCD and TWI developed a non-credit certificate program by leveraging the Community Colleges Strong Workforce Program. The Non-Credit Certification program titled Transportation Workforce Readiness (TWR) includes two courses: Transportation Career Preparation and Customer Service and Success on the Job. The new certification program is comprised of learning modules related to work readiness

including a transportation industry overview, customer service, computer skills/technologies and other course offerings.

The non-credit certificate program serves as introduction for many WIN-LA program participants to post-secondary education, industry focused training and career development instruction. The Non-Credit TWR Certificate program has been approved by LACCD and is currently awaiting approval at the California Community College Chancellor’s Office. The formal approval of the certificate program will support the ongoing alignment of the region’s Strong Workforce Program to WIN-LA.

III. WIN-LA Implementation

The phased implementation of the program with initial focus on Metro internal career commenced with a soft-launch and will be followed by the pilot application on designated covered projects. This phased approach lends to the opportunity to assess the success of the program, identify opportunities for enhancement and gain insights from program participants and regional partners. Metro staff successfully hosted an inaugural cohort of program participants through the soft-launch in August 2018. The TWR course was delivered to WIN-LA’s inaugural cohort as part of the program soft-launch. The following chart summarizes milestone activities related to the soft-launch (**Phase I**) along with the participate count.

Table 1: Soft-Launch Summary Stats

Initial Outreach	Inaugural Orientation	Start of TWR	Completion of TWR	Deemed Job Ready
249	128	94	80	71
July 26, 2018	August 3, 2018	August 6, 2018	August 9, 2018	August 24, 2018

As of September 2019, twenty-seven (27) individuals have gained employment which represents 33% of the inaugural cohort who completed TWR. Participants of the inaugural cohort have successfully gained employment within the operations/maintenance and construction career pathway in positions such as: Bus Operator, Custodian, Service Attendant and first period apprentice with Laborers Union working on Metro’s Regional Connector Transit Rail Project. The WIN-LA Fact Sheet which highlights the measurable outcomes for the program from inception to CYQ2 2019 is provided as Attachment B.

Through the coordinated efforts of Metro staff and the collaborative of partners, various initiatives were implemented to further strengthen the program in the areas of outreach and inclusion, career pathway introduction including post-employment support and training in promotion of retention and professional development. Three impactful programs that were established through the soft-launch consist of the implementation Metro’s Fair Chance Program, the Laborers’ Local 300 Pilot Boot

Camp, and the WIN-LA Transit Professional Workshop.

a. Metro Fair Chance Program

Understanding that Metro is an Equal Opportunity Employer and WIN-LA is available to anyone interested in a career in the transportation industry, the program also strives to outreach and engage members of priority communities throughout LA County and beyond. The agency's responsiveness to fulfill this vision is further supported by the development of Metro's Fair Chance Program implemented in January 2019 through the coordinated efforts of Metro's DEOD and HC&D staff and the authorization of the Chief Executive Officer.

In response to the lessons learned and insights gained through WIN-LA's soft-launch, Metro staff in consultation with County Counsel established the agency's first-ever formal Fair Chance Program comprised of a comprehensive program and process that includes elements of an appeals process and a "Fair Chance Round Table" with representatives from HC&D, EEO and County Counsel. The Fair Chance Program has been established in compliance with Metro's processes, policies and procedures including federal and state employer labor statutes.

b. Laborers' Local 300 Pilot Boot Camp

The need to build a responsive workforce for Metro to deliver upon the commitments of Measure M and the "Twenty-Eight by '28" Initiative for the coming years and beyond includes that of skilled and non-traditional labor force. Metro's PLA/CCP and partnership with the LA/OC Building Trades provides a formal mechanism for building capacity within the construction career pathway. WIN-LA further complements the PLA/CCP by serving as another opportunity for Metro to outreach, engage and introduce men and women to careers in the construction pathway. In response to this complementary alignment of these workforce development programs, Metro staff collaborated with Laborers' Local 300 to offer the chance for WIN-LA inaugural cohort to explore a career in construction. In April 2019, Laborers' Local 300 hosted a construction orientation for select "job ready" WIN-LA participants followed by a boot camp. As a result, one WIN-LA participant gained employment on Metro's Regional Connector Transit Project.

c. WIN-LA Transit Professional Workshop

Metro staff established the WIN-LA Transit Professional Workshop as a training course for program participants to enroll upon gaining employment. The course is an opportunity to provide post-employment supportive services in promotion of retention, ongoing training and career development. The training course delivered in partnership with Metro's DEOD and Talent Development staff launched in June 2019. The course provides recently employed participants with tools and strategies for reflection and planning for their career pathway. Participants also engage in discussions with

Metro's senior leadership team, transportation leaders and others that serve as an introduction to the foundations and future of transportation industry.

Moreover, keeping to the vision to leverage the infrastructure transformation that Metro is leading as a pathway to better lives and sustained communities through linkages to high-quality jobs; and to build the labor force for Metro and the industry to deliver Measure M programs over the next 40 years and beyond, Metro will harness local investments in transportation infrastructure projects for the creation of high-quality jobs and improved equity outcomes for priority communities and others within Los Angeles County and throughout the United States. The Phase II implementation of WIN-LA is in recognition of the measurable impacts that transportation infrastructure has on local, state and national economies, thus the agency has established a formal process for the pilot application of WIN-LA on covered procurements funded through local investments. The desired results of the pilot application of WIN-LA on designated covered projects is the creation of high-quality jobs for program participants with Metro's prime contractors serving as private employers.

The application of the pilot is defined through WIN-LA Program Procedures and enforced in accordance to Metro's acquisition policy, processes and procedures. The following summarizes the standards for the pilot application of WIN-LA on designated Metro projects leading to a workforce commitment through goal setting on covered projects as part of **Phase II** implementation of WIN-LA:

- **Covered procurements:** procurements for the work of persons, firms and other entities that perform planning scheduling, design, environmental, geological, management or other work aligned to administration, operations, maintenance and/or professional services;
- **Procurement approach:** All Request for Proposal (RFP) for local funded covered projects with an independent cost estimate of \$5 million and above for a 1 year or beyond term;
- **Application:** All covered projects excluding Architectural and Engineering (A&E) and other excluded projects as defined;
- **Participation:** contractor participation is mandatory and evaluated in accordance with criteria and associated weights;
- **Evaluation Mechanism:** all RFPs for covered projects require proposers to submit as part of its proposal a WIN-LA Career Plan evidencing how it will achieve the commitment for the creation of high-quality jobs for WIN-LA program participants for the term of the contract;
- **Evaluation Criteria:** proposers' WIN-LA Career Plan will be evaluated based on the percent commitment of total project labor wages and benefits allocated for the creation of high-quality jobs for the employment of WIN-LA program participants; and the identification of job classifications, number of full-time equivalent (FTE) positions and the employment term; and WIN-LA plan elements (e.g. career development, work based training and/or post-employment

support services)

- **Evaluation Scoring:** proposers' WIN-LA Career Plan will be evaluated using weighted scoring (e.g. maximum 2% of the total 100%); and
- **Other provisions.**

The pilot application of WIN-LA on designated covered procurements including the enforcement elements were developed in consideration to other programs that leverage the agency's investments in transportation infrastructure projects such as the United States Employment Plan (USEP) and the Local Employment Plan (LEP), the PLA/CCP including the Contractor Outreach Mentoring Plan (COMP). The pilot application of the program will allow Metro staff to gain lessons learned, assess the measurable impacts and implement the program within the agency's authority through the application on local funded investments and ultimately pursue state and federal authorization in the future.

IV. Path Forward

Staff will continue to advance efforts for the implementation of WIN-LA through the phased approach which entails various activities and milestones to be achieved into next year and beyond such as:

- Formalization of Phase I through establishing a process within Metro's HC&D system for WIN-LA candidates apply for career opportunities with Metro;
- Collaborate with regional collaborative of partners to formalize the delivery and roll-out of Transportation Workforce Readiness to ensure long-term impact
- Implementation of Phase II by finalizing the WIN-LA Program Procedures for the pilot application on covered projects and contracts through workforce goal setting; and conform in Metro solicitations by Spring 2020;
- Establish formal MOUs with the additional regional WDBs comprised of Southeast Los Angeles WDB and Verdugo WDB;
- Advance a broad communications and outreach initiative in alignment to the phased implementation approach; and
- Continue to assess the effectiveness of the program and the demonstrated measurable outcomes of the program with focus on expanding it in the future on Metro's state and federal covered projects; and enlisting other transportation and municipal agencies into the regional collaborative.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The implementation of Workforce Initiative Now - Los Angeles (WIN-LA) aligns with strategic goal 3 -

enhance communities and lives through mobility and access to opportunity.

NEXT STEPS

Staff will continue to advance efforts for the implementation of WIN-LA through the phased approach to achieve lasting impacts and measurable outcomes by harnessing Metro's investments in transportation infrastructure for the creation of high-quality jobs that can build the industry's future labor force and improve equity outcomes for communities throughout Los Angeles County and the United States.

ATTACHMENTS

Attachment A - WIN-LA Career Service Center Regional Partner Map

Attachment B - WIN-LA Fact Sheet

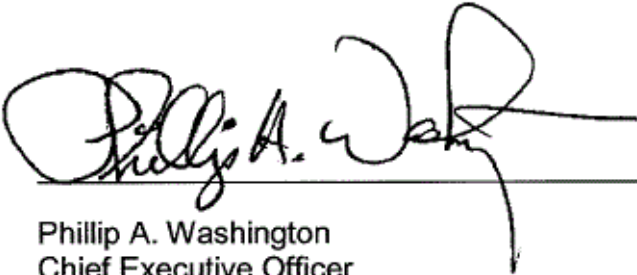
Prepared by: Shalonda Baldwin, Deputy Executive Officer, Project Management, Diversity and Economic Opportunity (213) 418-3265

Michael Flores, Manager, Diversity and Economic Opportunity, PLA/CCP and WIN-LA (213) 922-6387

Kyle Wagner, Principal, Diversity and Economic Opportunity Representative, WIN-LA (213) 418-3336












Miguel Cabral, Executive Officer, Diversity and Economic Opportunity (213) 418-3270

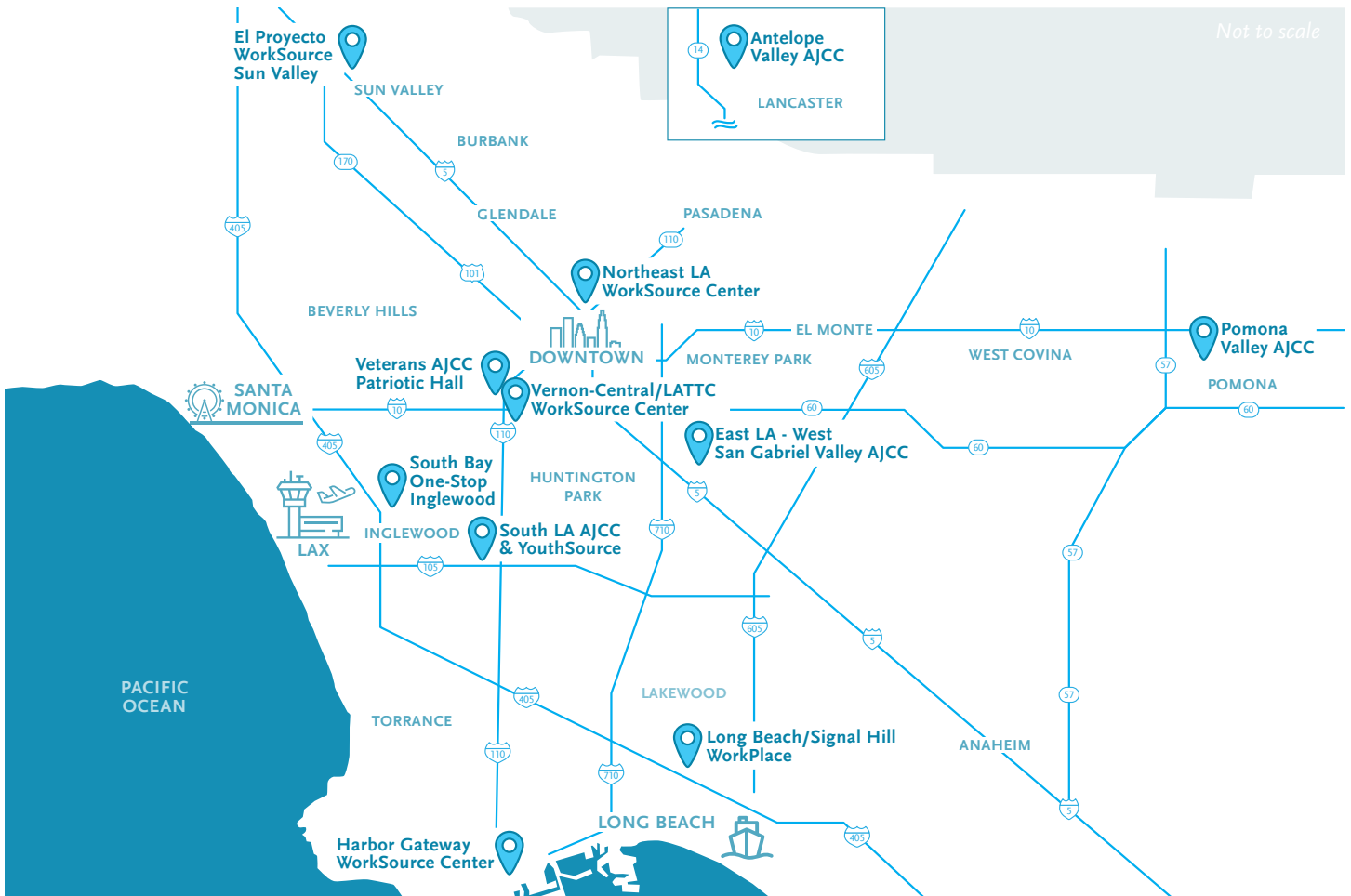
Reviewed by: Debra Avila, Chief Vendor/Contract Management Officer, Vendor/Contract Management, (213) 418-3051



Phillip A. Washington
Chief Executive Officer

WIN-LA Career Service Centers

- 
Antelope Valley AJCC
 1420 W Av I
 Lancaster, CA 93534
- 
Long Beach/Signal Hill WorkPlace
 4811 Airport Plaza Dr
 Long Beach, CA 90815
- 
South LA AJCC & YouthSource
 1600 W Imperial Hwy
 Los Angeles, CA 90047
- 
East LA - West San Gabriel Valley AJCC
 5301 Whittier Bl
 East Los Angeles, CA 90022
- 
Northeast LA WorkSource Center
 342 N San Fernando Rd
 Los Angeles, CA 90031
- 
Vernon-Central/LATTC WorkSource Center
 400 W Washington Bl
 Los Angeles, CA 90007
- 
El Proyecto WorkSource Sun Valley
 9024 Laurel Canyon Bl
 Sun Valley, CA 91352
- 
Pomona Valley AJCC
 264 E Monterey Av
 Pomona, CA 91767
- 
Veterans AJCC Patriotic Hall
 1816 S Figueroa St, 4th Floor
 Los Angeles, CA 90015
- 
Harbor Gateway WorkSource Center
 222 W 6th St, Suite #410
 San Pedro, CA 90731
- 
South Bay One-Stop Inglewood
 110 South La Brea Av
 Inglewood, CA 90301



Metro

WIN-LA provides participants with opportunities to compete for open and available jobs with Metro. However, there is no guarantee of employment. Metro is an Equal Opportunity Employer.

WIN-LA

WORKFORCE INITIATIVE NOW
METRO LOS ANGELES



Register online at winla.metro.net.

For more information, please contact
us at winla@metro.net.



20-021098C ©2019 LACMTA



Program Overview

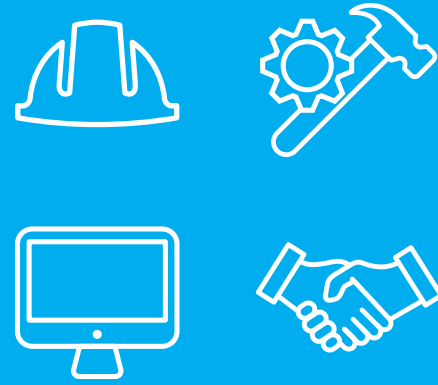
Workforce Initiative Now – Los Angeles (WIN-LA) is Metro’s workforce development program established to focus on creating career pathways in the transportation industry.

The core objective of WIN-LA is to help people obtain the education, training and support services needed to prepare them for opportunities within the transportation industry and within Metro.

WIN-LA isn’t just about a job, it’s about a career in transportation, one of the most dynamic and impactful industries in our country. One can seek an entry-level, mid-level or professional career. WIN-LA guides one’s steps to a career pathway through training and support.

WIN-LA career pathways consist of:

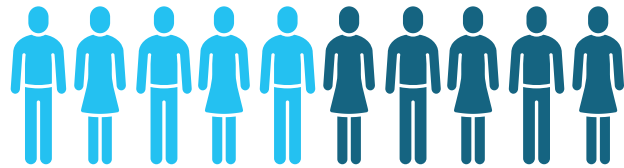
- > Construction
- > Operations/Maintenance
- > Administration
- > Professional Services



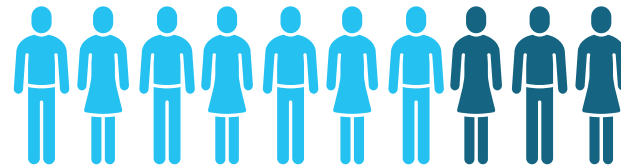
Purpose and Need

Metro needs a qualified workforce to build and maintain our infrastructure investment program over the coming decades.

AS OF SEPTEMBER 2018:



50% of Metro’s workforce will be eligible for retirement by 2024



69% of Metro’s employees are 40 or over

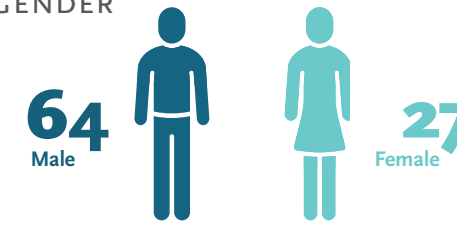
WIN-LA Collaborative

WIN-LA is delivered through established regional partnerships between Metro, regional Workforce Development Board consortium, including the Los Angeles Regional Community College Consortium and the Transportation Workforce Institute, and community-based organizations.

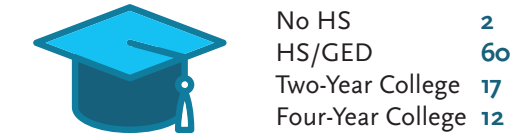
WIN-LA Participant Data AS OF CY 2019 Q2

WIN-LA PARTICIPANT DEMOGRAPHIC INFORMATION

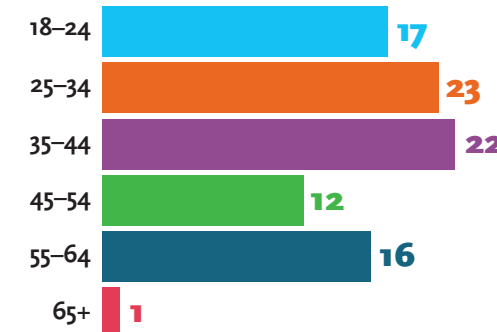
GENDER



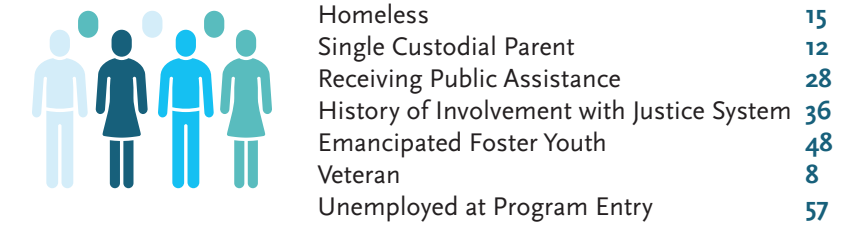
EDUCATION LEVEL



AGE RANGE



PRIORITY COMMUNITIES



WIN-LA participants represent and embody the diverse communities of LA County. WIN-LA increases opportunities for residents by inclusion of priority populations from historically underrepresented communities that have met challenges. WIN-LA also targets outreach to community college students and women. Participants may be counted across multiple priority categories.

CAREER PATHWAY MILESTONES: STATS AT A GLANCE

20 in Career Pathway Guidance

50 deemed Job Ready

21 Employed

GOALS AND MEASURE OF EFFECTIVENESS

GOAL	MOE	ACTUAL	TARGET
Promote diversity and inclusion reflective of communities of LA County.	MOE – Percent who gained employment who are from priority communities	75%	85%
	MOE – Percent of women enrolled in WIN-LA	30%	50%
Create career pathway opportunities through coordinated access to education and training services.	MOE – Participant completion rate of Transportation Workforce Readiness	80%	85%
	MOE – Percent of job-ready participants meeting minimum qualifications for Metro’s featured positions	80%	78%
Ensure workforce development aligns to transportation industry demand.	MOE – Job retention rate post six months of employment (Based on 10/15/18 hire cohort – total of nine)	100%	100%
	MOE – Job retention rate post one year of employment	Actual not yet available	100%
Provide a support network, while increasing opportunities for participants’ development and success.	MOE – Percent of job-ready participants with a favorable program satisfaction rating	Actual not yet available	95%
Implement a core competency-focused approach to drive workforce readiness for participants.	MOE – Percent of participants who completed Transportation Workforce Readiness that are deemed job ready	75%	89%

WIN-LA

WORKFORCE INITIATIVE NOW
METRO LOS ANGELES



Metro

Item #34
Executive Management Committee
November 21, 2019

Step up to a winning career in transportation.

Our Mission: WIN-LA is Metro's commitment to attract, hire and grow a world-class transportation workforce from the communities of LA County.

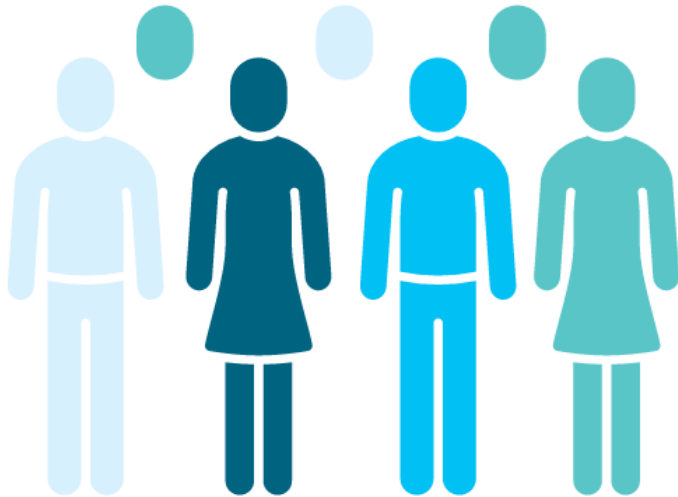
Collaborative Action

- WIN-LA Advisory Committee
- Transportation Workforce Readiness
- Fair Chance Program
- WIN-LA Transit Professional Workshop



Inaugural Cohort

Priority Communities



Homeless	10
Single Custodial Parent	11
Receiving Public Assistance	23
Involvement w/ Justice System	31
Emancipated Foster Youth	46
Veteran	7
Unemployed	46

Participants may self identify across multiple categories

Inaugural Cohort

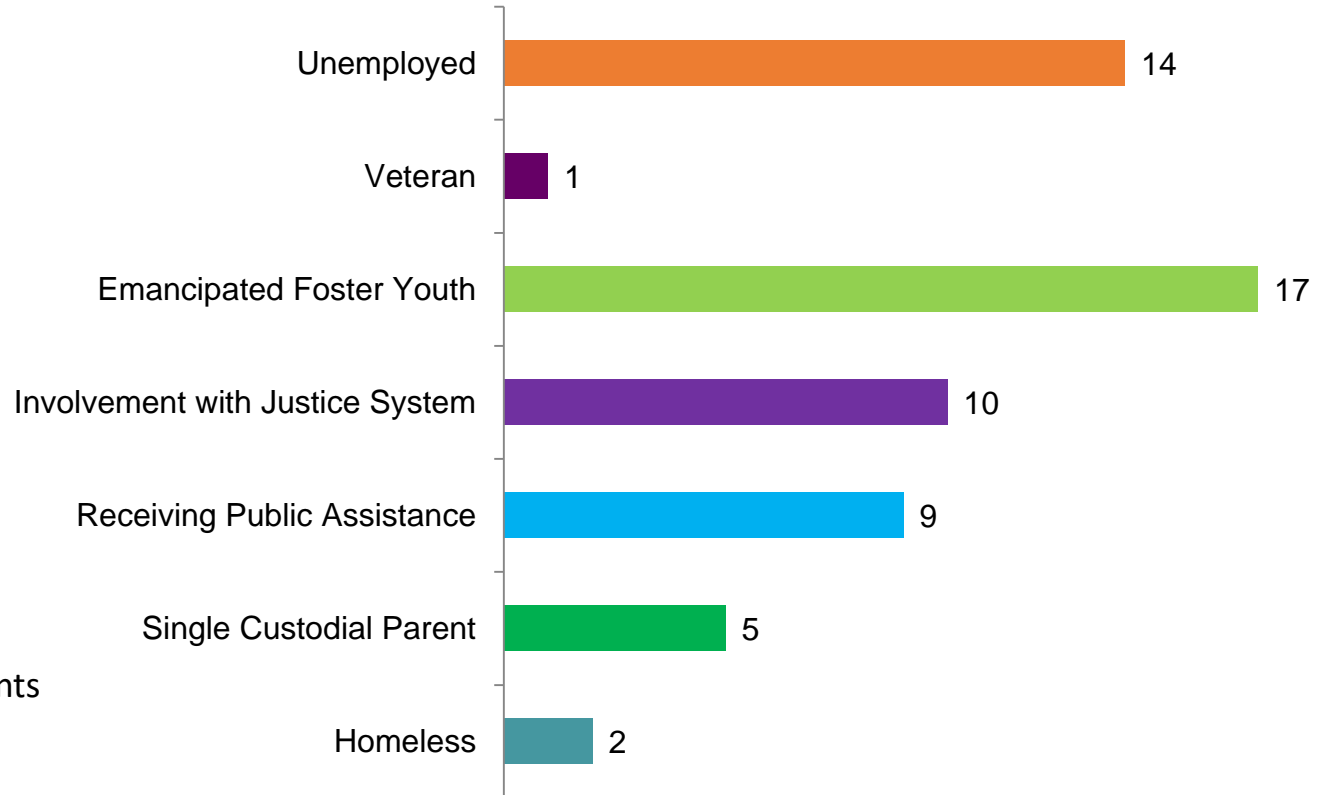
28

Total
Hires

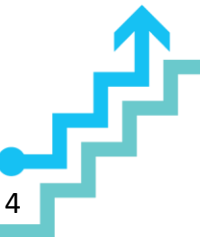
39%

“Job Ready” Participants
Employed

Employed Participants



Participants may self identify across multiple categories



Creating Opportunities

“WIN-LA gave me the opportunity I needed to start my career in transportation. My mother is a single parent raising five kids by herself and now I’m able to help my family by working at Metro as a Service Attendant. I take a lot of pride in my work and working for Metro allows me to serve my community in a new way.”

**David Godoy, Service Attendant
On Board 2018**



Inaugural Cohort

6

Total
Promotions

21%

*Employed Participants
Promoted*

Initial Position

- > Bus Operator – 2
- > Construction – 1
- > Custodian – 1
- > Service Attendant – 24

Promotive Position/ Career Advancement

- > Bus Operator to Service Attendant – 1
- > Construction to Service Attendant – 1
- > Custodian to Service Attendant – 1
- > Service Attendant to Rail Technical Training
Apprenticeship – 3

Making an Impact

“Through WIN-LA, I have met a lot of great people that I keep in touch with including one woman who also works in my division. Working in transportation has provided me with a sense of confidence. I am a Service Attendant now, but I started as a Bus Operator. I can drive a bus! For anyone interested in WIN-LA, I would say to go for it. I am thankful for WIN-LA as I have met friends and have a great job.”

**Kara Freiborg, Service Attendant
On Board 2018**



WIN-LA Pilot Framework

GOAL 3: Enhancing communities and lives through mobility an access to opportunity.

1 Identify covered project for competitively negotiated procurements	2 Establish procurement approach to leverage investments in infrastructure projects	3 Application	4 Evaluate workforce elements in support of high quality jobs supported by training and career pathways	5 Evaluation Factor
<p>Procurements for the work of persons, firms and other entities that perform planning, scheduling, design, environmental, geological, management, or other work aligned to administration, operations, maintenance and professional services.</p>	<ul style="list-style-type: none"> • Request for Proposals • Value \$5M or more • Term >1 YR • Local funded 	<ul style="list-style-type: none"> • Professional Services (PS) • Operation & Maintenance (O&M) • Design/Build (DB) • Public Private Partnership (P3) <p><i>*Excludes A&E</i></p>	<ul style="list-style-type: none"> • Recruit /hire program participants • Positions (jobs) with career pathways • Career development program • Work-based training • Post-employment support services 	<ul style="list-style-type: none"> • % Commitment of total wages & benefits • # of FTE positions • Other workforce elements

Thank you





Board Report

File #: 2019-0725, **File Type:** Federal Legislation / State Legislation (Position)

Agenda Number: 38.

**EXECUTIVE MANAGEMENT COMMITTEE
NOVEMBER 21, 2019**

SUBJECT: 2020 LEGISLATIVE PROGRAM

ACTION: APPROVE STAFF RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. RECEIVING the State and Federal Legislative Report;
- B. ADOPTING the proposed 2020 Federal Legislative Program as outlined in Attachment A; and
- C. ADOPTING the proposed 2020 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 Vision 2028 Plan, we will continue to evaluate and consider long term goals for the agency as outlined in the plan. Specific activities related to the longer term Vision 2028 plan are incorporated into the goals and activities for the upcoming state and federal legislative sessions. 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 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, (Attachment C) which is updated and presented to the Board monthly, highlights a number of bills of interest to the agency.

Federal Recap

In 2019, our agency continued to 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. While the FAST Act is authorized through September 30, 2020, the White House and the U.S. Congress had hoped last year to craft and adopt into law a bold new national infrastructure proposal that would serve to modernize America's surface transportation networks - both rail and highways. Much of this effort followed the framework set out in 2018 by the White House to inject over \$1 trillion in funding into infrastructure investments that also included infrastructure outside of the scope of surface transportation investments. The political barriers that largely prevented a deal between the White House and Congress in 2018 also remained the primary reason an infrastructure package agreement was not reached in 2019. Notwithstanding the ongoing gridlock on a new infrastructure package, we are encouraged by the fact that in the two-year budget deal struck by Congress and the White House that set spending levels for domestic and non-domestic spending, funding for U.S. Department of Transportation programs received a boost above what was authorized in the FAST Act. This welcome development resulted in additional funding being distributed nationwide through formula grant programs that directed additional resources to priorities such as state of good repair and bus infrastructure.

On the topic of the surface transportation reauthorization legislation, the Chair of the House Transportation and Infrastructure Committee - Peter DeFazio (D-OR), took over the Committee at the beginning of 2019 with the goal of working with the White House on an agreement for a revenue source to fund a large increase in transportation infrastructure investments. Since no agreement has been reached with the White House, Chairman DeFazio has not yet started a detailed discussion with respect to reauthorizing the current surface transportation bill, the FAST Act. On the Senate side, one committee, the Environment and Public Works Committee, has approved a five-year authorization bill for federal highway spending that largely leaves in place the same programs currently authorized under the FAST Act. The remaining three Senate Committees with jurisdiction over the next surface transportation bill - Banking, Commerce, and Finance - have yet to begin work on their sections of a reauthorization bill. Many in Washington, DC believe that if Congress does not move to pass a reauthorization bill in the first few months of 2020, the issue will likely be put on the "back burner" until after the 2020 Presidential Election. If Congress is unable to approve a new reauthorization bill, it is likely that a continuing resolution of the FAST Act will be approved for a period that allows lawmakers to revisit the issue sometime in 2021. Adopting a continuing resolution is viewed by some as an undesirable outcome and one that is counter to the primary messaging

points made to Congress by transit agencies - that by not approving long-term authorization bills, Congress and the Administration are increasing uncertainty that negatively impacts the delivery of large transportation projects that require multi-year funding and planning.

Among the challenges that have carried over from the previous year, the U.S. House of Representatives and U.S. Senate continued to disagree on annual appropriation bills to fund the various federal agencies and programs. Despite the two-year budget deal that many had hoped would smooth the path to passage of annual appropriations bills, Congressional action on spending measures has been inconsistent. While the U.S. House of Representatives did approve all twelve of their annual appropriations bills, the U.S. Senate was only able to move a few bills through the Senate Appropriations Committee by the end of the Federal Fiscal Year 2019. As of the writing of this report, the Federal Government is operating on a Continuing Resolution through November 21, 2019. 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 worked hard in Washington, DC to successfully advance our capital projects through discretionary federal grant programs. With regards to Section 3 of the Westside Purple Line Extension, we continue to be engaged directly with the Federal Transit Administration (FTA) and the U.S. Congress to ensure that the project remains on a timeline that will allow for revenue service before the 2028 Olympic Games. Metro will continue to work closely with the FTA and Congress to gain final approval of a Full Funding Grant Agreement for the Westside Purple Line Extension (Section 3).

In January 2020, Congress will begin the second session of the 116th Congress. Metro will continue to work closely with the Trump Administration, USDOT and Congress to leverage our local funding to advance transit, highway and other effective mobility projects across Los Angeles County. (The complete 2019 Federal Legislative Plan is outlined in Attachment A.)

State Recap

During the first year of the 2019-2020 State Legislative Session, the California Legislature and Governor Newsom faced a number of legislative proposals that focused on that state's climate change goals, transportation projects and funding. A number of proposals focused on revisiting the implementation of Senate Bill 1 funding programs. Senate Bill 1 was passed in 2017 after years of work and compromise to bring over \$5 billion in new transportation funding to the state. California's highway system, its local streets and road system and its public transit system have suffered from the inability of the state to address basic state of good repair needs, and SB 1 is the legislature's commitment to prioritizing these growing needs. The California Transportation Commission (CTC)

and California State Transportation Agency (CalSTA) are each charged with allocating and programming SB 1 funding throughout the state.

This legislative session, our advocacy efforts focused heavily on a number of proposals that would have negatively impacted a number of Metro's programs and projects. One proposal was introduced to change how the state's Active Transportation Program was administered. Senate Bill 152 (Beall) was introduced in an effort to shift Active Transportation discretionary funding from a competitive to a formula based program. Pursuant to the 2019 State Legislative Program the Board communicated the need to preserve the funding programs established under SB 1 and ensure that Los Angeles County received its fair share of funding. Los Angeles County has a disproportionate share of disadvantaged communities as well as an immense need for investments in active transportation. Supporters of SB 152 (Beall) intended to shift the programming authority away from the CTC in response to the CTC prioritizing funding for a number of projects in disadvantaged communities. Metro staff communicated the Board's proposed amendments to SB 152 and ultimately the bill was held in the Appropriations Committee and did not move forward.

One key priority for Metro's ongoing advocacy efforts was and continues to be privacy issues related to Metro's tolling authority and Express Lanes program implementation. Privacy issues will continue to be of central concern to the Legislature overall and this issue will continue to be a cross-cutting concern across Metro's services and programs.

Senator Ben Allen authored SB 664, proposing policy changes that would clarify certain provisions in statute related to Metro's operations of the ExpressLanes. These policy changes sought to create stronger privacy protections for toll customer data, clarify provisions related to interoperability among toll operators, and improve certain aspects related to citations and toll collection. The 2019 State Legislative Program Goals provided staff with the direction to support legislation that enhances Metro's ability to enforce the ExpressLanes Board adopted toll policy. The Board has also directed staff, through the adoption of the 2019 State Legislative Program goals to support legislation that amends the CA Streets and Highways Code that impact Metro's interoperability with other California Toll agencies. The bill was amended significantly by the Assembly Transportation Committee and Committee on Privacy and Consumer Protection. The bill has been assigned to be heard by the Committee on Privacy and Consumer Protection and the Judiciary Committee. We will continue to work to advance this measure. In doing so we will work with the all of the tolling agencies in California, the Chairs of the respective committees, leadership and the Los Angeles County Delegation to ensure that accurate information is available to decision makers and to ensure that we are able to maintain interoperable programs while protecting travelers' personally identifiable information.

Our work with the Los Angeles County Legislative Delegation has borne fruit with the Governor's appointment of two new Los Angeles-based Commissioners to the California Transportation

Commission (CTC). We will continue to work with the delegation to ensure that Los Angeles County receives a proportionate share of state transportation funds.

SB 277 (Beall) - Senator Jim Beall authored SB 277, which included provisions that would change how the state administers the Local Partnership Program. This program funds road maintenance, rehabilitation and other transportation improvement projects. In 2018, Metro received \$80 million in SB 1 funds through the competitive process of the Local Partnership Program for Soundwalls in La Cañada-Flintridge and for the Metro Orange Line Improvements Project. SB 277 would have shifted program funding from a competitive and formula split to a majority formula allocation. The Self Help Counties Coalition proposed amendments related to the funding formula and submitted a letter of support for the legislation. Pursuant to the Board-adopted 2019 State Legislative program goals - staff will work to ensure that SB 1 funding for Los Angeles County is preserved. The bill was vetoed by the Governor.

AB 752 (Gabriel) - Assemblymember Jesse Gabriel introduced AB 752, legislation that would require that lactation rooms be made available for patrons at certain transit facilities throughout the state. Pursuant to Board direction, staff has worked with the author and the coalition of California Transit Association members to prepare amendments to the legislation to ensure for safety, security and minimal operational impacts. LA Union Station has been identified as a station that would be required to have a lactation facility on the premise. The bill was signed into law by the Governor.

AB 784 (Mullin) - Assemblymember Kevin Mullin authored AB 784, legislation that would exempt certain public agencies from state sales tax on the sale, storage and use of zero emission buses. The bill includes provisions that protect revenues generated by local sales tax measures. The exemption from state sales tax would sunset in January 2024. The bill also provides that the Legislative Analyst's Office will review the effectiveness of the sales tax exemption program as it relates to transit agencies transition to zero-emission fleets. Metro successfully advocated for the bill's passage. The bill was signed into law by the Governor.

AB 1560 (Friedman) - Assemblymember Laura Friedman authored AB 1560, legislation that would clarify the definition of "bus rapid transit" and "major transit stop" in the statute that outlines the state's CEQA process and protections. Staff worked with the author and bill supporters to provide technical feedback on the provisions outlined in the bill. The bill was signed into law by the Governor.

An additional priority for Metro's ongoing advocacy efforts include the need to provide certainty and stability to our power supply as we work to meet the agency's ambitious Zero-emission Bus Plan.

During next year's legislative session, we will continue to monitor efforts to jeopardize funding authorized under SB 1. We will also be working to ensure that the gubernatorial administration addresses the need for critical transportation infrastructure and housing policies that help LA County to address our long term sustainability goals.

As in previous years, our 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, Vision 2028, 28 by 2028, 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.

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 2020 State Legislative Program is outlined in Attachment B). These include but are not limited to:

Clarifying Metro's procurement statutes;

Expanding Metro's authority to install forward-facing cameras on its bus fleet to enforce bus-only lanes;

Clarifying the process by which CEQA is implemented with respect to Metro's transit and affordable housing development projects;

Clarifying statutes related to Metro's Express Lanes program implementation and tolling authority;

Exploring how Enhanced Infrastructure Financing District authorization and other value capture strategies can be leveraged as a funding tool for Metro's projects;

Implementation of AB 5 (Gonzalez) and evaluating its potential impacts on Metro's programs;

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 Order on Sustainability and the federal SAFE Vehicle Rule do not jeopardize funding for Metro's projects; and

Supporting the allocation of cap and trade funds to Los Angeles County.

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 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. 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 continuing to be an active stakeholder as Congress takes action on reauthorizing surface transportation programs beyond 2020, when the FAST Act is set to expire. Metro has played an active role in shaping

preliminary discussions on a new surface transportation bill and will forcefully advocate for our Board-approved Rebuilding America initiative to be embedded in any new transportation bill or infrastructure stimulus measure.

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, new 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 2019-2020 State Legislative Session will commence on January 6, 2020. The U.S. House of Representatives and U.S. Senate are scheduled to return from their winter recess in January 2020 to convene the final year of the 116th Congress.

ATTACHMENTS


Attachment A - 2020 Federal Legislative Program

Attachment B - 2020 State Legislative Program

Attachment C - Legislative Matrix

Prepared by: Michael Turner, DEO, Government Relations (213) 922-2122
Raffi Hamparian, Senior Director, Government Relations, Federal Affairs (213) 922-3769
Michael Davies, Senior Manager, Federal Affairs, (202) 248-5426
Desarae Jones, Senior Manager, Government Relations/State Affairs (213) 922-2230
Alex Amadeo, Government Relations Officer, State Affairs (213) 922-2763

Reviewed by: Yvette Rapose, Chief Communications Officer, (213) 418-3154



Phillip A. Washington
Chief Executive Officer

2020 FEDERAL LEGISLATIVE PROGRAM

GOAL #1: PROPOSING TO CONGRESS AND THE TRUMP ADMINISTRATION OUR REBUILDING AMERICA INITIATIVE TO BOLSTER FEDERAL SUPPORT FOR OUR AGENCY'S GOAL TO ACCELERATE OUR AMBITIOUS CAPITAL PROGRAM

Proposed Activities:

Support federal legislation that embraces our Rebuilding America initiative that sets forth five key goals for Congress and the Trump Administration to adopt in order to strengthen federal transportation programs. These five goals are:

1. Increasing the length of future surface transportation authorization bills to increase the certainty needed by our agency and other transportation entities to appropriately plan for the future.
2. Increase the federal gas tax to address the federal Highway Trust Funds' solvency issues.
3. Authorize America Fast Forward Transportation Bonds to provide a powerful new finance tool for transportation agencies to use when financing major capital projects.
4. Expand and reform the Projects of National and Regional Significance program – first authorized in SAFETEA-LU.
5. Increase federal support for proven workforce development programs that will ensure Metro and other transportation agencies continue to have a skilled workforce for our expanding transportation systems.

GOAL #2: WORK TO BOLSTER THE FEDERAL TRANSIT ADMINISTRATION'S CAPITAL INVESTMENT GRANT PROGRAM AND OBTAIN NEW STARTS FUNDING FOR ELIGIBLE METRO TRANSIT PROJECTS

Proposed Activities:

Continue to work with our Congressional Delegation, transportation leaders in the House and Senate and the U.S. Department of Transportation to bolster funding for the federal Capital Investment Grant program (CIG). Congress has voted to fully fund the program and included instructions to continue to advance new transit projects. Metro has and will continue to partner with the Administration to approve a Full Funding Grant Agreement in the near future for Westside Purple Line Extension (Section 3). The CIG program is vital in assisting Metro to build new high capacity transit projects throughout the region. Metro currently receives funding through this program for the Regional

Connector, Westside Purple Line Extension (Section 1) and Westside Purple Line Extension (Section 2). Over the last six years, Metro has secured over \$3 billion through Full Funding Grant Agreements issued by the U.S. Department of Transportation. Additionally, Metro will continue to advocate for the reform of the CIG program to allow for great efficiency in project delivery.

GOAL #3: 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 the Olympic and Paralympic Games held in the United States. Metro will continue to coordinate and work with officials at the U.S. Department of Transportation to ensure the free flow of information on the many mobility enhancing projects being built and being planned across Los Angeles County by our agency.

GOAL #4: 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 #5: CONTINUE TO SEEK TO RESTORE OBAMA-ERA REFORMS TO FEDERAL LOCAL HIRE RULES

Proposed Activities:

Work with the Trump Administration, Congress and other relevant stakeholders to 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. Included in this effort, Metro will work to also support legislation, such as the Build Local, Hire Local Act, to be approved by Congress and signed into law by the President.

GOAL #6: 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 applied to these important projects. Additionally, Metro will support programs that benefit commuter rail through the next surface transportation authorization bill.

GOAL #7: CONTINUE TO SEEK FUNDING FOR THE PROJECTS IN THE GOODS MOVEMENT ACTION PLAN

Proposed Activities:

Continue to work with Ports of Long Beach and Los Angeles and other key stakeholders to seek funding for projects within the Goods Movement Action Plan.

GOAL #8: SEEK RESTORATION OF TAX BENEFITS ELIMINATED BY THE PASSAGE OF H.R.1 – TAX CUTS AND JOBS ACT

Proposed Activities:

Work with key local, regional and national stakeholders to restore the Advance Refunding Bonds, commuter tax benefit, and the alternative fuel tax credit provisions.

GOAL #9: SECURE DISCRETIONARY GRANT FUNDING FROM MAJOR U.S. DOT GRANT PROGRAMS

Proposed Activities:

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, BUILD Grant Program, Bus and Bus Facilities, and the LoNo Grant Program

GOAL #10: ADVOCATE FOR POLICIES AND FUNDING TO ASSIST IN HELPING THE COUNTY IMPROVE 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 #11: SUPPORT LEGISLATIVE ACTIONS THAT WILL IMPACT METRO'S ABILITY TO IMPLEMENT VISION 2028, THE AGENCY'S FIVE-POINT PLAN

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.

Metro's Five-Point Plan outlines how Metro's programs and initiatives aim to: • Implement Mobility Innovation • Capture the Hearts and Minds of the People • Embrace Equity • Foster Continuous Improvement • Step into Leadership Voids

Monitor legislation that would impact Metro's ability to implement the strategic goals outlined in Vision 2028; Monitor legislation that would impact Metro's ability to implement the aspects of the Five Point plan; and Support legislation and initiatives that would increase Metro's ability to implement Vision 2028 and the Five-Point Plan.

GOAL #12: ADDITIONAL PRIORITIES

Proposed Activities:

1. 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.
2. 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;
3. Work to advocate for all Metro discretionary grant applications which include funding for such programs as transit-oriented communities, safety and innovation;
4. Work with the Administration to avoid negative impacts as a result of implementation of tariffs on steel and various rolling stock parts and materials;
5. Work to support funding for active transportation such as bikeshare and other first/last mile mobility solutions;

6. Work closely with the Administration and USDOT on regulations and proposed rulemakings that impact Metro.
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.

2020 STATE LEGISLATIVE PROGRAM GOALS

GOAL #1: ENSURE THE STATE CONTINUES TO SECURE, PROTECT, AND FULLY FUND THE MAJOR TRANSPORTATION PROGRAMS IN THE STATE WITH EXISTING COMMITMENTS

Proposed Activities:

Protect Metro's key fund sources;

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 highway and transit projects.

GOAL #4: SUPPORT EFFORTS TO IMPROVE SAFETY 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; and

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.

GOAL #5: 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

Advocate for increased and sustained funding for transit under the State's Cap & Trade program categories.

GOAL #6: 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 and SB 375 (including sustainable community strategies and related initiatives/ documents);

Work in partnership with the California Air Resources Board (CARB), California Transit Association (CTA), 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 include programs affecting environmentally sensitive stakeholders and clean air programs in our region, particularly with regards to regional transit planning, construction, and procurement efforts;

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 legislation and regulatory actions that would affect redevelopment, housing and regional planning efforts statewide and in Los Angeles County;

Support legislation that incorporates elements of Metro's transit-oriented communities strategies in regional housing planning and development; and

Support new and existing initiatives that complement the development and subsequent implementation of Metro's Zero-Emission Bus Strategic Plan.

GOAL #7: ACTIVELY WORK WITH STATE, REGIONAL AND LOCAL TRANSPORTATION INTERESTS AND ENHANCE TRANSPORTATION AND INFRASTRUCTURE FUNDING AND PROGRAMS STATEWIDE

Proposed Activities:

Work with Governor Newsom's Administration to preserve and increase flexibility in the use of transportation, development, and housing funds;

Identify and pursue opportunities for additional funding for Southern California transportation infrastructure and transit oriented development projects;

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;

Support any legislation or statewide ballot measure which seeks to constitutionally protect transportation revenues for transportation infrastructure only. We strongly support protections that prohibit using transportation dollars for other purposes;

Work cooperatively with other transit agencies throughout the State, including the CTA, to secure and increase funding for transportation services, projects and programs; and

Identify and pursue opportunities for funding and to enhance authority where necessary to improve security and safety for customers, employees and property.

GOAL #8: 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;

Monitor and work with implementation of pension reform (PEPRA) so that Metro is able to maintain a stable work force and ensure adequate succession planning;

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;

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 support the Board approved Twenty-Eight by 2028 initiative.

GOAL #9: OPPOSE ANY LEGISLATION THAT COULD NEGATIVELY IMPACT METRO'S ABILITY TO OPERATE THE EXPRESSLANES PROGRAM AND SUPOORT LEGISLATION THAT ALLOWS FOR FUTURE EXPRESSLANES EXPANSION.

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 enforce occupancy requirements in the ExpressLanes;
4. Amends Streets and Highways codes that impact Metro's 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.

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 expand the ExpressLanes network.

GOAL #10: ADVOCATE FOR POLICIES AND FUNDING TO ASSIST IN HELPING THE COUNTY END HOMELESSNESS AND ADVANCE SYSTEM, SAFETY AND LAW ENFORCEMENT GOALS

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 legislation or administrative actions that would designate Metro's transit system as critical infrastructure to prioritize funding and align agency policies; and

Monitor legislation, initiatives and programs that would impact Metro's system safety and law enforcement activities.

GOAL #11: SUPPORT EFFORTS TO ESTABLISH AND IMPLEMENT A COUNTYWIDE COMMUTER TAX BENEFIT ORDINANCE AND TRANSPORTATION DEMAND MANAGEMENT PROGRAM

Proposed Activities:

Monitor legislation that would enable Los Angeles County to implement the nation's most aggressive commuter tax benefits program to reimburse and credit the cost of sustainable transportation options and that would strengthen Metro's ability to carry out a countywide TDM program.

Support legislation and explore funding opportunities that would allow for Metro to establish a robust and comprehensive Transportation Demand Management program;

Support CARB's efforts to implement the State of California's Parking Cash-Out law for worksites within Los Angeles County; and

Support legislation that would expand authority for Metro or other entities to establish Commuter Benefit Programs.

Explore legislative remedies to establish or expand Los Angeles County's existing Commuter Benefits Programs.

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.

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.

Proposed Activities:

Advocate for the full allocation of funding to the Link Union Station project 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: 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;

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.

GOAL #14: SUPPORT LEGISLATIVE ACTIONS THAT WILL IMPACT METRO’S ABILITY TO IMPLEMENT VISION 2028, THE AGENCY’S FIVE-POINT PLAN AND THE ‘28 BY 2028’ INITIATIVE

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.

Metro’s Five-Point Plan outlines how Metro’s programs and initiatives aim to:

- Implement Mobility Innovation

- Capture the Hearts and Minds of the People
- Embrace Equity
- Foster Continuous Improvement
- Step into Leadership Voids

Proposed Activities:

Monitor legislation that would impact Metro's ability to implement the strategic goals outlined in Vision 2028; and

Monitor legislation that would impact Metro's ability to implement the aspects of the Five-Point plan.

GOAL #15: SPONSOR LEGISLATION THAT WOULD ENHANCE METRO'S ABILITY TO DELIVER ITS PROGRAMS AND SERVICES INCLUDING ADVANCING THE 28 BY 2028 INITIATIVE

Explore legislation to streamline and clarify electrical utility billing for Metro.

Explore legislation that would clarify provisions of the EIFD statute to fund Metro's projects.

Explore legislation that would clarify provisions of CEQA to enhance Metro's ability to deliver Measure M, Twenty-Eight by 2028 and affordable housing projects.

Proposed Activities:

Sponsor legislation that would authorize the use of forward facing cameras on Metro's buses and in dedicated bus lanes.

Sponsor legislation to update various provisions of Metro's procurement statutes to conform those provisions to those of other agencies.

Attachment C

http://libraryarchives.metro.net/DB_Attachments/2019-0725_Attachment_C_LA_Metro_Legislative_Matrix.pdf



Board Report

File #: 2019-0796, **File Type:** Policy

Agenda Number: 39.

**REGULAR BOARD MEETING
DECEMBER 5, 2019**

SUBJECT: I-710 SOUNDWALL PACKAGE 2 PROJECT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and
- B. ADOPTING a Resolution of Necessity (Attachment B) authorizing the commencement of an eminent domain action to acquire a Permanent Footing Easement, Temporary Construction Easement (TCE) and site improvements from the property identified as Parcel E-08 (APN: 6227-027-040).

(REQUIRES 2/3 VOTE OF THE BOARD)

BACKGROUND

Acquisition of the Permanent Footing Easement and TCE, referred to herein as Property, is required for the construction and operation of the I-710 Soundwall Package 2 Project (Project). The Permanent Footing Easement, TCE and site improvements are required to construct new soundwalls that will improve the noise levels of the residents living next to the I-710 freeway and will be built in the ultimate location of the I-710 South Project.

A written offer to purchase was delivered to the Owner of Record (Owner) as required by California Government Code Section 7267.2. The Owner has not accepted the offer of just compensation made by the Los Angeles County Metropolitan Transportation Authority (LACMTA), and the parties have not reached a negotiated settlement as of this date. Because the Property is necessary for construction of the Project, staff recommends the acquisition of the Property through eminent domain to maintain the Project schedule.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), LACMTA has timely prepared and mailed notice of this hearing to the Owners informing them of their right to appear at this hearing and be heard on

the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury; (3) whether the Property is necessary for the Project; (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence; (5) whether environmental review of the Project has complied with the California Environmental Quality Act (CEQA) and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence has been received by LACMTA's Board from all interested parties at the hearing, LACMTA's Board must make a determination as to whether to adopt the proposed Resolution of Necessity to acquire the Property by eminent domain. In order to adopt the resolutions, LACMTA's Board must, based on the evidence before it, and by a vote of two-thirds of all of its members, find and determine that the conditions stated in the items 1- 6 above exist. Attached is evidence submitted by staff that supports adoption of the Resolution that has been approved by counsel and which sets forth the required findings (Attachment A).

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on LACMTA's safety standards.

FINANCIAL IMPACT

This acquisition is budgeted in Highway Program Cost Center 4720, in the I-710 South Soundwall Package 2 Project 463416, Tasks 5.3.100 and 5.5.100, Professional Services Account 50316.

Since this is a multi-year project, the Project Manager, the Cost Center Manager, and the Senior Executive Officer, Program Management-Highway Program will be responsible for budgeting the remaining costs of the project in future fiscal years.

Impact to Budget

The source of funds for this effort will be Measure R Highway Capital (20%) Funds. These funds are not eligible for bus and rail operations and/or capital expenditures.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Equity Platform Framework Consistency

Equity is afforded to property owners to engage and have a voice in the decision-making process with regards to the acquisition of their property.

Strategic Plan Consistency

The recommended Board action is consistent with Metro Vision 2028 Goal #3: Enhancing Communities and Lives. Acquisition of property is a required step for the ultimate construction of the I

-710 Soundwall Package 2 Project which will provide noise attenuation benefits to the residents living next to the I-710 freeway as part of this segment.

NEXT STEPS

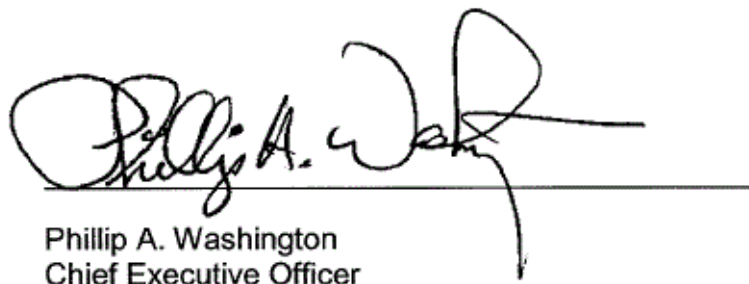
If this action is approved by the Board, LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property by eminent domain. Counsel will also be directed to seek and obtain Orders of Prejudgment Possession in accordance with the provisions of California Eminent Domain Law, as necessary.

ATTACHMENTS

Attachment A - Staff Report
Attachment B - Resolution of Necessity

Prepared by: Craig Justesen Director of Real Property Management & Development, (213) 922-7051
Velma C. Marshall, Deputy Executive Officer- Real Estate, (213) 922-2415 Holly
Rockwell, Senior Executive Officer, Real Estate, Transit Oriented Communities and
Demand Transportation Management, (213) 922-5585

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



Phillip A. Washington
Chief Executive Officer

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF
PROPERTY FOR THE I-710 SOUNDWALL PACKAGE 2 PROJECT**

BACKGROUND

The Property is required for the construction of the I-710 Soundwall Package 2 Project (Project). The address, owner of record (as indicated by a title report) and the property interest being acquired for the Project are summarized on the table below:

Owner	Address	Property Interest being acquired
Maria Garcia	8233 Specht Avenue Bell Gardens, CA 90201	Permanent Footing Easement, Temporary Construction Easement and Site Improvements

A written offer for the acquisition of a Permanent Footing Easement, Temporary Construction Easement (TCE) and site improvements was mailed to the respective Property Owner by a letter dated December 7, 2018. The parcel is identified as Metro Parcel # E-08 (APN: 6227-027-040); (hereinafter the "Property").

A. The public interest and necessity require the Project.

The purpose of the Project is to build sound walls early (or in advance) of the ultimate planned improvements to the I-710 freeway and reduce traffic noise levels at noise-sensitive areas adjacent to the freeway. These "early action" sound walls will be built in their planned ultimate location. Also, existing sound walls that are in conflict with the future I-710 improvements and cannot be rebuilt "early" will be aesthetically treated to provide a uniform aesthetic theme as detailed in the I-710 Aesthetic Master Plan.

Noise measurements taken between June 2007 and June 2011 resulted in Equivalent Noise Levels (L_{eq}) ranging from 58 decibals (dBA) to 82 dBA within the project limits. L_{eq} is the Equivalent Noise Level used by Caltrans to address the maximum noise hour. Noise levels at several of the measured locations exceed the Noise Abatement Criteria (NAC) for residential areas (Activity Category B) of 67 dBA, L_{eq}(h) given in Figure 2, Section 2, Chapter 30 of the Project Development Procedure Manual (PDPM 2009). The proposed noise abatement mitigation measure is projected to lower some noise levels within the study limits below the 67 dBA L_{eq} threshold. In general, the proposed noise barriers also achieve the minimum attenuation criteria of 5 dBA.

B. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.

Consistent with Noise Barrier Scope Summary Report dated December, 2016 the I-710 Corridor has some of the highest population and proportion of traffic in the Southern

California region. During various community meetings, the residents of the Corridor area expressed their concerns with increased traffic noise. While the project has no permanent impacts, it is planned in a manner that addresses noise attenuation related to future expansion of existing freeway and street networks.

It is recommended that, based upon the foregoing, the Board find and determine that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

C. The Property is necessary for the Project.

The Permanent Footing Easement, TCE, and site improvements are required for the construction of the I-710 Soundwall. The TCE will allow the contractor to build the sound wall on the Caltrans right-of-way line; in this case it is right up against the residents' properties. The Footing Easement is a permanent subsurface easement that is necessary for the soundwall footing that will be partially constructed on the Property.

It is recommended that the Board find that the acquisition of the Property is necessary for the Project.

D. Offers were made in compliance with Government Code Section 7267.2.

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owner and in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the property. In addition, the agency is required to provide the Owner with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Retained an independent appraiser to determine the fair market value of the Property;
2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation for the Property;
3. Determined the Owners of the Property by examining the County assessor's records, preliminary title reports, and occupancy of the Property;
4. Made a written offer to purchase to the Owners for the full amount of just compensation - which was not less than the approved appraised value;

5. Provided the Owners with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

It is recommended that based on the above actions, the Board find and determine that the offer required by Section 7267.2 of the California Government Code has been made to the Owner.

E. Metro has fulfilled the necessary statutory prerequisites.

Metro is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

F. Metro has complied with the California Environmental Quality Act (CEQA)

As per CCR 15061 [b] [3] of CEQA, this project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The Categorical Exemption was given November 20, 2013 from the California State Department of Transportation (Caltrans).

Accordingly, Metro has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

CONCLUSION

Staff recommends that the Board adopt the Resolution of Necessity.

ATTACHMENTS

Attachment B – Resolution of Necessity

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF FOR
THE I-710 SOUNDWALL PACKAGE 2 PROJECT
8233 SPECHT AVENUE, BELL GARDENS, CA 90201
PARCEL E-08 (APN 6227-027-040)**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA) is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interest described hereinafter is to be taken for public use, namely, for the I-710 Soundwall Package 2 Project (Project) and for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The property interests consists of the acquisition of a permanent footing easement, temporary construction easement (TCE) and site improvements, as described more specifically in the legal description (Exhibit A and Exhibit A-1) and depicted on the Plat Map (Exhibit B and Exhibit B-1), attached hereto (hereinafter, the "Property", incorporated herein by this reference).

Section 4.

(a.) The acquisition of the above-described Property is necessary for the construction and maintenance of the Project;

(b.) Metro has received an exemption from having a draft EIR/EIS and a FEIS/FEIR. Metro was not required to have a CEQA Environmental Clearance because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061 [b] [3]). The Categorical Exemption was given November 20, 2013 from Caltrans.

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

The notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property.

Counsel is further authorized to compromise and settle, subject to approval by the Board when required, such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELLE JACKSON, Secretary of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 5th day of December, 2019.

MICHELE JACKSON
LACMTA Secretary

Date: _____

ATTACHMENTS

- 1 - Legal Descriptions (Exhibit "A" and Exhibit "A-1")
- 2 - Plat Maps (Exhibit "B" and Exhibit "B-1")

**EXHIBIT A
LEGAL DESCRIPTION**

THE WESTERLY 4.00 FEET OF LOT 17 IN THE CITY OF BELL GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON TRACT NO. 28009, AS PER MAP RECORDED IN BOOK 723, PAGES 8 AND 9 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THE EASTERLY SIDE LINE TO BE EXTENDED OR SHORTENED TO TERMINATE ON THE NORTHERLY AND SOUTHERLY LINES OF SAID LOT 17.

CONTAINING 326 SQUARE FEET MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY REFERENCE HEREIN, MADE A PART HEREOF.

Chris Nelson

CHRIS NELSON, P.L.S. 6385
DATED: NOVEMBER 15, 2017



EXHIBIT B
Plat Map of the Required Parcel – Permanent Footing Easement

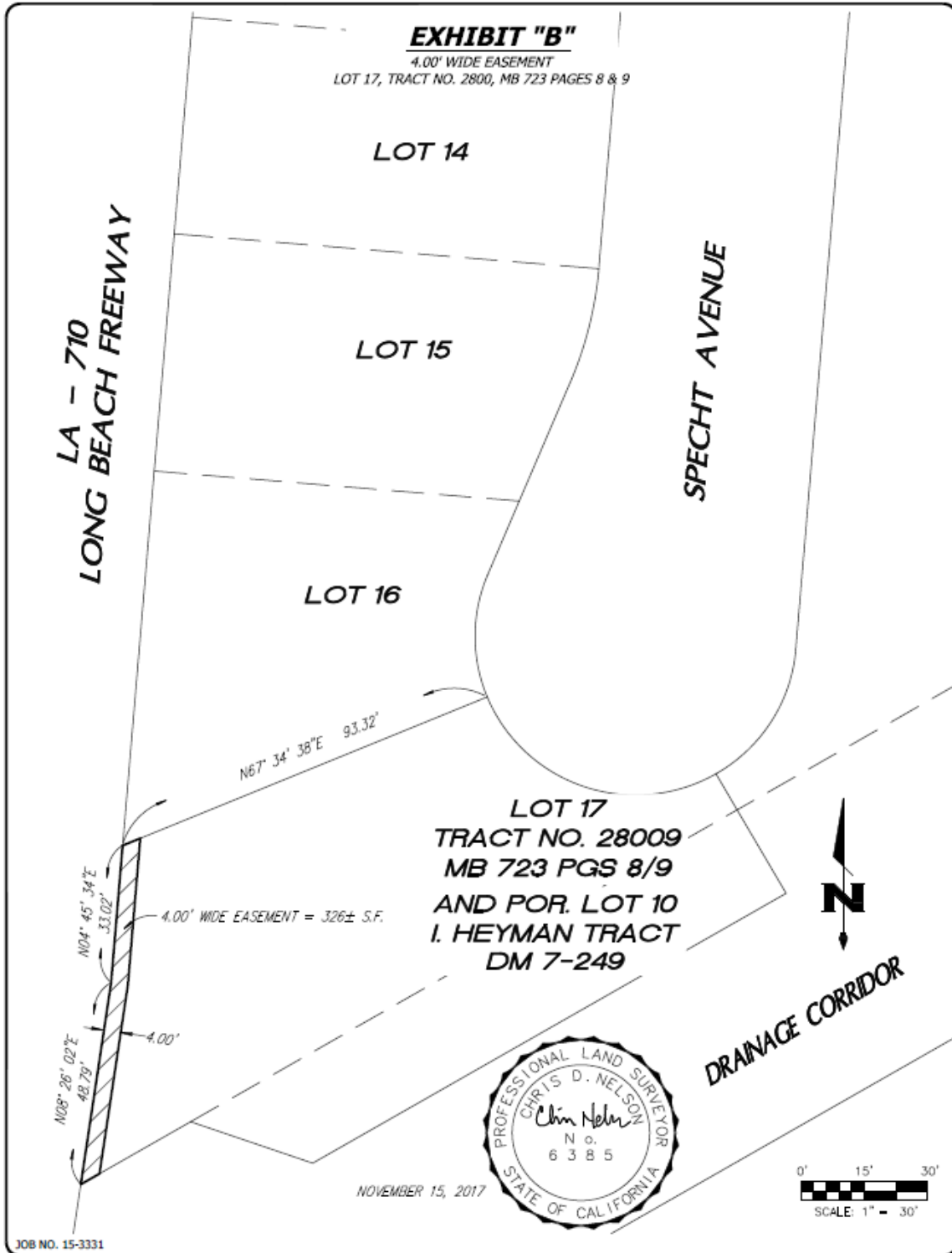


EXHIBIT A-1 LEGAL DESCRIPTION

THAT PORTION OF LOT 17 IN THE CITY OF BELL GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON TRACT NO. 28009, AS PER MAP RECORDED IN BOOK 723, PAGES 8 AND 9 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 17; THENCE, ALONG THE NORTHERLY LINE OF SAID LOT 17,

1. NORTH 67°34'38" EAST, 11.24 FEET TO THE INTERSECTION WITH A LINE BEING 10.00 FEET EASTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 17; THENCE ALONG SAID PARALLEL LINE,
2. SOUTH 04°45'34" WEST, 6.35 FEET; THENCE,
3. NORTH 88°56'54" WEST 2.61 FEET; THENCE, SOUTHERLY ALONG A LINE, NOT PARALLEL WITH THE WESTERLY LINE OF SAID LOT 17,
4. SOUTH 04°10'28" WEST, 29.84 FEET; THENCE,
5. SOUTH 85°32'53" EAST, 2.30 FEET, TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF SAID AFOREMENTIONED PARALLEL LINE; THENCE, SOUTHERLY ALONG SAID PARALLEL LINE,
6. SOUTH 04°45'34" WEST, 2.14 FEET, TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 10.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID LOT 17 HAVING A BEARING OF NORTH 08°26'02" EAST; THENCE, SOUTHERLY ALONG SAID PARALLEL LINE,
7. SOUTH 08°26'02" WEST, 38.52 FEET; THENCE,
8. NORTH 81°33'58" WEST, 10.00 FEET, TO THE WESTERLY LINE OF SAID LOT 17; THENCE, NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 17,
9. NORTH 08°26'02" EAST, 38.20 FEET, TO AN ANGLE POINT IN THE WESTERLY LINE OF SAID LOT 17; THENCE,
10. NORTH 04°45'34" EAST, 33.02 FEET, TO THE POINT OF BEGINNING.

CONTAINING 668 SQUARE FEET MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY REFERENCE HEREIN, MADE A PART HEREOF.

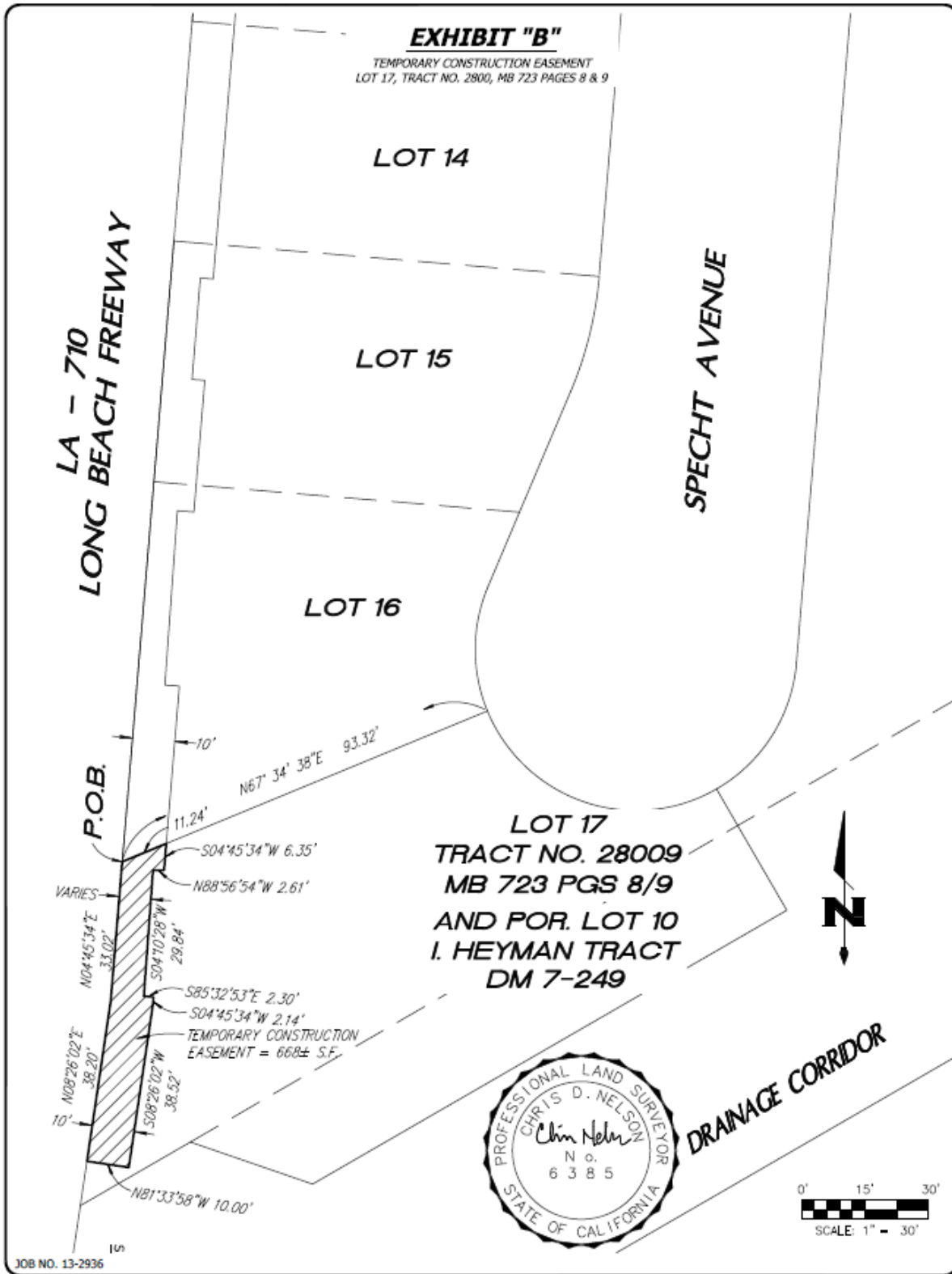
Chris Nelson

CHRIS NELSON, P.L.S. 6385
DATED: JANUARY 27, 2017



EXHIBIT B-1

Plat Map of the Required Parcel – Temporary Construction Easement



HEARING TO ADOPT RESOLUTION OF NECESSITY

I-710 SOUNDWALL PACKAGE 2 PROJECT

BOARD MEETING, DECEMBER 5, 2019

ITEM #39

HEARING TO ADOPT RESOLUTION OF NECESSITY I-710 SOUNDWALL PACKAGE 2 PROJECT

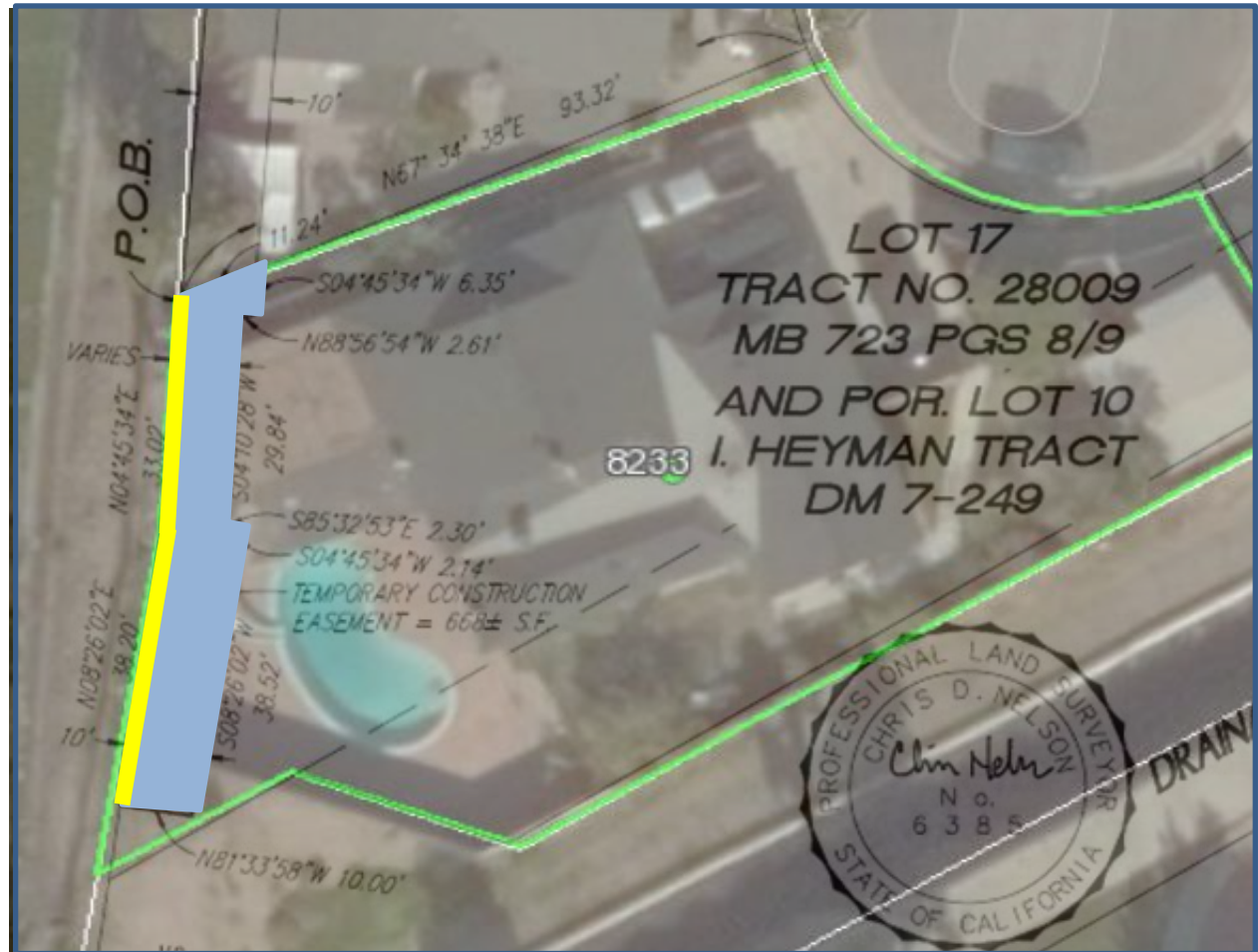
- Location:
 - I-710 Freeway in Long Beach
- Purpose:
 - Noise attenuation to residents living next to I-710 Freeway
- Property Impacts:
 - Acquisition of a Permanent Footing Easement and Temporary Construction Easement (TCE) including site improvements
 - Purpose of the TCE is for construction of a soundwall
 - TCE allows contractor access
 - Duration of TCE is 30 months

HEARING TO ADOPT RESOLUTION OF NECESSITY I-710 SOUNDWALL PACKAGE 2 PROJECT

8233 Specht Avenue, Bell Gardens, CA 90201
Parcel E-08 – Maria Garcia

Temporary
Construction
Easement

Footing
Easement



HEARING TO ADOPT RESOLUTION OF NECESSITY I-710 SOUNDWALL PACKAGE 2 PROJECT

Staff recommends the Board make the below findings and adopt the Resolution of Necessity:

- The public interest and necessity require the proposed Project;
- The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- The Property sought to be acquired is necessary for the proposed Project;
- The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- The statutory requirements necessary to acquire the property or property interest by eminent domain have been complied with by LACMTA.



Board Report

File #: 2019-0801, **File Type:** Policy

Agenda Number: 40.

**REGULAR BOARD MEETING
DECEMBER 5, 2019**

SUBJECT: ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolutions of Necessity; and
- B. ADOPTING the Resolutions of Necessity authorizing the commencement of an eminent domain action to acquire a Utility Overhang and Temporary Construction Easement from the properties identified as Parcels RM-03 (APN: 8059-029-009) and RM-06 (APN: 8059-029-029) and to acquire a Roadway Easement and Temporary Construction Easement from the property identified as Parcel RM-33 (APN: 8069-006-018). The properties listed above are herein referred to as "Properties."

(REQUIRES 2/3 VOTE OF THE BOARD)

BACKGROUND

The acquisition of the Properties is required for the construction and operation of the Rosecrans/Marquardt Grade Separation Project ("Project"). The Project will improve the safety and traffic flow of the Rosecrans Avenue and Marquardt Avenue intersection.

Written offers to purchase the Properties were delivered to the Owners of Record ("Owners") of the Properties, as required by California Government Code Section 7267.2. The Owners have not accepted the offers of Just Compensation made by the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), and the parties have not reached negotiated settlement as of this date. Since the Properties are necessary for construction of the Project, staff recommends the acquisition of the Properties through eminent domain to maintain the Project schedule.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), LACMTA has timely prepared and mailed notice of this hearing to the Owners informing them of their right to appear at this hearing and be heard on

the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury; (3) whether their respective Properties are necessary for the Project; (4) whether either the offers required by Section 7267.2 of the Government Code has been made to the Owners, or the offers have not been made because the Owners cannot be located with reasonable diligence; (5) whether environmental review of the Project has complied with the California Environmental Quality Act (CEQA) and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence has been received by LACMTA's Board from all interested parties at the hearing, LACMTA's Board must make a determination as to whether to adopt the proposed Resolutions of Necessity to acquire the Properties by eminent domain. In order to adopt the Resolutions, LACMTA's Board must, based on the evidence before it, and by a vote of two-thirds of all of its members, find and determine that the conditions stated in the items 1 - 6 above exist. Attached is evidence submitted by staff that supports adoption of the Resolutions that have been approved by counsel, which sets forth the required findings (Attachment A).

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on LACMTA's safety standards.

FINANCIAL IMPACT

The funding for the temporary construction easements, overhead easements, and the roadway easement are included in the Fiscal Year 2020 Budget for the Rosecrans/ Marquardt Grade Separation Project in Cost Center 2415 under Project Number 460066. Since this is a multi-year project, the Cost Center Manager, Project Manager and Chief of Program Management will be responsible for future fiscal year budgeting.

Impact to Budget

The FY2020 budget is designated for the Rosecrans/Marquardt Grade Separation Project and is funded with Measure R 20% Highway Capital Funds. The FY20 funds were planned and designated for this project. Design and construction of this project does not have an impact to operations funding sources.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Equity Platform Framework Consistency

Equity is afforded to property owners to engage and have a voice in the decision-making process with regards to the acquisition of their property.

Strategic Plan Consistency

The recommended Board action is consistent with LACMTA Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Acquisition of property is a required step for the ultimate construction and operation of the Rosecrans Marquardt Grade Separation Project which will provide an additional mobility option.

NEXT STEPS

If this action is approved by the Board, LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the property interest by eminent domain. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law, as necessary.

ATTACHMENTS

Attachment A - Staff Report

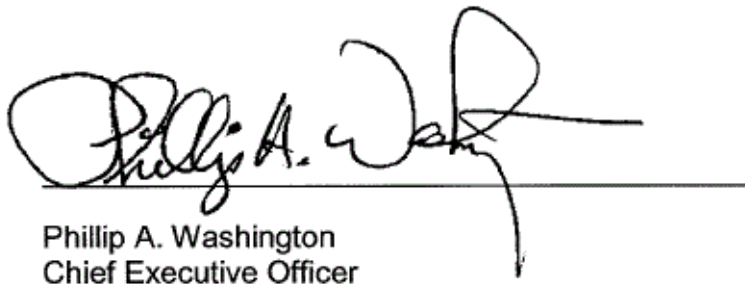
Attachment B - Resolutions of Necessity (B-1, B-2, B-3)

Prepared by: Craig Justesen, Director of Real Property Management & Development, (213) 922-7051

Velma C. Marshall, Deputy Executive Officer - Real Estate (213) 922-2415

Holly Rockwell, Senior Executive Officer, Real Property Management & Development, (213) 922-5585

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



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF PROPERTY FOR THE ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT – RM-03, RM-06 AND RM-33

BACKGROUND

The Properties are required by the Los Angeles County Transportation Authority for the construction and operation of the Rosecrans/Marquardt Grade Separation ("Project"). The address, record owners (as indicated by a title report) ("Owners"), physical description, and nature of the property interests sought to be acquired for the Project are summarized in the table below.

Assessor's Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest Sought	LACMTA Parcel Number
8059-029-009	13659 Rosecrans Avenue, Santa Fe Springs, CA 90670	Rosecrans Associates, L.P.	Rosecrans/ Marquardt Grade Separation Project	Utility Overhang Easement and Temporary Construction Easement	RM-03
8059-029-029	13733 Rosecrans Avenue, Santa Fe Springs, CA 90670	Disabled American Veterans Department of California, Inc.	Rosecrans/ Marquardt Grade Separation Project	Utility Overhang Easement and Temporary Construction Easement	RM-06
8069-006-018	13950 Rosecrans Avenue, Santa Fe Springs, CA 90670	Wilson Trust	Rosecrans/ Marquardt Grade Separation Project	Permanent Roadway Easement and Temporary Construction Easement	RM-33

A written offer to acquire the Properties were presented to the Owner or Owner's Representative by letters dated May 15, 2019 (RM-03) and April 2, 2019 (RM-06 and RM-33). LACMTA has attempted to negotiate with the Owner's and/or their attorneys, and to date, the Owners have not accepted the offers to purchase.

A. The public interest and necessity require the Project.

The purpose of the Project is to:

- 1) Improve safety;
- 2) Maintain access to the railroad for emergency responders;
- 3) Maintain existing railroad facilities and operations; and

4) Accommodate future High-Speed Rail in the corridor.

The Rosecrans/Marquardt Avenue and BNSF railroad tracks intersection experiences an average of 45,000 vehicles and 112 trains traveling through the intersection within each 24-hour period, as estimated using Los Angeles County Department of Public Works traffic data from 2011 (Los Angeles County Department of Public Works, 2015). The BNSF line serves approximately 55 long distance and local freight trains, as well as up to 57 passenger trains for both Metrolink commuter and Amtrak within a 24-hour time period (Los Angeles County Metropolitan Transportation Authority, 2016). The existing BNSF railroad tracks and roadway are at the same grade. This causes a high volume of vehicle conflicts at the intersection. In addition, the railroad crossing traverses the intersection diagonally, which results in poor sight distance between roadway and railroad vehicles.

The combination of these factors has caused the intersection to experience a higher proportion of traffic incidents than average, including fatalities. The ongoing danger has prompted the CPUC under Section 190 to rate this intersection as the most hazardous at-grade railroad crossing in the state. The completion of this Project would alleviate the existing vehicle conflicts and safety hazards at the intersection.

Motorist, cyclist, bus, and emergency vehicle access will need to be maintained at all times during construction of the Project. In addition, train volume in the BNSF corridor is anticipated to increase in the future. Additionally, a third BNSF track is planned for this corridor. The Project would facilitate continued access to and around the Project area, including access to the railroad.

The intersection of railroad and roadway infrastructure poses competing interests, which lead to collisions and accidents in the project area. To accommodate existing and planned railroad facilities and operations, the Project would elevate Rosecrans Avenue to an overpass, which would allow critical improvements along the roadway and BNSF right of way to occur.

The Project area does not currently accommodate for future HSR planned in the BNSF railroad corridor. At the conclusion of the California High-Speed Train System Tier 1 EIR/EIS, FRA and CHSRA identified the BNSF corridor as the proposed corridor for the HSR Los Angeles to Anaheim project section. FRA and CHSRA are currently conducting further Tier 2 environmental analysis and this Project would be designed to accommodate and not preclude future HSR infrastructure, minimizing time and costs between both projects.

B **The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

The Environmental Assessment evaluates the proposed action and the Project alternatives that were developed to meet the identified purpose and need of the Project. When developing alternatives, the following criteria were considered:

- Traffic impacts during construction;
- Required utility relocations;
- Access to businesses during construction;
- ROW impacts;
- Impacts to railroad operations; and
- Project costs.

Several build alternatives were considered, but only one build alternative was recognized as feasible, Alternative 2: Offset Overpass with Connector Road. The Build Alternative was identified as a suitable alternative using the criteria above. Therefore, the alternatives considered for the Project are the Alternative 1 (No Build Alternative) and one Build Alternative (Alternative 2). Resource areas evaluated for each alternative include land use, community impacts, utilities/emergency services, traffic and transportation/pedestrian and bicycle facilities, visual/aesthetics, cultural resources, water quality and storm water runoff, hazardous waste/materials, air quality, and noise. In addition, the potential cumulative impact of past, present, and reasonably foreseeable future projects in the project region are evaluated with respect to these resources.

Under Alternative 1 (No Build Alternative), the current configuration of the Rosecrans/Marquardt Avenue and BNSF railroad tracks intersection would be maintained, and the at-grade railroad crossing would remain. This alternative would not improve safety because each user (trains, vehicles, and pedestrians) would continue sharing the Rosecrans/Marquardt intersection crossing, which would not address the risk of collision. Additionally, the segment of BNSF corridor in the project area has been planned for a third set of BNSF tracks, which would require changes in roadway geometry in the project area. Existing conditions are not conducive to accommodate future HSR infrastructure. Under the No Build Alternative, construction activities would not be completed. However, this alternative would not help to achieve the desired safety or circulation improvements, and would therefore not meet the Project purpose and need.

Under Alternative 2 (Build Alternative), Rosecrans Avenue would be realigned to the south, and an overpass would be constructed to raise Rosecrans Avenue over Marquardt Avenue, the BNSF ROW, and Stage Road. The southern leg of Marquardt Avenue would be extended under the overpass and connected to Rosecrans Avenue. The northern leg of Marquardt Avenue would be connected to Stage Road. A frontage road would also be constructed to connect Anson Avenue to the northern leg of Marquardt Avenue and Stage Road.

Traffic signals would be installed along Rosecrans Avenue: one at the intersection with Marquardt Avenue to the west, and one to the east of the overpass at the intersection with Iseli Road. Other improvements include sidewalk construction, street lighting installation, landscape installation/replacement, parking lot reconfiguration, and utility relocations. Alternative 2 would require full acquisition of eight properties, including six industrial properties and two commercial properties (Sierra Plaza and VCA Animal Hospital), and various partial and temporary easements, including seven roadway easements, one footing easement, one utility easement, and 15 temporary construction easements (TCEs). Construction would be completed over an approximately 24-month period.

Improvements considered under Alternative 2 would meet the purpose and need of the Project. Connectivity between Rosecrans Avenue, Marquardt Avenue, Stage Road, and Anson Avenue would be maintained through the use of signalized intersections. Utilities in the existing roadway would remain in their existing alignment, minimizing the duration of construction. Proposed transportation structures would be located outside of the BNSF ROW, so that a third set of BNSF tracks and future HSR tracks would be accommodated. The majority of construction activities under this alternative would be completed outside of the existing Rosecrans Avenue footprint in order to meet the purpose and need element, “maintain access to the railroad for emergency responders”, which includes access during Project construction. Access disruptions to residents, businesses, and the community during construction would be minimized to the maximum extent feasible. Operation of Alternative 2 would enhance mobility and quality of life for the community. Therefore, the Project would help achieve the desired safety and circulation improvements, and would meet the Project purpose and need.

C. The Properties are Necessary for the Project.

The Properties are required for the construction of the overhead pass over Marquardt Avenue and realigning Rosecrans Avenue to the south. The selected alignment is critical in connecting Rosecrans Avenue, Marquardt Avenue, Stage Road, and Anson Avenue.

Staff recommends that the Board find that the acquisition of the Properties is necessary for the Project.

D. Offers were made in compliance with Government Code Section 7267.2.

California Code of Civil Procedure section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by section 7267.2 of the California Government Code has been made to the owner(s) of record, or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

California Government Code section 7267.2 requires that an offer be made to the owner or to the owner(s) of record and in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of

the fair market value of the property. In addition, the agency is required to provide the owner(s) with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Properties:

1. Obtained appraisals to determine the fair market value of the Properties, which included consideration of any immovable fixtures and equipment as appropriate;
2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation for the Properties;
3. Determined the owner(s) of the Properties by examining the county assessor's record and the title report;
4. Made written offers to the Owners for the full amount of just compensation - which was not less than the approved appraised values; and
5. Provided the Owners with written statements of, and summaries of the basis for, the amounts established as just compensation with respect to the foregoing offer.

It is recommended that based on the above evidence, the Board find and determine that the offers required by Section 7267.2 of the California Government Code have been made to the owner(s) of record.

E. LACMTA has fulfilled the necessary statutory prerequisites.

LACMTA is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

F. CEQA/NEPA Compliance

As per Section 21080.13 of CEQA, all railroad grade separation projects are exempt under CEQA; as such this project has been statutory exempted from CEQA. The Notice of Exemption was given February 29, 2016 from the Governor's Office of Planning & Research. The Draft Environmental Assessment report was issued by the Federal Railroad Administration (FRA) in April 2018, pursuant to 42 USC § 4332, 49 USC § 303 and 64 FR 28545.

Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

CONCLUSION

Staff recommends that the Board adopt the Resolutions of Necessities.

**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF FOR
THE ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT PARCEL
RM-03**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA") is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interests described hereinafter is to be taken for public use, namely, for the Rosecrans/Marquardt Project ("Project") and for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13, 130220.5, and 132610, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The property interests consist of the acquisition of a Utility Overhang Easement and a Temporary Construction Easement as described more specifically in the Legal Descriptions (Exhibit A and Exhibit A-1) and depicted on the Plat Maps (Exhibit B and Exhibit B-1), attached hereto (hereinafter the "Property"), incorporated herein by this reference.

Section 4.

(a) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the Project;

(b) As per Section 21080.13 of CQA, all railroad grade separation projects are exempt under CEQA. The Notice of Exemption was given February 29, 2016 from the Governor's Office of Planning & Research. The Draft Environmental Assessment report was issued by the Federal Railroad Administration (FRA) in

April 2018, pursuant to 42 USC § 4332, 49 USC § 303 and 64 FR 28545.

Accordingly, LACMTA has fulfilled the necessary prerequisites to acquire the Property by eminent domain.

Section 5.

The Board hereby declares that it has found and determined each of the following:

- (a) The public interest and necessity require the proposed Project;
- (b) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (d) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- (e) The California Environmental Quality does not apply to railroad grade separation projects which eliminate an existing grade crossing, and therefore no environmental document is required for this Project.

Section 6.

Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

The notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court.

Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property.

Counsel is further authorized to compromise and settle, subject to approval by the Board when required, such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELE JACKSON, Secretary of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 5th day of December, 2019.

MICHELE JACKSON
LACMTA Secretary

Date: _____

ATTACHMENTS

- 1 - Legal Descriptions (Exhibit "A" and Exhibit "A-1")
- 2 - Plat Maps (Exhibit "B" and Exhibit "B-1")

**EXHIBIT A
UTILITY OVERHANG EASEMENT
LEGAL DESCRIPTION**

PARCEL A (A.P.N. 8059-029-009)

THAT PORTION OF THE LAND, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED IN THE GRANT DEED RECORDED JANUARY 30, 2002 AS INSTRUMENT NO. 02-0232047, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING A 5.00 FOOT WIDE STRIP OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LAND;

THENCE ALONG THE WESTERLY LINE OF SAID LAND NORTH 00°22'54" WEST, 5.00 FEET TO A LINE THAT IS PARALLEL WITH AND 5.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, OF THE SOUTHERLY LINE OF SAID LAND;

THENCE LEAVING SAID WESTERLY LINE AND ALONG SAID PARALLEL LINE NORTH 89°37'06" EAST, 100.00 FEET TO THE EASTERLY LINE OF SAID LAND;

THENCE LEAVING SAID PARALLEL LINE AND ALONG SAID EASTERLY LINE SOUTH 00°24'45" EAST, 5.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND;

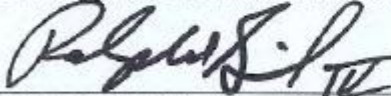
THENCE LEAVING SAID EASTERLY LINE AND ALONG SAID SOUTHERLY LINE SOUTH 89°37'06" WEST, 100.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 500 SQUARE FEET OR 0.011 ACRES, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD, IF ANY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



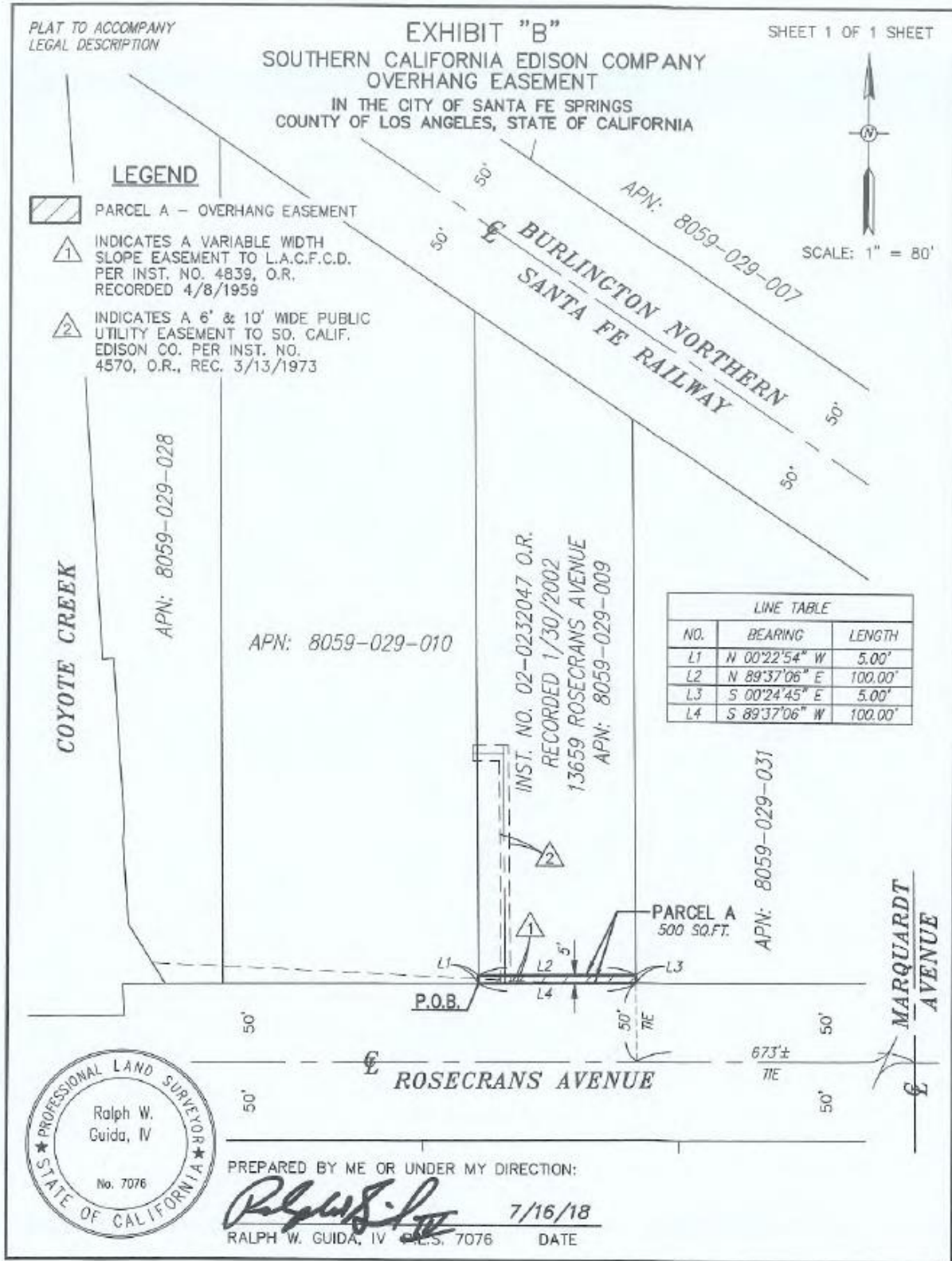
RALPH W. GUIDA, IV, P.L.S. 7076

7/16/18

DATE



EXHIBIT B
 Plat Map of the Required Parcel – Utility Overhang Easement



**EXHIBIT A-1
TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION**

PARCEL A (TEMPORARY CONSTRUCTION EASEMENT)

THAT PORTION OF THE LAND DESCRIBED IN A DEED TO ROSECRANS ASSOCIATES, L.P., A CALIFORNIA LIMITED PARTNERSHIP, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER DOCUMENT RECORDED JANUARY 30, 2002, AS INSTRUMENT NO. 02-0232047, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LAND AS DESCRIBED IN SAID INSTRUMENT, SAID CORNER ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF ROSECRANS AVENUE, 100 FEET WIDE;

THENCE ALONG THE WESTERLY LINE OF SAID LAND AS DESCRIBED IN SAID INSTRUMENT NORTH 00°24'45" WEST, 80.20 FEET;

THENCE LEAVING SAID WESTERLY LINE NORTH 90°00'00" EAST 7.00 FEET;

THENCE SOUTH 00°24'45" EAST 9.08 FEET;

THENCE NORTH 89°35'15" EAST 37.78 FEET;

THENCE SOUTH 00°20'12" EAST 61.00 FEET;

THENCE NORTH 89°39'26" EAST 55.30' FEET TO THE EASTERLY LINE OF SAID LAND;

THENCE ALONG SAID EASTERLY LINE SOUTH 00°24'45" EAST 10.06 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND, SAID CORNER BEING ON SAID NORTHERLY LINE OF ROSECRANS AVENUE, 100.00 FEET WIDE

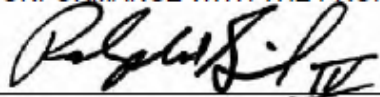
THENCE ALONG SAID NORTHERLY LINE OF SAID ROSECRANS AVENUE SOUTH 89°37'06" WEST 100.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 3,801 SQUARE FEET OR 0.087 ACRES, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD, IF ANY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



RALPH W. GUIDA, IV, P.L.S. 7076

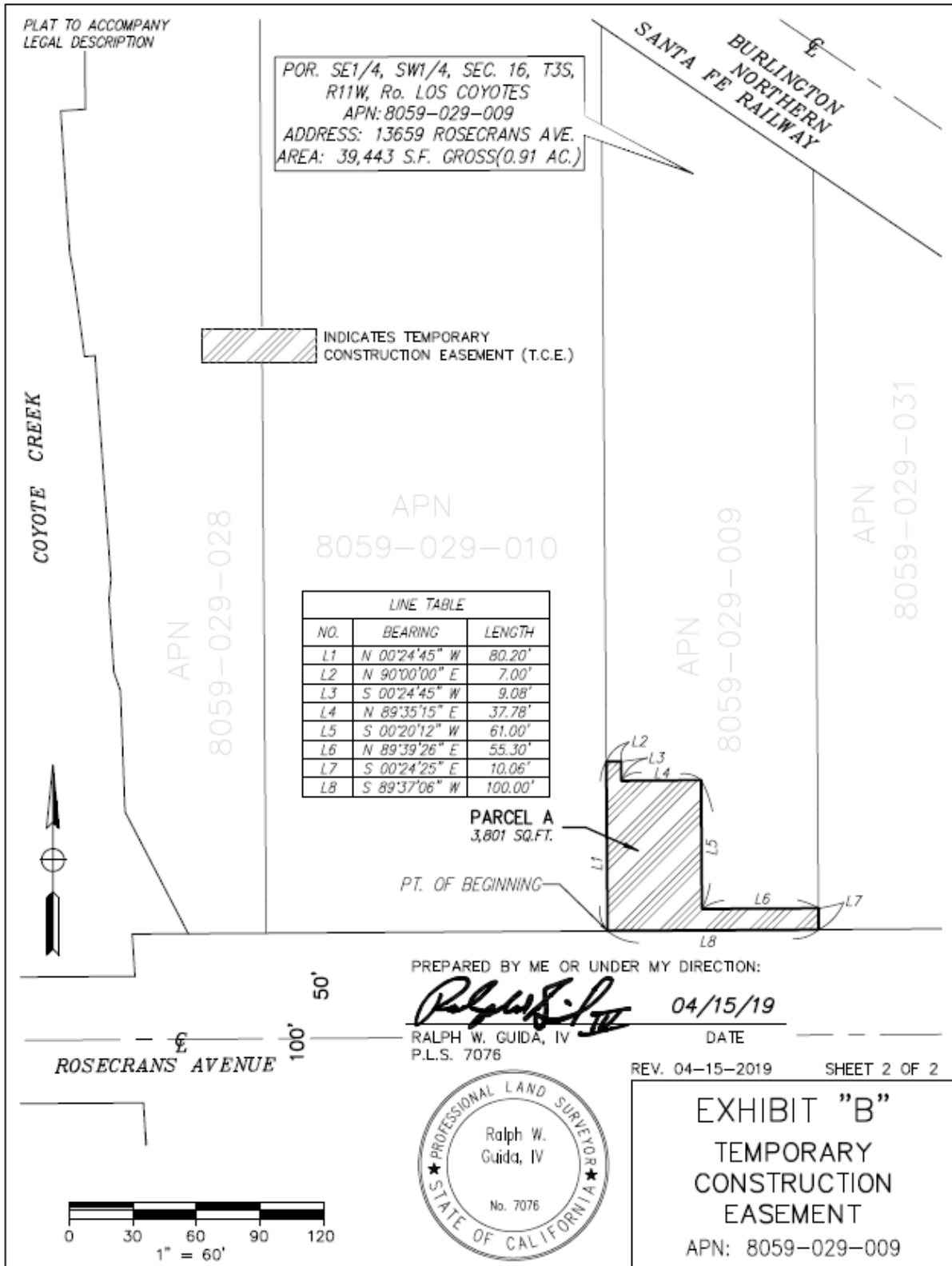
2019/04/15

DATE



EXHIBIT B-1

Plat Map of the Required Parcel – Temporary Construction Easement



**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF FOR
THE ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT PARCEL
RM-06**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA") is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interests described hereinafter is to be taken for public use, namely, for the Rosecrans/Marquardt Project ("Project") and for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13, 130220.5, and 132610, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The property interests consist of the acquisition of a Utility Overhang Easement and a Temporary Construction Easement as described more specifically in the Legal Descriptions (Exhibit A and Exhibit A-1) and depicted on the Plat Maps (Exhibit B and Exhibit B-1), attached hereto (hereinafter the "Property"), incorporated herein by this reference.

Section 4.

(c) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the Project;

(d) As per Section 21080.13 of CQA, all railroad grade separation projects are exempt under CEQA. The Notice of Exemption was given February 29, 2016 from the Governor's Office of Planning & Research. The Draft Environmental Assessment report was issued by the Federal Railroad Administration (FRA) in

April 2018, pursuant to 42 USC § 4332, 49 USC § 303 and 64 FR 28545.

Accordingly, LACMTA has fulfilled the necessary prerequisites to acquire the Property by eminent domain.

Section 5.

The Board hereby declares that it has found and determined each of the following:

- (f) The public interest and necessity require the proposed Project;
- (g) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (h) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (i) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- (j) The California Environmental Quality does not apply to railroad grade separation projects which eliminate an existing grade crossing, and therefore no environmental document is required for this Project.

Section 6.

Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

The notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court.

Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property.

Counsel is further authorized to compromise and settle, subject to approval by the Board when required, such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELE JACKSON, Secretary of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 5th day of December, 2019.

MICHELE JACKSON
LACMTA Secretary

Date: _____

ATTACHMENTS

- 1 - Legal Descriptions (Exhibit "A" and Exhibit "A-1")
- 2 - Plat Maps (Exhibit "B" and Exhibit "B-1")

**EXHIBIT A
UTILITY OVERHANG EASEMENT
LEGAL DESCRIPTION**

PARCEL A (A.P.N. 8059-029-029)

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 21514, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 238, PAGES 61 AND 62, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL 1, SAID CORNER BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF ROSECRANS AVENUE, 100.00 FEET WIDE;

THENCE ALONG THE GENERALLY WESTERLY LINE OF SAID PARCEL 1 NORTH 00°22'54" WEST, 5.00 FEET TO A LINE THAT IS PARALLEL WITH AND 5.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, OF THE SOUTHERLY LINE OF SAID PARCEL 1;

THENCE LEAVING SAID GENERALLY WESTERLY LINE AND ALONG SAID PARALLEL LINE NORTH 89°37'06" EAST, 163.41 FEET;

THENCE LEAVING SAID PARALLEL LINE NORTH 63°20'00" EAST, 8.48 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL 1;

THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 55°52'34" EAST, 6.87 FEET TO A LINE THAT IS PARALLEL WITH AND 6.00 FEET SOUTHEASTERLY, MEASURED AT RIGHT ANGLES, OF THE LAST SAID COURSE DESCRIBED AS "NORTH 63°20'00" EAST, 8.48 FEET";

THENCE LEAVING SAID NORTHEASTERLY LINE AND ALONG LAST SAID PARALLEL LINE SOUTH 63°20'00" WEST, 8.76 FEET;

THENCE LEAVING LAST SAID PARALLEL LINE SOUTH 00°22'54" EAST, 0.98 FEET TO SAID SOUTHERLY LINE;

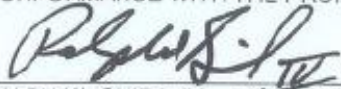
THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°37'06" WEST, 168.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 885 SQUARE FEET OR 0.020 ACRES, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD, IF ANY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



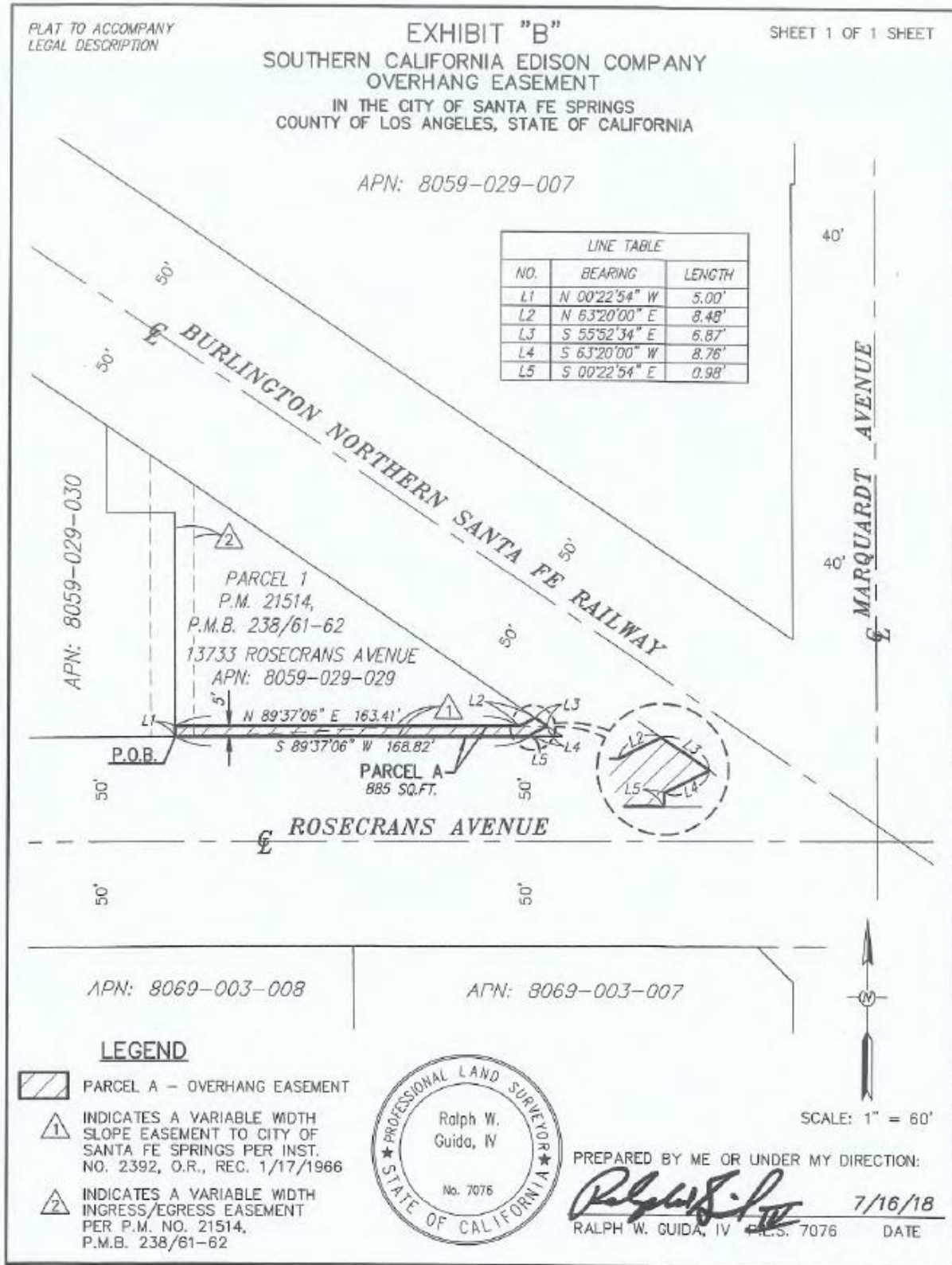
RALPH W. GUIDA, IV, P.L.S. 7076

7/16/18

DATE



EXHIBIT B
 Plat Map of the Required Parcel – Utility Overhang Easement



**EXHIBIT A-1
TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION**

PARCEL A (TEMPORARY CONSTRUCTION EASEMENT)

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 21514, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 238, PAGES 61 AND 62 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID PARCEL 1;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1 NORTH 00°22'54" WEST 10.00 FEET;

THENCE LEAVING SAID WESTERLY LINE NORTH 89°37'06" EAST, 23.61 FEET;

THENCE SOUTH 00°17'40" EAST, 3.16 FEET;

THENCE NORTH 89°41'36" EAST, 59.78 FEET;

THENCE NORTH 00°18'22" WEST, 3.23 FEET;

THENCE NORTH 89°37'06" EAST, 85.81 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL 1;

THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 55°52'34" EAST, 17.65 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL 1;

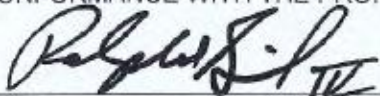
THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 SOUTH 89°37'06" WEST 183.75 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1,574 SQUARE FEET OR 0.036 ACRES, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD, IF ANY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.


RALPH W. GUIDA, IV, P.L.S. 7076

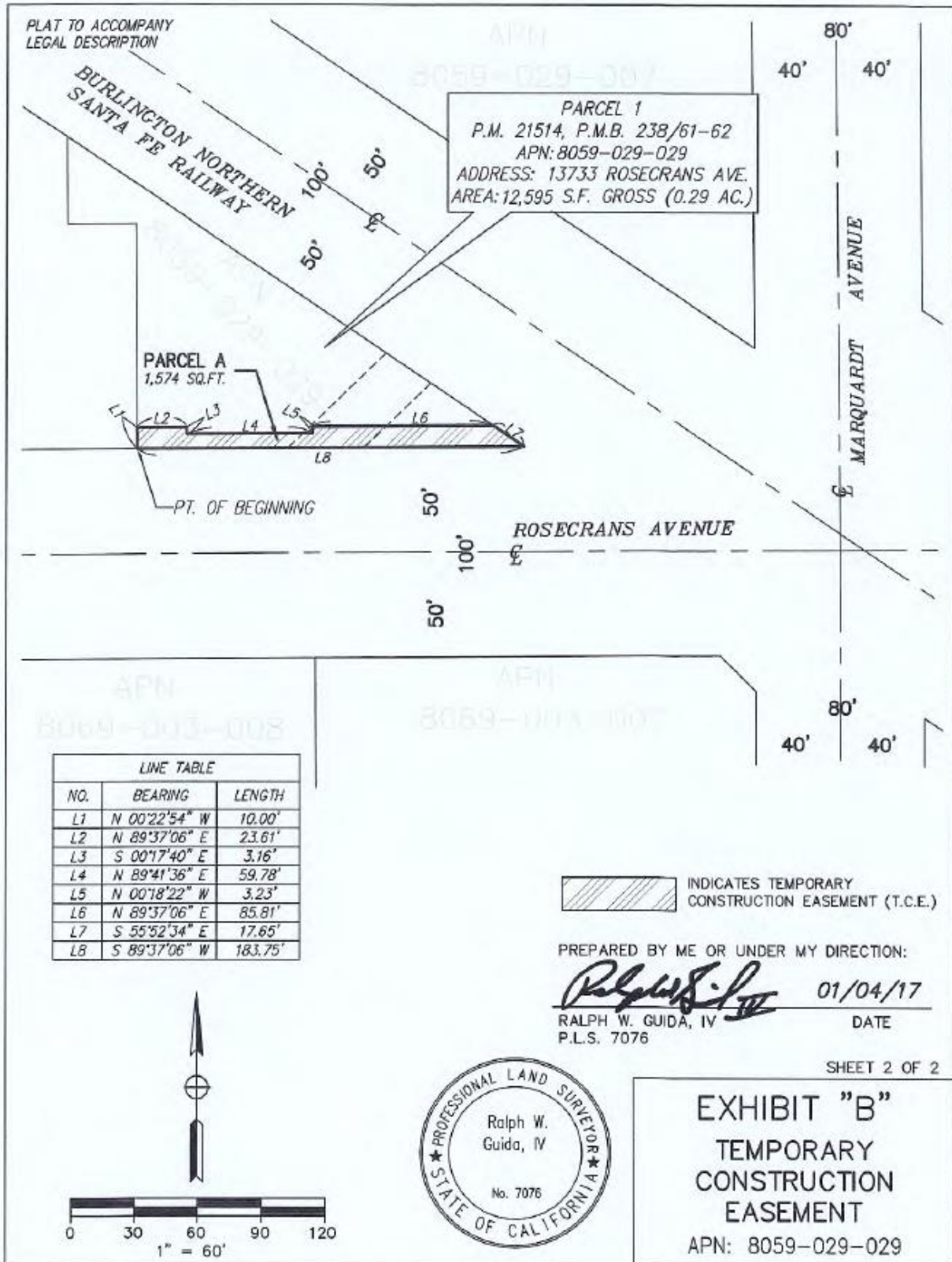
1/4/17

DATE



EXHIBIT B-1

Plat Map of the Required Parcel – Temporary Construction Easement



**RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF FOR
THE ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT PARCEL
RM-33**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA") is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interest described hereinafter is to be taken for public use, namely, for the Rosecrans/Marquardt Project ("Project") and for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13, 130220.5, and 132610, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The property interests consist of the acquisition of a Permanent Roadway Easement and a Temporary Construction Easement as described more specifically in the Legal Descriptions (Exhibit A and Exhibit A-1) and depicted on the Plat Maps (Exhibit B and Exhibit B-1), attached hereto (hereinafter the "Property"), incorporated herein by this reference.

Section 4.

(e) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the Project;

(f) As per Section 21080.13 of CQA, all railroad grade separation projects are exempt under CEQA. The Notice of Exemption was given February 29, 2016 from the Governor's Office of Planning & Research. The Draft Environmental Assessment report was issued by the Federal Railroad Administration (FRA) in

April 2018, pursuant to 42 USC § 4332, 49 USC § 303 and 64 FR 28545.

Accordingly, LACMTA has fulfilled the necessary prerequisites to acquire the Property by eminent domain.

Section 5.

The Board hereby declares that it has found and determined each of the following:

- (k) The public interest and necessity require the proposed Project;
- (l) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (m) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (n) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- (o) The California Environmental Quality does not apply to railroad grade separation projects which eliminate an existing grade crossing, and therefore no environmental document is required for this Project.

Section 6.

Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

The notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of the Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court.

Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property.

Counsel is further authorized to compromise and settle, subject to approval by the Board when required, such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELE JACKSON, Secretary of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 5th day of December, 2019.

MICHELE JACKSON
LACMTA Secretary

Date: _____

ATTACHMENTS

- 1 - Legal Descriptions (Exhibit "A" and Exhibit "A-1")
- 2 - Plat Maps (Exhibit "B" and Exhibit "B-1")

**EXHIBIT A
ROADWAY EASEMENT
LEGAL DESCRIPTION**

PARCEL A (ROADWAY EASEMENT)

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 6777, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 71, PAGES 74 AND 75, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 1;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1 SOUTH 00°29'13" EAST, 11.13 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 699.00 FEET, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS NORTH 10°08'30" WEST;

THENCE LEAVING SAID WESTERLY LINE AND EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°46'02" AN ARC LENGTH OF 119.16 FEET;

THENCE NORTH 89°37'32" EAST, 30.00 FEET;

THENCE NORTH 83°22'16" EAST, 9.18 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL 1;

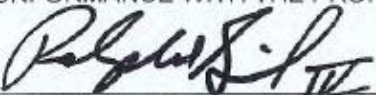
THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1 SOUTH 89°37'32" WEST, 157.73 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 553 SQUARE FEET OR 0.013 ACRES, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD, IF ANY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



RALPH W. GUIDA, IV, P.L.S. 7076

1/4/17
DATE



EXHIBIT B

Plat Map of the Required Parcel – Roadway Easement

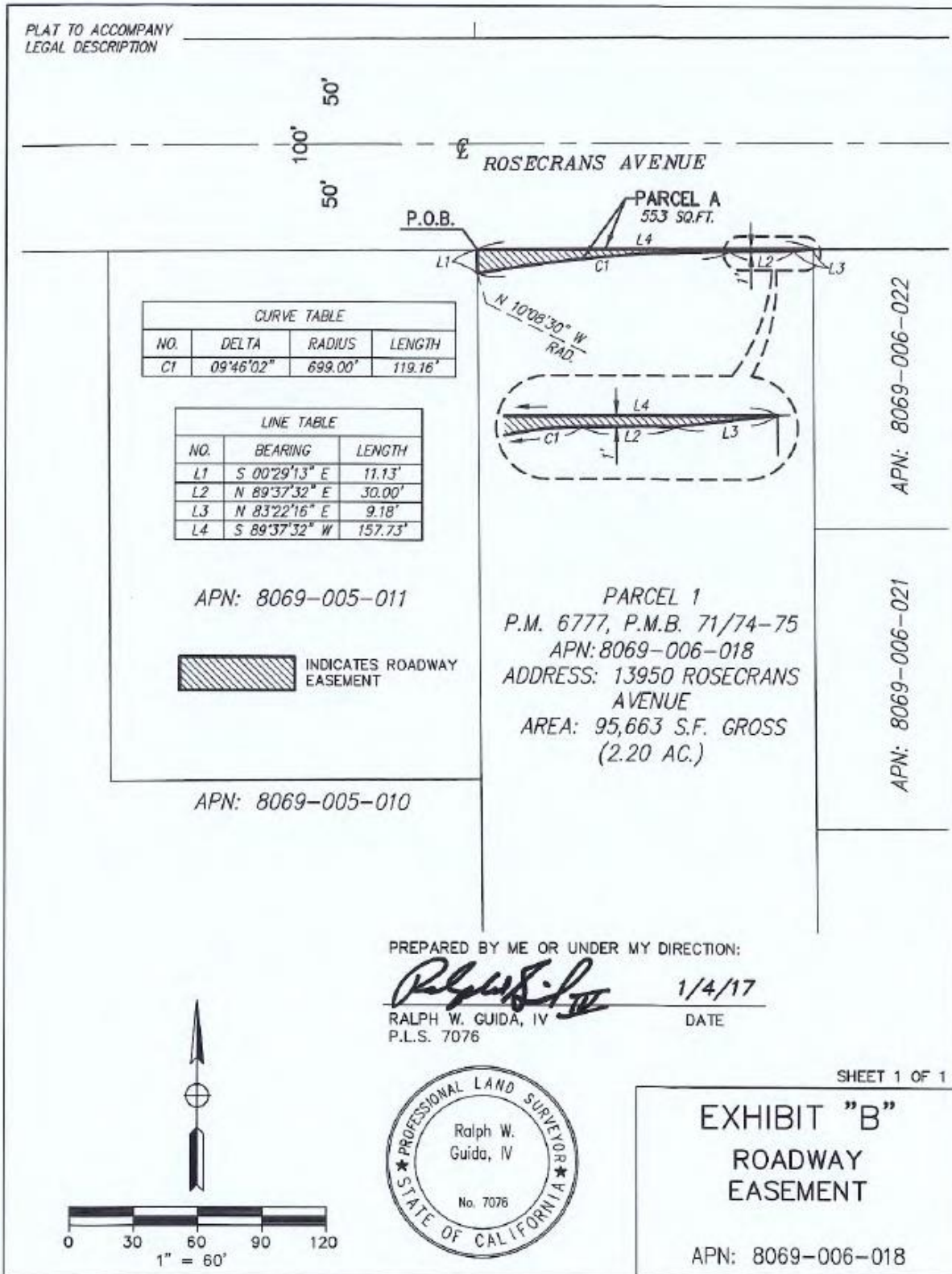


EXHIBIT A-1
TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION

PARCEL A (TEMPORARY CONSTRUCTION EASEMENT)

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 6777, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP FILED IN BOOK 71, PAGES 74 AND 75, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 1;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1 SOUTH 00°29'13" EAST, 11.13 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 699.00 FEET, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS NORTH 10°08'30" WEST, SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID WESTERLY LINE AND EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°46'02" AN ARC LENGTH OF 119.16 FEET;

THENCE NORTH 89°37'32" EAST, 30.00 FEET;

THENCE NORTH 83°22'16" EAST, 9.18 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL 1;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1 SOUTH 00°29'13" EAST, 16.40 FEET;

THENCE LEAVING SAID EASTERLY LINE SOUTH 89°30'47" WEST, 50.10 FEET;

THENCE NORTH 00°28'53" WEST, 6.33 FEET;

THENCE SOUTH 89°31'07" WEST, 71.41 FEET;

THENCE SOUTH 00°28'39" EAST, 5.08 FEET;

THENCE SOUTH 76°12'29" WEST, 29.00 FEET;

THENCE SOUTH 00°29'13" EAST, 28.32 FEET;

THENCE SOUTH 89°30'47" WEST, 8.00 FEET TO SAID WESTERLY LINE;

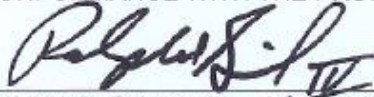
THENCE ALONG SAID WESTERLY LINE NORTH 00°29'13" WEST, 39.31 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1,935 SQUARE FEET OR 0.044 ACRES, MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY, AND EASEMENTS OF RECORD, IF ANY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

THIS DOCUMENT HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.



RALPH W. GUIDA, IV, P.L.S. 7076

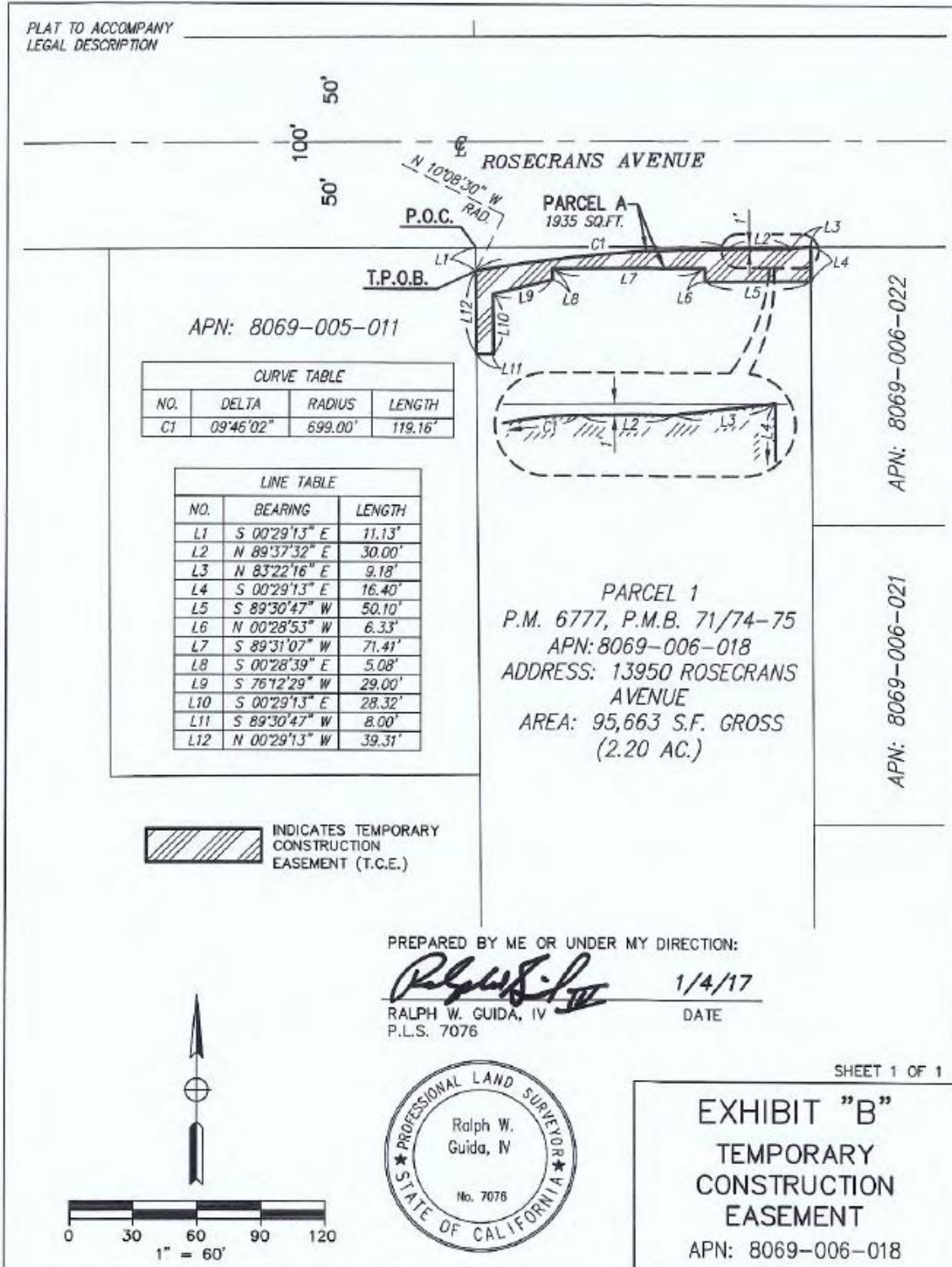
1/4/17

DATE



EXHIBIT B-1

Plat Map of the Required Parcel – Temporary Construction Easement



HEARING TO ADOPT RESOLUTIONS OF NECESSITY

ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT

BOARD MEETING, DECEMBER 5, 2019

ITEM # 40

HEARING TO ADOPT RESOLUTIONS OF NECESSITY ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT

- Location:

- Rosecrans/Marquardt Avenue intersection in the City of Santa Fe Springs

- Purpose:

- Improve safety, eliminate delays and enhance the environment
- Maintain access to the railroad for emergency responders
- Accommodate future High-Speed Rail in the corridor

Property Impacts:

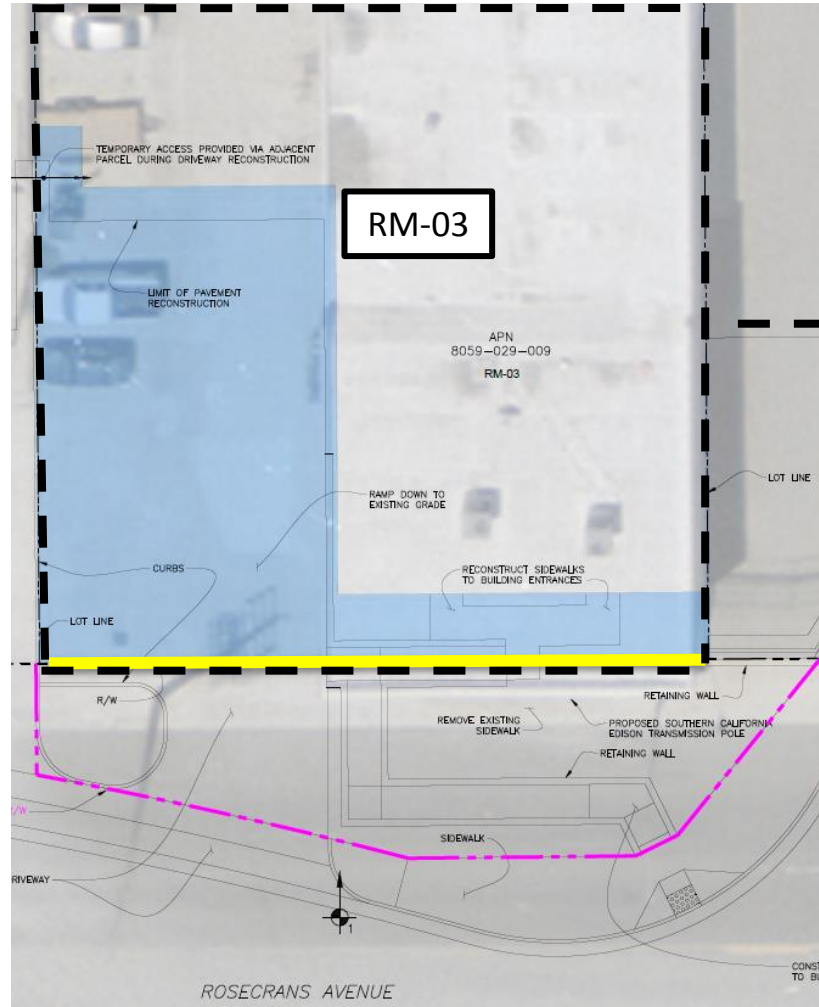
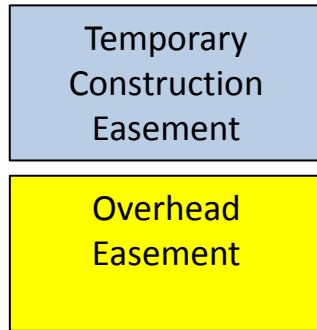
- Acquisition of Permanent Roadway Easements, Temporary Construction Easements (TCE) and site improvements, and Overhang Easements
- Duration of TCE is 54 months
- Purpose of the TCE is allow contractor access to grade driveways/parking lots and construct sidewalks

HEARING TO ADOPT RESOLUTION OF NECESSITY ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT

13659 Rosecrans Avenue, Santa Fe Springs, CA 90670

RM-03 – Rosecrans Associates, L.P.

Temporary Construction Easement and Overhang Easement



HEARING TO ADOPT RESOLUTION OF NECESSITY ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT

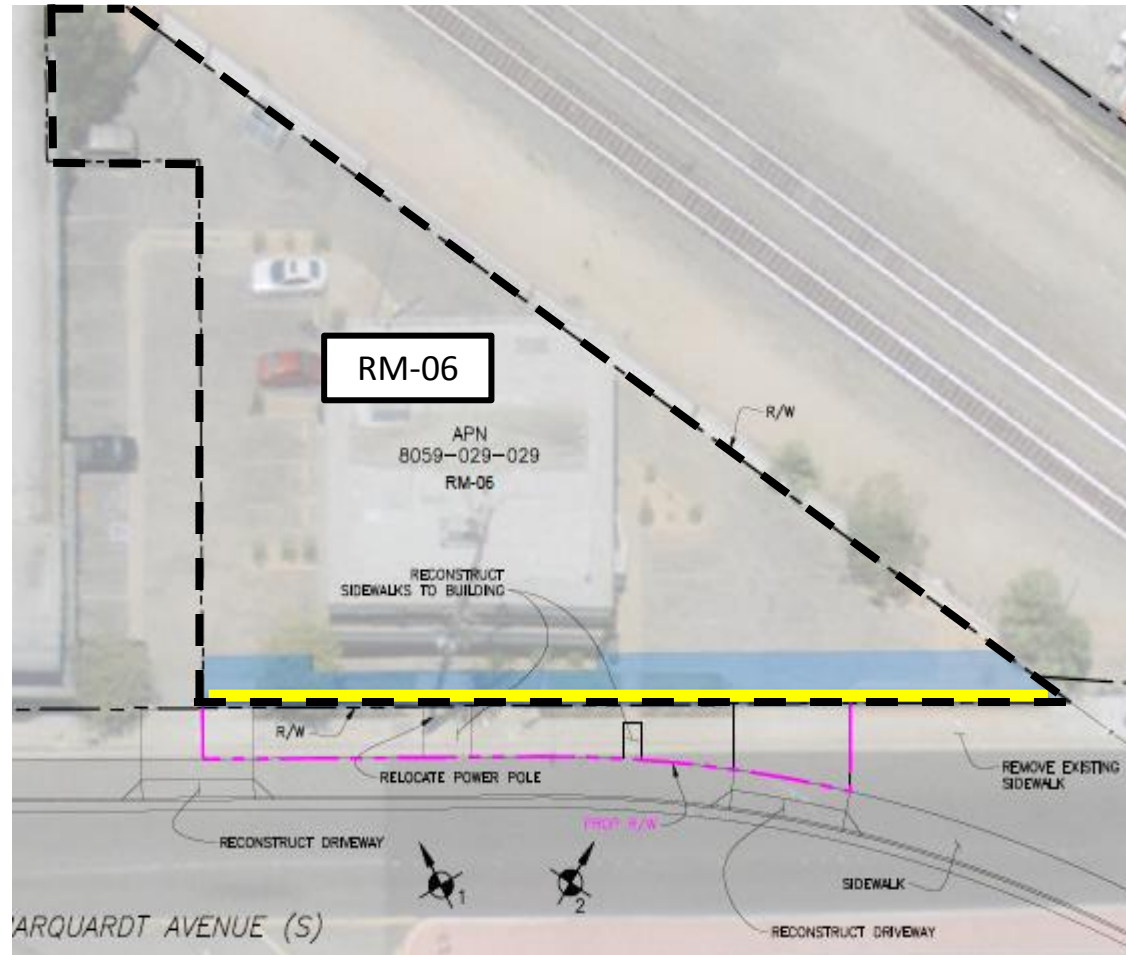
13733 Rosecrans Avenue, Santa Fe Springs, CA 90670

RM-06 – Disabled American Veterans Department of California, Inc.

Temporary Construction Easement and Overhang Easement

Temporary Construction Easement

Overhead Easement



HEARING TO ADOPT RESOLUTION OF NECESSITY ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT

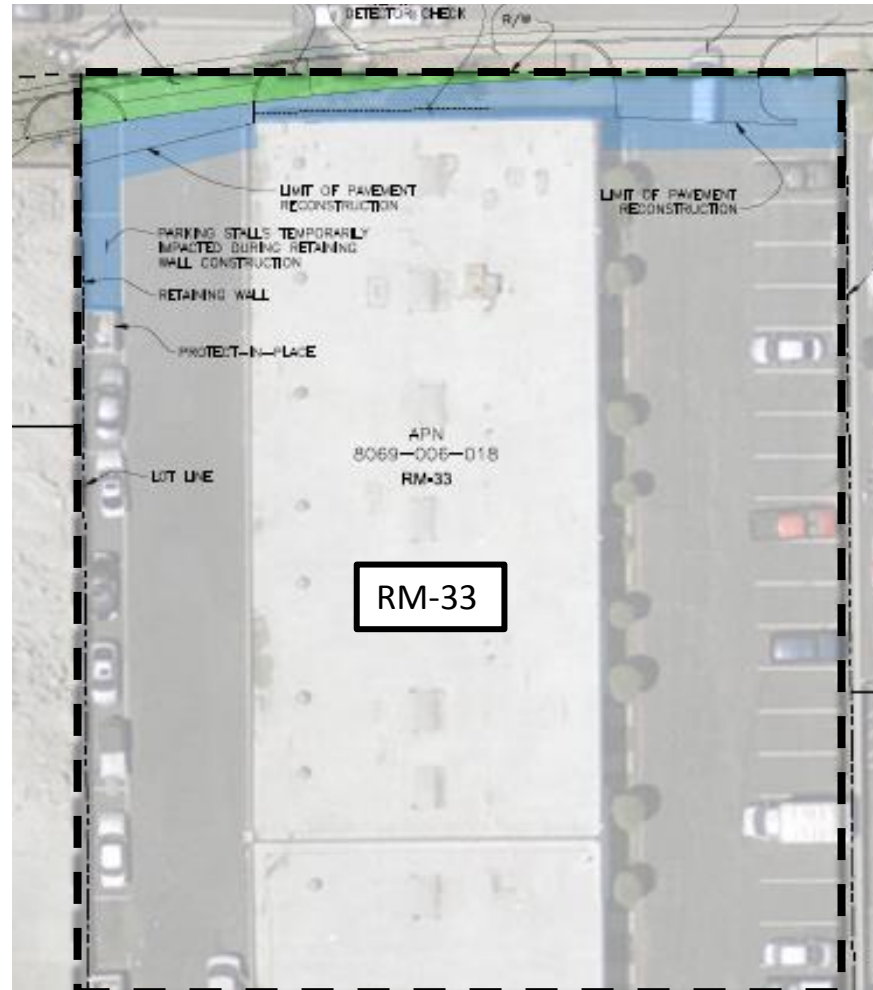
13950 Rosecrans Avenue, Santa Fe Springs, CA 90670

RM-33 – Wilson Trust

Temporary Construction Easement (TCE) and Roadway Easement

Roadway
Easement

Temporary
Construction
Easement



HEARING TO ADOPT RESOLUTIONS OF NECESSITY ROSECRANS/MARQUARDT GRADE SEPARATION PROJECT

Staff recommends the Board make the below findings and adopt the Resolutions of Necessity:

- The public interest and necessity require the proposed Project;
- The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- The Property sought to be acquired is necessary for the proposed Project;
- The offer required by Section 7267.2 of the Government Code has been made to the Owner; and
- The statutory requirements necessary to acquire the property or property interest by eminent domain have been complied with by LACMTA.