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Agenda - Final

Thursday, February 23, 2023

10:00 AM

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

Board of Directors - Regular Board Meeting

Ara J. Najarian, Chair

Jacquelyn Dupont-Walker, 1st Vice Chair

Janice Hahn, 2nd Vice Chair

Kathryn Barger

Karen Bass

James Butts

Fernando Dutra

Lindsey Horvath

Paul Krekorian

Holly J. Mitchell

Tim Sandoval

Hilda Solis

Gloria Roberts (Interim), non-voting member

Stephanie Wiggins, Chief Executive Officer

METROPOLITAN TRANSPORTATION AUTHORITY BOARD AGENDA RULES

(ALSO APPLIES TO BOARD COMMITTEES)

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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.

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

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

La Reunion de la Junta comienza a las 10:00 AM, hora del Pacifico, el 23 de Febrero de 2023. Puedes unirte a la llamada 5 minutos antes del comienso de la junta.

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Written public comments must be received by 5PM the day before the meeting. Please include the Item # in your comment and your position of "FOR," "AGAINST," "GENERAL COMMENT," or "ITEM NEEDS MORE CONSIDERATION."

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Board Administration

One Gateway Plaza

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Los Angeles, CA 90012

CALL TO ORDER

ROLL CALL

- 1. APPROVE Consent Calendar Items: 2, 5, 6, 7, 8, 10, 10.1, 11, 14, 15, 19, 21, 22, and 23.

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

All Consent Calendar items are listed at the end of the agenda, beginning on page 8.

NON-CONSENT

- 3. **SUBJECT: REMARKS BY THE CHAIR** [2023-0114](#)

RECOMMENDATION

RECEIVE remarks by the Chair.

- 4. **SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER** [2023-0115](#)

RECOMMENDATION

RECEIVE report by the Chief Executive Officer.

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

- 18. **SUBJECT: SMALL BUSINESS BONDING ASSISTANCE PROGRAM** [2022-0786](#)

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to approve a no cost Memorandum of Understanding (MOU) with the City of Los Angeles (City) for participation in the City’s Contractor Development and Bonding Assistance Program;
- B. AUTHORIZING the Chief Executive Officer to award a Contract to Merriwether & Williams Insurance Services (MWIS) for a not to exceed amount of \$2,650,780 for a three-year Bonding Assistance Program, effective March 1, 2023 to February 28, 2026, which piggy-backs on the City of Los Angeles’ contract; and

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

- C. ADOPTING a resolution, Attachment A, authorizing the Chief Executive Officer and other Authorized Officers to continue the \$4,000,000 line of credit with Bank of America at a cost of \$18,000 per year, for three

the Board, and report on findings and recommendations of the study in September 2023 (with the understanding that the disparity study may still be in progress).

- B. Report back on the potential application of cultural competency requirements in contractor and staff training related to working with historically underutilized populations in the trades, with a focus on tradeswomen, as well as similar qualitative metrics that can be used in Metro's proposal evaluation and contracting processes; and
- C. Report back on the feasibility of creating bid preference incentives that can be applied to increase the number of women working on Metro funded construction projects, while not compromising the Agency's race conscious contracting goals, including but not limited to: the history of a contractor's compliance with Metro's Female Utilization Goal; supporting working parents with the availability of dependent care spending account benefits in addition to access to child care; and working with organizations such as Women in Non-Traditional Employment Roles (W.I.N.T.E.R) to apply best practices in future contracts etc.

30. SUBJECT: IMPROVING COMMUNITY HEALTH AND SAFETY AT WESTLAKE/MACARTHUR PARK STATION MOTION

[2023-0127](#)

RECOMMENDATION

APPROVE Motion by Directors Solis, Dupont-Walker, Mitchell, Hahn, and Horvath that the Board direct the Chief Executive Officer or her designee to provide a report back in June 2023 that includes a plan for implementing care-centered strategies to improve community safety and health at the Westlake/MacArthur Plaza Station and nearby transit stops. The report should consider the following:

- A. Summarizing social climate insights and feedback themes from a review of past surveys, community meetings/workshops, focus groups, and/or socioeconomic data;
- B. Conducting language-inclusive station customer experience (CX) research involving transit riders, frontline workers, and community members to identify their priorities and preferences for transit station and stop amenities and uses;
- C. Identifying and comparing different pilot model options to bring care-centered strategies to this station by total cost, timeline, partnerships needed, and community benefit; and
- D. Developing recommendations for implementing identified strategies at existing and future Metro transit stations and stops, including potential funding sources.

31. SUBJECT: BLUE LINE SERVICE HUB IN LONG BEACH MOTION [2023-0130](#)

RECOMMENDATION

APPROVE Motion by Directors Hahn, Bass, Solis, and Dutra that the Board direct the Chief Executive Officer to engage the Los Angeles Homeless Services Authority (LAHSA), as well as the County of Los Angeles and City of Long Beach, in order to implement a new homeless service hub in Long Beach along the Metro Blue Line that can address issues associated with the End of Line policy. Further, we direct the CEO to provide an update on this effort in the April 2023 report back, including a public summary document that offers (a) a rationale for a selected service hub location, (b) a plan for operations, and (c) strategies for addressing anticipated challenges.

32. SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT LINE PILOT BUSINESS INTERRUPTION FUND MOTION [2023-0131](#)

RECOMMENDATION

APPROVE Motion by Directors Krekorian, Najarian, Horvath, and Barger that the Board direct Metro to complete a comprehensive assessment of the Pilot Business Interruption Fund program and report back in March with recommendations on how the Pilot BIF could be applied to address local business impacts created by the construction of the East San Fernando Valley Light Rail Transit Line Project.

END OF NON-CONSENT

33. SUBJECT: CLOSED SESSION [2023-0117](#)

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

- Chom Ae Chong v. LACMTA, Case No. 19STCV21175

CONSENT CALENDAR

2. SUBJECT: MINUTES [2023-0113](#)

RECOMMENDATION

APPROVE Minutes of the Regular Board Meeting held January 26, 2023.

Attachments: [Regular Board Meeting MINUTES - January 26, 2023](#)
[January 2023 Public Comments](#)

PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING RECOMMENDATION (5-0):

- 5. SUBJECT: NEW SR-710 NORTH MOBILITY IMPROVEMENT PROJECTS**

[2022-0573](#)

RECOMMENDATIONS

CONSIDER:

- A. APPROVING the list of new eligible SR-710 North Mobility Improvement Projects (MIPs) recommended for Board approval (Attachment A),
- B. AUTHORIZING the Chief Executive Officer or their designee to:
 - 1. APPROVE changes in the number, scope, program schedule (allocations and cashflows) and cost estimate for each project within the overall MIP program budget and individual MIP Sponsor allocation;
 - 2. AMEND the MIP Funding Agreements to modify scopes of work consistent with the MIP eligibility requirements; and
 - 3. EXTEND lapse dates for the MIP Funding Agreements when subject to expire to meet environmental, design, right-of-way, and construction time frames.

Attachments: [Attachment A - Mobility Improvement Projects Recommended](#)
[Attachment B - Motion 35: Clarifying Eligible Uses for SR-710 North MIPs](#)
[Attachment C - Project Sponsor Submittals](#)
[Attachment D - Motion 29.1: SR-710 N \(Related to Item 29: File ID# 2017-0097\)](#)
[Attachment E - MIP Programmed Funds](#)
[Attachment F - Rescoped MIP Descriptions by Sponsor](#)

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

- 6. SUBJECT: EXPO/CRENSHAW JOINT DEVELOPMENT**

[2022-0833](#)

RECOMMENDATIONS

AUTHORIZE:

- A. the Chief Executive Officer to execute an amendment to the Exclusive Negotiation Agreement and Planning Document (ENA) with WIP-A, LLC, a wholly-owned subsidiary of Watt Companies (WIP-A), Inc. and the County of Los Angeles (County) in regard to the joint development of 1.77 acres of Metro-owned property and 1.66 acres of County-owned

property adjacent to the K Line Expo/Crenshaw Station to extend the term for twelve months, and provide for an additional twelve month option to be exercised at staff's discretion; and

- B. the modification of the ENA's assignment provision to allow for the assignment of the ENA to one or more developer entities, each of which shall be made up of the following entities or an affiliate or instrumentality of such entities: WIP-A, West Angeles Community Development Corporation, The Richman Group of California Development Company LLC and the Housing Authority of the City of Los Angeles (Limited Partnership(s)).

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

PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING RECOMMENDATION (5-0):

- 7. **SUBJECT: MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM ANNUAL UPDATE - LAS VIRGENES/MALIBU SUBREGION** [2022-0863](#)

RECOMMENDATION

CONSIDER:

A. APPROVING:

- 1. Deobligating \$3,623,887 from the Las Virgenes/Malibu Subregion's Measure M Multi-Year Subregional Program (MSP) Active Transportation, Transit, and Tech Program, as shown in Attachment A;
- 2. Programming an additional \$18,708,637 within the capacity of Measure M MSP Highway Efficiency Program, as shown in Attachment B;
- 3. Programming an additional \$5,472,000 within the capacity of Measure R Highway Operational Program, as shown in Attachment C; and

- B. AUTHORIZING the Chief Executive Officer (CEO) or their designee to negotiate and execute all necessary agreements and/or amendments for approved projects.

Attachments: [Attachment A - Active Transportation Transit Tech Program Projects](#)
[Attachment B - Highway Efficiency Program Projects](#)
[Attachment C - Las Virgenes Malibu Highway Operational Imp. Proj. List](#)

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

8. SUBJECT: SEPULVEDA TRANSIT CORRIDOR [2022-0862](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Modification No. 4 to Contract No. AE67085000, Sepulveda Transit Corridor Environmental Review and Conceptual Engineering, with HTA Partners (HTA), a joint venture between HNTB Corporation, Terry A. Hayes Associates Inc., and AECOM Technical Services, Inc., in the amount of \$4,108,638.43 for additional technical services to support the environmental phase for all six alternatives and the refinement of the Alternative 6 design, increasing the total contract value from \$54,592,930 to \$58,701,568.43.

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

PLANNING AND PROGRAMMING COMMITTEE (5-0) AND EXECUTIVE MANAGEMENT COMMITTEE (6-0) MADE THE FOLLOWING RECOMMENDATION:

10. SUBJECT: MEASURE M 3% LOCAL CONTRIBUTION GUIDELINES REVISIONS [2022-0828](#)

RECOMMENDATION

ADOPT revised Measure M Guidelines, Section VIII - 3% Local Contribution to Major Transit Projects (Attachment A).

Attachments: [Attachment A - Measure M 3% Local Contribution Guidelines Final Revisions](#)
[Attachment B - Summary of Public Comments Received](#)
[Presentation](#)

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

10.1. SUBJECT: MEASURE M 3% LOCAL CONTRIBUTION GUIDELINES REVISIONS MOTION [2023-0104](#)

RECOMMENDATION

APPROVE Motion by Directors Hahn, Dutra, Butts, and Sandoval that the Board direct the Chief Executive Officer to make the following revisions to the proposed Local Contribution guidelines:

- A. Add language to allow cost-sharing, so that jurisdictions who have qualifying first-/last-mile or in-kind improvements, but do not have a 3%

local contribution requirement, can credit those investments they make toward neighboring jurisdictions' 3% local contribution obligations;

- B. Provide jurisdictions with maximum flexibility in all sources of funding for first-/last-mile investments by striking the words "non-Metro" from the first sentence in the "Eligible Funds" section, so that Metro competitive grants may also be an eligible fund source to make qualifying investments, which would be consistent with grant-making policy such as Federal and State funds where local match must come from sources other than those Federal and State funds;
- C. Evaluate a way to exclude the costs associated with regionally significant project elements - such as a new I-105 C Line station on the C Line (Green) or a maintenance and storage facility on the Gold Line Eastside Phase 2 - from the total project's cost's 3% local contribution calculation;
- D. Clarify the local contribution obligation responsibility for any future station, such as a Rio Hondo Confluence Station, that is not part of a project's 30% design but may be added at a later date, to ensure that any 3% obligation for any such station will be borne solely by the jurisdiction(s) in which it is located;
- E. Confirm that qualifying first-/last-mile investments and in-kind contributions shall be considered eligible to credit toward a jurisdiction's 3% local contribution obligation, even if implemented prior to 30% design; and,
- F. Report back to the Board in no more than 120 days on the above requests, including a fact sheet for affected cities.

FINANCE, BUDGET, AND AUDIT COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

11. SUBJECT: MEASURE M FIVE YEAR COMPREHENSIVE ASSESSMENT AND EQUITY REPORT CRITERIA

[2022-0854](#)

RECOMMENDATIONS

CONSIDER:

- A. APPROVING criteria for the Measure M Five Year Comprehensive Assessment and Equity Report (Attachment A); and
- B. AUTHORIZING an increase in the Contract Modification Authority (CMA) for Task Order No. PS87260-5433000 under Countywide Planning and Development Bench Contract PS54330009 with Fehr & Peers, in the not-to-exceed amount of \$100,000, increasing the current not-to-exceed CMA amount from \$100,000 to a new CMA amount not-to-exceed

\$200,000, thereby increasing the task order value to \$561,713.83 should all modifications be executed.

- Attachments:**
- [Attachment A - Proposed Assessment Objectives and Criteria](#)
 - [Attachment B - MMITOC Comments on Assessment Objectives and Criteria](#)
 - [Attachment C - Procurement Summary](#)
 - [Attachment D - Contract Modification Change Order Log](#)
 - [Attachment E - DEOD Summary](#)
 - [Presentation](#)

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

- 14. SUBJECT: BUS SENSOR TECHNOLOGY MOTION** [2023-0102](#)

RECOMMENDATION

APPROVE Motion by Directors Hahn, Horvath, Mitchell, Solis, and Krekorian that the Board direct the Chief Executive Officer to report back in June 2023 with recommendations on these new safety features and the feasibility of (1) incorporating them into new bus procurements, (2) installing them into our existing bus fleets, in order to reduce pedestrian collisions and to ensure that bus operators are alerted in the event of a pedestrian-involved collision, and (3) exploring other emerging collision avoidance technologies, pursuant to Metro’s Street Safety Data Sharing and Collaboration Policy and Action Plan.

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

- 15. SUBJECT: CREATING A COMMUTER RAIL STATION IN THE CITY OF PICO RIVERA MOTION** [2023-0103](#)

RECOMMENDATION

APPROVE Motion by Directors Hahn, Najarian, and Dutra that the Board direct the Chief Executive Officer to work with the Cities of Pico Rivera and Commerce, the Southern California Regional Rail Authority (Metrolink), California High Speed Rail Authority (HSR), Amtrak (LOSSAN), and freight rail operators to conduct a feasibility study and strategic plan for a new commuter rail station within the City of Pico Rivera along the Los Angeles-to-Anaheim rail corridor. The study shall include, but not be limited to the following elements:

- A. Existing and planned land-use and transportation conditions that would best support a new commuter rail station in Pico Rivera;
- B. A rough order of magnitude cost estimate and potential funding sources for a new station in Pico Rivera including elements such as planning and

design, right-of-way, environmental, construction, and maintenance costs; and,

- C. The mechanism to include a new commuter rail station in Pico Rivera within the Southern California Association of Government's (SCAG) Regional Transportation Plan/Sustainable Community Strategy.

We, further, move that the CEO report back to the Board within 90 days with initial findings and next steps for the above-requested items.

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

- 19. SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT
LINE PROJECT**

[2022-0865](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a firm fixed price Contract No. PS89616000 to San Fernando Transit Constructors (SFTC), a Joint Venture (JV) of Skanska USA Civil West California District, Inc. (Skanska) and Stacy and Witbeck, Inc., for Phase 1 Preconstruction Services of the Progressive Design-Build contract for the East San Fernando Valley Light Rail Transit Line Project (Project) in the amount of \$30,979,750, subject to the resolution of protest(s) if any;
- B. ESTABLISH a Preconstruction Phase-of-Project Budget (Preconstruction Budget) for the Project in the amount of \$496,856,000; and
- C. NEGOTIATE and EXECUTE all project-related agreements and modifications to existing contracts within the authorized Preconstruction Budget.

Attachments: [Attachment A - Funding and Expenditure Plan](#)
[Attachment B - Procurement Summary](#)
[Attachment C - DEOD Summary](#)
[Presentation](#)

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

21. SUBJECT: PURCHASE OF THREE CNG ARMORED VAULT TRUCKS [2022-0842](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a firm fixed price contract DR827453000 to Los Angeles Truck Centers, LLC, the lowest responsive and responsible bidder for three (3) CNG Armored Vault Trucks for a firm fixed price of \$1,211,139.67, inclusive of sales tax and fees, subject to resolution of any properly submitted 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):

22. SUBJECT: DRUG TESTING LABORATORY SERVICES [2022-0866](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a five-year, firm fixed unit rate Contract No. PS75883000 to Phamatech, Inc. (Phamatech) to provide drug testing laboratory analysis services in an amount not-to-exceed \$377,025 for a base term of three years, plus \$135,675 for each of the two, one-year option terms for a combined not-to-exceed amount of \$648,375, effective April 1, 2023, subject to the resolution of any timely 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):

23. SUBJECT: CUSTOMER EXPERIENCE RESEARCH SERVICES BENCH [2022-0870](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. AWARD seven (7) bench Contract Nos. PS43815000 through PS43815006, for Customer Experience (CX) research services to the firms listed below, for a total not-to-exceed amount of \$6,893,226 for the initial three-year base term, plus \$2,531,252 for the first, one-year option and \$2,657,814 for the second, one-year option, for a combined total not-to-exceed amount of \$12,082,292, effective March 1, 2023, subject to resolution of protest(s), if any; and

- 1. Discipline 1: Intercept Survey**
 - 1.1 ETC Institute
 - 1.2 Hispanispace, LLC dba ThinkNow Research
 - 1.3 Maroon Society, Inc.
 - 1.4 Redhill Group, Inc.

- 2. Discipline 2: Online and Telephone Survey**
 - 2.1 Barrios and Associates, LLC dba Communications Lab
 - 2.2 EMC Research, Inc.
 - 2.3 Maroon Society, Inc.
 - 2.4 Quantum Market Research, Inc.
 - 2.5 Redhill Group, Inc.

- 3. Discipline 3: Qualitative Research**
 - 3.1 Barrios and Associates, LLC dba Communications Lab
 - 3.2 EMC Research, Inc.
 - 3.3 Hispanispace, LLC dba ThinkNow Research
 - 3.4 Maroon Society
 - 3.5 Quantum Market Research, Inc.
 - 3.6 Redhill Group, Inc.

- 4. Discipline 4: User Experience Testing**
 - 4.1 Redhill Group, Inc.

- 5. Discipline 5: General Research Support**
 - 5.1 Maroon Society, Inc.
 - 5.2 Redhill Group, Inc.

B. EXECUTE individual task orders for up to \$2 million per task order.

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

SUBJECT: GENERAL PUBLIC COMMENT [2023-0116](#)

RECEIVE General Public Comment

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION

Adjournment



Board Report

File #: 2023-0115, **File Type:** Oral Report / Presentation

Agenda Number: 4.

**REGULAR BOARD MEETING
FEBRUARY 23, 2023**

SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER

RECOMMENDATION

RECEIVE report by the Chief Executive Officer.

Report by the CEO

Item #4

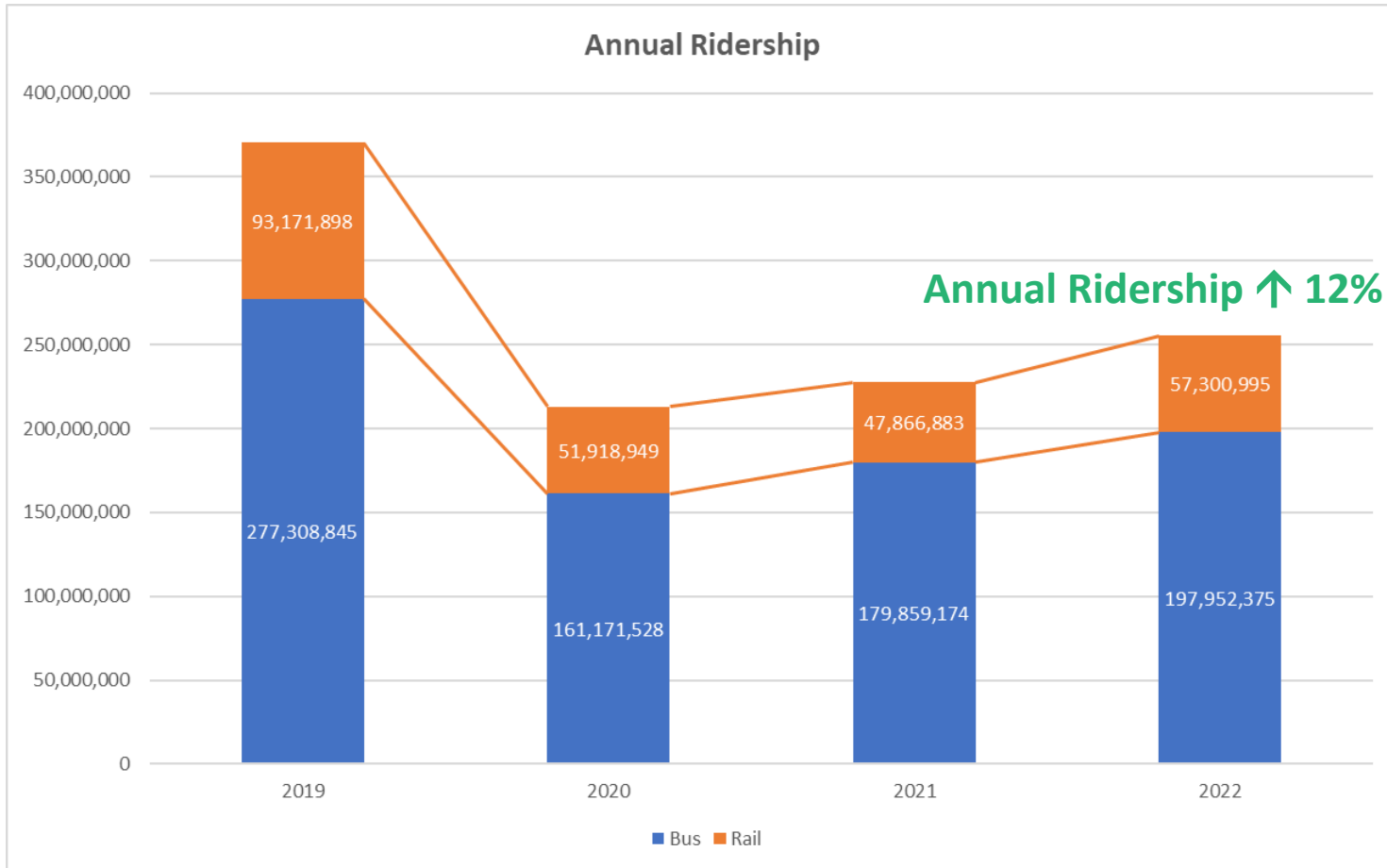


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CHIEF EXECUTIVE OFFICER

February 2023

Ridership Continues to Grow



Jan 2023 boardings are also 13% higher than Jan 2022!



CHIEF EXECUTIVE OFFICER

February 2023

Welcome 2023 Metro Youth Council!



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CHIEF EXECUTIVE OFFICER

February 2023

Listening Session with US Interagency Council on Homelessness



USICH Council

Council leaders:

Chair – VA Secretary Denis McDonough

Vice Chair – HHS Secretary Xavier Becerra

Council members represent 19 federal agencies:



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CHIEF EXECUTIVE OFFICER

February 2023

Visit to Sacramento with Mobility 21



CHIEF EXECUTIVE OFFICER

Tour of San Fernando Valley Projects with Sen. Caroline Menjivar



Metro

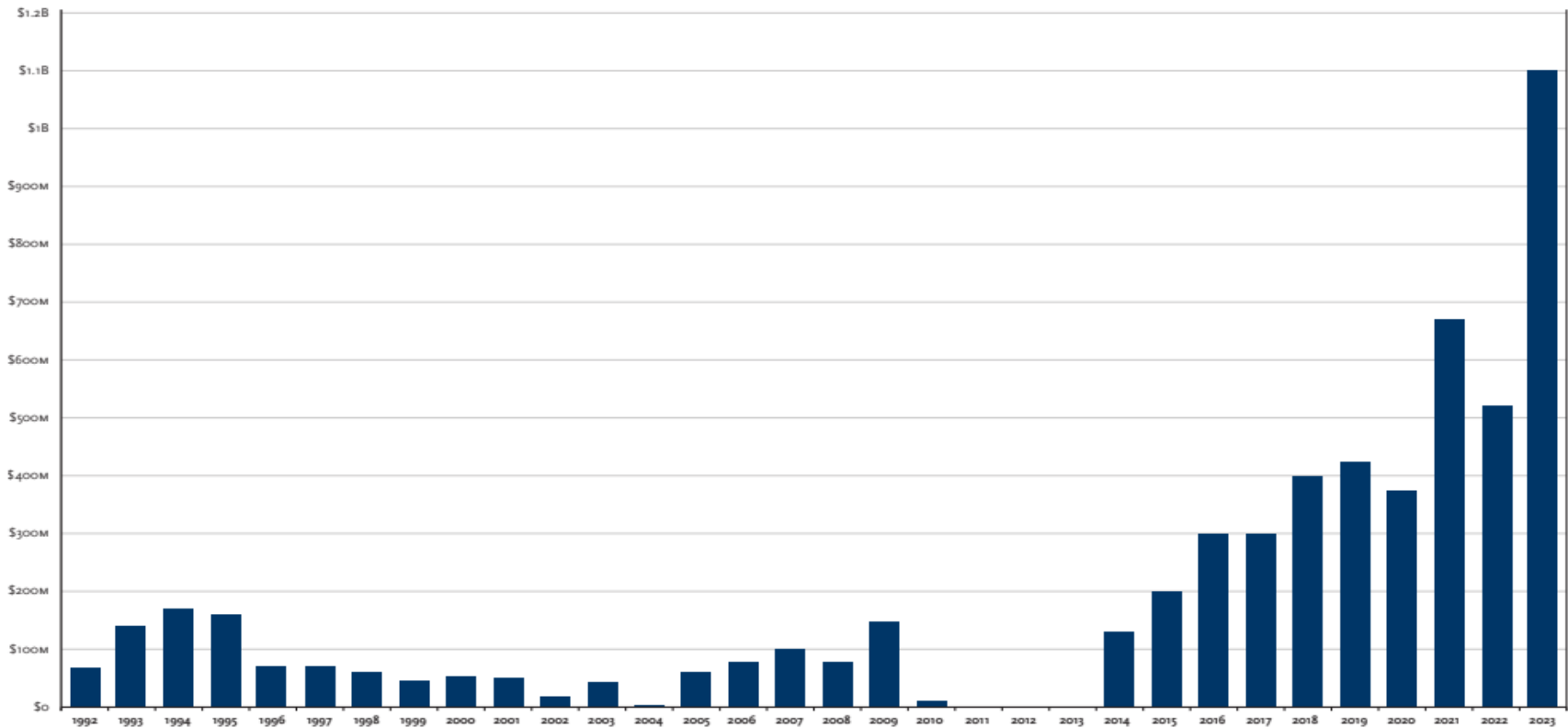
CHIEF EXECUTIVE OFFICER

February 2023

Metro's Federal New Starts Historical Chart

New Starts Appropriations by Federal Fiscal Year 1992 to 2023*

February 2023



Metro

CHIEF EXECUTIVE OFFICER

February 2023

March TAP Cards marking Cultural Commemorations



Women's History Month
TAP Cards on Sale
March 3
at Metro Customer Centers

Persian New Year Nowruz
TAP Cards on Sale
March 3
at Metro Customer Centers

Cesar Chavez Day
TAP Cards on Sale
March 10
at Metro Customer Centers



CHIEF EXECUTIVE OFFICER

February 2023

Thank you!



Metro[®]

CHIEF EXECUTIVE OFFICER

February 2023



Board Report

File #: 2022-0786, File Type: Contract

Agenda Number: 18.

**CONSTRUCTION COMMITTEE
FEBRUARY 16, 2023**

SUBJECT: SMALL BUSINESS BONDING ASSISTANCE PROGRAM

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to approve a no cost Memorandum of Understanding (MOU) with the City of Los Angeles (City) for participation in the City’s Contractor Development and Bonding Assistance Program;
- B. AUTHORIZING the Chief Executive Officer to award a Contract to Merriwether & Williams Insurance Services (MWIS) for a not to exceed amount of \$2,650,780 for a three-year Bonding Assistance Program, effective March 1, 2023 to February 28, 2026, which piggy-backs on the City of Los Angeles’ contract; and

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

- C. ADOPTING a resolution, Attachment A, authorizing the Chief Executive Officer and other Authorized Officers to continue the \$4,000,000 line of credit with Bank of America at a cost of \$18,000 per year, for three years and to execute as needed, individual standby letters of credit at a cost of \$2,000 each or 2% of the value of each letter of credit executed, whichever is greater.

ISSUE

Metro is seeking to award a new three-year contract with Merriwether & Williams Insurance services, Inc. (MWIS) to administer its Contractor Development and Bonding Assistance Program (CDBAP). The current contract was awarded in June 2019 for three years and extended in April 2022 by the Metro Board for an additional 12 months. The contract is scheduled to expire on May 31, 2023. Metro is piggy-backing on the City of Los Angeles’ CDBAP contract, and the City has awarded a new three year contract with MWIS which will expire on August 30, 2025, to administer their CDBAP program. Metro is also partnering with the City to share resources and reduce certain costs for consultant services. With the exception of the Contractor Finance Assistance Program (CFAP)

budget approved by the Metro Board in April 2022, the adoption of this contract will supersede the previous contract extension scheduled to terminate on May 31, 2023.

Recommendation “C” requires a separate majority vote of the Board since debt is being incurred to support the CDBAP program.

BACKGROUND

Metro participated in a pilot bonding assistance program and piggy-backed on the City of Los Angeles’ contract in 2018 and renewed the program with a three-year contract with MWIS that became effective June 1, 2019, and was scheduled to expire on May 31, 2022. The City of Los Angeles was not able to complete its procurement process to award a new contract to provide CDBAP services and approved two, as-needed six-month contract extensions until a new contract could be awarded. To align with the City’s contract extension, the Metro Board approved two, as-needed six-month contract extensions in April of 2022 until a new contract could be awarded.

Metro established a \$4,000,000 CDBAP line of credit for the program with Bank of America. The program provides bonding assistance to small businesses for a maximum amount of \$250,000 or 40% of the bond (whichever is lower) per bond transaction cap dollar amount. Other agencies partnering in the CDABP program include the Los Angeles World Airports, the Department of Water and Power, the Port of Los Angeles, SCM Public Works, and the County of Los Angeles.

Metro has issued five bonds to date for an aggregate amount of \$1.25 million to assist certified small businesses to bond and perform on over \$15 million in Metro contract awards on construction projects. Of the five bonds, two have been completed and are shown below.

Small Business Name	Assistance Amount	Metro Project	Cert. Type	Small Business Contract Award	Status
G&F Concrete	\$250,000	Rosa Parks Willowbrook Station	DBE SBE	\$1,253,850	Completed
SJN Builders, Inc.	\$250,000	Rosa Parks Willowbrook Station	SBE	\$5,091,101	Completed
KPA Constructors, Inc.	\$250,000	Regional Connector Transit Corridor	DBE SBE	\$3,691,555	Active
Global Electric	\$250,000	Westside Purple Line Section 1	DBE SBE	\$3,192,000	Active
KPA Constructors, Inc.	\$250,000	Westside Purple Line Section 1	DBE SBE	\$1,850,000	Active
Total				\$15,078,506	

Additionally, approximately 251 small business owners have graduated from the training academies provided by the consultant. Of these, 130 small business owners graduated from Metro sponsored training academies. MWIS provides staff with three specific program metrics that are used as key

performance indicators that are reported to Metro on a monthly basis. The key performance indicators below reflect activity from June 1, 2019 through October 31, 2022.

- MWIS has completed over 727 assessments of small businesses and completed workplans in an effort to increase their capacity.
- MWIS has referred over 556 small businesses to Metro's Vendor Portal, Certification or Pre-Qualification resources.
- MWIS has completed or enhanced over 592 contractor profiles to assist small businesses in strengthening their marketing plans.

DISCUSSION

Government agencies are required to obtain, from their prime contractors, performance and payment bonds on public works contracts over \$25,000. Payment bonds are required by Public Contracts Code Section 7103 and shall be equal to 100% of the contract price. Public Contract Code Section 6825 requires a design-build entity to provide payment and performance bonds for the project and in no case shall the payment bond be less than the amount of the performance bond. FTA Circular 4220.1F states the Common Grant Rules require performance and payment bonds in the amount of 100% of the contract price for construction contracts. Therefore, Metro construction contracts require its prime contractors to provide Payment and Performance bonds in the amount of 100% of the contract price in the form and format provided by Metro.

Staff also explored the feasibility of increasing the CDBAP program limit above \$250,000. Staff learned that the sureties that guarantee these bonds are comfortable with \$250,000 limit considering the potential risks involved. The CDBAP program consultant also reported that the current level of support adequately meets the needs of the small business community. However, future bond support may be available but only on a case-by-case basis.

Metro staff has also implemented the Contractor Finance Assistance Program (CFAP) which is part of the CDBAP program. The CFAP allows the certified small business to access up to 25% of their contract to help with a financial crisis such as delayed invoice payments or other Metro contract related costs the may present a financial barrier.

DETERMINATION OF SAFETY IMPACT

No safety impact

FINANCIAL IMPACT

The Board's approval of this contract includes the cost to continue the \$4 million line of credit with Bank of America at \$18,000 per year for a three-year total of \$54,000; the cost to execute individual stand-by letters of credit at 2,000 each up to \$80,000 per year depending on the number requested by certified small businesses at a cost not to exceed \$240,000 for three years, and the three-year

contract with MWIS in the amount of \$2,650,780.

The budget for the remainder of fiscal year 2023 is already included in the adopted budget. Since this is a multiyear contract, Bonding Program Manager and Cost Center manager are responsible for future year budgets through the Annual Budget Development process.

Impact to Budget

Current fiscal year costs for the MWIS contract and the Line of Credit fees are in Cost Center 2130. Funding will be from eligible and available funding sources which include General Funds. This fund is eligible for Metro Bus and Rail operations and capital expenses. Costs for individual letters of credit will be paid by the projects for which the contractors are providing services.

EQUITY PLATFORM

Staff recommendations will facilitate the implementation of programs that support local small, disadvantaged, minority, women and veteran owned businesses to become more sustainable, financially stable, and have access to capital like larger competing companies. The CDABP has assisted certified small businesses in capturing over \$15 million dollars in Metro contracts. These SBE and DBE contract dollars were reflected in the appropriate fiscal years towards Metro's annual percentage goals. Metro has set aspirational targets to achieve 48% small business participation in its' contracting by 2028. As staff administers programs such as the CDABP, it will assist in meeting Metro's 48 by 28 aspirational targets and strengthen efforts to grow small and disadvantaged business enterprises.

Staff supports continuing this program to provide financial, capacity building and bonding services to small businesses in this region. This was an open procurement by the City of Los Angeles and Merriwether & Williams was the only respondent to the request for proposal. Merriwether & Williams Insurance Services made a 19.5% SBE and 4.5% DVBE commitment to subcontractors performing on Metro's contract. On Metro's current contract, Merriwether & Williams made a 23.33% commitment and has attained 34.02% participation to date.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports strategic plan goal 5.5: Metro will expand opportunities for businesses and external organizations to work with us. The CDABP program expands Metro's capability to contract with construction companies on our projects, and also expands small businesses' ability to qualify for larger construction contract opportunities that have increased bonding requirements.

ALTERNATIVES CONSIDERED

The Metro Board could choose not to renew the CDABP program which would negatively impact small businesses by not providing the development, bonding and financial support that might be needed to perform on Metro contracts.

NEXT STEPS

- Upon Board approval, staff will execute a renewal Contract with MWIS for a three-year term.
- Extend the line of credit with Bank of America for a three-year term.
- Execute a no cost Memorandum of Understanding with the City of Los Angeles for a three-year term.

ATTACHMENTS

Attachment A - Contractor Development and Bonding Program MOU

Attachment B - Board Resolution

Attachment C - DEOD Summary

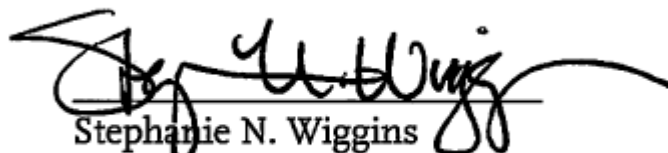
Prepared by: Debra Avila, Deputy Chief, Vendor/Contract Management Officer (213) 418-3051

Miguel Cabral, Senior Executive Officer, DEOD, (213) 418-3270

Tashai Smith, Executive Officer, DEOD (213) 922-2128

Keith A. Compton, Director, DEOD (213) 922-2406

Reviewed by: Nalini Ahuja, Chief Financial Officer, Office of Management and Budget, (213)
922-3088



Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT - A

CONTRACTOR DEVELOPMENT AND BONDING PROGRAM

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

CITY OF LOS ANGELES

AND

**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION
AUTHORITY**

ATTACHMENT - A

**CONTRACTOR DEVELOPMENT AND BONDING PROGRAM
MEMORANDUM OF UNDERSTANDING**

INDEX

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THIS MEMORANDUM OF UNDERSTANDING (MOU), is made and entered into by and between the CITY OF LOS ANGELES (CITY) and the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO). Each party joining this MOU will be responsible for its own activities as defined in this MOU.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this MOU on the 1st day of February, 2023 to be effective immediately for a three year term.

RECITALS:

- A METRO is extending an agreement with the CITY to participate and access the CITY's Contractor Development Assistance and Bonding Program (CDABP). METRO will utilize existing CDABP program administration services, as needed provided through the CITY and its contracted broker, Merriwether & Williams Insurance Services (BROKER).
- B. The CITY and METRO require contractors to obtain bid, payment, and performance bonds when working on CITY or METRO projects.
- C. It has come to the attention of CITY and METRO that some small businesses are unable to compete for CITY or METRO work due to their difficulty obtaining the required surety bonds.
- D. The CITY'S RISK MANAGEMENT Office possesses certain requisite knowledge and resources to coordinate and assist in the administration of the CDBP. As such, METRO seeks to continue accessing the CITY's and their Broker/Service Provider's assistance in implementing and administering a comparable program on behalf of METRO.
- E. BROKER competed in a Request for Proposal process, and was selected by the CITY to be the BROKER on the CDABP.

Now, therefore, the parties do agree as follows:

1.0 CITY OF LOS ANGELES

The CITY will:

- 1.1 Assist in the coordination and implementation of the CDABP between BROKER, CITY and METRO to replicate a similar program on behalf of METRO.
- 1.2 Work with BROKER and METRO to design and structure a "shared resource – shared cost" arrangement between the parties.

ATTACHMENT - A

- 1.3 Share with METRO, CITY's experience and work product in implementing CDABP for the purpose of METRO's desire to sponsor a comparable program on behalf of METRO.
- 1.4 Assist METRO in developing the Broker/Service Provider's Scope of Services.
- 1.5 Coordinate with METRO in developing the BROKER Request for Proposal and Contract. Advise METRO on the administration of the Broker Contract to confirm Broker activities are in compliance with Contract terms.
- 1.6 Assist in establishing CDABP cost controls.
- 1.7 Conduct periodic reviews to verify compliance with MOU terms and conditions.
- 1.8 Develop rationale to allocate shared CDABP costs for consideration and acceptance by METRO.
- 1.9 Provide administrative services support as necessary.
- 1.10 Provide additional services as deemed necessary.
- 1.11 Administer the CDABP through the Office of the City Administrative Officer, Risk Management (RISK MANAGEMENT).

2.0 LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

METRO will:

- 2.1 Implement contract with BROKER and administer CDABP for METRO contracting activities.
- 2.2 Review and pay monthly invoices directly to BROKER. Invoices will reflect costs for monthly BROKER services, third-party funds administration, financial analysis, etc.
- 2.3 Provide timely and accurate information to CITY when requested.
- 2.4 Attend meetings with CITY and BROKER, as necessary.

- 2.5 Participate in the Request For Proposal (RFP) selection process with the CITY for BROKER.
- 2.6 Establish and maintain a line of credit or other collateral instrument which allows for the issuance of program bond guarantees.

3.0 CDABP PROVISIONS:

- 3.1 At METRO, the program will only be available to Small Business Enterprises (SBE), Disadvantaged Business Enterprises (DBE) and Disabled Veteran Business Enterprises (DVBE) contractors and subcontractors interested in bidding on METRO contracts.
- 3.2 The program will provide for the use of financial guarantees to obtain bid, payment and performance bonds.
- 3.3 BROKER invoicing will be submitted monthly to METRO and will only reflect actual services rendered.
- 3.4 METRO must notify CITY prior to making any material changes to the CDBP components.
- 3.5 The allocated percentages used to calculate the indirect CDABP costs for the next twelve months are included in the contract. This allocation percentage will be based upon each program agency's contract value as proportionately compared to the total of all program members' contract values combined. An alternative allocation methodology may be utilized if agreed upon by all CDABP members. Indirect percentages will be fixed for the term of the contract unless a member(s) contract amount changes during the course of the contract.
- 3.6 Prior to the CDABP, program members must complete the following:
 - 1. Establish and/or identify account(s) to cover the costs for monthly BROKER invoices (amounts based on annual contract limits) and any future CDABP contractor defaults within that program members construction program (amount may need to be increased based upon higher levels of outstanding letters of credit or collateral).
 - 2. Assign a primary staff authority and a designee (in case of absence of the primary staff authority) to authorize letters of credit or collateral issuance in an expeditious manner.
 - 3. Sign and date the CDABP MOU.

ATTACHMENT - A

4. Assign staff to assist RISK MANAGEMENT in coordinating the CDABP.
5. Receive METRO Board approval of CDABP, including the use of Letters of Credit or other collateral instruments to serve as guarantees to program sureties.

4.0 INDEMNIFICATION

- 4.1 All parties to this agreement agree to hold each other harmless for all causes of actions, claims, charges or other demands of any nature, arising from the acts or omissions of the indemnifying party in regard to services provided under and during the term of this MOU, in accordance with California Government Code 895.4 and 895.6.


5.0 TERMINATION

- 5.1 This agreement may be canceled by any member of this MOU with or without cause on thirty (30) days written notice and payment in full of all proportioned CDABP fees, costs and expenses for services already rendered. Said notice, on the CITY's behalf, will be given by the City Administrative Officer or the Director of Risk Management as designee.

6.0 TERM OF MEMORANDUM OR UNDERSTANDING

- 6.1 The term of this MOU is coterminous with the CDABP Member's contract with the BROKER.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute this Memorandum Of Understanding to be effective on the 1st day of February, 2023

By 

Matthew W. Szabo
City of Los Angeles Administration Officer

By _____
DEBRA AVILA
Deputy Chief Vendor/Contract Management Officer METRO

APPROVED AS TO FORM:

MICHAEL N. FEUER, City Attorney

By: 

DANIEL KREINBRING
Deputy City Attorney

DAWYN R. HARRISON
Acting County Counsel

By: RICHARD P. CHASTANG
Assistant County Counsel

GLOSSARY OF TERMS

1. Broker – The person or company who works on behalf of the Program Members to assist small, MBE/WBE/OBE contractors in obtaining the required surety bonding. Must have a Broker’s license to be a Broker.
2. Surety Bonds – The financial instrument, required by the CDABP to bid on projects, that is written for a specific amount and for a specific project. The dollar amount of the bond is the amount which the surety is willing to pay in case a CDABP contractor defaults on the project.
 - a. Bid Bond – A guarantee that, if awarded, the contractor will enter into a contract under the same terms and conditions as bid.
 - b. Performance Bond – A bond issued by a surety company guaranteeing to complete a construction contract if the contractor defaults.
 - c. Payment Bond - Guarantees that subcontractors of the prime contractor will be paid for labor and materials. These are often required in conjunction with performance bonds.
3. Surety – The bond company or guarantor that provides the bond on a specific project.
4. CDABP Contractor – The contractor or subcontractor who uses the CDABP to establish or increase their bonding capacity.
5. Third Party Funds Administrator – Manages progress payments from the CITY or METRO to a CDABP prime contractor or the CITY’s or METRO ’s prime contractor payments to a CDABP subcontractor, ensuring all subcontractors and material suppliers are appropriately paid.
6. Irrevocable Letter of Credit – A financial instrument that is used by a surety to drawdown from the Line of Credit as a form of a guarantee. It is irrevocable because the letter of credit cannot be modified unless all parties agree.
7. Line of Credit –A source of credit provided by a financial institution that is used for financial guarantees.
8. Underwriting Data – Data gathered by the BROKER and Surety to help assess the risks and make a determination on whether to provide a bond. Usually requires bank statements, tax statements, company financials, application data, etc.

ATTACHMENT - A

9. Drawdown – A withdrawal against a specific Letter of Credit or other collateral instrument following a default and surety paid claim to complete the contracted public work.
10. Financial Guarantees – An amount of money stated in dollars, that the CITY or METRO is willing to guarantee to the Surety in case of a default by a CDABP contractor against the bond.
11. Indirect Costs – Those costs of the CDABP that are not directly chargeable to a Department, Agency or project and are shared by each member of this MOU. These costs are typically all costs that occur prior to successfully bonding a contractor for a specific bid or contract. These costs would include CDABP outreach and administration, member consultation and technical assistance, financial statement preparation and review, review of application data, tax statements and company financials, and post award contract monitoring. It includes time spent working with CDABP broker, surety and CPA partners.
12. Direct Costs – Once a CDABP contractor identifies a CITY or METRO contract that they want to bid on, those subsequent third-party costs directly associated with securing the required bonds are considered direct costs. Unlike indirect costs, these costs are not shared by all MOU members but are charged directly to the contracting Department or agency. These costs typically include letter of credit fees for financial guarantees and TPFAs fees. These costs are only incurred if the contractor is the successful low bidder.
13. CDABP Contractor Default – A CDABP contractor default occurs when a surety is obligated for payment under the guaranteed bond following a CDABP contractor nonperformance or nonpayment.
14. CDABP Member Agency – Agencies that are members of this MOU. Currently, there are two CDABP Member Agencies, the City of Los Angeles and the Los Angeles County Metropolitan Transportation Authority.

BOARD RESOLUTION

RESOLUTION OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
AUTHORIZING ENTERING A LINE OF CREDIT FACILITY TO SUPPORT THE BONDING ASSISTANCE PROGRAM

WHEREAS, this Board of Directors deems it desirable and in the best interest of the agency to enter into a Line of Credit with a financial institution to support the Bonding Assistance Program, and

WHEREAS, this Board of Directors has broad authority to establish such Line of Credit indebtedness, and

WHEREAS, the Line of Credit to support the Bonding Assistance Program has a strong transportation and public purpose

NOW, THEREFORE, BE IT RESOLVED, that this agency establish an annually renewable Line of Credit (LOC) up to \$4,000,000.

RESOLVED FURTHER that the Chief Executive Officer, Chief Financial Officer, or Treasurer of this agency are hereby authorized, directed and empowered to execute, for and on behalf of this agency and in its name, any and all documents required in connection with the Line of Credit, including but not limited to any agreements and notes with such changes, thereto as the person executing same shall approve, such approval to be conclusively evidenced by the execution and delivery thereof.

RESOLVED, that the officers of this agency are, and each acting alone is, hereby authorized to do and perform any and all such acts, including execution of any and all documents and certificates, as such officers shall deem necessary or advisable, to carry out the purposes and intent of the foregoing resolutions.

RESOLVED FURTHER, that any actions taken by such officers prior to the date of the foregoing resolutions adopted hereby that are within the authority conferred thereby are hereby ratified, confirmed and approved as the acts and deeds of this agency.

DEOD SUMMARY

SMALL BUSINESS BONDING ASSISTANCE PROGRAM

A. Small Business Participation

The Diversity & Economic Opportunity Department (DEOD) did not establish an SBE/DVBE goal for this procurement. Merriwether & Williams Insurance Services made a 19.5% SBE and 4.5% DVBE commitment.

SBE Subcontractor		% Committed
1.	3D Networks	19.5%
Total SBE Commitment		19.5%

DVBE Subcontractor		% Committed
1.	G&C Equipment Corporation	4.5%
Total DVBE Commitment		4.5%

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

D. Project Labor Agreement/Construction Careers Policy

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



Board Report

File #: 2023-0123, **File Type:** Oral Report / Presentation

Agenda Number: 27.

**REGULAR BOARD MEETING
FEBRUARY 23, 2023**

SUBJECT: REPORT BY THE CHIEF SAFETY OFFICER


RECOMMENDATION

RECEIVE oral report from the Chief Safety Officer.



Monthly Update on Public Safety

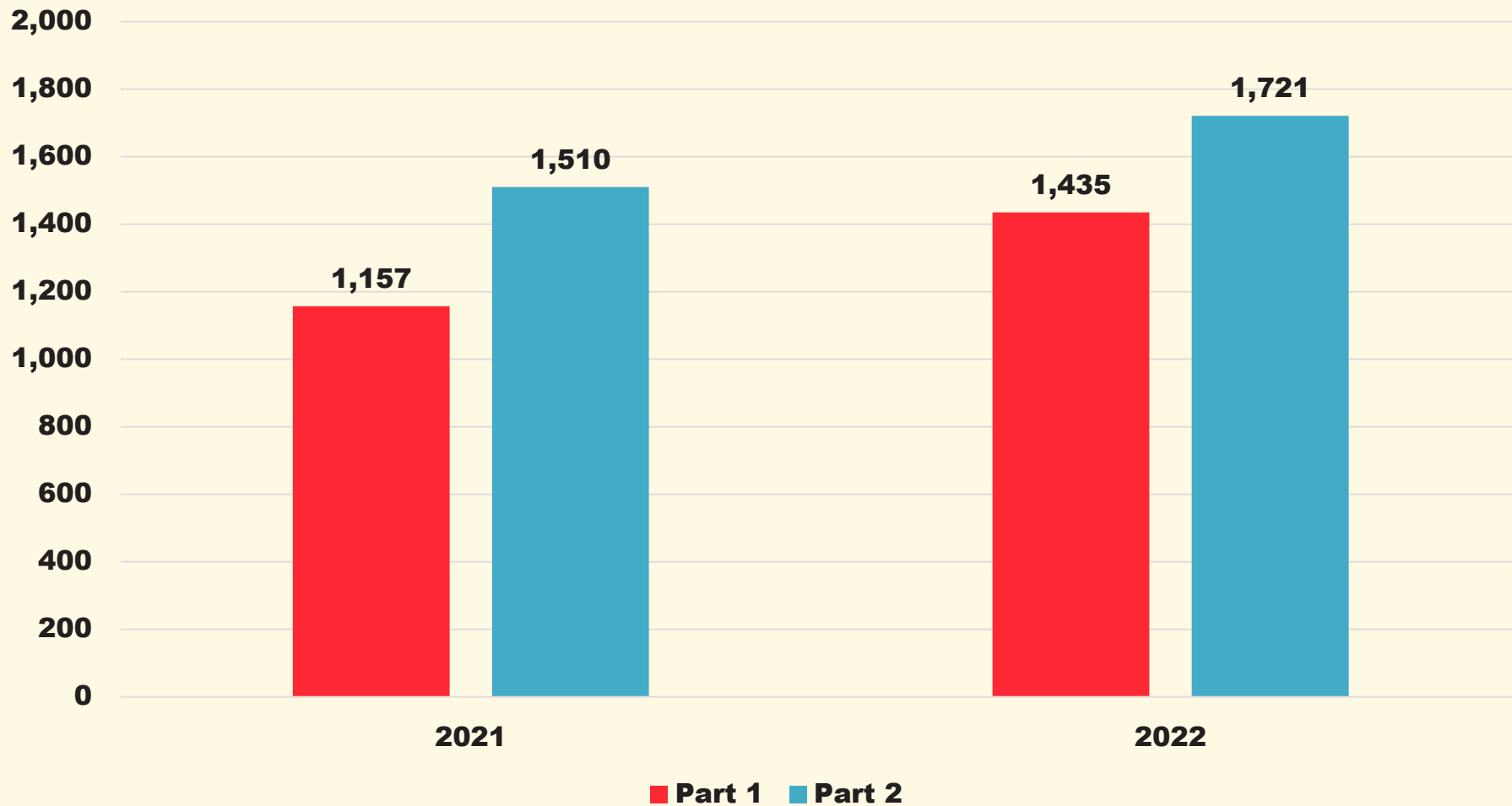
Operations, Safety, and Customer Experience Committee
February 16, 2023





2

Crime Stats – 2021 vs 2022



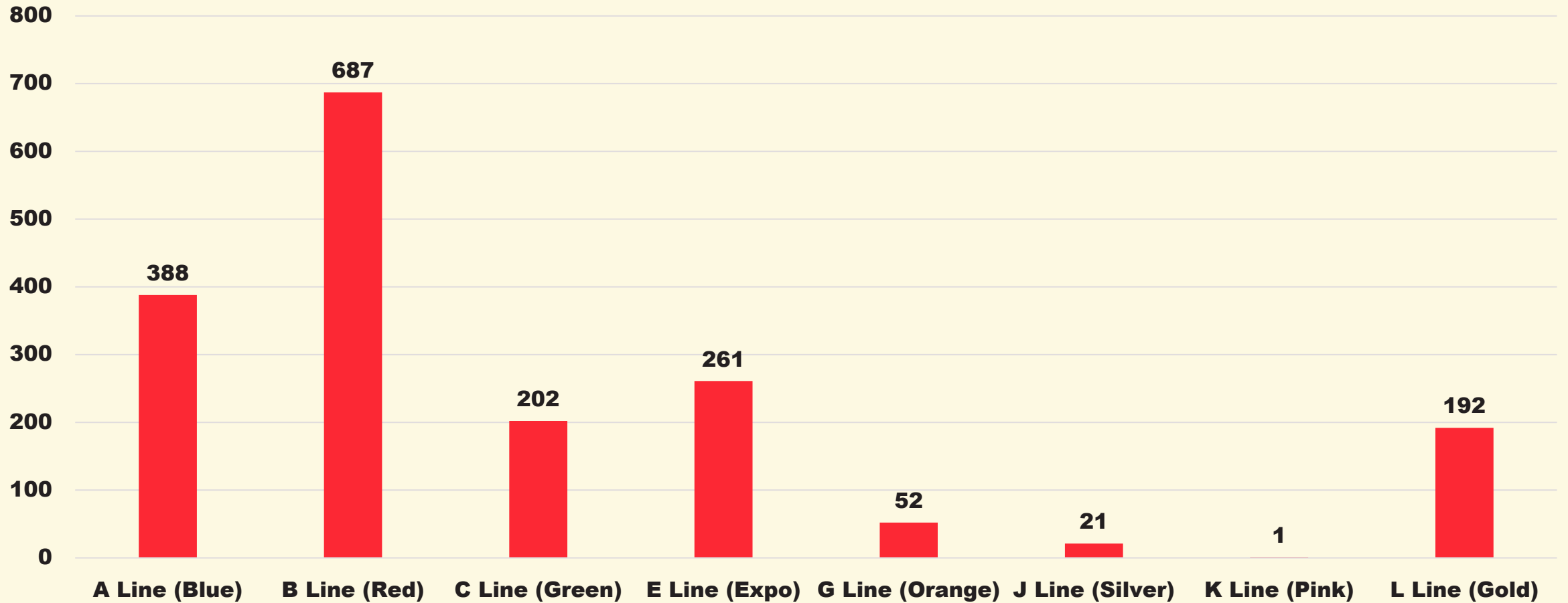
Part 1 crimes increased by 24%.

Part 2 Crimes increased by 14%.



3

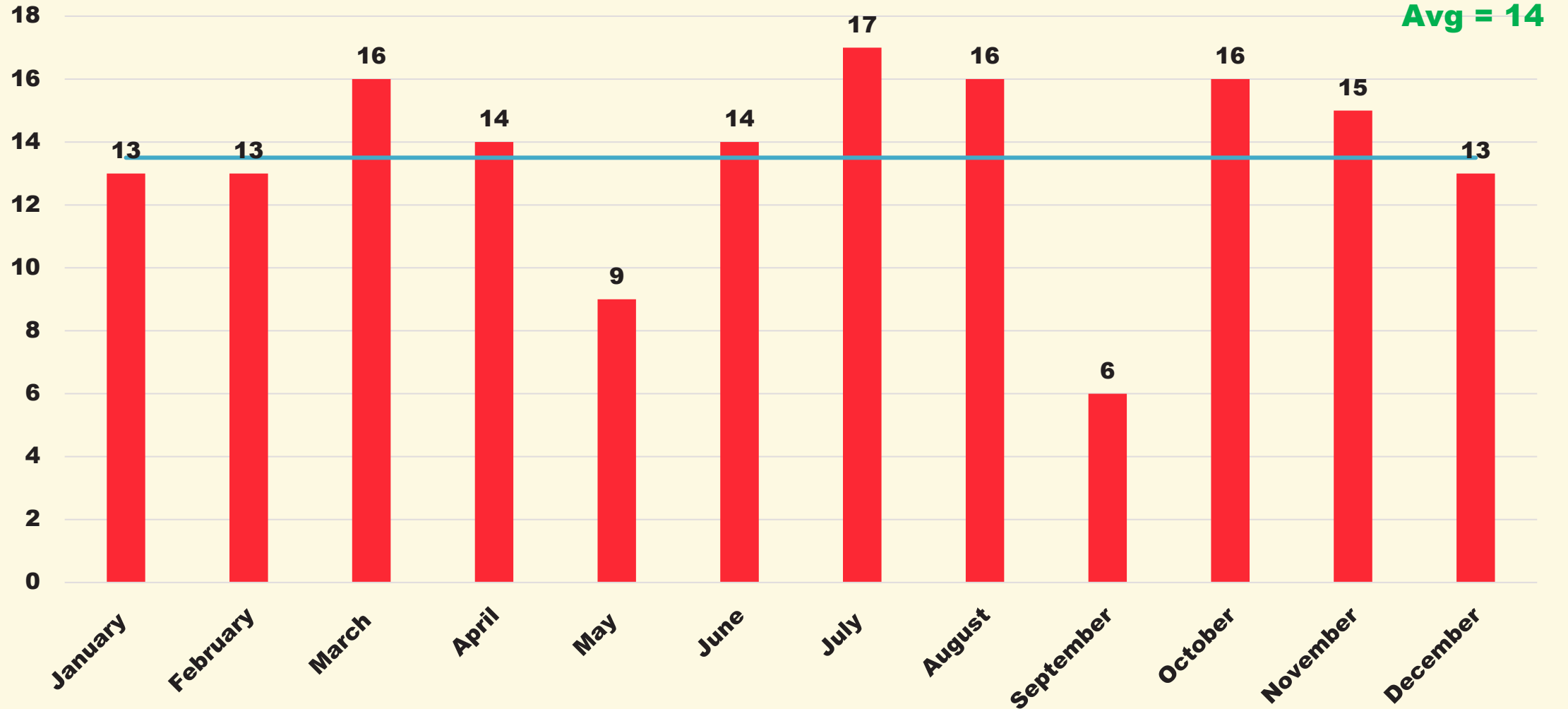
CY2022 Crime Stats by Line





4

CY2022 Operator Assaults Overview





5

Assault Prevention: De-Escalation Month

- **Launched a de-escalation campaign for the month of January focused on assault prevention.**
- **Campaign objectives:**
 - 1. Provide all employees with an organized way of making decisions about how employees will act in the face of conflict.**
 - 2. Reduce/eliminate workplace violence and assaults.**
 - 3. Motivate employees to be more situationally aware and promote safety.**
- **The emergency notification system was utilized to distribute safety tips to employees.**

CORPORATE SAFETY

January is De-Escalation Month.

Do your part. Stay cool.

De-escalation is a way to resolve conflict peacefully, using strong communication skills.

WHEN FACED WITH CONFLICT, REMEMBER THESE DE-ESCALATION PRINCIPLES:

- > Remain calm.
- > Listen.
- > Practice empathy.
- > Do not judge.
- > Do not take it personally.
- > Pay attention to your non-verbal communication.
- > Walk away if you can.

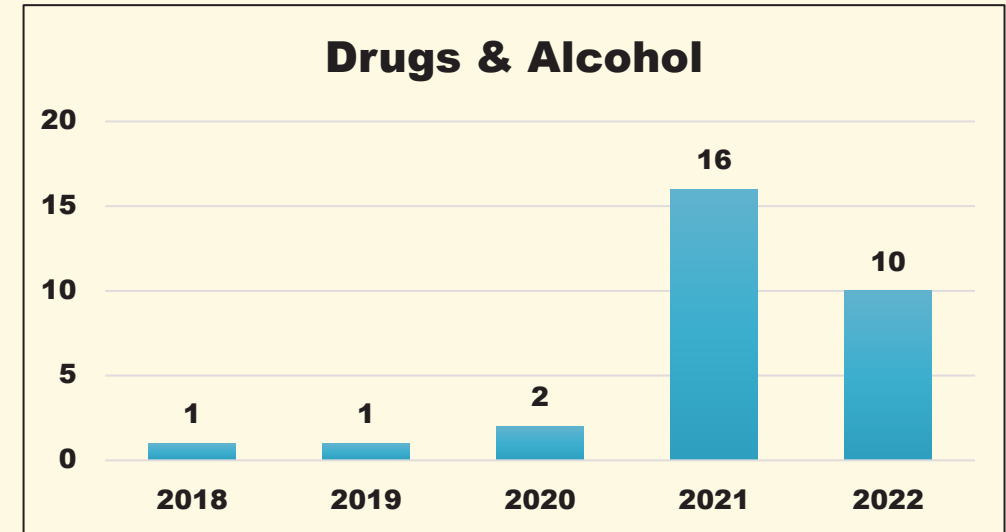
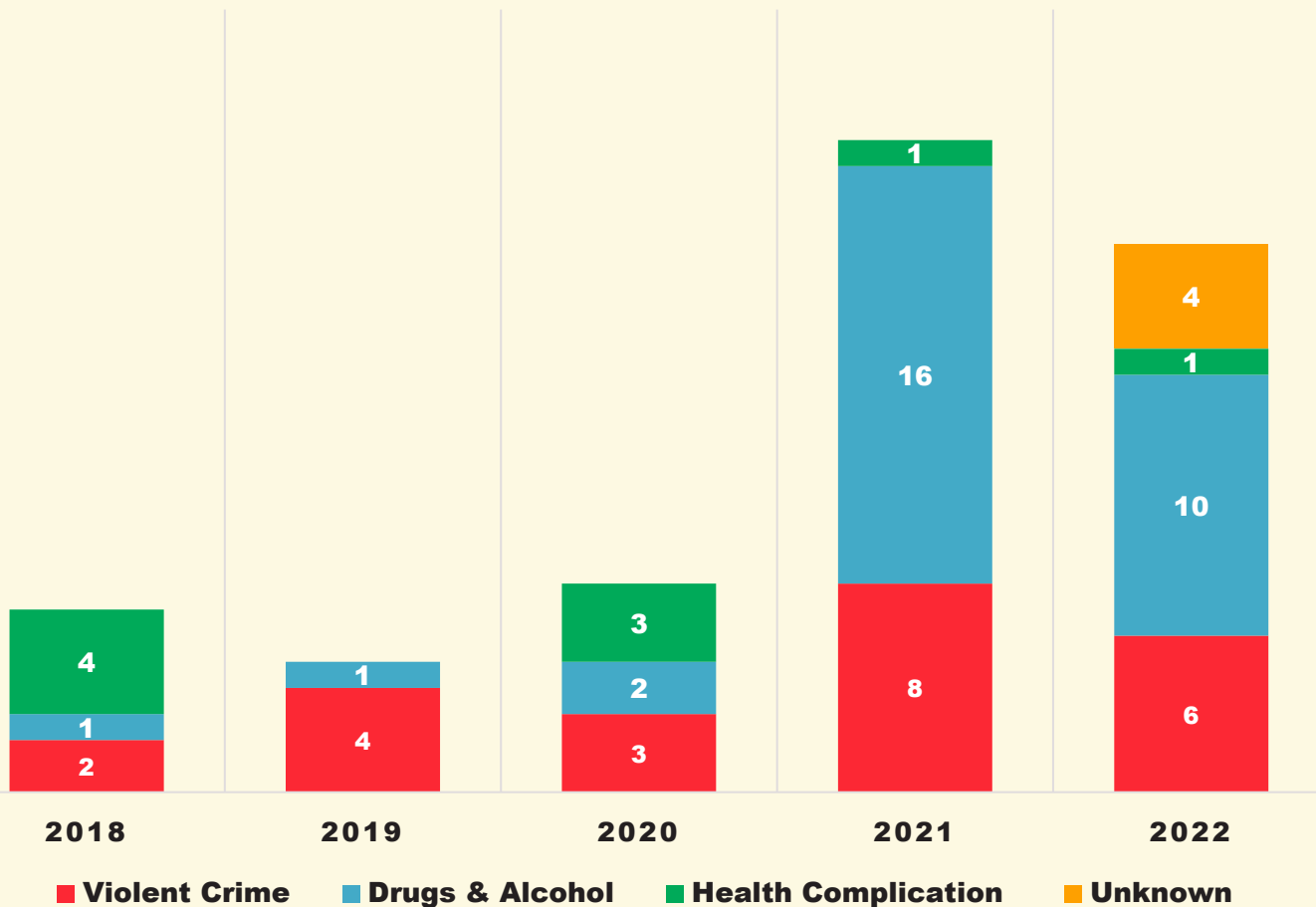
M Metro



6

Coroner Data – Metro System

2018 - 2022



Over the last two years there has been a spike in drug related deaths.



Anti-Drug Use Campaign

Drug use on the Metro system has increased, impacting the customer experience for riders and safety for employees.

- **In 2022, Metro received 1,385 incident reports via the Transit Watch App regarding the presence, usage, possession, and selling of narcotics on the Metro system - a 98.7% increase in complaints from the previous year.**

The following 30-day pilot will focus on high crime stations:

- 1. Implement a multi-layered approach including Ambassadors, Transit Security Officers, law enforcement, contract security and custodians to strategically address the issue.**
- 2. Reassign TSOs as Rail Riding Teams.**
- 3. Partner with the City's Attorney's Office to offer a diversion program to eligible individuals.**
- 4. CX to initiate an anti-drug communications campaign.**



8

Anti-Drug Use Campaign Stats

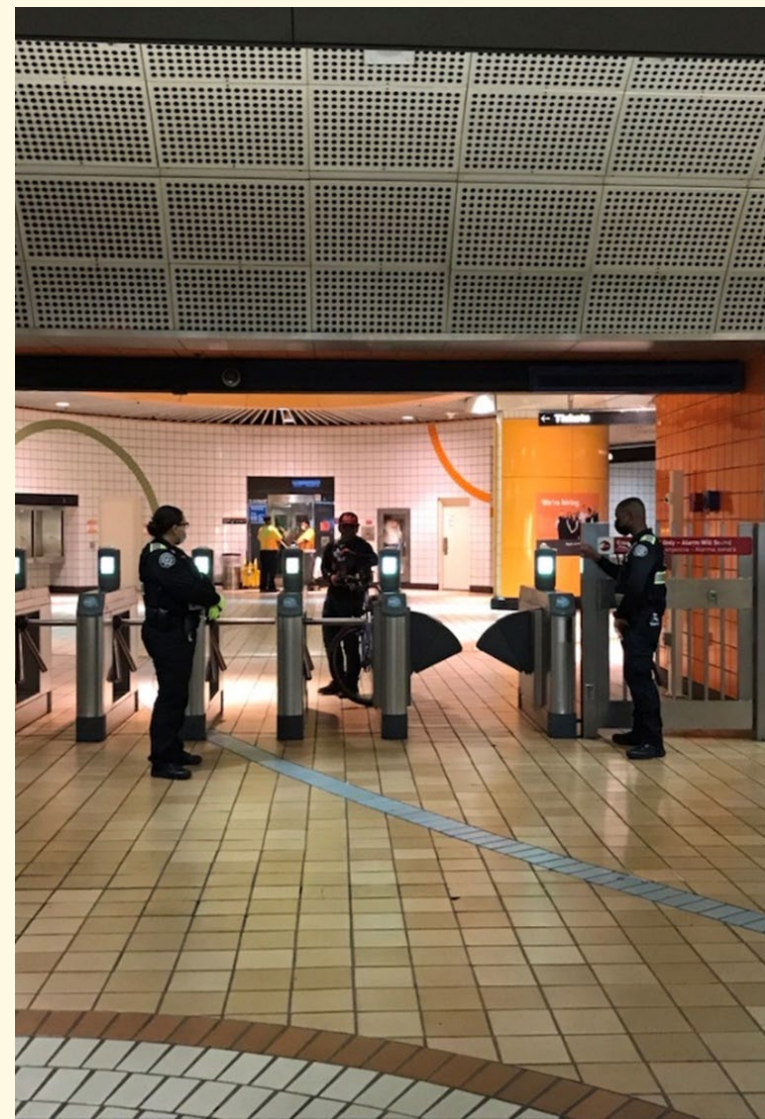
Week 1: February 13th – 20th

- **149 Transit Watch App reports submitted about smoking, alcohol and drugs on the system.**
- **Customer Comment Analysis & Tracking System received 3 drug related complaints. The monthly average is usually 30.**
- **TSOs issued 34 citations and 32 warnings.**
- **LASD made 38 narcotics related arrests, 11 were at the Gold Line - Lake Station and 7 at the Willowbrook Station.**
- **LAPD made 27 drug related arrests.**



Next Steps

- **Continue the pilot anti-drug use campaign over the next three weeks.**
- **Report back next month on pilot outcomes.**
- **Next month, present the board with a recommendation to increase TSOs for bus riding teams to reduce bus operator assaults.**



**Board Report**

File #: 2023-0125, **File Type:** Motion / Motion Response

Agenda Number: 28.

**REGULAR BOARD MEETING
FEBRUARY 23, 2023**

Motion by:

DIRECTORS BASS, HAHN, NAJARIAN, MITCHELL, SOLIS, AND KREKORIAN

Maximizing Use of Metro Property for Temporary and Permanent Housing

Metro has an important role in addressing the current emergency of thousands of people experiencing homelessness countywide. According to the Los Angeles Homeless Services Authority, an estimated 48,548 unsheltered people experienced housing insecurity in Los Angeles County in 2022. Metro estimates that over 1,000 people experiencing homelessness take shelter on Metro's system daily.

On February 10, 2023, Mayor Bass issued "Executive Directive 3: Emergency Use of Viable City-Owned Property" to maximize the use of City-owned property for temporary and permanent housing as she moves Los Angeles forward with an urgent and strategic approach to addressing the homelessness crisis.

Executive Directive 3 requires that the Mayor be provided within 20 days an inventory of unused and underutilized city property that could be used for temporary or permanent housing with on-site services; that a formal assessment of each site follow; that based on the assessment, the Mayor's Office designates what type of housing should be built on which locations; that City departments prioritize temporary and permanent housing with on-site services and eliminate unnecessary reviews, paperwork and red tape.

Executive Directive 3 also requests that other jurisdictions that control real property in the City of Los Angeles, including Metro, consider adopting policies similar to those outlined in the directive to make property available for temporary or permanent housing with on-site supportive services.

Metro holds property across Los Angeles County, which currently hosts three transitional housing sites and one safe parking location in the City of LA. Additionally, Metro's joint development portfolio includes 793 income-restricted housing units with another 1,494 income-restricted units in construction or under contract. Metro reported to the Board in May 2018 (file 2018-0214) and April 2020 (file 2020-0228) with an inventory of Metro property available for temporary housing. Metro should update this inventory, ensure its policies are consistent with Executive Directive 3, and take steps to increase housing production under the joint development program.

SUBJECT: MAXIMIZING USE OF METRO PROPERTY FOR TEMPORARY AND PERMANENT HOUSING MOTION

RECOMMENDATION

APPROVE Motion by Directors Bass, Hahn, Najarian, Mitchell, Solis, and Krekorian that the Board direct the Chief Executive Officer to:

- A. Report back at the March 2023 Executive Management Committee with a list of all Metro-owned property, including rights-of-way and parking lots, that are vacant, surplus, or underutilized. For any parcel with significant limitation or restriction that might preclude it from being used for temporary or permanent housing with on-site supportive services, Metro should include all covenants, easements, leases or other land use, revenue, or regulatory restrictions that apply to the identified parcel;
- B. Report back to the Board in April 2023 on strategies to streamline the production of temporary housing consistent with the policies of Executive Directive 3; and
- C. Report back to the Board in April 2023 on a strategy to accelerate affordable housing joint development efforts on Metro properties to achieve 10,000 new housing units.



KAREN BASS
MAYOR

EXECUTIVE DIRECTIVE NO. 3

Issue Date: February 10, 2023

Subject: Emergency Use of Viable City-Owned Property

INTRODUCTION

To aid in sheltering people who are unhoused in the City of Los Angeles, and by virtue of the authority vested in me as Mayor under the Charter Section 213(i) of the City of Los Angeles and the provisions of Section 8.29 of the Los Angeles Administrative Code, I hereby declare the following order to be necessary for the protection of life and property, and I hereby order, effective immediately, that:

1. Within 20 days of this order the City Administrative Officer's (CAO) Asset Management and Development Services (AMDS) shall identify and deliver to the Mayor and the Chief of Housing and Homeless Solutions a list of all City-owned property within the control of any City department or bureau, including rights of way, that are vacant, surplus, or underutilized. For any parcel with significant limitation or restriction that might preclude it from being used for temporary or permanent housing with on-site supportive services, AMDS should include all covenants, easements, leases or other land use, revenue, or regulatory restrictions that apply to the identified parcel. I direct all City Departments to fully cooperate with AMDS and prioritize inquiries and requests from AMDS regarding this list for immediate response. This order does not apply to active recreational sites in the control of the Department of Recreation and Parks that are utilized for public recreation or land that is utilized as trails for public recreation.

2. The Chief of Housing and Homeless Solutions shall, upon receipt of such identifications, complete a formal assessment of each identified site to determine its suitability for housing or shelter for those experiencing homelessness. In making that assessment, the Chief of Housing and Homeless Solutions shall coordinate with CAO and all appropriate City departments, including General Services Department (GSD), the Department of Transportation (DOT), the Bureau of Engineering (BOE), and the Department of Building and Safety (DBS). Such assessment shall be completed and transmitted to the Mayor as soon as possible but, in any event, on or before the 30th day following receipt of the AMDS list referenced in paragraph 1 of this Executive Directive. Such assessment shall address each site's viability for habitation, including a site layout, access to infrastructure (including water, power, and sewer access), contamination risks, liability risks, the distance between each site and other residential uses, and the time and resources needed to prepare the site for habitation.

3. Within 30 days of receipt of the formal assessment of sites to be used for temporary or permanent housing with on-site supportive services to be occupied by persons experiencing homelessness, the Mayor's Office shall make designations for appropriate sites to install or construct housing or shelter, giving preference to sites that are easily serviceable by utilities (including water, power, and sewer services) and that are near assets to aid in support of people experiencing homelessness. Any new structures constructed on sites so designated shall be non-congregate shelter. To the extent possible, units shall include individual bathrooms. All sites shall include other appropriate amenities. The Mayor's Office, in conjunction with the CAO, shall specify the construction or contracting process for each site, including approvals for expediting the same, and may include additional exemptions from the requirements of the Los Angeles Municipal Code (LAMC).

4. City departments, bureaus, and agencies shall have the authority to install temporary or permanent housing with on-site supportive services on such designated sites, all in accordance with the designations made by the Mayor's Office.

5. The construction, emergency installation, use, and operation of temporary or permanent housing on such designated sites shall be and hereby are deemed exempt for the duration of this order from discretionary review processes otherwise required by either the zoning provisions of Chapter I of the LAMC or Project Review as described in LAMC Section 16.05 and LAMC Section

13B.2.4; or other ordinance; provided, however, that any temporary or permanent housing shall comply with applicable state law including Government Code Section 8698, et seq., to the extent those sections apply.

6. Temporary or permanent housing on such designated sites shall also be exempt from LAMC Section 64.72 (Public Works and Property) except to the extent required by state law as applicable to either charter or general law cities. The Director of Sanitation shall respond to all Sewer Capacity Availability Requests (SCAR) and complete the department's reviews under LAMC Section 64.15 within seven business days of being submitted to the Bureau of Sanitation.

7. Construction activities related to temporary or permanent housing on such designated sites shall be exempt from LAMC Section 41.40 (Public Welfare) in order to expedite construction and installation of housing, all in accordance with the designations made by the Mayor's Office.

8. All site plan reviews and approvals pursuant to LAMC Section 16.05 are hereby waived for all eligible temporary or permanent housing with on-site supportive services constructed or installed on such designated sites as specified in the Mayoral designations noted in paragraph 3 above. All minimum parking requirements are hereby waived for all eligible temporary or permanent housing with on-site supportive services constructed or installed on such designated City sites, all in accordance with the designations made by the Mayor's Office.

9. I hereby direct that all protocols set by the Los Angeles County Coordinated Entry System be expanded, changed, or eliminated, as allowed by federal law, pursuant to guidelines to be issued by the Mayor, for temporary or permanent housing with on-site supportive services constructed or installed on such designated City sites.

10. All City departments and bureaus with permitting requirements, including the DBS, the BOE, the Fire Department, City Planning, DOT and the Department of Water and Power (DWP), shall prioritize and streamline their review of any permits relating to the construction, emergency installation, use, and operation of temporary or permanent housing on such designated City sites by conducting concurrent, rather than consecutive, reviews of such permit applications and completing those reviews within 30 days of application.

11. GSD shall establish guidelines for when a City department or bureau should consider a property vacant or underutilized, similar to the processes for declaring properties surplus, and they shall develop a process by which each City department and bureau shall regularly identify for the CAO and GSD, any properties that it deems to be vacant or underutilized.
12. The DWP, the Los Angeles World Airports, and the Los Angeles Harbor Department shall establish guidelines for identifying vacant, surplus, or underutilized property on a forward-going basis, and shall develop a process by which each of those departments shall regularly notify the Mayor and CAO of vacant, surplus, or underutilized properties.
13. The Mayor will request that other jurisdictions that control real property in the City consider adopting policies similar to those outlined in this order to make property available for temporary or permanent housing with on-site supportive services. Such jurisdictions include Los Angeles County, LA Metro, Los Angeles Unified School District (LAUSD), the California Department of Transportation (CalTrans), and other departments or agencies of the State of California.

Executed this 10th day of February, 2023



KAREN BASS
Mayor



Metro

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

Board Report

File #: 2023-0113, **File Type:** Minutes

Agenda Number: 2.

**REGULAR BOARD MEETING
FEBRUARY 23, 2023**

SUBJECT: MINUTES

RECOMMENDATION

APPROVE Minutes of the Regular Board Meeting held January 26, 2023.

January 2023 CON Public Comment – Item 24

From: [REDACTED]
Sent: Wednesday, January 18, 2023 12:32 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: Jarrett Thompson <jarrett.thompson@lacity.org>; Gary Gero <gary.gero@lacity.org>; Racine, Ned <RacineN@metro.net>; Walker, Marlon (James) <WalkerMJ@metro.net>; Sahag Yedalian <sahag.yedalian@lacity.org>; Daniel Rodman <daniel.rodman@lacity.org>
Subject: CD 5 opposition to Spot Check #3 regarding CCCS Relocated UPE Plenum at Westfield Mall | Item 24 at the 1/19/23 Construction Committee

Dear Metro Board of Directors and Members of the Construction Committee,

Councilwoman Katy Yaroslavsky is in opposition to Spot Check #3 regarding CCCS Relocated UPE Plenum at Westfield Mall, part of [item 24](#) at the 1/19/23 [Construction Committee](#).

The Councilwoman believes that the future success of the Century City Station is contingent upon ease of access to the station. Removing one of the access points for this crucial station could be detrimental to meeting the goals of increased transit ridership.

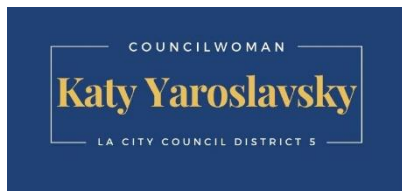
The 2009 development agreement between the City of Los Angeles and the ownership of the Westfield Century City Mall planned for an access point from the mall directly to the station box. This agreement remains in place to this day and is legally enforceable. The City and members of the public have held the expectation that the mall will provide an access point for over a decade and continue to maintain this expectation today.

The mall must have this access point and no Metro action should be taken towards its removal.

Please feel free to reach out to our office if you have any further questions.

Sincerely,
[REDACTED]

[REDACTED]



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] with the office of Councilwoman Katy Yaroslavsky (including any attachments), along with any associated personal identifying information, is considered a public record under the California Public Records Act and may be subject to public disclosure.

January 2023 RBM Public Comment – Item 7

From: [REDACTED]
Sent: Wednesday, January 25, 2023 6:50 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: firstdistrict@bos.lacounty.gov; HollyJMitchell@bos.lacounty.gov; ThirdDistrict@bos.lacounty.gov; FourthDistrict@bos.lacounty.gov; FifthDistrict@bos.lacounty.gov
Subject: OPPOSE METRO TCN Program: PULL FROM CONSENT, Thursday, January 26, 2023

Metro Board Clerk:

The Coalition for a Beautiful Los Angeles submits the following comments and requests the removal of Item # 7, the Metro Transportation Communication Network (TCN) Program, from consent at its Thursday, January 26, Metro Board Meeting.

In addition to our strong objections attached, the consideration of this item is improper given the recent election that has resulted in five new LA City Councilmembers and a new Mayor -- none of whom have had the opportunity to review the program, seek input from constituents, and consider and craft their comments to the Metro Board.

Further, there are significant jurisdictional, procedural, public safety, and environmental issues that warrant additional scrutiny.

Thank you,

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 25, 2023 3:14 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: Kelsey Jessup <kelsey.jessup@TNC.ORG>
Subject: Public comment for 1/26 Metro Board meeting on Item 7, Transportation Communication Network (TCN) Environmental Impact Report

Dear Metro Board,

The Nature Conservancy (hereafter, “the Conservancy”), submitted the attached letter to the Transportation Communications Network (TCN) Project Team on Monday, January 9th regarding the potential impacts of the TCN billboards near the Bowtie Demonstration Project. We first became aware of the TCN in the late fall during our attendance at a virtual meeting of a local Neighborhood Council when they discussed the TCN’s impacts on their community.

The Conservancy would like to submit the following additional comments for the Metro Board’s consideration on Item 7, TCN Environmental Impact Report 2022-0838 to recommend against the TCN Project; against certifying the TCN Final Environmental Impact Report (Final EIR), against adopting the TCN Final Environmental Impact Report (Final EIR), in accordance with CEQA, and against authorizing the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and the State of California Clearinghouse.

An adequate lighting impact analysis was not completed of Sites FF-13 and FF-14 because analysis does not take into account current and future impacts to wildlife on and near the Bowtie Demonstration Project, which will include habitat enhancement features for wildlife on a property owned by California State Parks. The distance from FF-13 to the nearest edge of the Bowtie State Parks property is approximately 823 ft (251 m). The distance from FF-14 to the nearest edge of the Bowtie State Parks property is approximately 619 ft (188 m).

“Wildlife” is all living organisms including plants, animals, and others. The Conservancy has conducted field surveys to establish that the Bowtie Demonstration Project site already serves as habitat for some wildlife, and we plan to introduce large numbers of native plants and other habitat features to the site with the aim of providing habitat for many other species of valued native birds, butterflies, and other vertebrate and invertebrate animals. Many of these newly arriving species will come from the adjacent riparian habitats included in our [Water Supply and Habitat Resiliency Study](#) (appendices are [here](#)), which provides information about the historic ecology in Elysian Valley, historic and existing hydrological and hydraulic conditions, and one full year of multi-taxa biological surveys along a 2.5 mile stretch of the LA River in the Project area. The study also provided guidance for a suite of habitat enhancement options under different future river flow scenarios. The study informed the Bowtie Demonstration Project’s design and concluded that: 1) enhancing and increasing the amount of perennial riparian habitat in-stream alone will not create as much biological value as identifying complementary enhancement opportunities outside of the river channel in adjacent upper terrace floodplain and upland habitats; and 2) land uses adjacent to the river and throughout the watershed are a part of the solution and part of the LA River’s biological and hydrologic system. Using the 2016 study as a guide, the Conservancy completed a feasibility study in 2017 (found [here](#)) and determined the ideal location for the Bowtie Demonstration Project, which will be breaking ground later this year.

Furthermore, the Glendale Narrows is a particularly important stretch of riparian bird habitat on the LA River. Bird nests and egg set records from the Western Foundation of Vertebrate Zoology demonstrate that prior to the channelization of the LA River in the 1930s, Barn Swallow (*Hirundo rustica*), Black Phoebe (*Sayornis nigricans*), Black-headed Grosbeak (*Pheucticus melanocephalus*), Cliff Swallow (*Petrochelidon pyrrhonota*), Common Yellowthroat (*Geothlypis trichas*), House Wren (*Troglodytes aedon*), Least Bell's Vireo (*Vireo bellii pusillus*), Song Sparrow (*Melospiza melodia*), Western Wood-Pewee (*Contopus sordidulus*), Willow Flycatcher (*Empidonax traillii*), Yellow Warbler (*Setophaga petechia*), and Yellow-breasted Chat (*Icteria virens*) all used the Glendale Narrows as breeding habitat. Field surveys conducted in 2014 and 2015 found that some of these species are still breeding or attempting to establish breeding territories along this stretch of the river. An additional eight Continental Concern Species and six Regional Concern Species prioritized in the Californian Coasts and Mountains region of the Sonoran Joint Venture Conservation Plan were observed along this stretch of the river in 2014-2015. The attached spreadsheet is a summary of the iNaturalist observations around the Bowtie area with roughly 850 non-plant species. The Bowtie Demonstration Project will benefit most of these species by restoring high quality riparian, intermittent wetland, and upland habitats, thereby providing more breeding opportunities, in addition to food, shelter, and roosting and perching sites.

The EIR should not be certified by the Metro Board and rather should be reopened to include an analysis of the impacts on future wildlife within the Bowtie Demonstration Project and other similar locations.

Thank you for your consideration.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 25, 2023 4:41 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; clerk.cps@lacity.org
Subject: Opposed to TCN Program / Council File 22-0392

I strongly **OPPOSE** Item #7 on the Metro Board of Directors' agenda for the 10AM meeting this Thursday, January 26, 2023 for the following reasons:

- The final Environmental Impact Report (FEIR) is fatally flawed and therefore should NOT be approved.
- There has been no community outreach.
- It clearly undermines the City of Los Angeles's 2002 Sign Ordinance and the City's ban on new off-site billboards.
- Newly elected City and County officials have not had time to evaluate the program and its impact on their communities.
- The TCN Program is **NOT** a transit program; the TCN program is an advertising program.

I respectfully request the TCN be pulled from the consent calendar and sent to LA City for public hearings.

Sincerely,

[REDACTED]

From: [REDACTED] >
Sent: Wednesday, January 25, 2023 5:33 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Item #7- OPPOSE TCN Program

January 25, 2023

Honorable Metro Board of Directors,

Most importantly, please do not approve the TCN Program on the consent calendar, and instead, send it to Los Angeles City for public hearings which have been so seriously deficient during this process.

- The City's 2002 Sign Ordinance with a ban on new off-site billboards is being ignored.
- The FEIR is severely flawed and incomplete.
- Safety of drivers is of great concern, as driver behavior is altered; attention is drawn away from traffic, a proven fact.
- The reduction of property values associated with nearby billboards is understated and not adequately addressed.
- Light disturbance on wildlife, especially nocturnal migrating birds, is mostly disregarded, especially with such heights and light intensity.

As is, the TCN Program is obviously an advertising/business venture, not a transit program.

Please see the light. Oppose.

Thank you,

[REDACTED]

From: [REDACTED] >
Sent: Wednesday, January 25, 2023 6:19 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com
Subject: Item #7 OPPOSE

To whom it may concern: Your constituents have opposed this for quite some time now and it is time we were listened to! Los Angeles does not need MORE distractions in driving- pedestrians being hit by cars has increased dramatically. This is a simply a way for the city to not do it's job- and putting Angelenos in a public safety situation where injuries and deaths will occur. Not to mention how un-environmental the plan is.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 25, 2023 6:41 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com
Subject: Agnda Item #7 OPPOSE the Transportation Communication Network (TCN)

Dear Board of Directors,

I **oppose** the TCN Program to install 97 changing digital billboards over 16 commercial corridors and 8 different freeways across LA City, including the Ballona Wetlands Ecological Reserve and other sensitive location. I live in Los Angeles' first Wildlife District and am well aware of the damage that these huge billboards will cause to wildlife consequently, to their habitat. NFF-4 at the NW corner of Lankershim Blvd. and Universal Hollywood Drive will be adjacent to our new Wildlife District. This is entirely inappropriate.

The FEIR is fatally flawed and cannot be approved. I am asking that you pull the TCN from the consent calendar and send to LA City for public hearings. This misguided program undermines the Los Angeles Sign Ordinance of 2002 and the City's ban on. new off-site billboards.

This is yet another program with no public benefit. It is purely an economic venture , selling advertising, no matter what the cost to the public. Those costs include dangerous impacts to safety, visual blight, privacy, human health issues associated with sleep disturbance, and harm to our environment.

Give the public a voice!

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 25, 2023 9:41 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; clerk.cps@lacity.org
Subject: Item #7 - OPPOSE

Item #7 – 1-26-2023: OPPOSE
City Clerk: Council File 22-0392

Please Halt Metro Approval of Huge Digital Billboards Across Los Angeles!

Please delay this entire matter until the neighborhood councils and community organizations have been given full presentations and opportunities to weigh in on this proposal.

Please ask Metro to pull the item off its consent calendar and send it to the City of Los Angeles for public hearings and environmental approval for the following reasons:

The community has not been given the opportunity to speak before the Metro Board or to review the Environmental Impact Report.

Newly electeds at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.

The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues. **Metro cannot be the lead agency.** LA City must be the lead.

ALSO Please remove from this proposal the billboards proposed to be placed surrounding the Ballona Wetlands Ecological Reserve, where Angelenos come to learn about and experience our unique wetlands ecology.

Thank you!

[REDACTED]

-----Original Message-----

From: [REDACTED] >

Sent: Wednesday, January 25, 2023 11:56 PM

To: Board Clerk <BoardClerk@metro.net>

Cc: Judith marlin <judymarlin@roadrunner.com>

Subject: Item #7

I vehemently OPPOSE Item #7!

This is an assault on our beautiful city in the service of the Billboard Industry and politicians who pander to them through donations to their campaigns.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 7:26 AM
To: Kevin Lee Miller <kevinleemiller01@gmail.com>
Cc: Board Clerk <BoardClerk@metro.net>; losangelesbeautiful@gmail.com
Subject: Re: Opposed to TCN Program / Council File 22-0392

Good Morning,

Your public comment will be uploaded.

In the future you may use the following link to upload your public comment <https://cityclerk.lacity.org/publiccomment/>

Thank you.

On Wed, Jan 25, 2023 at 4:41 PM Kevin Lee Miller <kevinleemiller01@gmail.com> wrote:
I strongly **OPPOSE** Item #7 on the Metro Board of Directors' agenda for the 10AM meeting this Thursday, January 26, 2023 for the following reasons:

- The final Environmental Impact Report (FEIR) is fatally flawed and therefore should NOT be approved.
- There has been no community outreach.
- It clearly undermines the City of Los Angeles's 2002 Sign Ordinance and the City's ban on new off-site billboards.
- Newly elected City and County officials have not had time to evaluate the program and its impact on their communities.
- The TCN Program is **NOT** a transit program; the TCN program is an advertising program.

I respectfully request the TCN be pulled from the consent calendar and sent to LA City for public hearings.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 7:28 AM
To: Susanne Cumming <cumming@earthlink.net>
Cc: Board Clerk <BoardClerk@metro.net>; losangelesbeautiful@gmail.com
Subject: Re: Item #7 - OPPOSE

Good Morning,

Your public comment will be uploaded.

In the future you may use the following link to upload your public comment <https://cityclerk.lacity.org/publiccomment/>

Thank you.

On Wed, Jan 25, 2023 at 9:41 PM Susanne Cumming <cumming@earthlink.net> wrote:
Item #7 – 1-26-2023: OPPOSE
City Clerk: Council File 22-0392

**Please Halt Metro Approval of Huge Digital Billboards Across Los Angeles!
Please delay this entire matter until the neighborhood councils and community organizations have been given full presentations and opportunities to weigh in on this proposal.**

Please ask Metro to pull the item off its consent calendar and send it to the City of Los Angeles for public hearings and environmental approval for the following reasons:

The community has not been given the opportunity to speak before the Metro Board or to review the Environmental Impact Report.

Newly electeds at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.

The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues.

Metro cannot be the lead agency. LA City must be the lead.

ALSO Please remove from this proposal the billboards proposed to be placed surrounding the Ballona Wetlands Ecological Reserve, where Angelenos come to learn about and experience our unique wetlands ecology.

Thank you!

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 7:29 AM
To: Lois Becker/Mark Stratton <loismark@gmail.com>
Cc: Board Clerk <BoardClerk@metro.net>
Subject: Re: Item #7 - TCN program - OPPOSE (Council File 22-0392)

Good Morning,

Your public comment will be uploaded.

In the future you may use the following link to upload your public comment <https://cityclerk.lacity.org/publiccomment/>

Thank you.

On Thu, Jan 26, 2023 at 12:16 AM [REDACTED] wrote:
Please see that the attached message is delivered to the Metro Board.

Thank you very much.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 8:25 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; clerk.cps@lacity.org; councilmember.raman@lacity.org
Subject: Council File 22-0392 Item #7- OPPOSE

Dear Metro Board of Directors,

Save Coldwater Canyon, Inc. is a local environmental group representing over 1100 residents of Los Angeles.

Please STOP the Huge Digital Billboards Across Los Angeles and OPPOSE Item #7.

The TCN program is not a transit program, it's an advertising program -- and City of LA residents and homeowners **do not want** a City filled with the urban blight of such changing, **DISTRACTING AND DANGEROUS** digital billboards.

This undermines the City of Los Angeles's 2002 Sign Ordinance and the City's ban on new off-site billboards.

Please OPPOSE the 97 changing digital billboards towering over 16 commercial corridors and 8 different freeways across LA City, including the Ballona Wetlands Ecological Reserve and additional sensitive locations.

Sincerely,

[REDACTED]

--

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 8:31 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; councilmember.raman@lacity.org
Subject: Council File 22-0392 Item #7- OPPOS

Dear Board of Directors,

I **oppose** the TCN Program to install 97 changing digital billboards over 16 commercial corridors and 8 different freeways across LA City, including the Ballona Wetlands Ecological Reserve and other sensitive locations. I live in Los Angeles' first Wildlife District and am well aware of the damage that these huge billboards will cause to wildlife consequently, to their habitat. NFF-4 at the NW corner of Lankershim Blvd. and Universal Hollywood Drive will be adjacent to our new Wildlife District. This is entirely inappropriate.

The FEIR is fatally flawed and cannot be approved. I am asking that you pull the TCN from the consent calendar and send to LA City for public hearings.

This misguided program undermines the Los Angeles Sign Ordinance of 2002 and the City's ban on new off-site billboards.

This is yet another program with no public benefit. It is purely an economic venture, selling advertising, no matter what the cost to the public.

Those costs include dangerous impacts to safety, visual blight, privacy, human health issues associated with sleep disturbance, and harm to our environment.

Give the public a voice...OPPOSE these dangerous advertising billboards.

Sincerely

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 8:42 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; councilmember.raman@lacity.org
Subject: Agenda Item #7 OPPOSE the Transportation Communication Network (TCN)

Dear Metro Board of Directors,

Please STOP the Huge Digital Billboards Across Los Angeles and OPPOSE Item #7.

The TCN program is not a transit program, it's an advertising program -- and City of LA residents and homeowners do not want a City filled with the urban blight of such changing, DISTRACTING and DANGEROUS digital billboards.

This undermines the City of Los Angeles's 2002 Sign Ordinance and the City's ban on new off-site billboards. **The City should expect many lawsuits if this is approved as these distracting billboards will most definitely cause many accidents.**

Please OPPOSE the 97 changing digital billboards towering over 16 commercial corridors and 8 different freeways across LA City, including the Ballona Wetlands Ecological Reserve and additional sensitive locations!

Sincerely,

[REDACTED]

-----Original Message-----

From: [REDACTED]

Sent: Thursday, January 26, 2023 9:16 AM

To: Board Clerk <BoardClerk@metro.net>

Subject: Item #7

OPPOSE

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:17 AM
To: Board Clerk <BoardClerk@metro.net>; Michael.Amster@LACity.org; clerk.cps@lacity.org
Subject: Item #7- OPPOSE - Halt Approval of Huge Digital Billboards Across Los Angeles - Council File 22-0392

To Metro, CD11,

I support the **Coalition for a Beautiful Los Angeles** to tell the Metro Board that this program's Final Environmental Impact Report (FEIR) is fatally flawed and cannot be approved.

Pull the item off its consent calendar and send it to the City of Los Angeles for public hearings and environmental approval for the following reasons:

The community has not been given the opportunity to speak before the Metro Board.

Newly electeds at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.

The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues. **Metro cannot be the lead agency**. LA City must be the lead.

Metro-LA City TCN joint agreement was adopted prior to the environmental review process and without any City of LA hearings or transparent public process. **Approval of an EIR is premature.**

Adoption of the TCN Program will likely **undermine** the City of Los Angeles's 2002 Sign Ordinance and the City's **ban on new off-site billboards**.

The TCN Program's signs will **significantly impact** sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.

Metro is **piecemealing** the program - an improper practice under CEQA. Metro seeks to expand the program in other cities while having presented the program as one exclusive to the City of Los Angeles. The FEIR also notes that Metro may change sign locations making it impossible to assess impacts or define mitigations.

Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which constitutes **deferred environmental mitigation**, which is generally improper under CEQA.

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:19 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com
Subject: Oppose - Item #7 of today's agenda

Hello, I strongly oppose your current TCN program, to be discussed as item #7 at the board meeting today. This advertising program is not related to transportation and would significantly alter the landscape.

Best,

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:21 AM
To: Board Clerk <BoardClerk@metro.net>; clerk.cps@lacity.org
Cc: losangelesbeautiful@gmail.com
Subject: Oppose #7 TCN

We have enough digital advertising all over our neighborhoods and more is unacceptable. I understand Metro wants more money to spend--it NEVER has enough to do what you promise, but this is not the answer. Do what you're supposed to do and provide transportation.

LA City does a poor job of controlling billboards and digital advertising, but it is their responsibility. Stay focused on your purpose -- mass transit.

We look to LA City for transparency and to scale back as promised. This is a dual comment for Metro and for the LA City Council File 22-0392

--

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:29 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: Re. Item #7 - OPPOSE

Dear Metro Board of Directors:

Please do not approve the final EIR for the TCN program. The community has not been given the opportunity to speak before the Metro Board.

Newly electeds at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.

The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues. **Metro cannot be the lead agency**. LA City must be the lead.

Metro-LA City TCN joint agreement was adopted prior to the environmental review process and without any City of LA hearings or transparent public process. **Approval of an EIR is premature.**

Adoption of the TCN Program will likely **undermine** the City of Los Angeles's 2002 Sign Ordinance and the City's **ban on new off-site billboards**.

The TCN Program's signs will **significantly impact** sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.

Metro is **piecemealing** the program - an improper practice under CEQA. Metro seeks to expand the program in other cities while having presented the program as one exclusive to the City of Los Angeles. The FEIR also notes that Metro may change sign locations making it impossible to assess impacts or define mitigations.

Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which constitutes **deferred environmental mitigation**, which is generally improper under CEQA.

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:46 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: Today Jan. 26 No. 7 TCN

The EIR prepared for this TCN project is fatally flawed.

The City of Los Angeles should not have digital billboards that will distract drivers.

Please do NOT approve this matter.

Thank you for responding to the safety of all our citizens.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:46 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com
Subject: Item #7- OPPOSE

Dear Board Members:

The public deserves a right to speak before a measure that blights the City and causes distracted and dangerous driving is approved. The City of Los Angeles rather than Metro is the appropriate lead agency. Such action would underline the sign ordinance and lead to proliferation of off-site digital advertising.

The joint agreement was reached prior to environmental review, which was improper.

I am appalled by this steamrolling and ask that the item be pulled from consent.

Thank you

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: Thursday, January 26, 2023 9:47 AM

To: Board Clerk <BoardClerk@metro.net>

Subject: Transportation Communication Network, Metro Board Agenda, 1/26/23, Item 7, OPPOSE

Members of the Metro Board,

We are writing to urge you to reject the TCN project, along with the associated actions on today's agenda. Our reasons are as follows:

- The TCN Program is NOT a transit program. Metro has knowingly misrepresented the project to mislead the public. The TCN program is a digital billboard program designed to generate ad revenue, and merely continues Metro's existing digital billboard program.
- This deceptive practice of separating the TCN from the existing billboard program, which has placed multiple digital billboards in surrounding cities, constitutes piecemealing. The FEIR also notes that Metro may change sign locations making it impossible to assess impacts or define mitigations.
- Metro should not be the lead agency. The project is limited to locations in the City of LA and requires changes to the LAMC. The City of LA should be the lead agency.
- The community has not been given the opportunity to speak before the Metro Board.
- Metro-LA City TCN joint agreement was adopted prior to the environmental review process and without any City of LA hearings or transparent public process. Approval of an EIR is premature.
- Adoption of the TCN Program will likely undermine the City of Los Angeles's 2002 Sign Ordinance and the City's ban on new off-site billboards.
- The TCN Program's signs will significantly impact sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.
- Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which constitutes deferred environmental mitigation, which is prohibited under CEQA.

For these reasons we urge you not to approve the TCN.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 9:58 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: Dylan Sittig <dylan.sittig@lacity.org>
Subject: Board Item # 7 OPPOSE approval of FEIR for TCN Program

Dear METRO Board of Directors:

Your consideration of the Transportation Communication Network's (TCN) FEIR today demonstrates an effort on the part of METRO to fail in its responsibility to be a transparent, honest and credible agency.

At your December 1st meeting, there was an action taken to remove this program from that meeting's consent calendar for two reasons: 1) because the FEIR had only very recently been released, and 2) because by placing the program's consideration on the consent calendar, the public would not have had an opportunity to be heard.

It is somewhat shocking to find that the TCN is again on the Board's consent calendar. I say "somewhat" shocking because it has been quite clear that this program has been and is being treated from other METRO programs underway. There has been no effort to inform or involve the public in consideration of this program. Whereas METRO normally hosts a number of open house programs for programs being considered, there has been no visible effort to go out into the public to present the program in an effort to seek public input.

Individuals who submitted comments to the DEIR and have indicated interest and/or concern about the program have not been notified by Metro about pending meetings / hearings about the program. It is only in retrospect that we discover references to committee meetings. It appears that the TCN FEIR was approved in the Board's Planning and Programming Committee not long ago. But, even at that meeting, the program was on the committee's CONSENT calendar.

The manner in which this program is being presented and placed for approval is inappropriate. Metro presents this program as one exclusive to Los Angeles and as if it is a program just developed when it is a far larger project across numerous municipalities. This, and the fact that the project description allows for changes in sign placements suggests that this program is being piecemealed -- an unacceptable practice under CEQA.

This program has been identified for a number of years internally at Metro as an advertising program, and has been developed over those many years with Metro's selected partner All Vision (selected without a formal RFP process). It is inappropriate for Metro to be the lead agency for this is not a transportation program. Metro is a transportation agency -- not chartered to sponsor advertising programs. While I would

not want to see the City of Los Angeles promoting this program, from an administrative point of view, Los Angeles is the appropriate LEAD agency.

It must be noted as well that the process by which the program is being considered is entirely confused and improper. The City should never have entered into any Memorandum agreement about the TCN prior to the completion of an EIR or the presentation of the program to the public. The City's process, too, was shrouded under a veil of deception hidden as a subsection of a supplementary budget review report from the CAO's office.

Your constituents in LA City and LA County have just elected new representatives and yet you allow no time whatsoever for these new elected to reach out to their constituents and to review the potential impacts of this program on their communities. They are expected to get on the bandwagon where the lure of a share of advertising revenues has clouded the vision of those promoting the program. The revenues generated by this program will degrade our visual environment for decades to come. The changing nature of the billboards will degrade the quality of life of those who are forced to live in their proximity. They will create dangerous driver distractions adding to the carnage on our busy and congested roadways. They will damage the environment and disturb the life cycles of all creatures, large and small, who live in their realm.

At some point, the pursuit of money is not meant to prevail over public health and safety needs. This program has passed the point of acceptability.

This program should not be considered today. Concerns voiced by the public should be considered and addressed.

In addition to the comments above, I /we wish to conclude with the points below:

The community has not been given the opportunity to speak before the Metro Board.

Newly electeds at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.

The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues. **Metro cannot be the lead agency**. LA City must be the lead.

Metro-LA City TCN joint agreement was adopted prior to the environmental review process and without any City of LA hearings or transparent public process. **Approval of an EIR is premature.**

Adoption of the TCN Program will likely **undermine** the City of Los Angeles's 2002 Sign Ordinance and the City's **ban on new off-site billboards**.

The TCN Program's signs will **significantly impact** sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.

Metro is **piecemealing** the program - an improper practice under CEQA. Metro seeks to expand the program in other cities while having presented the program as one exclusive to the City of Los Angeles. The FEIR also notes that Metro may change sign locations making it impossible to assess impacts or define mitigations.

Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which constitutes **deferred environmental mitigation**, which is generally improper under CEQA.

Please take a deep breath, question, and reconsider this program, the manner in which it has been presented, pushed through the environmental and other steps in its consideration, and consider our City's visual environment. Consider public safety issues and question why no attempts were made to research existing traffic studies that document the dangers introduced as a result of driver distraction from these signs. Why must our shared visual environment be sold off and commercialized? In an ever densifying City, our shared public open space becomes a more and more valuable asset -- an asset which you propose to pollute with energy—consuming jumbo LED screens that will add to our night sky pollution.

I would appreciate an honest assessment of this program. The public deserves nothing less.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 10:03 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: I oppose item #7 on Council File 22-0292

[REDACTED]

Sent from [Mail](#) for Windows

From: [REDACTED]
Sent: Thursday, January 26, 2023 10:22 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: NO DIGITAL BILLBOARDS

They destroy neighborhoods and are unsafe for drivers. I mean, you've got to be kidding with these horrific distractions. Enough.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 10:44 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com
Subject: ITEM #7 METRO CONSENT CALENDAR PLEASE PULL IT AND SEND TO CITY OF LA FOR PUBLIC HEARINGS AND ENVIRONMENTAL APPROVAL

Greetings:

I request that Metro pull this item off its consent calendar and send it to the City of Los Angeles for public hearings and environmental approval for the following reasons:

- The community has not been given the opportunity to speak before the Metro Board.
- Newly elected officials at the City and County levels have not had ample time to review and evaluate the program and its impact on their communities.
- The TCN Program is **NOT a transit program** and has a title that misleads the public. The TCN program is an advertising program designed to generate ad revenues. **Metro cannot be the lead agency.** LA City must be the lead.
- Metro-LA City TCN joint agreement was adopted prior to the environmental review process and without any City of LA hearings or transparent public process. **Approval of an EIR is premature.**
- Adoption of the TCN Program will likely **undermine** the City of Los Angeles's 2002 Sign Ordinance and the City's **ban on new off-site billboards.**
- The TCN Program's signs will **significantly impact** sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.
- Metro is **piecemealing** the program - an improper practice under CEQA. Metro seeks to expand the program in other cities while having presented the program as one exclusive to the City of Los Angeles. The FEIR also notes that Metro may change sign locations making it impossible to assess impacts or define mitigations.
- Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which constitutes **deferred environmental mitigation**, which is generally improper under CEQA.

Thank you.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 26, 2023 11:06 AM
To: Board Clerk <BoardClerk@metro.net>
Cc: losangelesbeautiful@gmail.com; traci.park@lacity.org
Subject: Item #7- OPPOSE

I OPPOSE moving digital billboards in Los Angeles. I cannot begin to understand this obsession with advertising. But to allow it to sway every aspect of our lives, including the physical wellbeing of our people, just makes no sense.

We live in sight of a former moving billboard – thankfully it was removed a few years ago with the city-wide ban. It shone into my child’s room and prevented her from sleeping. It was just terrible; it definitely impacted her ability to learn and grow up. It impacted her safety when her mother drove her on streets made more dangerous by this assaulting distraction. It impacted my capacity to parent with children bombarded by an unavoidable deluge of assaultive images.

Multiply this experience across LA’s basin by millions – what sort of absurdity is this? For what purpose do we *have* a government for and of the people, if not to protect them. Protect them from pointless, mindless, inhumane money-mongering by corporations, who are not... people.

Quit it.

Please DO NOT APPROVE digital billboards in Los Angeles. You have no right to impose this harm on the people of LA. At the very least, it should be discussed by the elected political representatives of CoLA: send it back to City Council please.

Thank you.

[REDACTED]

-----Original Message-----

From: [REDACTED]

Sent: Thursday, January 26, 2023 11:40 AM

To: Board Clerk <BoardClerk@metro.net>

Subject: Item 7

Oppose

[REDACTED]

From: [REDACTED]

Sent: Thursday, January 26, 2023 11:43 AM

To: Board Clerk <BoardClerk@metro.net>

Subject: oppose bill boards i.e. #7

I strongly oppose digital billboards. It degrades our city!!

[REDACTED]

From: [REDACTED]
Sent: Friday, January 27, 2023 6:59 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: Attendees Mailing list - Abilities Expo 2023

Dear Exhibitor,

Hope this note finds you well.

I am following up to confirm, if you are interested acquiring the Attendees Mailing list.

Abilities Expo - Southern California 2023 (Los Angeles, CA USA/ March 10 - 12, 2023

Information fields include: Contact name, Company name, Job Title, Company Mailing address with Zip Code, Phone Number, Fax Number, SIC Code, Industry Classification, Website URL and contact person verified business email address.

The complete list is available for a small investment, with unlimited usage rights, you can use this list for your regular marketing campaigns too.

Please let me know your Interest so that I can get back to you with more details on Counts and Pricing available for the Attendees Mailing List.

Thank you and I awaiting your response.

Regards,

[REDACTED]



Coalition for a Beautiful Los Angeles
200 S. Barrington Ave., Box 49583
Los Angeles, CA 90049
losangelesbeautiful@gmail.com

Est.
1986

January 25, 2023

VIA ELECTRONIC MAIL

Board of Directors
Los Angeles County Metropolitan Transportation Authority
Board Administration
One Gateway Plaza
MS: 99-3-1
Los Angeles, CA 90012
Email: BoardClerk@metro.net

RE: OPPOSE ITEM # 7 (2022-0695)
Certification of the Final Environmental Impact Report for the Transportation
Communication Network (SCH# 2022040363)

Dear Metro Board Members:

Coalition for a Beautiful Los Angeles (CBLA)¹ writes in strong opposition to Los Angeles County Metropolitan Transportation Authority (Metro) Transportation Communication Network (TCN) Program. CBLA previously submitted comments in response to the TCN Program's Draft and Final Environmental Impact Report (EIR). (See Exhibits A and B.) The Program is presented as a joint initiative between Metro and the City of Los Angeles to install 56 full-sized digital billboard structures with 97 digital ad faces: 62 freeway-facing (reaching as high as 90 feet above grade), and 35 non-freeway-facing changing digital billboard faces (between 30-60 feet above grade), along 16 City streets and eight freeways.

At Metro's December 2022 board meeting, then-Councilmember Mike Bonin requested that the TCN Program be pulled from Metro's consent calendar. Since then, Metro has failed to provide notice to community members or publicize the consideration of the TCN in any publication or other update consistent with other proposed Metro projects. (See, e.g., Exhibit C.)

The TCN Program is now scheduled as a consent item on the agenda for Metro's Thursday, January 26, 2023 meeting, again robbing the public of the opportunity to speak. Newly elected Metro Board members and LA City Councilmembers have not been given the time to familiarize

¹ CBLA (formerly Coalition to Ban Billboard Blight) is a non-profit organization dedicated to protecting and enhancing the City's visual environment through education and political action on behalf of many important issues, including: reducing visual blight from billboards and other forms of commercial signage to promote traffic safety and improve public health; preserving urban forest and open space; establishing federally-recognized Scenic Byways; undergrounding utility lines; treating our scenic resources as treasures to be passed on to future generations; promoting equitable public policies to accomplish those goals.



themselves with this project, and have not heard directly from their constituents about the proposal's impacts on local communities or the challenge that will likely result to the City of Los Angeles's sign ban. In short, the measure must be pulled from the January 26 agenda and rescheduled for future consideration so new board members can hear from members of the public and have time to factor in these important considerations.

Former Councilmembers Koretz and Bonin and current Councilmember Ramen have all voiced concerns about this Program. (See Exhibits D, E, and F.) New Councilmembers Katy Yaroslavsky, Traci Park, Hugo Soto-Martinez, Tim McOsker, Eunisses Hernandez, and Mayor Karen Bass must all be given the opportunity to review the Program, consider community comments, and formulate their own comments for the Board's consideration.

In addition to the above procedural concerns, CBLA also objects to certification of the EIR for the reasons set forth below.

The City of Los Angeles Must be the Lead Agency for the Project, not Metro

CBLA voices strong objection to Metro acting as lead agency under the California Environmental Quality Act (CEQA) for the Project's environmental review instead of the proper lead agency, the City of Los Angeles, for the following reasons:

- 1) The TCN Program is *not a transit project*; it is an *advertising program* as described by Metro over the past decade – designed to generate advertising revenues. (See Exhibit G.)
- 2) The TCN Program as described in the EIR lies entirely within the boundaries of the City of Los Angeles, clearly within the City's jurisdiction.
- 3) The TCN Program's signage will significantly impact sensitive receptors and locations, current and future housing locations, and roadways within the City of Los Angeles.
- 4) The TCN Program is dependent upon the City of Los Angeles City Council's final approval, including an enacting Ordinance and CEQA findings.
- 5) Metro's early certification of the EIR defers future conditions of approval to the City of Los Angeles during its final approval process, which also constitutes deferred environmental mitigation, which is generally improper under CEQA. (CEQA Guidelines, § 15126.4(a)(1)(B).)

CEQA strongly prefers to confer lead agency status on an “agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose.” (CEQA Guidelines, § 15051(b)(1).) Metro is an agency with a single purpose. But it does not have general governmental powers as the City of Los Angeles does, for example, to grant relief from City land use regulations, or to create sign districts.

Approval of the EIR is Premature

The City of Los Angeles and Metro have already entered into a Memorandum of Agreement (MOA), Contract Number C-139852, dated December 8, 2021, for the TCN Program prior to the completion of the required CEQA documentation and analysis.



According to the MOA, the City reserves its police power with regard to enacting the Ordinance or taking any other legislative action relating to this Agreement. Additionally, the MOA states the adoption of findings is required by CEQA for each significant effect of the Project, if any.

The City must first review the Project and ensure all potential significant impacts on City resources are appropriately disclosed, analyzed, and can be mitigated. At least two of the signs must go before the Coastal Commission, which must also be done prior to being included in the Program. CBLA notes that the above points also strongly support that the City of Los Angeles is the proper lead agency, not Metro.

Furthermore, the MOA states that Metro shall have the right to amend, modify, update, or replace structures “from time-to-time in order to develop the TCN Program.” However, these future changes are an admission of a shifting and uncertain project description which is improper under CEQA. Future unknown program modifications make it impossible to evaluate the Program’s true environmental impacts. (See *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193: “An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”) The TCN Program must be fully fleshed out with a stable and finite project description before the EIR may be certified.

The Metro Program, driven by an agency outside of the City, presents a serious challenge to the City’s enforcement powers and places the 2002 Sign Ordinance and its ban on new billboards at significant risk. The courts have been clear that new off-site signage can only be permitted within regulated Sign Districts in a manner that does not conflict with the ban’s purpose to reduce visual blight and improve community aesthetics and traffic safety (See *World Wide Rush v. City of Los Angeles* and *Vanguard Outdoor, LLC v. City of Los Angeles*, 648 F.3d 737 (9th Cir. 2011).)

Because the courts have given the City very strong direction that defines the City’s rights to regulate off-site signage under the City’s 2002 Sign Ordinance, which includes a ban on new billboards, the adoption of the TCN Program requires adoption of a City Ordinance consistent with the court’s directives. This is an especially important point for newly elected Los Angeles City Councilmembers to consider and comment on before Metro takes further action.

Finally, once mitigation measures are adopted, it is unclear as to whether Metro has the ability and expertise to enforce them.

Metro’s TCN Program Constitutes Piecemealing

By permitting changes to the locations of structures after completion of the FEIR as noted in Section 3.1.2 of the Program Memorandum of Agreement, it is evident that the entire TCN Program has not been presented to the public during CEQA review – the TCN Program is being piecemealed in its presentation.

More importantly, CBLA is aware that Metro seeks to implement the Program in other municipalities across the region. This constitutes improper piecemealing under CEQA, which

CBLA

forbids breaking a larger project up into smaller pieces. (CEQA Guidelines, § 15378.) The Program is not limited to the City of LA. But CEQA mandates that the “whole of the action” be evaluated during environmental review of this project, not only the incomplete portion now being presented as if it were the whole project. The TCN Program’s impacts to the entire project area must be evaluated, not only the Los Angeles component’s impacts.

For all of the reasons stated above and those in our prior letters, we urge the Board to pull the item from consent and send it back for additional consideration and to address not only our concerns, but the concerns of newly elected Los Angeles Councilmembers and the Mayor.

Thank you for your consideration,



Barbara Broide
Co-President



Wendy-Sue Rosen
Co-President

cc:

Los Angeles Mayor Karen Bass
City Attorney Hydee Feldstein-Soto
Councilmember Eunisses Hernandez
Councilmember Katy Yaroslavsky
Councilmember Traci Park
Councilmember Hugo Soto-Martinez
Councilmember Tim McOsker

Attachments:

- A. Scenic Los Angeles Letter
- B. Channel Law Letter
- C. Metro Bulletin
- D. Letter from CM Koretz
- E. Letter from CM Bonin
- F. Email from CM Ramin
- G. Metro Board Memo

EXHIBIT A

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

November 30, 2022

VIA ELECTRONIC MAIL

Board
Los Angeles County Metropolitan Transportation Authority
Board Administration
One Gateway Plaza
MS: 99-3-1
Los Angeles, CA 90012
Email: BoardClerk@metro.net

RE: AGAINST ITEM # 13 (2022-0695) - Certification of the Final Environmental Impact Report for the Transportation Communication Network (SCH# 2022040363)

Dear Board Members:

This firm represents the Coalition for a Scenic Los Angeles (“Scenic LA”).¹ As detailed in this comment letter, the Final Environmental Impact Report (“FEIR”) for the Transportation Communication Network (“TCN”) (“Project” or “proposed Project”)² is fatally flawed and must be revised and then recirculated for additional public comment and review. In addition, Metro’s process is also fatally flawed and does not comply with the requirements of the California Environmental Quality Act (“CEQA”).

¹ The Coalition for a Scenic Los Angeles, currently in the process of a name change to Coalition for a Beautiful Los Angeles, is a non-profit organization dedicated to protecting and enhancing the city's visual environment through education and political action on behalf of many important issues, including: reducing visual blight from billboards and other forms of commercial signage to promote traffic safety and improve public health; preserving urban forest and open space; establishing federally-recognized Scenic Byways; undergrounding utility lines; treating our scenic resources as treasures to be passed on to future generations; promoting equitable public policies to accomplish those goals.

² The Draft and Final EIRs are available at:
<https://www.dropbox.com/sh/713vzv99twywo2/AACpUEXTf80X3bLjEuk2TQ4da?dl=0>

1.0 INTRODUCTION

As described in Metro's findings of fact, the proposed:

Project would include the installation of up to 34 Freeway-Facing TCN Structures and 22 Non-Freeway Facing TCN Structures on Metro-owned property. The total amount of TCN Structure digital signage would be a maximum of approximately 55,000 square feet. The TCN Program would also include the removal of at least 110,000 square feet (2 to 1 square footage take-down ratio) of existing off-premise static displays within the City. The new TCN Structures would use intelligent technology to improve roadway efficiency and increase public safety and communication, while also generating advertising revenue for both Metro and the City.

As noted on DEIR page II-18, the proposed Project requires the following discretionary approvals:

- City adoption of Ordinance Amending Chapter 1 of the Los Angeles Municipal Code to authorize TCN Structures (Zoning Ordinance), including takedown requirements; and
- City adoption of any other necessary LAMC and General and/or Specific Plan amendments to provide for the implementation of the TCN Program.
- Issuance of a Coastal Development Permit by the California Coastal Commission and/or City for Site Locations FF-29 and FF-30.
- Other Metro and City discretionary and/or ministerial permits and approvals that may be deemed necessary, including, but not limited to, temporary lane closure permits, demolition/removal permits, grading permits, and sign approvals.

As part of the preparation of the FEIR, Metro conducted the following additional studies which are included as appendices to the FEIR:

- Lighting Study Supplemental Analysis, dated November 14, 2022 prepared by Francis Krahe & Associates
- Biological Resource Supplemental Analysis, dated November 14, 2022 prepared by HDR
- Transportation and Traffic Safety Supplemental Analysis, undated

Metro has failed to provide the public with adequate opportunity to review and comment on this additional analysis.

The proposed Project would result in significant unavoidable aesthetics, cultural resources and land use and planning impacts.

CEQA Requirements for Recirculation of a DEIR

As detailed in this comment letter, the EIR is fatally flawed and must be corrected and recirculated. Section 15088.5 of California Environmental Quality Act (“CEQA”) Guidelines specifies when recirculation of an EIR is required prior to certification. CEQA Guidelines Section 15088.5 states in part:³

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

³ CEQA Guidelines Section 15088.5(e) specifies: A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

2.0 PROJECT HISTORY

Prior to initiating preparation of the EIR, both the City and Metro engaged in actions that predisposed the two agencies to approval of the proposed Project. Prior to initiating preparation of the EIR for this Project, Metro and the City of Los Angeles (“City”) entered into a Privileged & Confidential Memorandum of Agreement (“MOA”) dated January 12, 2022.⁴ Although the agreement specifies CEQA compliance, the agreement and the various actions taken by the two agencies essentially as a practical and financial matter, have committed the two agencies to the Project.⁵ As detailed in *Save Tara v. City of West Hollywood*, 45 Cal.4th 116 (Cal. 2008), which dealt with public-private, rather than public-public agreements:

A CEQA compliance condition can be a legitimate ingredient in a preliminary public-private agreement for exploration of a proposed project, but if the agreement, viewed in light of all the surrounding circumstances, commits the public agency as a practical matter to the project, the simple insertion of a CEQA compliance condition will not save the agreement from being considered an approval requiring prior environmental review. . .

A public entity that, in theory, retains legal discretion to reject a proposed project may, by executing a detailed and definite agreement . . . and by lending its political and financial assistance to the project, have as a practical matter committed itself to the project. When an agency has not only expressed its inclination to favor a project, but has increased the political stakes by publicly defending it over objections, putting its official weight behind it, devoting substantial public resources to it, and announcing a detailed agreement to go forward with the project, the agency will not be easily deterred from taking whatever steps remain toward the project’s final approval.

3.0 METRO FAILED TO PROVIDE NOTICE TO THOSE WHO COMMENTED ON THE DEIR

Metro is acting on both the certification of the FEIR and approval of the proposed Project as a consent calendar item, as shown in **Attachment A**. No notice was provided to our client regarding the either the availability of the FEIR on Metro’s website or that the item would be before the Board on December 1, 2022, despite the fact Scenic LA commented on the DEIR, and specifically requested notification, as shown in **Attachment B**.

⁴ https://clkrep.lacity.org/onlinecontracts/2022/C-139852_c_2-3-22.pdf

⁵ We request that the full history of actions by Metro and the City of Los Angeles regarding this Project be included in the administrative record.

4.0 THE BOARD HAS FAILED TO REVIEW AND CONSIDER THE INFORMATION CONTAINED IN THE FINAL EIR

CEQA Guidelines Section 15090 requires:

15090. CERTIFICATION OF THE FINAL EIR

(a) Prior to approving a project the lead agency shall certify that:

- (1) The final EIR has been completed in compliance with CEQA;
- (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The final EIR reflects the lead agency's independent judgment and analysis.

As demonstrated by the Board Agenda for this Project included as **Attachment B**,⁶ the decision-making body of the lead agency (i.e. Metro's Board) has failed to review and consider the information contained in the Final EIR prior to being asked to approve the Project. Certification of the FEIR is Item 13 on the Board's consent calendar. The agenda item includes:

1. APPROVING the Transportation Communication Network (TCN) Project;
2. CERTIFYING, in accordance with the California Environmental Quality Act (CEQA), the Final Environmental Impact Report (Final EIR) for the Transportation Communication Network, if the Board concludes that it satisfies the requirements of CEQA and reflects the Board's independent judgment following CEQA Guidelines, section 15090;
3. ADOPTING, in accordance with CEQA, the:
 1. Findings of Fact;
 2. Mitigation Monitoring and Reporting Program; and

⁶ The Board Agenda is available at:
https://metro.legistar1.com/metro/meetings/2022/12/2448_A_Board_of_Directors_-_Regular_Board_Meeting_22-12-01_Agenda.pdf

4. AUTHORIZING the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and the State of California Clearinghouse.

The only attachments for the agenda item are:

[Attachment A - Locations](#)
[Attachment B - Findings of Fact](#)
[Attachment C – MMRP](#)
[Attachment D - Notice of Determination Presentation](#)

The Board has thus not been presented with a copy of the Final EIR (including the Draft EIR, and the comments and responses) for review and consideration. Metro has therefore failed to proceed in the manner prescribed by law.

5.0 THE RESPONSES TO COMMENTS ARE INADEQUATE

The responses to comments contained in the FEIR are inadequate and fail to address the issues raised. All comments on the EIR are incorporated herein by reference and remain valid. The 851 pages of comments on the DEIR provide substantial evidence, including supporting studies, demonstrating the proposed Project's potential to result in significant impacts not identified in the DEIR, including biological resource, energy, and traffic and bicycle safety impacts. The limited consideration given to the valid issues raised is illustrated by the fact that the DEIR comment period closed on October 24, 2022 and the FEIR was posted to Metro's website on November 15, 2022, demonstrating the hasty manner in which responses were prepared. The FEIR fails to comply with CEQA Guidelines §15088.5(f) which states that "In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues." The FEIR for the proposed Project fails to provide a good faith, reasoned analysis in response to many of the significant issues raised and instead provides conclusory statements unsupported by factual information, or merely reiterates the information contained in the DEIR, which commenters have documented as inadequate. CEQA Guidelines Section 15088 requires:

15088. EVALUATION OF AND RESPONSE TO COMMENTS

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.
- (b) The lead agency shall provide a written proposed response, either in a printed copy or in an electronic format, to a public

agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.

- (c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.
- (d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:
 - (1) Revise the text in the body of the EIR, or
 - (2) Include marginal notes showing that the information is revised in the response to comments.

Case law regarding what is required in response to comment reinforces and elaborates on these requirements. The court in *People v. County of Kern*, made the point that the necessity of comments was to prevent "stubborn problems or serious criticism" concerning a project from "being swept under the rug." *People v. County of Kern* (1974) 39 Cal.App.3d 830, 841. The appellate court held that the "failure to respond with specificity in the final EIR to the comments and objections to the draft EIR renders the final EIR fatally defective." *Id.* at p. 842; See also *Cleary v. Cnty. of Stanislaus* (1981) 118 Cal.App.3d 348, 358; *City of Irvine v. Cnty. of Orange* (2015) 238 Cal.App.4th 526, 553.

Respondents failed to respond adequately to comments submitted by members of the public and other agencies, including but not limited to the comments submitted by Scenic LA, the Del Rey Neighborhood Council, Del Rey Residents Association, Scenic America, Travis Longcore for the Audubon Society, and Land Protection Partners. Instead, the responses given to numerous comments regarding the Project's impacts were

dismissive, conclusory, evasive, confusing, merely reiterated information in the DEIR, or were otherwise non-responsive, contrary to the requirements of CEQA.

By failing to provide adequate responses to public comments and proposed alternatives, Metro has failed to proceed in the manner required by law. Moreover, Metro's finding that adequate responses to comments were provided is not supported by substantial evidence.

6.0 IMPROPER RELIANCE ON PROJECT DESIGN FEATURES WHEN MAKING IMPACT JUDGEMENTS HAS RESULTED IN AN UNDER-IDENTIFICATION OF IMPACTS

The EIR for the proposed project understates Project impacts, by improperly relying on Project Design Features ("PDFs") which are in fact mitigation measures, as a basis for concluding that Project impacts are less than significant. For example, AES-PDF-1 in the Mitigation Monitoring Plan is clearly a mitigation measure as it specifies:⁷

Project Design Feature AES-PDF-1: State of the art louvers or other equivalent design features shall be incorporated into the design of TCN Structures FF-13, FF-14, FF-25, FF-29, and FF-30 such that the light trespass illuminance at sensitive habitat at the proposed Bowtie State Park, at the mapped biological resources in the vicinity of TCN Structure FF-25, and at the Ballona Wildlife Reserve to the south of the Marina Freeway, west of Culver Boulevard, do not exceed 0.02 footcandles.

In *Lotus v. Dep't of Transp.* (2014) 223 Cal.App.4th 645 (*Lotus*), the court found that an EIR violated CEQA by incorporating proposed mitigation measures into the description of the project, and then basing its conclusion of less-than-significant impacts in part on those mitigation measures. This is exactly what has been done in the EIR for the proposed Project. The court found that this improperly compressed the analysis of impacts and mitigation measures into a single issue.

In *Lotus v. Dep't of Transp.* (2014) 223 Cal.App.4th 645 (*Lotus*), Caltrans was found to have certified an insufficient EIR based on its failure to properly evaluate the potential impacts of a highway project. The *Lotus* court found that Caltrans erred by:

. . . incorporating the proposed mitigation measures into its description of the project and then concluding that any potential impacts from the project will be less than significant. As the trial court held, the "avoidance, minimization and/or mitigation measures," as they are characterized in the EIR, are not "part of the project." They are mitigation measures designed to reduce or eliminate the damage to the redwoods anticipated from disturbing the structural root zone of the trees by excavation and placement of impermeable materials over the root zones. By compressing the

⁷ See also GEO-PDF-1 and NOI-PDF-1.

analysis of impacts and mitigation measures into a single issue, the EIR disregards the requirements of CEQA. (*Lotus v. Dep't of Transp., supra*, 223 Cal.App.4th at pp. 655–656, *emph. added*.)

The court ordered Caltrans' certification of the EIR be set aside, finding:

[T]his shortcutting of CEQA requirements subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation. It precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences. The deficiency cannot be considered harmless. *Ibid.*

(*Id.* at 658.)

The FEIRs improper reliance on Project Design Features is highlighted in the Responses to Comments. Topical Response 3 – Biological Resources in discussing the impact of project lighting on biological resources states in part on FEIR page II-22: “Additionally, Project Design Feature AES-PDF-1 was included to require the incorporation of louvers or other equivalent features at Site Locations FF-13, FF-14, FF-25, FF-29, and FF-30 to reduce lighting levels to 0.02 fc, which is well below the more stringent standard for LZ1 set forth under CALGreen.”⁸ This is clearly a mitigation measures required at specific sites as illustrated by response to comment 24-20 which states:

In addition, with the implementation of Project Design Features and Mitigation Measures, lighting impacts would be well below the LAMC threshold (3.0 fc) and below the CALGreen standards (0.74 fc). As such, lighting impacts would be minimized based on these specific quantitative parameters such that they would not result in significant impacts.

The EIR thus understates impacts in the same way that happened in *Lotus*. Under CEQA, significance determinations must be made without consideration of avoidance, minimization, and/or mitigation measures. The EIR for the proposed Project has violated this precept and has thus understated and failed to identify impacts. The EIR is therefore fatally flawed and all of the impact determinations which rely on PDFs must be redone. This fatal flaw must be corrected and the EIR recirculated pursuant to CEQA Guidelines Section 15088.5(a)(1), (2) and (4).

⁸ See also for example FEIR pages II-25, 43, 64, 65, 72 and 75.

7.0 THE FEIR CONTAINS NEW INFORMATION REQUIRING RECIRCULATION

As noted above, the FEIR includes three new technical appendices to the EIR which were not made available to the public for review during the public comment period. New Appendix B.2 – Lighting Study Supplemental Analysis reveals that the proposed Project has been modified to address significant impacts which the DEIR failed to identify. Page three of that appendix for example states:

To reduce light trespass at the Ballona Wetlands from the Signs, **louvers are added** to both faces of Signs FF-29 and FF-30 to confine the light emission to a narrow cone, preventing light spill to the Ballona Wetlands. In addition, the Sign NFF-29 faces are oriented 12.5 degrees north toward the SR 90 freeway and **Sign FF-30 is moved north by approximately 25 feet**. The diagram of Sector 33 in Study Appendix B is revised in Figure 2 below which reflects the precise orientation and location of the Signs. Updated Table 9 is included in this Memo to reflect the light trespass illuminance at VP-29A **incorporating all Sign clarifications**. The result of the updated calculation is a maximum light trespass illuminance value of 0.02 fc at VP-29A as indicated in Updated Table 9 below. (Emphasis added).

The FEIR thus includes mitigation for light impacts at this location, which the DEIR failed to identify. Rather than identify the new mitigation to address the undisclosed impact as mitigation, the FEIR refers to these mitigations as “Sign clarifications.” FEIR Chapter III, including pages III-2 to III-3 further demonstrate that modifications have been made to the Project to address significant impacts that were not identified in the DEIR, with the addition of louvers to Site Locations FF13, FF-14, FF-25, FF-29 and FF-30 and application of Project Design Feature AES-PDF-1 to these sign sites.

The EIR needs to be recirculated to both identify the impact and to allow public comment and review of the new mitigation measures/project changes.

8.0 IMPROPER DEFERRAL OF MITIGATION AND/OR INFEASIBLE MITIGATION

The following mitigation measures demonstrate that Metro has improperly deferred analysis of potential project impacts. They also constitute examples of improper deferral of mitigation and/or ineffective mitigation:

- Mitigation Measure HAZ-MM-2
- Mitigation Measure HAZ-MM-3

9.0 CONCLUSION

In this letter and its attachments, we have provided substantial evidence regarding defects in the FEIR. We have also identified defects in the CEQA process. The FEIR needs to be corrected and these issues and the issues raised during the DEIR public comment period properly addressed and the DEIR recirculated pursuant to CEQA Guidelines Section 15088.5. Please include this firm on all notices regarding this Project.

Regards,

A handwritten signature in black ink, appearing to read "J. Hall", written in a cursive style.

Attachments:

- A. Board Agenda – December 1, 2022
- B. Proof Notice Was Requested

EXHIBIT B



October 24, 2022

Attn: Shine Ling, Development Review Team
Metro Transportation Authority
One Gateway Plaza, Mail Stop 22-9
Los Angeles, CA 90012
Transmitted via email to: tcn@metro.net

Re: Metro Transportation Communications Network Program Draft EIR
City of Los Angeles Council File #: 22-0392

Dear Metro Development Review Team:

The Coalition for a Scenic Los Angeles (“Scenic LA”)¹ submits the following comments and questions (see Question Appendix) in response to the Los Angeles County Metropolitan Transportation Authority (“Metro”) Transportation Communications Network (“TCN”) Program (“Project or TCN Program”) Draft Environmental Impact Report (“DEIR” or “Draft EIR”) on behalf of our 20,000 members. Scenic LA is the leading voice dedicated to the enhancement and protection of the visual environment of the greater Los Angeles area.

According to the Draft EIR, Metro proposes to implement the TCN Program, which would provide a network of structures with digital displays (“TCN Structures”) that would incorporate intelligent technology components to promote roadway efficiency, improve public safety, augment Metro’s communication capacity, and provide for outdoor advertising revenues. Implementation of the Project would include the installation of up to 34 Freeway-Facing TCN Structures and 22 Non-Freeway Facing TCN Structures all on Metro-owned property. The total maximum amount of digital signage associated with the TCN Structures would be up to approximately 55,000 square feet. As part of the TCN Program, a takedown component would be implemented at a 2 to 1 square footage takedown ratio of existing off-premise static displays. Signage to be removed would include, at a minimum, approximately 200 off-premise static displays located within the City of Los Angeles (“City”).

Metro’s TCN Program promises to improve traffic safety and congestion, reduce the amount of outdoor advertising in the City, and raise revenue to fund new Metro programs. These goals may appear laudable, but the first two are unsupported by fact-based evidence, and the efficacy of the third is both uncertain and far outweighed by the negative impacts of the Project, which

¹ The Coalition for a Scenic Los Angeles, formerly the Coalition to Ban Billboard Blight, is a non-profit organization dedicated to protecting and enhancing the city's visual environment. A chapter of the national non-profit organization, Scenic America, the Coalition for a Scenic Los Angeles advocates through education and political action on behalf of many important issues, including: reducing visual blight from billboards and other forms of commercial signage to promote traffic safety and improve public health; preserving urban forest and open space; establishing federally-recognized Scenic Byways; undergrounding utility lines; treating our scenic resources as treasures to be passed on to future generations; promoting equitable public policies to accomplish those goals.

include creating traffic hazards, degrading the City's visual environment, and greatly increasing the exposure of a captive audience of children and adults to commercial advertising of products and services that studies have shown have deleterious effects on physical and mental health.

The DEIR fails to adequately examine these impacts and arrives at faulty conclusions regarding their significance. The DEIR is inadequate because its conclusions are not supported by substantial evidence. The City of Los Angeles and Metro must therefore reject these conclusions, for the reasons that follow:

IV.A. Aesthetics

The Project proposes to place 34 digital billboard structures along eight Los Angeles freeways. All but one are 672 sq. ft., the size of a standard full-sized billboard. Most are double-sided. The heights of the signs range up to 95 ft. above grade, and 50 ft. above the adjacent roadway. The result is 62 freeway-facing sign faces with a total of 42,192 sq. ft. of advertising and public message space. The Project also proposes to place 22 primarily double-sided digital billboard structures along 16 different commercial streets. These signs range in size from 300 sq. ft. to 672 sq. ft. and from 30 to 65 ft. above grade. The result is an additional 35 non-freeway-facing sign faces with a total of 12,732 sq. ft. of advertising and message space.

By any measure, Metro's proposed digital signs are an assault on the visual landscape of the City, which is a public resource and not "owned" by commercial advertisers. As a comparison, between 2006 and 2008, two billboard companies were allowed to convert 101 full-sized conventional billboards on City streets to digital. The result was a public outcry over the intrusion of bright, distracting, ever-changing advertisements in communities that had successfully fought for the City's 2002 ban on new off-site advertising signs. The City Council recognized that digital billboards were uniquely intrusive visual elements, and banned any new digital billboard conversions. All but two of the digital billboards were turned off by court order, a state in which they remain today.

The DEIR ignores this history in concluding that the visual impact of the Project would be less than significant, with the exception of five cases where the billboards are close to or within historic resources and/or districts. The billboard locations are only shown through aerial renderings (there are no photographs or drawings/maps specific enough to show the setting or exact location of structure placement), which provide almost no information about the visual impact on the near and distant landscape, including residential properties. The DEIR is therefore inadequate as an informational document, as it fails to provide sufficient information to allow decisionmakers and members of the public to fully and accurately evaluate visual impacts of the Project. Even more egregious, the renderings of actual billboards are shown in the daylight (when contrast between the sign and its background is least evident) against a backdrop of blue sky with a few scattered clouds. One is left to guess how such a sign would appear against a backdrop of buildings or the trees and parks and mountains that make up such a notable part of the Los Angeles landscape.

The DEIR asserts in its "Impact Analysis" that views of the Santa Monica, Verdugo, and San Gabriel Mountains from the freeways slated for new digital billboards are "intermittently available." There is no effort to define "intermittent" or to explain why a billboard rising 50 ft. into the air above the roadway would not intrude upon such views, regardless of how long such views were available. In fact, anyone familiar with travel on these freeways can attest that views of mountains and other natural features of the landscape are "available" to people in vehicles for extended periods of time. The conclusion that a full-sized digital billboard high in the air with commercial ads changing every 8 seconds has a less than significant impact on the surrounding natural landscape of the City is completely unwarranted.

As a specific example, the DEIR asserts that impacts on views of the Ballona Wetlands adjacent to the SR-90 freeway wouldn't be significantly impacted by two, double-sided digital billboards 80 feet above grade because such views would be transitory. This apparently assumes that a view has value only if the viewer is stationary, but the DEIR presents no evidence or argument in support of this assumption. The DEIR also asserts that impacts of views of concrete-lined sections of the Los Angeles River are insignificant because the City of Los Angeles doesn't consider that section of river a scenic resource. This statement displays either ignorance or willful disregard of the City's Los Angeles River Revitalization project, which envisions park space, trees, and other amenities along that part of the river, and will clearly make it an important visual resource. Full-sized, digital billboards within 300 ft. of that channel would clearly impact the scenic views of that section of the river once that project becomes reality. The correct environmental baseline for the Project is the future condition including park-related amenities.

The DEIR concludes that impacts of light and glare from the proposed billboards are less than significant. The conclusion is based on a prediction that light trespass from a particular digital sign on the nearest residential property will not exceed the 3.0 footcandles limit set forth in the Los Angeles municipal Sign Ordinance. This measure is widely considered outmoded when applied to digital signs, because it doesn't adequately reflect the visual impact of such signs. When digital billboard conversions started appearing in Los Angeles in 2007, the City began receiving complaints from residents about the effect of the signs near their homes and apartments, especially at night. Yet, in almost every case when the City responded to such complaints, the light from the sign measured at that residential property line was under the 3.0 foot-candles limit. This phenomenon is related to the brightness of the surface of the sign as viewed from a distance, as well as the effect of advertisements changing (typically, every 8 seconds). This creates a flickering effect that many residents likened to that of a TV in a darkened room, the brightness changing every time the advertisement changes. This phenomenon is highly disturbing to affected residents even when signs don't rise to the level of a violation of a city ordinance.

As one example in the TCN Program, a full-sized, double-sided sign along the I-405 freeway at Exposition Blvd. would be within 100 ft. of a large, 4-story apartment building. Residents of apartments with windows oriented toward that sign would certainly suffer from the light effects, and may have to resort, as some residents did in the past, to buying blackout curtains. The DEIR makes no attempt to analyze such impacts on that residential property or any other that

may afford views of the TCN signs, but simply dismisses any light and glare impacts as insignificant.

It is notable that the digital sign standards for brightness originally enacted by the City in 2009 were part of an ordinance initially considered entirely exempt from review.² Ordinance number 180,841, which sets the City's regulatory standards for digital billboard brightness was ultimately adopted based on a negative declaration (ENV-2009-0009-ND) that simply assumed the brightness regulations were sufficient to avoid any environmental impacts. Moreover, in recommending the adoption of the negative declaration to justify the ordinance including the brightness limitations, then-Director of City Planning S. Gail Goldberg, AICP, noted that "**The proposed new citywide sign regulations included a ban on new off-site signs, including new off-site digital displays...**"³ The digital sign brightness standards adopted as part of LA Ordinance 180,841 were thus never intended to apply to the present situation, and the potentially significant impact of digital signage at or near freeways and other roadways, particularly where they impact a visual resource such as a park or river have never been reviewed by the City. The City has not adequately justified its use of the chosen threshold, which was never studied to determine whether it is sufficient to avoid potentially significant environmental impacts.

The DEIR concludes that the TCN Program will improve aesthetics in the City because it will require the removal of existing billboards at a 2:1 ratio to the new digital signs, calculated on the square footage of the signage space. This conclusion is totally unwarranted. The DEIR provides no information about the location of the signs, only stating that many "are in a state of disrepair." In the first place, comparing a brand-new, full-sized digital billboard on a freeway or commercial corridor to an existing static billboard is an extreme case of comparing apples and oranges. Beyond the difference in light effects already discussed, a digital billboard generates much more revenue than a static billboard and thus is much more valuable. That revenue is related to the volume of traffic, or potential "eyeballs" on a given advertisement. Thus, a TCN sign on the I-405 freeway, which carries more than 300,000 vehicles a day, would have an aesthetic impact far greater and be many multiples more valuable than a static billboard likely in a state of disrepair at some unknown location on a city street.

These disparities have been recognized by the Los Angeles City Planning Commission, which adopted a revised Sign Ordinance (currently pending with the City Council) that allows new digital off-site signs in special sign districts only if existing static billboards in the City are removed at a ratio of 10:1, based on square footage of signage area. Other cities in the country have imposed similar "takedown" ratios as part of allowing new digital billboards. Thus, for the TCN Program to have anything approaching a meaningful positive impact on the City's aesthetic environment, the takedown ratio would have to be dramatically increased.

² See ENV 2009-0009-CE, available as part of City of Los Angeles Council File 08-2020, available at <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=08-2020>.

³ Los Angeles Director of Planning S. Gail Goldberg, Aug. 5, 2009 letter to Los Angeles City Attorney Carmen Trutanich, p. 2, included as an exhibit to LA City Attorney Carmen Trutanich's August 5, 2009 report to the City Council, available at: https://clkrep.lacity.org/online/docs/2008/08-2020_rpt_atty_8-5-09.pdf (see pdf p. 8).

Additionally, the DEIR is silent on the issue of the legality of the billboards to be removed as part of the TCN Program. In 2013, an inventory by the Los Angeles Department of Building and Safety revealed that more than 800 existing billboards had either been erected without permits, or altered (typically enlarged, raised, or had a second face added) in violation of their permits. In 2015, City Attorney Mike Feuer wrote a formal letter to the City Council's Planning and Land Use Management Committee stating his office's readiness to bring legal action against the owners of those billboards, but the Committee never approved a request by Building and Safety for inspectors and funding to proceed with that enforcement effort. It would be a travesty for unlawful billboards to be counted against the TCN Program's takedown requirement, regardless of the ratio. Unless billboards in those categories are excluded from the Project's takedown of existing billboards, the DEIR's conclusions about the billboard takedown's impact on aesthetics are based on fallacious information and an improper environmental baseline and cannot be relied upon.

IV.E. Energy

The conclusion that cumulative impacts related to energy use are less than significant is not supported by substantial evidence. The total electricity consumption of the TCN Program is estimated to be 3,288,690 kWh per year. In comparison, the U.S. Energy Information Administration estimates the average household's electricity use at 11,000 kWh per year. Thus, the Project's electricity use would be the equivalent of 298 households. The DEIR estimates a savings of 1,000,000 kWh per year from the takedown of existing billboards, but provides no evidence, such as DWP utility charges, to support this. In any case, the assertion that electricity used to illuminate 110,000 sq. ft. of static billboard space in nighttime hours is nearly one-third the amount used to operate 55,000 sq. ft. of digital signage operating 24 hours per day is unsupported by substantial evidence and may not be relied upon.

The conclusion that the Project's annual increase of 514 metric tons of carbon dioxide is less than significant is also doubtful. The U.S. Environmental Protection Agency estimates the average greenhouse gas emission by an average gasoline powered passenger car to be 4.6 metric tons, meaning the TCN Program's emissions would be equivalent to that of 111 cars. However, the DEIR relies on questionable assumptions. It asserts that overall vehicle emissions would be reduced because messages on the signs regarding traffic conditions and alternate routes in the event of traffic jams would reduce congestion. However, it cites no studies nor does it provide other evidence to support this assertion, which means it must be regarded as guesswork, not substantial evidence.⁴ In fact, amber alert signs on major Los Angeles freeways currently display messages regarding traffic conditions and travel times, calling into question the efficacy of TCN signs for the same purpose. The DEIR also assumes a reduction in emissions due to the fact that static signs slated for takedown require monthly maintenance trips by trucks, whereas changes of messages on the TCN signs can be done remotely. Again, there are no facts and figures to accompany this assertion. Furthermore, the DEIR's statement that many static signs slated for takedown are in a state of disrepair would

⁴ CEQA Guidelines 15384 defines "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion."

seem to imply that no maintenance is currently being performed on those billboards. If that is true, the DEIR's calculations regarding emissions are faulty and its conclusion invalid.

IV.I. Land Use and Planning

The DEIR correctly concludes that two freeway-facing billboards and four non-freeway-facing billboards in the TCN network conflict with official land use policies and thus their impacts are significant in the absence of mitigations, which include relocation and/or removal from the Project. However, the TCN Program in its entirety is in serious conflict with land use policies, for the following reasons:

The TCN Program would violate the City's 2002 prohibition of new off-site advertising signs in letter and spirit. That ban was approved after public outcry over the proliferation of billboards and their negative impacts on the City's visual environment. The City's off-site sign ban was repeatedly attacked in court by billboard companies, but the City ultimately prevailed, with courts holding that the City could limit this form of speech in the interest of improving traffic safety and the City's aesthetic qualities. As previously discussed, billboard companies tried to circumvent this ban by converting static billboards to digital, but the City's right to prohibit those conversions was also upheld by the courts.

In 2009, the City undertook a revision of its Sign Ordinance to strengthen community protections against outdoor advertising and, most importantly, to insure that it would stand up against future legal challenges. After numerous public hearings, the City Planning Commission ultimately approved a revision that restricted any new off-site signs, including digital, to sign districts in 22 intensive commercial areas. As previously stated, that revision is now pending before the Los Angeles City Council.

Because legal questions are so closely entwined with the City's billboard history, it is necessary to look at those questions in light of the Project's land-use impacts. In 2009, the Ninth Circuit Court of Appeals ruled in *Metrolights v. City of Los Angeles* that the City's ad-supported Street Furniture Program was lawful because it was consistent with the goals of enhancing aesthetics and traffic safety. However, the court also said that making exceptions to the off-site sign ban for the primary purpose of raising revenue would render it unconstitutional. The essence of that ruling was reiterated in a number of subsequent lawsuits by sign companies seeking to overturn the off-site sign ban.

This is a critically important point, because it can be persuasively argued that the primary purpose of the Metro TCN Program is to raise revenue, and there is scant evidence that the Project will have a positive effect on traffic safety and aesthetics. The issue of traffic safety will be discussed below; suffice it to say that the studies cited in Section IV.K. Transportation lack credibility, and ample evidence exists to show that large, digital billboards in the line of sight of freeway drivers are distracting and potentially dangerous. As for aesthetic impacts, the DEIR's deficiencies in its analysis have previously been discussed. But in the context of the aforementioned court rulings, one might compare the aesthetic impact of a static advertisement in a street-level bus shelter with a full-sized, brightly-lighted digital billboard 50 feet above the

freeway surface and visible for long distances to upwards of 300,000 vehicle drivers and passengers every day. Once again, the proverbial comparison of apples and oranges.

City history shows that the policy of Los Angeles in the past 20 years has been to severely limit new static and digital billboards. It is likewise obvious that the Metro TCN Program would seriously undermine this policy, and thus its negative impact on land use policies is therefore highly significant and needs to be properly evaluated.

Other land-use goals and policies are undermined by the TCN Program. On September 28, 2022, California Governor Gavin Newsom signed two bills that would essentially allow the building of by-right housing on property zoned for commercial use. Debate on such measures was taking place before and during the preparation of the DEIR, but doesn't include a single word of discussion about how any of the 62 freeway-facing billboards and 35 non-freeway-facing billboards on major commercial corridors might impact future residential developments and their residents. This is a serious omission, and undermines the conclusion that the Project's impacts on residential property would be less than significant.

The DEIR also fails to acknowledge the fact that the City has existing policies to incentivize the construction of housing on commercial corridors. Both the Transit Oriented Communities Program (TOC) and projects built under the Residential Accessory Services Zone Program (RAS) have resulted in additional housing units constructed on some of the City's busiest corridors – some of which are targeted for non-freeway-facing billboards.

Finally, the DEIR asserts that the TCN Program would reduce air pollution by reducing traffic congestion and raising revenue for Metro programs. However, it is silent on the well-documented negative effects of billboard advertising on public health and wellness, which is the subject of the City's "Plan for a Healthy Los Angeles," officially adopted by the City Council in 2015 as an Element of the City's General Plan – part of the City's long-range planning goals.

According to the DEIR, the TCN signs would not carry ads for alcohol, tobacco, or cannabis products, and any content containing violence, obscenities, and "other related subject matters." This leaves such categories as fast food, sugary drinks, and gambling, all of which have been shown to have a deleterious effect on physical and mental health. A 2020 study of billboard advertising in Los Angeles by AdQuick found that McDonald's was the top billboard advertiser in the city. Other fast food purveyors are frequent billboard advertisers, as well as Coca-Cola and other soft-drink brands. Consumption of these products has been shown to contribute to unhealthy levels of obesity throughout the United States.

A 2013 study titled "Outdoor advertising, obesity, and soda consumption: A cross-sectional study," by UCLA researchers found a strong correlation between the percentage of outdoor advertising promoting unhealthy food and beverages and the rate of obesity among residents of 220 census tracts in Los Angeles and New Orleans. Another study titled, "A Cross-Sectional Prevalence Study of Ethnically Targeted and General Audience Outdoor Obesity-Related Advertising" by researchers at UCLA and four other universities, plus the California Department of Public Health, found that low-income and ethnic minority communities in Los Angeles and

three other major cities were disproportionately exposed to outdoor advertising for fast food, soda, and other products that can promote obesity. A third study, titled “Clustering of unhealthy outdoor advertisements around child-serving institutions: A comparison of three cities,” found that unhealthy ads, including those for junk food, were clustered around child-serving institutions in Los Angeles and Philadelphia. The study, conducted by the UCLA School of Public Health, the University of Pennsylvania, the University of Texas, and American University, concluded that zoning and land use regulations should protect children from unhealthy commercial messages, particularly in neighborhoods with racial/ethnic minority populations.

The audience for the TCN Program freeway-facing signs will be everyone in vehicles traveling those freeways, which means people of all ages, ethnicities, and economic status. The audience for the Project’s non-freeway-facing signs will be those same persons, plus people traveling by City bus or taxi, people riding bicycles, and pedestrians. A number of those digital billboards are in lower-income/ethnic minority neighborhoods, and some are near schools and parks. As one example, Non-Freeway-Facing Sign 07 on Venice Blvd. just west of Robertson Blvd. is less than 1/3 mile from Hamilton High School. And this 300 sq. ft. digital sign is near a major transit stop, which means a large number of students could be passing it on their way to and from school. Because all the proposed signs are on Metro property, many are near transit stops where younger persons tend to congregate.

The DEIR is incomplete without an analysis of the Project’s public health impacts in the context of City policies such as the “Plan for a Healthy Los Angeles.” The DEIR acknowledges significant impacts from four non-freeway-facing signs and two freeway-facing signs, but a thorough analysis must examine the potential public health impact of each and every one of the 98 digital billboards that will be advertising commercial products to millions of people, including vulnerable young people and those in communities where access to healthy food, medical care, and other factors, including outdoor advertising, have led to obesity and other unhealthy outcomes.

IV.K. Transportation

The environmental analysis concludes that the TCN Program would not create any significant road hazards. In support of this conclusion, three studies are cited, one by the Federal Highway Administration (FHWA) in 2012, and two by the Foundation for Outdoor Advertising Research and Education (FOARE) in 2007. The FHWA study has been widely criticized as flawed in its methodology and conclusions, and the two FOARE studies cannot be considered credible, since the foundation is an arm of the outdoor advertising industry and has billboard company executives on its Board of Directors.

Scientifically sound studies conducted by independent bodies have found that digital billboards are indeed a distraction to drivers, with statistical evidence showing an increase in accidents in their proximity. These studies are summarized in “Compendium of Recent Research Studies on Distraction from Commercial Electronic Variable Message Signs” by Jerry Wachtel of the Veridian Group, an independent human factors research firm. In addition to ignoring studies from places such as Florida and Alabama that call into question the safety of digital billboards

on highways, the DEIR flatly dismisses any studies outside the United States, including ones conducted in Sweden and Australia that indicate the hazardous potential of digital signs on highways.

Rather than look at these studies for possible information relevant to analysis of the TCN Program, the DEIR simply dismisses them out of hand on the grounds that the United States has unique roadway characteristics. No evidence is included to support this assertion. Instead, the public is apparently expected to assume that the experience of driving outside the United States is so fundamentally different that even looking at these studies would be a waste of time. This calls into question the conclusions in this section, and the fundamental credibility of the analysis.

The analysis, once again, ignores history. In 2008, former Gov. Arnold Schwarzenegger proposed allowing commercial advertising on “amber alert” message boards on freeways and state highways. The Los Angeles City Council, citing the potential for driver distraction and potential safety hazards, unanimously approved a resolution to oppose the plan, which was eventually dropped. The message boards are closer to motorists’ line of sight than the proposed TCN signs, but it’s certainly relevant that traffic safety concerns were raised by the City’s major legislative body as well as many others.

For these reasons, the traffic safety analysis and the conclusion that impacts are less than significant should be completely rejected.

V. Alternatives

The only alternative that addresses the serious environmental issues discussed above is Alternative 1: No Project Alternative.

According to the analysis, this alternative would mean that none of eight project goals would be realized. A number of those goals concern the broadcasting of information and data to motorists concerning traffic conditions, hazards, and other public safety matters, such as natural disasters. But this data is already being broadcast on CalTrans “amber alert” message boards on major freeways, and that network could be expanded and updated at a fraction of the cost of the proposed TCN Program. The DEIR provides no analysis of the problems that could arise from the mixing of rapidly-changing, brightly-lighted, colorful digital advertisements for products and services with important messages about traffic issues and public safety. During the public debate on the Schwarzenegger proposal, many people said that they tended to tune out billboard advertising, meaning that ads on message boards might have caused them to miss any traffic information and public safety messages. While this is anecdotal evidence, it would certainly seem to warrant consideration and further analysis into the wisdom of mixing two entirely different forms of information. However, the DEIR is silent on this issue.

The most significant goal that would go unrealized by the No Project Alternative is the raising of revenue for Metro and the City of Los Angeles. Indeed, it is clear from the scope of this Project and the amount of commercial advertising it would beam at motorists on Los Angeles streets

and freeways that the revenue source has been, from the very beginning, the major goal of the TCN Program. But should the city put its off-site sign ban in legal jeopardy for the sake of revenue? Should it potentially turn the city freeways and streets over to thousands of new billboards? Should it allow motorists and residents to suffer the adverse effects of distracting signs and the light they emit? Should public health be put at risk in the city's most vulnerable communities? Should public property be used to sell products and services for private businesses? The answer is NO, meaning that the No Project Alternative is the only alternative.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Patrick Frank". The signature is fluid and cursive, with a large initial "P" and "F".

Patrick Frank
Scenic Los Angeles

cc: City of Los Angeles

Question Appendix

IV.A. Aesthetics

Q: Without full disclosure of total ad faces in the Project Description, the Project Description is inadequate. Please update the Project Description and fully analyze all ad faces proposed.

Q: The City Planning Commission has recommended 10 to 1 takedown ratio for sign removal and Metro recommends 2 to 1. What is the basis for the decision to adopt a 2:1 ratio? Why aren't you complying with the City Planning Commission's recommendation?

Q: Provide renderings, both day and night to demonstrate impact of signage and distance of light passage.

Q: In addition to the list of sign locations and map drawings provided in the DEIR, please provide renderings of each sign face in its exact location using photographs that demonstrate the setting, direction, projected light trespass, and location of the proposed structures, the distance from the center of the roadway, the zone for adjacent properties to each sign, and a description of adjacent properties. Please provide site-specific analysis.

Q: Please explain why there has been no disclosure of the total number of ad faces proposed? The total number of proposed sign faces is not referred to in the DEIR anywhere. Why not?

Q: Please define intermittent and please explain why a billboard rising 50 feet above the roadway would not intrude upon the near and distant views from each sign.

Q: The DEIR appears to assume that "freeway-facing" digital billboards will not have an impact on nearby residential properties and fails to evaluate such impacts. Please disclose potential significant impact from freeway-facing sign locations to residential properties and the natural environment nearby.

Q: Please provide research regarding the health impacts of 24/7 light trespass and changing light intensities on nearby residences, people with light sensitive eye conditions, seizure disorders, ADHD, open space, insects and birds.

Q: How can Metro justify a 2:1 takedown in light of the City's recommended 10:1 ratio. Please analyze the difference of Metro's small takedown ratio in contrast to the City's much higher recommended takedown ratio.

Q: How many of the 200 Metro static signs are in a state of disrepair?

Q: How many of the 200 Metro static signs have current permits? How many have no permits on file? How many have been altered and are out of compliance with their existing permits?

IV.E. Energy

Q: Please provide facts and figures to explain the reduction in emissions claimed.

Q: Given the volume of our freeways, what proof can you present that freeway messaging will result in the reduction in greenhouse gasses related to congestion? Might it merely transfer congestion to nearby streets?

Q: What energy savings would be experienced should the digital billboards be shut off nightly between the hours of midnight and 7:00 a.m.?

Q: What studies exist to provide evidence of greenhouse gas reductions as a result of freeway messaging signs?

Q: Please provide data to corroborate the assertion that electricity used to illuminate 110,000 sq. ft. of static billboard space in nighttime hours is nearly one-third the amount used to operate 55,000 sq. ft. of digital signage operating 24 hours per day.

IV.I. Land Use and Planning

Q: You have not taken scenic or natural resources in the siting of these billboards into consideration. There will be impacts to Ballona Wetlands, Sepulveda Basin, etc. Have you analyzed these impacts?

Q: Will you be going to the Coastal Commission for permitting the signs that are located in and will impact the Coastal zone?

Q: How can you prohibit violent and other content (open to interpretation)? That would be a violation of the 1st amendment. The billboard industry is very litigious as the City of LA has experienced.

Q: How do these placements comply with the Highway Beautification Act?

Q: Some of the proposed locations are also proposed for adjacent or nearby housing development? How will the proposed signs impact these future projects and existing residentially zoned areas?

Q: The City of LA has a billboard ban. How will this approval impact the ban and will it make it so the ban cannot be defended in court?

Q: Please provide information about future housing developments that have been and may be proposed for adjacent properties. Please provide information about current housing that will be within the viewshed of proposed signs.

Q: Housing bills recently signed into law by the Governor permitting by-right housing development on commercial corridors, and the City's TOC and RAS programs must be analyzed in relationship to future development in areas where Metro intends to place digital billboards. Housing development is being placed on commercial corridors. The DEIR failed to acknowledge this important fact. Current and future cumulative impacts must be analyzed and the information provided in a recirculated Supplemental EIR.

Q: What legal analysis has been done to assess whether this Project will exceed the court's standard for the City's ability to uphold the 2002 Sign Ordinance and the City's ability to regulate off-site signage. Will the TCN Program undermine or jeopardize the 2002 sign ban in any way?

Q: How will the City, Metro and/or outdoor advertising partners operating the TCN Program define the appropriateness or representations of acceptable violence, obscenities, and "other related subject matters" related to the expression of free speech, especially in light of how litigious the billboard industry is?

Q: Do the proposed sign locations all comply with existing Specific Plans, Community Plans and Scenic Roadway designations as noted in the Mobility Element of the City's General Plan?

Q: The DEIR fails to address cumulative impacts of the TCN Program in the context of other off-site advertising programs currently approved or seeking approval in the City. Cumulative impacts need to be addressed in conjunction with the recently adopted new City Street Furniture Program ("STAP"), and the proposed Interactive Kiosk Experience ("IKE") promoted by the Tourism and Convention Board.

IV.K. Transportation

Q: The traffic safety studies you rely on in the Draft EIR have been debunked. Will you update studies to include those that are relied on by experts in the field?

Q: Please provide accident rates at the proposed billboard locations and if you don't have them, please request necessary studies.

Q: Do any of the proposed sign locations appear at or near locations identified in the LAPD/Vision Zero - High Injury Network?

Q: Please provide evidence to corroborate your statement that vehicle emissions will be reduced as stated. Please review recent traffic study that notes the impact of digital changing traffic safety messaging on traffic indicating that signs tend to slow traffic and contribute to accidents (which also slow traffic). The typical freeway driver in Los Angeles knows well the fact that when a CalTrans digital messaging board has a message posted that drivers slow and often brake thus contributing to traffic slowdowns and artificially created congestion.

Q: Please provide accident records for all locations targeted for digital messaging signs.

Q: Did Metro consider the dangers of placing freeway-facing digital billboards at locations in close proximity to freeway interchanges where drivers are required to change lanes and merge from one route to another?

Q: Do the proposed sign locations comply with the Highway Beautification Act?

Q: Please review additional studies that evaluate driver distraction resulting from the viewing of digital changing messaging on billboards.

EXHIBIT C



Westside NC Land Use/Mobility Committee <wncluc@gmail.com>

Metro Community Relations Newsletter: November 2022

1 message

Metro Community Relations <communityrelations@metro.net>

Tue, Oct 25, 2022 at 3:14 PM

Reply-To: Los Angeles County Metropolitan Transportation Aut <reply-fe8d16727c60007471-348_HTML-401886959-100009697-27030@sfmc.metro.net>

To: wncluc@gmail.com



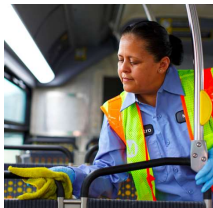
Metro Community Relations Newsletter November Update

This email comes to you once a month, and includes some of the upcoming community meetings, activities, and impacts.



Public Hearing for Proposed Fare Changes

Metro will hold a public hearing on Monday, Nov. 14, at 5pm to get community input on potential fare changes and invites riders to learn more about how they can save under the new structure. Learn more about proposed fare changes by visiting the project website. [More Information](#)



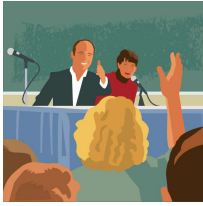
Let's Ride Safely Together

We're committed to providing you with a great experience on Metro. That means a system that's secure and clean, where we treat every rider with care. We have a comprehensive plan that focuses on 3 areas to keep our riders and employees safe. [More Information](#)



Metro Service Councils

Councils advise on planning and implementation of service within their area; call and conduct public hearings; evaluate Metro bus programs related to their service area; review proposed service changes; make policy recommendations to the Metro Board; participate in quarterly meetings with the Metro Chief Executive Officer (CEO), Deputy CEO and management staff. [More Information](#)



I-710 South Corridor Investment Plan

Metro is working on an Investment Plan to identify multimodal transportation projects and programs that will offer mobility options to all who live, work, and visit the corridor. For more information, please visit metro.net/710-hub



Regional Connector

The project team hosted a construction update meeting last week, reviewing upcoming work and provided photos of station progress. View the entire presentation [from this link](#).

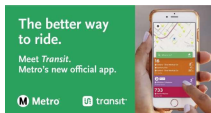


Transportation Demand Survey

Metro is working on policies and programs aimed at increasing the ability to move around the County, reducing traffic, and parking demand. To take part on the Multimodal Mobility Hubs survey, [follow this link](#).

Upcoming Activities

- Purple Line Extension, Section 1, 2, and 3 Construction Update: [November 2 at 12P](#)
- San Fernando Valley Service Council: [November 2 at 6:30P](#)
- LIFE Program Open Enrollment: [November 3 at 9A](#)
- Community Advisory Council: Executive Committee: [November 4 at 12P](#)
- Westside/Central Service Council: [November 9 at 6P](#)
- Eastside Transit Corridor Phase 2 Community Meeting: [November 9 at 6P](#)
- San Gabriel Valley Service Council: [November 14 at 5P](#)
- Public Hearing for Proposed Fare Changes: [November 14 at 5P](#)
- I-5 North Improvement Project: [November 16 at 6P](#)
- Community Advisory Council: General Assembly: [November 16 at 6P](#)
- Central Los Angeles Projects: [November 17 at 12p](#)
- Older Adult Transportation Pop Up in Baldwin Hills: [November 17 at 12:30P](#)



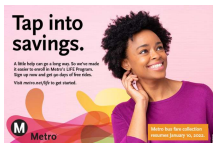
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LA Metro Transit Watch App

See or experience something that needs our attention? The LA Metro Transit Watch app is a quick, easy and anonymous way for you to directly connect to Metro Security anytime. Use the app to report suspicious activity or safety issues. | [Link](#)



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Westside NC Land Use/Mobility Committee <wncluc@gmail.com>

Update: Metro Community Relations Newsletter: December 2022

1 message

Metro Community Relations <communityrelations@metro.net>

Wed, Nov 23, 2022 at 9:12 AM

Reply-To: Los Angeles County Metropolitan Transportation Aut <reply-fe9516737761007b71-348_HTML-401886959-100009697-12027@sfmc.metro.net>

To: wncluc@gmail.com



Metro Community Relations Newsletter December Update

This email comes to you once a month, and includes some of the upcoming community meetings, activities, and impacts.



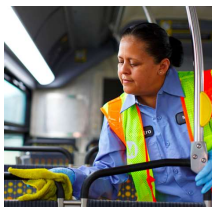
Budget Survey

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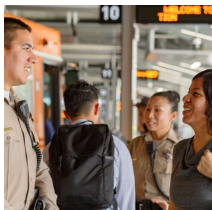
Eastside Transit Corridor Phase 2

The staff recommended Locally Preferred Alternative (LPA) will be presented for adoption to the Metro Board of Directors, on December 1, 2022 at 10am. Selecting the LPA is the key milestone in the project planning process as it is a decision-point that defines the project. [More Information](#)



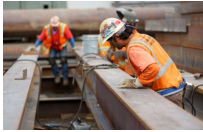
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Public Safety Advisory Committee

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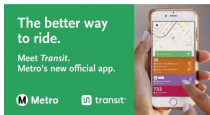
I-5 North County Enhancements Project

I-5 NCEP will conduct multiple weeknight directional freeway closures between SR-14 Calgrove. Northbound directional closures will take place Nov. 29 and 30 from 10pm to 4am, and Southbound directional closures will take place Dec. 1 and 5 from 10pm to 4am. [More Information](#)



Rider Survey Results

As part of our continuing efforts to listen to our riders, Metro's Customer Experience Office recently released the findings of its 2022 Customer Experience Survey. The purpose of the survey is to get direct feedback from our customers to develop an in-depth understanding of who is riding the system, why they ride and how they feel while using the Metro system. [More Information](#)



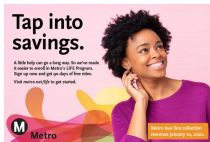
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Upcoming Activities

- Purple Line Extension, Section 1 and 2 Construction Update: [December 7 at 6P \(in person\)](#)
- Community Advisory Council: Executive Committee: [December 2 at 12P](#)
- Los Angeles Aerial Rapid Transit Public Hearing: [December 10 at 10A \(in person\)](#)
- Los Angeles Aerial Rapid Transit Public Hearing: [December 13 at 5P](#)
- I-170 Task Force Meeting: [December 12 at 5P](#)



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January 2023 Events

1 message

Metro Community Relations <communityrelations@metro.net>
To: wncluc@gmail.com

Tue, Dec 27, 2022 at 9:29 AM



Metro Community Relations Newsletter

January Update

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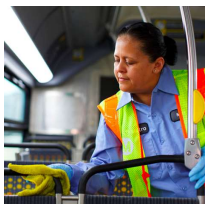


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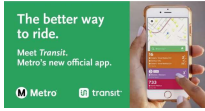
Upcoming Activities

- Purple Line Extension, Section 1 and 2 Construction Update: [January 4 at 1P](#)
- I-170 Task Force Meeting: [January 9 at 5P \(RSVP Required\)](#)
- Los Angeles Aerial Rapid Transit Public Hearing: [January 12 at 5P \(In Person\)](#)
- Central Area Projects Update: [January 19 at 12P](#)



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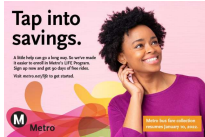
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EXHIBIT D

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Personnel, Audits,
and Animal Welfare

Vice Chair

Transportation

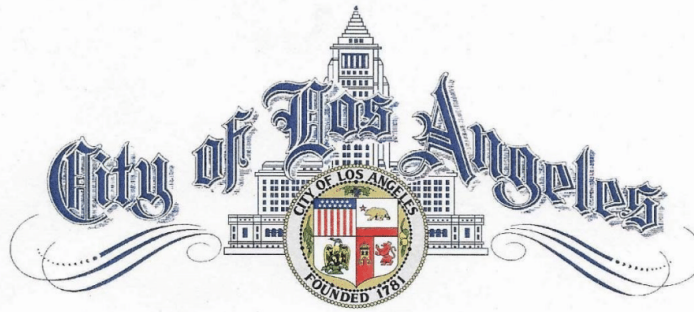
Member

Energy, Climate Change,
Environmental Justice
and River

Public Works

Ad Hoc Committee
on 2028 Olympics
and Paralympics Games

Website: <http://cd5.lacity.org>
Email: Paul.Koretz@lacity.org



PAUL KORETZ
Councilmember, Fifth District

City Hall Office:

200 N. Spring Street
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October 28, 2022

Metro Board of Directors
One Gateway Plaza
Mail Stop 22-9
Los Angeles, CA 90012

Attention: Shine Ling, Development Review Team

Dear Honorable Board Directors:

REGARDING METRO'S TRANSPORTATION COMMUNICATION NETWORK

I have extreme concerns about the proposed Transportation Communication Network (TCN) Program. The last thing the City of Los Angeles needs is additional digital signs. All advertising signs distract drivers, create visual blight, and lead to injuries and fatalities. There are three proposed TCN Structures (NFF-07, FF-26, FF-28) in Council District Five. While I do believe that Metro should scrap the entire program, I echo the calls of my constituents when I say that, at a minimum, Metro should remove all three proposed TCN Structures from my district.

While the City has allowed digital signage in some instances in exchange for clear and tangible public benefits or streetscape improvements, the proposed TCN program includes no discernible public benefits and I assert will instead degrade the public realm. The City of Los Angeles is not for sale, and extreme exceptions to the City's current sign restrictions should not be granted to allow these advertising displays.

Instead of pursuing this dead-on-arrival proposal, Metro should explore alternatives to meet its project objectives. Such alternatives could include providing Metro's Regional Integration of Intelligent Transportation Systems (RIITS) information to boost roadway efficiency, in addition to other project components, on more traditional signs which do not sell advertising space. Additionally, alternatives should better explore increased buffering from residential uses, reduced brightness, and other mitigation measures as it appears that the proposed locations will have direct impacts on adjacent residential units and other potentially sensitive users.



Metro Board of Directors
October 28, 2022
Page Two

While the Environmental Impact Report (EIR) brings to light certain impacts of the project on the environment, the simple fact is that the negative impacts of this project go far and well beyond the scope of an EIR and California Environmental Quality Act review. The EIR lays out the potential for significant and unavoidable impacts related to Aesthetics, Cultural Resources, and Land Use and Planning. Additionally, the EIR relies on unproven mitigation measures to potentially address significant impacts related to Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. There is no way that the undefined potential benefits of this program would possibly outweigh the clear and obvious negative environmental and societal impacts associated with increased digital advertising and increased traffic dangers. I urge you to halt this program as soon as possible.

Thank you for the opportunity to provide comments on this project today.

Sincerely,

A handwritten signature in black ink that reads "Paul Koretz". The signature is written in a cursive, slightly slanted style.

PAUL KORETZ
Councilmember, Fifth District

EXHIBIT E



MIKE BONIN

City of Los Angeles
Councilmember, Eleventh District

June 1, 2022

Shine Ling
Metro
One Gateway Plaza, MS 22-9
Los Angeles, CA 90012

via email: tcn@metro.net

RE: Metro's Transportation Communication Network NOP Comments

Dear Shine Ling,

I write with significant concerns about the breadth and potential impact of Metro's Transportation Communications Network (TCN) project. As described, the TCN would construct a number of digital displays in prominent locations throughout the Los Angeles region. While there are ancillary communication and intelligent transportation system (ITS) elements, the scope and intent of the project is clear: install large digital billboards at highly visible Metro-owned locations for revenue generation purposes.

As a matter of policy and principle, I do not support billboards—especially digital ones. In almost every instance, they are bright, unsightly, and are a blight on the urban environment. In many locations, they pose a distraction to drivers on already dangerous streets and freeways. Proof of their danger is self-evident: if they did not effectively pull drivers' eyes off the road ahead, they would not be valuable for advertising. These are significant impacts that must be analyzed both cumulatively and at individual proposed locations.

In addition to general objections, I have specific concerns about proposed locations of new digital billboards in my district. The locations in West Los Angeles (NFF-14, NFF-15, FF-27, and FF-26) along the Expo Line are either immediately adjacent to or in close proximity to residential dwellings. In fact, the City has worked collaboratively with Metro to plan for transit-oriented housing in these exact areas. While some of this land has underlying commercial zoning, the planned use is residential or mixed-use. Metro's assessment of residential proximity in these locations appears to not consider permitted and/or planned housing. Analysis in the EIR should ensure compatibility with planned and reasonably foreseeable residential use, not just zoning. Furthermore, adequate mitigation measures must include siting, orientation, buffering, and screening from all residential dwellings.

Metro also proposes locations in Del Rey (FF-29 and FF-30) that are immediately adjacent to and will be visible from the Ballona Wetlands Ecological Reserve, the only State Ecological Reserve in Los Angeles County. Metro should seek input from the Department of Fish and Wildlife and analyze the aesthetic and biological impacts to visitors and wildlife of having illuminated advertising in such close proximity to the Ecological Reserve. The Ballona Wetlands

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are also a critical coastal resource under the jurisdiction of the California Coastal Commission. Both the resources themselves and the views of those resources from public roads are protected.

Finally, Metro proposes two locations in Westchester with potentially significant aesthetic impacts. One is along Century Boulevard (NFF-17) within the Century Boulevard Streetscape Plan area, which conditions public agencies and private developers to construct improvements within the public right of way whenever a City permit is required. Los Angeles World Airports (LAWA) and commercial property owners have spent millions of dollars—and will spend millions more—to transform Century Boulevard into a gateway to Los Angeles for international visitors. It would not be fair or reasonable for this significant public and private investment in the corridor's aesthetics to be undermined by Metro. The EIR should analyze both the compatibility with and the applicability of the streetscape plan to this project, and propose specific mitigation measures or discontinue consideration of this location.

The second proposed Westchester location (NFF-18) is on the property of the Airport Metro Connector Station, a \$900 million marquee station in Metro's rail network designed by world-renowned architects. Metro would not consider placing a digital billboard in front of Union Station and likewise a digital billboard in this location should be out of the question.

Thank you for your consideration of these comments. If you have any questions, please contact my Transportation Director, Eric Bruins, at eric.bruins@lacity.org.

Regards,

A handwritten signature in black ink that reads "Mike Bonin". The signature is written in a cursive, flowing style.

MIKE BONIN
Councilmember, 11th District

EXHIBIT F

----- Original message -----

From: CD-4

Date: 10/26/22 7:49 PM (GMT-08:00)

To: Wendy-Sue Rosen

Subject: Re: Metro TCN Program

We didn't submit a letter to Metro, but we did put some notes together for the Councilmember when this came up at Council with not much notice. These were some of the main questions in case it's helpful:

- Can the Planning Department or Metro talk through site selection and show us where these digital billboards are going to be located? [equity concerns about overconcentration in certain communities]
- Do we know what types of advertisements will be going up and does the City have any control over that?
- Can we assess the impact of visual blight, especially as it relates to driver and pedestrian safety?
- What is the projected revenue generation and cost split with the City/LADOT and for what type of public improvement projects?
- Can this be modeled as an opt-in program? I believe a couple of council districts are already exempted from the program.

EXHIBIT G

**Board Report**

File #:2016-0236, File Type:Agreement

Agenda Number:44.

**EXECUTIVE MANAGEMENT COMMITTEE
AUGUST 18, 2016**

SUBJECT: OVERVIEW OF BILLBOARD PROGRAM AND REVENUE SERVICES CONTRACT

ACTION: AMEND EXISTING REVENUE CONTRACT WITH ALL VISION LLC

RECOMMENDATION

AUTHORIZE the Chief Executive Officer or his designee to:

- A. AMEND the **existing revenue services contract with All Vision LLC by entering into a Second Amended and Restated Contract** to clarify the terms of such contract and provide Metro with an additional option to develop new digital billboard signs on Metro property; and
- B. EXERCISE the four remaining one-year options to extend the Contract for four (4) years commencing September 1, 2016 and ending June 30, 2020.

ISSUE

Metro has entered into that certain Revenue Services Contract with All Vision LLC (“All Vision”) issued on April 12, 2010, which was amended and restated on November 18, 2013 (“Contract”) whereby All Vision seeks and implements, at Metro direction, opportunities for new revenue from new digital outdoor advertising displays on Metro owned property. In implementing the work, the parties have discovered an alternative development option which is not currently contemplated under the Contract, but which is proving to be a viable option for more than one local jurisdiction. Further, the Contract expires on August 31, 2016 and staff would like to exercise the four remaining one-year options to extend the term of the Contract to June 30, 2020. Exercising the remaining options is in recognition of the extended time and effort likely to implement a program within the City of Los Angeles. Finally, upon review of the Contract, there are provisions that need clarification as detailed below.

Approval to amend the Contract to clarify the terms of the Contract, to include an additional alternate development option, and to exercise the four remaining one-year options to extend the Contract requires Board approval.

OVERVIEW OF BILLBOARD PROGRAM

The Billboard Removal and Relocation Program offers local municipalities and communities the

opportunity to reduce the number of billboards in their communities and to receive public benefits in exchange for the right to place a limited number of digital billboards in locations approved by the local municipality and community. It is an opt-in program, whereby local municipalities and communities can elect to participate. Some of the public benefits that this program offers include the following:

- a) Improved Rail safety;
- b) Revenue Sharing;
- c) Community messaging;
- d) Transit Messaging;
- e) Amber Alerts;
- f) Removal of billboards at undesirable locations;
- g) Increased non-fare box revenue to Metro; and
- h) No public money is used to pay for the removal of billboards.

Many local municipalities have developed ordinances that provide for the removal of static billboards in communities where the municipality and community have determined billboards are no longer appropriate. In connection with the recently completed Metro project in the City of Long Beach, the City required Clear Channel Outdoor (CCO) to remove eleven (11) billboard structures throughout the City of Long Beach, containing 5,376 square feet of billboard panels. This includes the removal of six (6) of the eight (8) structures on Metro property containing 3,288 sq. ft. of billboard area and five (5) structures on private properties that were designated by the City containing 2,088 sq. ft. of billboard faces. The two remaining static panels on Metro property were converted into a two-sided digital structure containing 1,344 square feet of billboard area. The City and the community placed a high priority on the removal of billboards from residential areas.

In addition, the placement of digital billboards allows communities, as well as Metro, to provide real-time public service announcements as part of the signage program. Each municipality and community is presented the opportunity to place signage only in locations that meet their individual safety and aesthetic criteria.

Allvision and Metro staff are continuing to meet with local municipalities to determine if they are interested in opting into this program. Following is a summary of previous Board actions concerning this program:

On January 28, 2010, the Board authorized a 3-year revenue service contract with two 1-year options (for a total of five years) with All Vision to provide management services for new outdoor advertising displays on Metro owned property. The purpose of the Contract was to increase Metro's revenues by optimizing its billboard assets, at no additional cost to Metro.

On May 23, 2013, the Board authorized the CEO to amend and restate the Contract to add five 1-year options to potentially extend the term of the Contract to a total term of 10 years and provide Metro with two options to develop new billboard signs on Metro property with different compensation rates to All Vision depending on the option selected.

At the Board meeting held in December 2015, the Board authorized further changes to the Contract which will be incorporated as part of the Second Amended and Restated Contract contemplated herein to the extent not further modified by the changes requested in this report. These changes

include, without limitation:

- a) Metro will waive the requirement for Allvision to pay \$500,000 in accrued Guaranteed Annual Revenue Payment that was due June 30, 2015;
- b) All Vision will waive reimbursement of \$769,000 in Contractor Expenses;
- c) All Vision will reduce its share of Net Incremental Payment Revenue from 30% to 25% for billboard signs developed under Option 1;
- d) If new billboard signs in the Cities of Long Beach and Carson are successfully completed and generating revenue, as compensation All Vision will receive 25% of Net Incremental Payment Revenue generated from those billboard signs over the next 30 years;
- e) Require All Vision to submit a work plan and budget, subject to Metro staff approval, prior to initiating any entitlement actions for new billboard signs on Metro property; and
- f) if Metro approves a work plan for the City of Los Angeles, New Payment Revenue generated from new billboard signs in the Cities of Downey, Long Beach and Carson shall not be used to reimburse All Vision for its Contractor Expenses associated with the new billboard signs project in the City of Los Angeles unless and until the Guaranteed Annual Payment Revenue which is then owing to Metro has been paid.

After further negotiations, the following additional amendments to the Contract are being requested under this report:

1. Clarify and update certain contract provisions, including, without limitation, integrating the Strategic Plan within the Statement of Work;
2. Add an alternative development option (Option 3) that was not included in the Contract that provides that All Vision will assist Metro staff in negotiating with billboard companies who will obtain entitlements from local municipalities, finance, construct, and operate the digital billboards, at the billboard company's sole cost and expense. All Vision will be required to provide a work plan and budget for any new billboard assets to be developed under Option 3 for Metro staff review and approval. In the event that Metro staff does not approve the work plan and budget for Option 3, Metro staff will direct All Vision not to proceed. This alternative is an option for Metro and will be evaluated on a case-by-case basis. All Vision's compensation for services under Option 3 will also be determined on a case-by-case basis but in no event shall All Vision's compensation exceed 25% of net incremental revenue generated from these projects over the next 30 years if the projects are successfully completed and generating revenue;
3. Exercise the four remaining one-year options thereby extending the term of the Contract to June 30, 2020;
4. Provide that All Vision will submit to Metro staff a proposed work plan and budget for Metro's

review and approval for any potential projects located in the City of Los Angeles within 60 days after execution of the proposed amended contract. All Vision will submit a work plan and budget for sites in other jurisdictions within six (6) months after execution of the proposed amended contract.

5. If Metro staff approves the work plan and budget for the City of Los Angeles, and the City of Los Angeles adopts a Billboard Ordinance, that provides for development of digital billboards on Metro property, any time before June 30, 2020, then All Vision, provided that they are not in default beyond any applicable cure and notice period, will have an additional three years to manage implementation, entitlement, construction and commencement of operations of such New Digital Billboard Sign(s) in the City of Los Angeles and related sales contracts, leases, and/or license agreements;
6. Provide that if Metro approves the City of Los Angeles work plan and budget and the City of Los Angeles project is developed under the new Option 3, All Vision will receive as compensation 25% of the Net Incremental Revenue over the next 30 years plus its share of the Lump Sum Monetization Payment, if any. Further, All Vision's Contractor Expenses, as defined in the agreement, associated with or incurred in connection with the City of Los Angeles project will only be reimbursed from revenue generated from the City of Los Angeles project;
7. Provide All Vision with rights to manage implementation, entitlement, construction and commencement of billboard operations of any New Digital Billboard Signs during the term of the Contract for any billboard location that Metro staff has approved a Work Plan and budget subject to the terms of the approved work plan. If Metro does not approve a particular work plan and budget, then All Vision shall not be authorized to commence work on such project and Metro shall not proceed to implement any billboard projects covered by the unapproved work plan and budget until after June 30, 2020 (or June 30, 2023, with respect to the City of Los Angeles, should an Ordinance be adopted);
8. Provide that All Vision will provide technical assistance with the inspection, review and audit of billboard companies' books and records for each billboard asset put in place under the Contract to affirm that the parties have received their appropriate share of revenue from those billboard companies during the 30 year term of the revenue sharing arrangement;
9. Require that All Vision provide all of the following services, including providing an onsite supervisor of all work, for each new billboard sign constructed on Metro property:
 - Coordinate and schedule each aspect of the development process with Metro real estate, engineering and operation departments
 - Coordinate contractor safety training with SCRRRA and other required agencies
 - Supervise contractors for each site and stage of development work
 - Coordinate boring samples
 - Coordinate site preparation
 - Oversee structure and sign installation
 - Coordinate utility connections

-
10. Provide that after the expiration of the Option 2 billboard warranty contract, the parties will jointly determine whether the Option 2 billboard needs to be replaced. The cost for the replacement of the Option 2 billboard shall be initially paid by All Vision and reimbursed from New Payment Revenue but only after payment in full of Base Annual Payment Revenue to Metro and payment of the Local Jurisdiction Fee.

A summary of the changes already approved in December, 2015 and the changes requested under this report is included in Attachment "A".

Summary of Status of Billboard Program

All Vision has completed a comprehensive review of existing billboards on Metro property. This review included an in-depth analysis of all Metro-owned property and its potential for generating additional revenue from billboard assets. As part of this review and analysis, All Vision (1) reviewed each existing billboard site; (2) investigated local and state ordinances related to billboards; (3) conducted meetings with local municipalities and Metro staff; and (4) prepared a Strategic Plan ("Strategic Plan") for Billboard Advertising on Metro Property.

The Strategic Plan, which was approved by the Board on May 23, 2013, offers Metro the opportunity to permit new digital billboards on its property that will provide the potential for significant increases in long-term revenue. All potential development sites have been reviewed for conformance with federal and state laws, valued for highest and best outdoor advertising revenue opportunity to Metro, and selected for consideration after an initial CEQA assessment and input from the Metro real estate, planning, operations and engineering departments. Proposed locations have been organized into projects by local jurisdiction. All Vision, Metro staff, and, if applicable, the billboard companies, will work with each local jurisdiction that has a Metro project opportunity to obtain the necessary entitlements.

Currently there are 263 outdoor advertising billboard structures ("Billboards") in place on Metro property and rights-of-way in the County of Los Angeles. The locations of the existing billboards on Metro property are shown on Attachment "B". These Billboards were assigned to Metro when the railroad right-of-way was purchased in the early 1990's. Due to lease terminations for transit projects, annual revenue from these Billboard leases has declined over the last several years from approximately \$2.6 million to \$1.2 million.

Meeting with Local Municipalities

All Vision, Metro, and where appropriate, the billboard companies met with the following local municipalities to discuss the proposed digital billboard program: Santa Clarita, Downey, Inglewood, Long Beach, Carson and Los Angeles. All of the municipalities were interested in participating in the digital billboard program because it provides the municipalities the opportunity to eliminate blighted conditions by converting the existing static billboards located in their jurisdiction into fewer new digital billboards that will generate additional revenue to the municipalities.

Following is a summary of the outcomes of each meeting with those municipalities:

1. Downey: Metro and the City of Downey entered into a Development Agreement on August 27, 2013, that provided for the construction and operation of a digital billboard at Metro's Division 4 located at 7878 Telegraph Road in Downey. The billboard was constructed and began operation on January 1, 2015. Metro received \$144,000 for the first year and staff anticipates that the project will generate \$9 million in new revenue to Metro over the thirty-year term of the Development Agreement, including the 10-year extension.
2. Long Beach: The City of Long Beach approved a Conditional Use Permit to Clear Channel Outdoor, Inc. (CCO) that provided for the removal of eight (8) existing static billboards at Division 11 located at 1011 Carson Street in Long Beach and the construction and operation of one two-sided digital billboard. CCO removed the existing billboards on March 13, 2016 and installed the digital billboard. The new digital billboard became operational on July 1, 2016 and that the project will generate \$4.1 million in new general fund revenue to Metro over the thirty-year term of the license agreement with CCO.
3. Carson: CCO is negotiating a development agreement with the City of Carson to provide for the construction and operation of a digital billboard on the Harbor Subdivision and anticipates obtaining City approval during the third quarter of 2016. If the City approves the project, staff will return to the Board for approval of the license agreement with CCO. Staff anticipates that this billboard project will be completed by the end of the fourth quarter of 2016 and will generate \$4.6 million in new general fund revenue to Metro over the thirty-year term of the license agreement with CCO.
4. Santa Clarita: On February 25, 2014, the Santa Clarita City Council approved a General Plan Amendment, Zone Change, Zone Amendment, Development Agreement and three Lease Agreements granting Metro entitlements and the right to use the three proposed billboard development sites for the construction and operation of three digital billboards in exchange for the removal of 118 billboards on Metro property. The Santa Clarita billboard project was never developed due to local opposition.
5. Inglewood: The proposed location in the City of Inglewood is located on the portion of the Harbor Subdivision right-of-way that is being used for the LAX Crenshaw Corridor Project. Metro staff is working with Project staff to develop a timeline for the completion of Project improvements in the vicinity of the proposed location before working with All Vision to initiate contact with City officials to discuss a development agreement.
6. Los Angeles: All Vision and Metro staff have had preliminary discussions with the City of Los Angeles. The City is considering various options for the adoption of a new billboard ordinance. The City of Los Angeles Project offers Metro the greatest potential for new revenue from the conversion of static billboards to digital billboards.

All Vision, Metro, and, if appropriate, the billboard companies will work with each local jurisdiction that has a Metro project opportunity to determine if the municipality is interested in opting into the program.

Even though static billboards will be removed, the potential revenue from the new digital billboard

signs on Metro property that could be generated to Metro ranges from \$89 million to \$111 million over thirty years depending on the number of new sites and the development option selected by Metro for these locations.

Summary

In most cases the income streams generated by the new digital billboard assets are expected to continue for thirty (30) years providing a long-term stable revenue stream. The program will continue to provide productive partnerships with local jurisdictions by converting static billboards within their municipalities with fewer new digital billboards and will allow them, in certain cases to participate in the revenue generated by the new billboard.

In addition, the placement of digital billboards allows communities, as well as Metro, to provide real-time public service information, such as amber alerts, traffic information and other public announcements. Each community is also presented with the opportunity to place signage only in locations that meet their individual safety and aesthetic criteria. Metro is also provided with the right to place Metro ads at no cost on the new billboard.

All Vision has performed significant work and has completed a comprehensive review of all Metro-owned property for the potential for generating additional revenue from billboard assets. All Vision's staff has extensive experience nationally in billboard management, operations, sales, and representing the interest of property owners, making it prudent to continue the All Vision Contract to ensure Metro receives an optimal return on its assets.

DETERMINATION OF SAFETY IMPACT

This Project will enhance rail safety and alleviate a major safety concern. Static paper and/or vinyl billboards have created safety problems during the high wind season as large numbers of these signs have been blown off the billboards and have fallen onto the adjacent railroad tracks, creating significant safety concerns.

FINANCIAL IMPACT

This is a revenue contract and is expected to generate a minimum of \$500,000 in new general fund revenue by June 30, 2020. The Contract has generated approximately \$144,000 in new revenue to Metro through December 31, 2015. Further increases are predicted to begin when development of the new billboard structures are completed. These additional revenues could range from \$2 million to \$10 million over the life of the Contract; however, only the minimum payment is guaranteed.

ALTERNATIVES CONSIDERED

The alternative is to allow the Contract to expire and to revert to negotiating and managing existing billboard leases directly with outdoor advertising companies. This is not recommended as the contractor's experience is particularly valuable in negotiating complex reduction and replacement billboard contracts. The agreement involves no out-of-pocket cost by Metro, relies upon local jurisdictions to voluntarily participate and is expected to produce revenues in excess of those that could be obtained by managing the existing billboard inventory.

Furthermore, All Vision has demonstrated a strong commitment to the billboard program by investing substantial time and resources toward moving the program forward.

NEXT STEPS

The Parties will enter into a Second Amended and Restated Contract which will include the terms and conditions set forth in this report.

All Vision will develop, subject to Metro staff approval, a work plan and budget for potential billboard opportunities. After Metro staff has approved the work plan and budget and selected which Option development of the new billboard will proceed under, All Vision and Metro staff, and, if applicable, the billboard companies will begin working with local municipalities interested in participating in the digital billboard program to obtain the necessary entitlements or identify the next steps for moving forward.

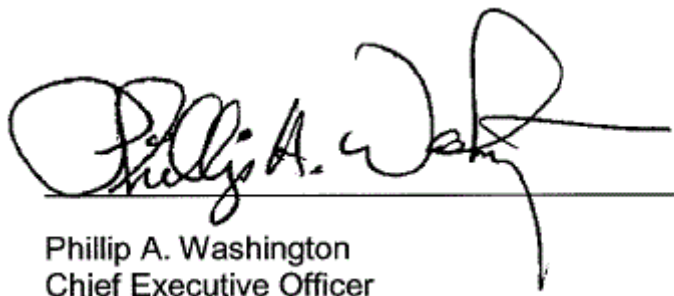
ATTACHMENTS

Attachment A - Summary of Contract Amendment Key Terms

Attachment B - Table of Existing Billboard Locations on Metro Property

Prepared by: Thurman Hodges, Director of Real Property Management and Development,
(213) 922-2435
Velma C. Marshall, Deputy Executive Officer Real Estate,
(213) 922-2415

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



Phillip A. Washington
Chief Executive Officer



Citizens for a Better Los Angeles

January 23, 2023

L.A. Metro Board of Directors
Office of Board Administration
One Gateway Plaza
Los Angeles, California 90012

Re: Approval of Transportation Communication Network (TCN) Program &
Associated Actions
Thursday, January 26, 2023, Agenda Item 7
OPPOSED

Members of the Metro Board,

We are writing to you because we are extremely concerned about the Metro Board's pending actions regarding the Transportation Communication Network (TCN) Program at the meeting on Thursday, January 26, 2023, Item 7 on the agenda. According to the agenda, the Board will consider approving the TCN, certifying the associated EIR, and adopting the findings, in addition to other actions.

Our concerns stem from the following issues:

- The TCN is not a standalone program, but an ongoing Metro program already deployed in other LA area cities
- The label "Transportation Communication Network" has been applied to mislead the public, because the program's primary purpose is to generate advertising revenue
- The EIR is fundamentally flawed due to Metro's misleading and incomplete description of the program
- The EIR's analysis of cumulative impacts is deficient, because the EIR doesn't acknowledge Metro's ongoing use of the program in surrounding cities
- The EIR's project alternatives are fundamentally misleading, failing to consider viable alternatives that could accomplish the objectives by other means

- Additional documents have recently been added as appendices to the Final EIR, without the opportunity for public review
- The EIR does not analyze impacts to the City of LA related to the revision of the LAMC required by the TCN program
- The EIR does not appear to refer to Caltrans' network of Changeable Message Signs, and does not appear to acknowledge that these already accomplish many of the project's goals
- The program will likely violate US and California privacy laws due to the integration of private data collection with Digital Out of Home (DOOH) advertising

The TCN Is Not a Standalone Program, but an Ongoing Metro Program Already Deployed in Other LA Area Cities

We have learned that the TCN is not, as the EIR portrays it, a new program, and that, in fact, it is a continuation of an ongoing program involving the installation of digital billboards that Metro has been engaged in for at least a decade. The EIR appears to deliberately mislead the public by defining the TCN as a project limited to the City of Los Angeles, when in fact the program has been deployed in a number of other cities in Metro's service area, and will no doubt continue to be deployed in more cities in the future.

The Label "Transportation Communication Network" Has Been Used to Mislead the Public, Because the Program's Primary Purpose Is to Generate Advertising Revenue

Metro has deceptively labelled the program the "Transportation Communication Network", when in fact its primary purpose is to allow the installation of digital billboards for the purpose of generating revenue. Metro misleadingly links the collection and dissemination of traffic data with the installation of digital billboards, but the existing Regional Integration of Intelligent Transportation Systems (RIITS) can and has been accomplishing these tasks for years throughout the LA region, and is in no way dependent on the installation of digital billboards.

The EIR is Fundamentally Flawed Due to Metro's Misleading Description of the Program

The EIR process has been fundamentally compromised by Metro's misleading Project Description, which presents the program primarily as a Transportation Communication Network. The deception began with the Notice of Preparation, dated April 18, 2022, which contains the following language:

The Los Angeles County Metropolitan Transportation Authority (Metro) proposes to implement the Transportation Communication Network (TCN) Program (Project or TCN Program), which would provide a network of structures with digital displays (TCN Structures) that would incorporate intelligent technology components to promote roadway efficiency, Improve public safety, augment Metro's communication capability, provide for outdoor advertising where revenues would fund new and expanded transportation programs consistent with the goals of the Metro 2028 Vision Plan, and result

in an overall reduction in static signage displays throughout the City of Los Angeles (City).

To begin with, the RIITS system, which is already in place, accomplishes many of the TCN's stated objectives. The only significant difference is that the TCN project proposes to install digital billboards which will generate revenue. The NOP also states that the Project will, "result in an overall reduction in static signage displays throughout the City of Los Angeles (City)." This promise is a half-truth, and misrepresents the likely ramifications of the Project. While the TCN program promises to remove a greater number of static displays than the number of digital billboards installed, it also required a change to the Los Angeles Municipal Code which removes restrictions on advertising in the public right-of-way. With the removal of these restrictions, advertisers will have greater freedom to install all kinds of advertising structures, which they will surely take advantage of. Metro's promise of a net reduction only takes into account structures installed and removed as part of the TCN program, without acknowledging the probable outcome of the revisions to the LAMC. Metro has no way of knowing how many new advertising structures could appear in the City of LA as a result of this revision to the LAMC.

This deception carries over to the EIR. On page II-1, the EIR's Project Description states the following:

Implementation of the Project would include the installation of up to 34 Freeway-Facing TCN Structures and 22 Non-Freeway Facing TCN Structures all on Metro-owned property. The total maximum amount of digital signage associated with the TCN Structures would be up to approximately 55,000 square feet. As part of TCN Program, a take-down component would be implemented including the removal of at least 110,000 square feet (2 to 1 square footage take-down ratio) of existing off-premise static displays. Signage to be removed would include, at a minimum approximately 200 off-premise static displays located within the City of Los Angeles.
Importantly, the Zoning Ordinance would not authorize any signage beyond the potential 56 TCN Structures on Metro-owned property identified in this Project Description. [Emphasis added.]

This is completely misleading. While the zoning ordinance does not explicitly provide for more than 56 digital billboards on Metro-owned property, it removed restrictions that formerly would have prevented digital billboards in the public right-of-way. The passage of the ordinance will likely lead to a significant number of new digital billboards in the City of LA. The EIR does not acknowledge this, and in fact, gives the impression that implementation of the TCN will lead to a reduction in advertising structures.

On page II-2, the EIR states the following:

The Zoning Ordinance enabling the implementation of the TCN Program would apply solely to the 56 proposed Site Locations for the TCN Structures and any locations for associated sign takedowns.

This is false. The zoning ordinance applies to the entire City of LA. The statement that it only applies to 56 proposed locations for TCN structures is untrue and misleads the public, falsely giving the impression that the scope of the zoning ordinance is strictly limited.

The EIR's Project Description uses euphemisms such as "digital displays" and "TCN structures" rather than using clear language to describe the program for what it is: a program to generate revenue through the installation of digital billboards in public spaces.

The DEIR's Project Description contains the following passage under "(a) Intelligent Technology":

The TCN Structures would be equipped with Metro's Regional Integration of Intelligent Transportation Systems (RIITS), which provides comprehensive, timely, and real-time information among freeway, traffic, transit, and emergency systems, and across various agencies, including Caltrans District 7, the City of Los Angeles Department of Transportation (LADOT), California Highway Patrol (CHP), Foothill Transit, Los Angeles County Department of Public Works, and other local and regional transit agencies, to improve traffic and transportation systems, and to disseminate information regarding roadway improvements, and during emergency events. The additional intelligent technology components of the TCN Program would assist Metro in increasing the quantity and speed of data collection of real time travel/traffic data, processing, and transmission to transportation agencies.

What the DEIR does not acknowledge is that all of these additional intelligent technology components could easily be installed in relatively inexpensive, compact structures that would cause none of the impacts associated with digital billboards. There is already an extensive network of intelligent technology devices, and they are in no way dependent on digital billboards.

The EIR's Analysis of Cumulative Impacts Is Flawed, Because the EIR Doesn't Acknowledge Metro's Ongoing Use of the Program in Surrounding Cities

In general, the EIR's analysis of cumulative impacts is fatally flawed, since the EIR limits analysis to the number of digital billboards to be installed in the City of LA. In fact, for years Metro has been working with other cities, including Downey, Long Beach and Carson, to replace static billboards with digital billboards through its various agreements with Allvision. It's likely that Metro will continue the program in the future with other cities. Please see Metro Board Report, August 18, 2016 "OVERVIEW OF BILLBOARD PROGRAM AND REVENUE SERVICES CONTRACT", File #:2016-0236.

http://boardarchives.metro.net/Items/2016/08_august/EMCItem44.pdf

The document is also included as an attachment.

Because the EIR does not analyze cumulative impacts from other billboards that have been installed in Metro's service area through its relationship with Allvision, the assessment of cumulative impacts is deficient.

The EIR's Project Alternatives Are Fundamentally Misleading, Failing to Consider Viable Alternatives that Could Accomplish the Objectives by Other Means

Aside from the No Project Alternative, the other alternatives simply reduce the number of digital billboards without asking if the project's goals could be accomplished in any other way. In fact, aside from generating revenue, all of the project's goals could be accomplished without the installation of any digital billboards. The existing RIITS network has for years been a widespread, efficient and effective means of gathering and disseminating traffic information. It could easily be expanded to provide all the benefits of the TCN, except for generating revenue. Metro also fails to analyze the possibility of working jointly with Caltrans to expand its existing system of Changeable Message Signs (CMS). This could achieve all of the TCN's goals, except for generating revenue, and would have substantially lower impacts in every area.

Additional Documents Have Been Added as Appendices to the Final EIR, without the Opportunity for Public Review

Additional documents have been added as appendices to the FEIR, but they were not available to the public for review as part of the DEIR. These documents include:

*Draft EIR Appendix B.2
Lighting Study Supplemental Analysis*

*Draft EIR Appendix D.2
Biological Resources Supplemental Analysis*

*Draft EIR Appendix K.2
Transportation and Traffic Safety Supplemental Analysis*

The FEIR claims that these additional appendices address concerns raised by the public, but the public did not have the opportunity to review and comment on these documents. These additional appendices and the EIR sections they relate to should be circulated/recirculated for public review.

The EIR Does Not Analyze Impacts to the City of LA Related to the Revision of the LAMC Required by the TCN Program

In order to implement the TCN program, it was required that the City of LA revise the LAMC to remove restrictions on digital billboards. Again, Metro's analysis of cumulative impacts is flawed, because it only analyzes impacts from the number of digital billboards to be installed as part of the TCN program, without acknowledging the likelihood that the removal of these restrictions will result in private advertising companies installing additional digital billboards. In fact, the revision to the LAMC has already resulted in the approval of the Sidewalk & Transit Amenities Program, which includes not only the installation of digital displays on bus shelters, but also

the installation of digital panels and kiosks. The cumulative impacts of removing the LAMC restrictions against digital advertising must be considered in the TCN EIR, because, as the LACMTA and City of Los Angeles MOA Term Sheet dated March 10, 2021 makes clear, approval of the program was entirely contingent on this change to the LAMC.

The EIR Does Not Appear to Acknowledge Caltrans' Existing System of Changeable Message Signs

The EIR does not appear to acknowledge Caltrans' existing network of Changeable Message Signs, and does not appear to acknowledge that these already accomplish many of the project's goals. Nor does the EIR appear to assess cumulative impacts from the addition of the TCN program. If the CMS already accomplishes many of the objectives of the TCN, then the EIR should examine how any redundancies could be avoided to reduce energy consumption, greenhouse gas emissions, impacts to historic resources, etc..

The Project Will Likely Violate US and California Privacy Laws Due to the Integration of Personal Data Collection with Digital Out of Home (DOOH) Advertising

The collection of personal data from devices such as phones, tablets, etc., is an integral part of Digital Out of Home (DOOH) advertising. The rollout of the TCN program will likely allow advertising companies to collect massive amounts of personal data from unsuspecting citizens.

Column: Billboards that follow you? It's not sci-fi. They're already here

<https://www.latimes.com/business/story/2020-08-25/column-clear-channelbillboards-privacy>

This has grave privacy implications, since it's already known that this information is routinely acquired by data brokers, who make it available to a wide variety of users, including private companies and government agencies.

Data Broker LexisNexis Sued for Helping ICE Target Immigrant Communities

https://www.democracynow.org/2022/8/19/immigrant_rights_groups_sue_data_broker

In short, the TCN program is flawed in numerous respects, and the EIR fails to acknowledge and fails to assess a number of aspects of the program. The City of LA recently approved the Sidewalk & Transit Amenities Program (STAP), which is similarly flawed. CBLA has initiated a legal action seeking to overturn approval of the STAP, including the associated ordinance referenced in the TCN EIR. If the Metro Board approves the TCN, we will be considering all available options to overturn the approval.

Sincerely,
Casey Maddren
Citizens for a Better Los Angeles

**Board Report**

File #:2016-0236, **File Type:**Agreement

Agenda Number:44.

**EXECUTIVE MANAGEMENT COMMITTEE
AUGUST 18, 2016**

SUBJECT: OVERVIEW OF BILLBOARD PROGRAM AND REVENUE SERVICES CONTRACT

ACTION: AMEND EXISTING REVENUE CONTRACT WITH ALL VISION LLC

RECOMMENDATION

AUTHORIZE the Chief Executive Officer or his designee to:

- A. AMEND the **existing revenue services contract with All Vision LLC by entering into a Second Amended and Restated Contract** to clarify the terms of such contract and provide Metro with an additional option to develop new digital billboard signs on Metro property; and
- B. EXERCISE the four remaining one-year options to extend the Contract for four (4) years commencing September 1, 2016 and ending June 30, 2020.

ISSUE

Metro has entered into that certain Revenue Services Contract with All Vision LLC (“All Vision”) issued on April 12, 2010, which was amended and restated on November 18, 2013 (“Contract”) whereby All Vision seeks and implements, at Metro direction, opportunities for new revenue from new digital outdoor advertising displays on Metro owned property. In implementing the work, the parties have discovered an alternative development option which is not currently contemplated under the Contract, but which is proving to be a viable option for more than one local jurisdiction. Further, the Contract expires on August 31, 2016 and staff would like to exercise the four remaining one-year options to extend the term of the Contract to June 30, 2020. Exercising the remaining options is in recognition of the extended time and effort likely to implement a program within the City of Los Angeles. Finally, upon review of the Contract, there are provisions that need clarification as detailed below.

Approval to amend the Contract to clarify the terms of the Contract, to include an additional alternate development option, and to exercise the four remaining one-year options to extend the Contract requires Board approval.

OVERVIEW OF BILLBOARD PROGRAM

The Billboard Removal and Relocation Program offers local municipalities and communities the

opportunity to reduce the number of billboards in their communities and to receive public benefits in exchange for the right to place a limited number of digital billboards in locations approved by the local municipality and community. It is an opt-in program, whereby local municipalities and communities can elect to participate. Some of the public benefits that this program offers include the following:

- a) Improved Rail safety;
- b) Revenue Sharing;
- c) Community messaging;
- d) Transit Messaging;
- e) Amber Alerts;
- f) Removal of billboards at undesirable locations;
- g) Increased non-fare box revenue to Metro; and
- h) No public money is used to pay for the removal of billboards.

Many local municipalities have developed ordinances that provide for the removal of static billboards in communities where the municipality and community have determined billboards are no longer appropriate. In connection with the recently completed Metro project in the City of Long Beach, the City required Clear Channel Outdoor (CCO) to remove eleven (11) billboard structures throughout the City of Long Beach, containing 5,376 square feet of billboard panels. This includes the removal of six (6) of the eight (8) structures on Metro property containing 3,288 sq. ft. of billboard area and five (5) structures on private properties that were designated by the City containing 2,088 sq. ft. of billboard faces. The two remaining static panels on Metro property were converted into a two-sided digital structure containing 1,344 square feet of billboard area. The City and the community placed a high priority on the removal of billboards from residential areas.

In addition, the placement of digital billboards allows communities, as well as Metro, to provide real-time public service announcements as part of the signage program. Each municipality and community is presented the opportunity to place signage only in locations that meet their individual safety and aesthetic criteria.

Allvision and Metro staff are continuing to meet with local municipalities to determine if they are interested in opting into this program. Following is a summary of previous Board actions concerning this program:

On January 28, 2010, the Board authorized a 3-year revenue service contract with two 1-year options (for a total of five years) with All Vision to provide management services for new outdoor advertising displays on Metro owned property. The purpose of the Contract was to increase Metro's revenues by optimizing its billboard assets, at no additional cost to Metro.

On May 23, 2013, the Board authorized the CEO to amend and restate the Contract to add five 1-year options to potentially extend the term of the Contract to a total term of 10 years and provide Metro with two options to develop new billboard signs on Metro property with different compensation rates to All Vision depending on the option selected.

At the Board meeting held in December 2015, the Board authorized further changes to the Contract which will be incorporated as part of the Second Amended and Restated Contract contemplated herein to the extent not further modified by the changes requested in this report. These changes

include, without limitation:

- a) Metro will waive the requirement for Allvision to pay \$500,000 in accrued Guaranteed Annual Revenue Payment that was due June 30, 2015;
- b) All Vision will waive reimbursement of \$769,000 in Contractor Expenses;
- c) All Vision will reduce its share of Net Incremental Payment Revenue from 30% to 25% for billboard signs developed under Option 1;
- d) If new billboard signs in the Cities of Long Beach and Carson are successfully completed and generating revenue, as compensation All Vision will receive 25% of Net Incremental Payment Revenue generated from those billboard signs over the next 30 years;
- e) Require All Vision to submit a work plan and budget, subject to Metro staff approval, prior to initiating any entitlement actions for new billboard signs on Metro property; and
- f) if Metro approves a work plan for the City of Los Angeles, New Payment Revenue generated from new billboard signs in the Cities of Downey, Long Beach and Carson shall not be used to reimburse All Vision for its Contractor Expenses associated with the new billboard signs project in the City of Los Angeles unless and until the Guaranteed Annual Payment Revenue which is then owing to Metro has been paid.

After further negotiations, the following additional amendments to the Contract are being requested under this report:

1. Clarify and update certain contract provisions, including, without limitation, integrating the Strategic Plan within the Statement of Work;
2. Add an alternative development option (Option 3) that was not included in the Contract that provides that All Vision will assist Metro staff in negotiating with billboard companies who will obtain entitlements from local municipalities, finance, construct, and operate the digital billboards, at the billboard company's sole cost and expense. All Vision will be required to provide a work plan and budget for any new billboard assets to be developed under Option 3 for Metro staff review and approval. In the event that Metro staff does not approve the work plan and budget for Option 3, Metro staff will direct All Vision not to proceed. This alternative is an option for Metro and will be evaluated on a case-by-case basis. All Vision's compensation for services under Option 3 will also be determined on a case-by-case basis but in no event shall All Vision's compensation exceed 25% of net incremental revenue generated from these projects over the next 30 years if the projects are successfully completed and generating revenue;
3. Exercise the four remaining one-year options thereby extending the term of the Contract to June 30, 2020;
4. Provide that All Vision will submit to Metro staff a proposed work plan and budget for Metro's

review and approval for any potential projects located in the City of Los Angeles within 60 days after execution of the proposed amended contract. All Vision will submit a work plan and budget for sites in other jurisdictions within six (6) months after execution of the proposed amended contract.

5. If Metro staff approves the work plan and budget for the City of Los Angeles, and the City of Los Angeles adopts a Billboard Ordinance, that provides for development of digital billboards on Metro property, any time before June 30, 2020, then All Vision, provided that they are not in default beyond any applicable cure and notice period, will have an additional three years to manage implementation, entitlement, construction and commencement of operations of such New Digital Billboard Sign(s) in the City of Los Angeles and related sales contracts, leases, and/or license agreements;
6. Provide that if Metro approves the City of Los Angeles work plan and budget and the City of Los Angeles project is developed under the new Option 3, All Vision will receive as compensation 25% of the Net Incremental Revenue over the next 30 years plus its share of the Lump Sum Monetization Payment, if any. Further, All Vision's Contractor Expenses, as defined in the agreement, associated with or incurred in connection with the City of Los Angeles project will only be reimbursed from revenue generated from the City of Los Angeles project;
7. Provide All Vision with rights to manage implementation, entitlement, construction and commencement of billboard operations of any New Digital Billboard Signs during the term of the Contract for any billboard location that Metro staff has approved a Work Plan and budget subject to the terms of the approved work plan. If Metro does not approve a particular work plan and budget, then All Vision shall not be authorized to commence work on such project and Metro shall not proceed to implement any billboard projects covered by the unapproved work plan and budget until after June 30, 2020 (or June 30, 2023, with respect to the City of Los Angeles, should an Ordinance be adopted);
8. Provide that All Vision will provide technical assistance with the inspection, review and audit of billboard companies' books and records for each billboard asset put in place under the Contract to affirm that the parties have received their appropriate share of revenue from those billboard companies during the 30 year term of the revenue sharing arrangement;
9. Require that All Vision provide all of the following services, including providing an onsite supervisor of all work, for each new billboard sign constructed on Metro property:
 - Coordinate and schedule each aspect of the development process with Metro real estate, engineering and operation departments
 - Coordinate contractor safety training with SCRRRA and other required agencies
 - Supervise contractors for each site and stage of development work
 - Coordinate boring samples
 - Coordinate site preparation
 - Oversee structure and sign installation
 - Coordinate utility connections

-
10. Provide that after the expiration of the Option 2 billboard warranty contract, the parties will jointly determine whether the Option 2 billboard needs to be replaced. The cost for the replacement of the Option 2 billboard shall be initially paid by All Vision and reimbursed from New Payment Revenue but only after payment in full of Base Annual Payment Revenue to Metro and payment of the Local Jurisdiction Fee.

A summary of the changes already approved in December, 2015 and the changes requested under this report is included in Attachment "A".

Summary of Status of Billboard Program

All Vision has completed a comprehensive review of existing billboards on Metro property. This review included an in-depth analysis of all Metro-owned property and its potential for generating additional revenue from billboard assets. As part of this review and analysis, All Vision (1) reviewed each existing billboard site; (2) investigated local and state ordinances related to billboards; (3) conducted meetings with local municipalities and Metro staff; and (4) prepared a Strategic Plan ("Strategic Plan") for Billboard Advertising on Metro Property.

The Strategic Plan, which was approved by the Board on May 23, 2013, offers Metro the opportunity to permit new digital billboards on its property that will provide the potential for significant increases in long-term revenue. All potential development sites have been reviewed for conformance with federal and state laws, valued for highest and best outdoor advertising revenue opportunity to Metro, and selected for consideration after an initial CEQA assessment and input from the Metro real estate, planning, operations and engineering departments. Proposed locations have been organized into projects by local jurisdiction. All Vision, Metro staff, and, if applicable, the billboard companies, will work with each local jurisdiction that has a Metro project opportunity to obtain the necessary entitlements.

Currently there are 263 outdoor advertising billboards structures ("Billboards") in place on Metro property and rights-of-way in the County of Los Angeles. The locations of the existing billboards on Metro property are shown on Attachment "B". These Billboards were assigned to Metro when the railroad right-of-way was purchased in the early 1990's. Due to lease terminations for transit projects, annual revenue from these Billboard leases has declined over the last several years from approximately \$2.6 million to \$1.2 million.

Meeting with Local Municipalities

All Vision, Metro, and where appropriate, the billboard companies met with the following local municipalities to discuss the proposed digital billboard program: Santa Clarita, Downey, Inglewood, Long Beach, Carson and Los Angeles. All of the municipalities were interested in participating in the digital billboard program because it provides the municipalities the opportunity to eliminate blighted conditions by converting the existing static billboards located in their jurisdiction into fewer new digital billboards that will generate additional revenue to the municipalities.

Following is a summary of the outcomes of each meeting with those municipalities:

1. Downey: Metro and the City of Downey entered into a Development Agreement on August 27, 2013, that provided for the construction and operation of a digital billboard at Metro's Division 4 located at 7878 Telegraph Road in Downey. The billboard was constructed and began operation on January 1, 2015. Metro received \$144,000 for the first year and staff anticipates that the project will generate \$9 million in new revenue to Metro over the thirty-year term of the Development Agreement, including the 10-year extension.
2. Long Beach: The City of Long Beach approved a Conditional Use Permit to Clear Channel Outdoor, Inc. (CCO) that provided for the removal of eight (8) existing static billboards at Division 11 located at 1011 Carson Street in Long Beach and the construction and operation of one two-sided digital billboard. CCO removed the existing billboards on March 13, 2016 and installed the digital billboard. The new digital billboard became operational on July 1, 2016 and that the project will generate \$4.1 million in new general fund revenue to Metro over the thirty-year term of the license agreement with CCO.
3. Carson: CCO is negotiating a development agreement with the City of Carson to provide for the construction and operation of a digital billboard on the Harbor Subdivision and anticipates obtaining City approval during the third quarter of 2016. If the City approves the project, staff will return to the Board for approval of the license agreement with CCO. Staff anticipates that this billboard project will be completed by the end of the fourth quarter of 2016 and will generate \$4.6 million in new general fund revenue to Metro over the thirty-year term of the license agreement with CCO.
4. Santa Clarita: On February 25, 2014, the Santa Clarita City Council approved a General Plan Amendment, Zone Change, Zone Amendment, Development Agreement and three Lease Agreements granting Metro entitlements and the right to use the three proposed billboard development sites for the construction and operation of three digital billboards in exchange for the removal of 118 billboards on Metro property. The Santa Clarita billboard project was never developed due to local opposition.
5. Inglewood: The proposed location in the City of Inglewood is located on the portion of the Harbor Subdivision right-of-way that is being used for the LAX Crenshaw Corridor Project. Metro staff is working with Project staff to develop a timeline for the completion of Project improvements in the vicinity of the proposed location before working with All Vision to initiate contact with City officials to discuss a development agreement.
6. Los Angeles: All Vision and Metro staff have had preliminary discussions with the City of Los Angeles. The City is considering various options for the adoption of a new billboard ordinance. The City of Los Angeles Project offers Metro the greatest potential for new revenue from the conversion of static billboards to digital billboards.

All Vision, Metro, and, if appropriate, the billboard companies will work with each local jurisdiction that has a Metro project opportunity to determine if the municipality is interested in opting into the program.

Even though static billboards will be removed, the potential revenue from the new digital billboard

signs on Metro property that could be generated to Metro ranges from \$89 million to \$111 million over thirty years depending on the number of new sites and the development option selected by Metro for these locations.

Summary

In most cases the income streams generated by the new digital billboard assets are expected to continue for thirty (30) years providing a long-term stable revenue stream. The program will continue to provide productive partnerships with local jurisdictions by converting static billboards within their municipalities with fewer new digital billboards and will allow them, in certain cases to participate in the revenue generated by the new billboard.

In addition, the placement of digital billboards allows communities, as well as Metro, to provide real-time public service information, such as amber alerts, traffic information and other public announcements. Each community is also presented with the opportunity to place signage only in locations that meet their individual safety and aesthetic criteria. Metro is also provided with the right to place Metro ads at no cost on the new billboard.

All Vision has performed significant work and has completed a comprehensive review of all Metro-owned property for the potential for generating additional revenue from billboard assets. All Vision's staff has extensive experience nationally in billboard management, operations, sales, and representing the interest of property owners, making it prudent to continue the All Vision Contract to ensure Metro receives an optimal return on its assets.

DETERMINATION OF SAFETY IMPACT

This Project will enhance rail safety and alleviate a major safety concern. Static paper and/or vinyl billboards have created safety problems during the high wind season as large numbers of these signs have been blown off the billboards and have fallen onto the adjacent railroad tracks, creating significant safety concerns.

FINANCIAL IMPACT

This is a revenue contract and is expected to generate a minimum of \$500,000 in new general fund revenue by June 30, 2020. The Contract has generated approximately \$144,000 in new revenue to Metro through December 31, 2015. Further increases are predicted to begin when development of the new billboard structures are completed. These additional revenues could range from \$2 million to \$10 million over the life of the Contract; however, only the minimum payment is guaranteed.

ALTERNATIVES CONSIDERED

The alternative is to allow the Contract to expire and to revert to negotiating and managing existing billboard leases directly with outdoor advertising companies. This is not recommended as the contractor's experience is particularly valuable in negotiating complex reduction and replacement billboard contracts. The agreement involves no out-of-pocket cost by Metro, relies upon local jurisdictions to voluntarily participate and is expected to produce revenues in excess of those that could be obtained by managing the existing billboard inventory.

Furthermore, All Vision has demonstrated a strong commitment to the billboard program by investing substantial time and resources toward moving the program forward.

NEXT STEPS

The Parties will enter into a Second Amended and Restated Contract which will include the terms and conditions set forth in this report.

All Vision will develop, subject to Metro staff approval, a work plan and budget for potential billboard opportunities. After Metro staff has approved the work plan and budget and selected which Option development of the new billboard will proceed under, All Vision and Metro staff, and, if applicable, the billboard companies will begin working with local municipalities interested in participating in the digital billboard program to obtain the necessary entitlements or identify the next steps for moving forward.

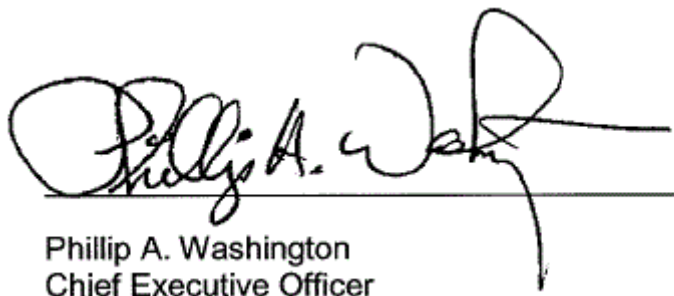
ATTACHMENTS

Attachment A - Summary of Contract Amendment Key Terms

Attachment B - Table of Existing Billboard Locations on Metro Property

Prepared by: Thurman Hodges, Director of Real Property Management and Development,
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Reviewed by: Therese W. McMillan, Chief Planning Officer, (213) 922-7077



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

SUMMARY OF CONTRACT AMENDMENT KEY TERMS

Provisions	Existing Contract	Amendment
Accounting and Expenses	N/A	<p>Contractor Expenses associated with or incurred in connection with the City of Los Angeles project will only be reimbursed from revenue generated from the City of Los Angeles project.</p> <p>All Vision will provide technical assistance with the inspection, review and audit of billboard companies' books and records for each billboard assets put in place under the contract to affirm that the parties have received their appropriate share of revenue from those billboard companies during the 30 year term of the revenue sharing arrangement.</p>
Contract Options	<p>The Allvision contract provides that to the extent that entitlements for new billboard assets have been initiated by Allvision consistent with the approved Strategic Plan and the billboard assets have not commenced operations prior to the end of the Allvision contract, the Allvision contract will be automatically extended for 12 months at a time to allow Allvision to manage implementation, construction, and</p>	<p>All Vision will be required to submit a work plan and budget for Metro approval prior to initiating entitlements on new billboards on Metro property. All Vision will submit to Metro staff a proposed Work Plan and Budget for Metro's review and approval for any potential projects located on the within the City of Los Angeles within 60 days after execution of the proposed amended contract. All Vision will submit to Metro staff a Work Plan and Budget for sites in other jurisdictions within six (6) months.</p> <p>If Metro staff approves the Work Plan and Budget for the City of Los Angeles, then if the City of Los Angeles adopts an Ordinance that provides for</p>

Provisions	Existing Contract	Amendment
Contract Options	commencement of operation of the new billboard asset and related sales, license, and other related agreements.	development of digital billboards on Metro property, any time before June 30, 2020, then All Vision will have an additional three years to manage implementation, entitlement, construction and commencement of operations of such New Digital Billboard Sign(s) in the City of Los Angeles and related sales contracts, leases, and/or license agreements.
Exclusive Rights	N/A	All Vision shall have rights to manage implementation, entitlement, construction and commencement of billboard operations of any New Digital Billboard Signs during the term of the Contract for any billboard location that Metro staff has approved a work plan and budget subject to the terms of the approved work plan. If Metro does not approve a particular work plan and budget, then All Vision shall not be authorized to commence work on such project and Metro shall not proceed to implement any billboard projects covered by the unapproved work plan and budget until after June 30, 2020 or June 30, 2023, with respect to the City of Los Angeles, should an Ordinance be adopted.
Option 2	N/A	After the expiration of the Option 2 billboard warranty contract, the parties will jointly determine whether an Option 2 billboard needs to be replaced. The cost for the replacement of the Option 2 billboard shall be initially paid by All Vision and reimbursed from New Payment Revenue but only after payment in full of Base

Provisions	Existing Contract	Amendment
Option 2		Annual Payment Revenue to Metro and payment of the Local Jurisdiction Fee.
Site Development Process	<p>Allvision will commence the site development process on behalf of Metro after securing local entitlements and State permits (where applicable) and in conjunction with advertising sales company negotiations. This process could include:</p> <ul style="list-style-type: none"> • Coordinating and scheduling each aspect of the development process with Metro real estate, engineering and operation departments • Coordinating contractor safety training with SCRRA and other required agencies • Supervising contractors for each site and stage of development 	<p>Under all Options, Contractor will commence the site development process on behalf of Metro after local entitlements and State permits (where applicable) are secured and in conjunction with sales company negotiations. This Task shall include:</p> <p>Coordinating and scheduling each aspect of the site development process with Metro real estate, engineering and operation departments;</p> <p>Coordinating contractor safety training with Southern California Regional Rail Authority (SCRRA) and other required agencies;</p> <p>Supervising and coordinating all work performed on- site for each New Billboard Sign at all stages of the site development work;</p> <p>Coordinating boring samples; Coordinating site preparation; Overseeing New Billboard Sign installation; and Coordinating utility connection</p> <p>Contractor will coordinate and communicate with subcontractors, sales companies and Metro's engineering, operational, and real estate departments.</p> <p>Contractor will work with the Metro's County Counsel and Metro real estate staff to</p>

Provisions	Existing Contract	Amendment
<p>Site Development Process</p>	<p>work</p> <ul style="list-style-type: none"> • Coordinate boring samples • Coordinate site preparation • Oversee structure and sign installation • Coordinate utility connection <p>Developing outdoor advertising assets on property that is used primarily for public transportation is a difficult and complex process that involves many unique challenges. All Vision will develop a work plan based on strategic communications between Allvision, subcontractors, and Metro's engineering, operational, and real estate departments. All Vision understands that it is imperative that construction and operation of the signs have no adverse impact on any rail or other transit related day-to-day operations.</p>	<p>negotiate, execute, and where applicable and at Metro's election, enter into contracts, leases, licenses, entitlements, agreements, lump sum payments for New Billboard Sign(s), or any other understandings or arrangements relating to Metro's property.</p> <p>Contractor understands that it is imperative that construction and operation of the New Billboard Signs have no adverse impact on any rail or other transit related day-to-day operations and will develop and construct the New Billboard Signs in such a manner that have no adverse impact on any rail or other transit related day-to-day operations.</p>

Provisions	Existing Contract	Amendment
Option 3 Alternative Development Option	N/A	<p>All Vision will assist Metro staff in negotiating with billboard companies who will obtain entitlements from local municipalities, finance, construct, and operate the digital billboards, at the billboard company's sole cost and expense. All Vision will be required to provide a work plan and budget for any new billboard assets to be developed under Option 3 for Metro staff review and approval. In the event that Metro staff does not approve the work plan and budget for Option 3, Metro staff will direct All Vision not to proceed. This alternative is an option for Metro and will be evaluated on a case-by-case basis. If Metro approves the City of Los Angeles work plan and budget and the City of Los Angeles project is developed under the new Option 3, All Vision will receive as compensation 25% of the Net Incremental Revenue over the next 30 years plus its share of the Lump Sum Monetization Payment, if any. All Vision's compensation for services under Option 3 in other local jurisdictions will be determined on a case-by-case basis but in no event shall All Vision's compensation exceed 25% of net incremental revenue generated from these projects over the next 30 years if the projects are successfully completed and</p>

Provisions	Existing Contract	Amendment
		generating revenue.
Term	Contract term currently expires on August 31, 2016	Exercise last four remaining options now to extend the term of the contract to June 30, 2020.

TABLE OF EXISTING BILLBOARD LOCATIONS ON METRO PROPERTY

Los Angeles County Supervisorial District	No. of Billboards
1 - Hilda L. Solis	19
2 - Mark Ridley-Thomas	49
3 - Sheila Kuehl	78
4 - Don Knabe	19
5 - Michael D. Antonovich	72
Grand Total	237

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Column: Billboards that follow you? It's not sci-fi. They're already here



Los Angeles Times



Remember the scene in "Minority Report" where Tom Cruise is marketed to by digital billboards? We're now a step closer to that reality. (DreamWorks/20th Century Fox)

BY DAVID LAZARUS | COLUMNIST

AUG. 25, 2020 6 AM PT



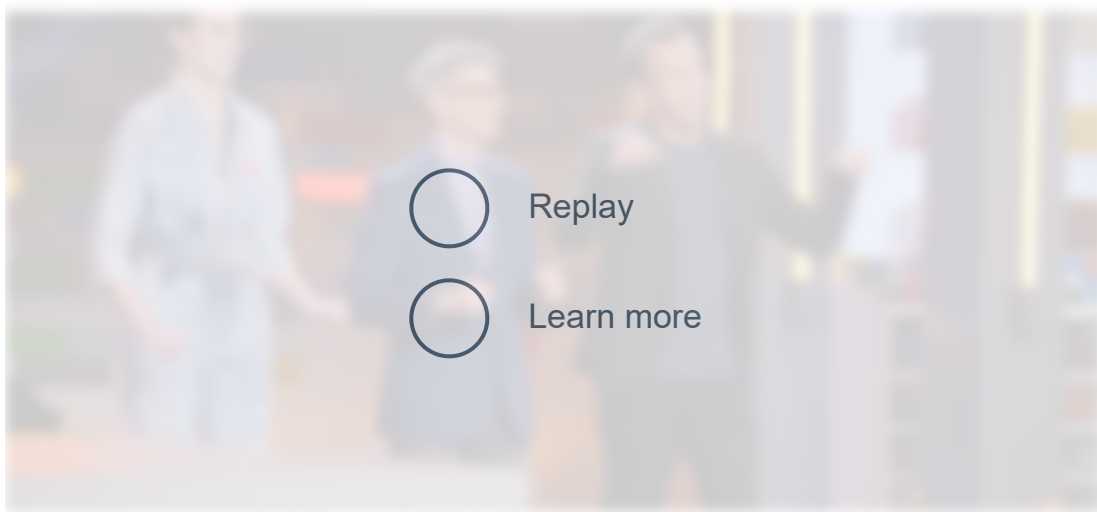
Clear Channel Outdoor, one of the world's largest billboard companies, will in coming days roll out technology across Europe capable of letting advertisers know where people go and what they do after seeing a particular billboard.

Sounds creepy, no?

Well, brace yourself. Clear Channel has been quietly using this technology in the United States for the last four years, including in Los Angeles.

“They’re spying on you in your own neighborhood,” said Jeff Chester, executive director of the Center for Digital Democracy.

ADVERTISING



“You don’t know it’s happening,” he told me. “You don’t know who they’re sharing the information with.”

Chester and other privacy advocates said Clear Channel's system is an example of how private companies are building out commercial surveillance networks right under our noses.

"The scary thing is that there are so many companies handling different pieces of this, the ecosystem is enormous," said Alan Butler, interim executive director and general counsel for the Electronic Privacy Information Center in Washington, D.C.



PAID CONTENT

Business of Cannabis Roundtable

By LA Times

Heather Semenuik, Partner, Crowe LLP

"All this data is being collected and we have no idea how it's being used," he said.

Clear Channel isn't alone in developing what's known as "out of home marketing" — a decidedly benign term for such a potentially invasive practice.

Different companies are rushing to install similar systems in malls, subways and other crowded venues. The aim is not just to see where you go and what you do but also to prompt impulse purchases at nearby merchants.

If you're like me, the image that comes to mind is [that scene](#) from Steven Spielberg's "Minority Report" where Tom Cruise is recognized and marketed to as he passes a series of digital billboards.

Current out-of-home marketing technology isn't like that — yet. But experts say it's just a matter of time.

“We’re already used to being tracked online,” said Lori B. Andrews, director of the Institute for Science, Law and Technology at the Illinois Institute of Technology. “Now it’s bleeding into the real world.”

Clear Channel is an especially powerful force in this field because its more than 500,000 print and digital billboards worldwide provide a far-reaching foundation from which to track passers-by and share data with marketing partners.

The company calls its technology [Radar](#). The system, Clear Channel says, “leverages anonymous, aggregated mobile location data to help advertisers understand consumer mobility, behavior and true campaign impact.”

An [animated video](#) for Radar appears to depict people on foot and in cars passing a Clear Channel billboard and connecting automatically via Wi-Fi, providing marketers with “highly customized solutions” to help them “connect with the right customers at the right time and place.”

That’s a bit misleading.

Jason King, a Clear Channel spokesman, acknowledged to me that the company “does not equip its billboards with technology aimed at tracking individuals.”

Rather, Clear Channel gathers location and tracking information from multiple sources — apps, data firms — and then analyzes the info for insights about how people behave after passing a Clear Channel billboard.

The idea is to be able to tell advertising clients that a consumer is likely to visit the client’s business after being exposed to a billboard touting the client’s products or services, or to market to that consumer based on their location.

King said Radar “helps advertisers understand what happens after someone sees their ad.”

Wireless companies for years have been using “geolocation” data from smartphones to bolster advertisers’ marketing campaigns.

Basically, if you carry a phone, your whereabouts are known to your wireless provider every second of the day — and the companies make money selling that info to others.

Clear Channel is taking this capability up a level by creating a bridge between a consumer’s location and their exposure to an outdoor marketing pitch.

Now advertisers can go beyond just passively plastering a message on a billboard. They can follow you after you’ve seen the ad, and watch where you go and what you do.

Clear Channel is being disingenuous when it insists all data collected as part of Radar is anonymous, privacy experts say.

Kyle M.L. Jones, an Indiana University assistant professor who focuses on data mining, said that for a company to target you with advertising, it has to know who you are and have an idea about your personal tastes.

Even if you’re identified only by a number affiliated with your phone, rather than by your name, it’s not difficult to extrapolate from there if a more robust marketing profile is desired.

“Enough of a mixture of geographic, behavioral and demographic data will almost inevitably open up opportunities for re-identification,” Jones said. “It’s hard to know what their privacy-protecting practices are, but their practices have risk.”

Although Clear Channel's King played down the "Minority Report" implications of Radar, the company's chief executive, William Eccleshare, [told the Financial Times](#) that the September introduction of Radar in Europe will create a host of eye-opening opportunities for advertisers.

"We can follow your movement to a store," he said. "We can follow what you purchase. And yes, we can look at your viewing habits that evening if you pass an ad for a Netflix show."

For businesses, that's pretty exciting.

For consumers, it should send a shiver down your spine.

Nanda Kumar, an associate professor of information systems at New York's Baruch College, said "lackluster privacy laws" are partly to blame for companies feeling free to monitor consumers as they go about their daily affairs.

Many out-of-home-marketing businesses "take individuals' privacy for granted and collect information from them opaquely without providing consumers any reasonable ways to control the flow of their data," he said.

I [wrote last week](#) about how difficult some companies make it to opt out of data sharing. Clear Channel is no exception.

The company's [privacy policy](#) says it's up to individual consumers to "refer to your device's or browser's technical information for instructions on how to delete and disable all or some cookies, and other tracking tools, as available, including how to reset your advertising identifiers and limit advertising tracking."

Yeah, good luck with that.

The privacy policy also acknowledges that even though Clear Channel primarily relies on “de-identified” personal information, it does in fact disclose identifiable info to business partners.

This can include your name, address, purchase history, online behavior and “inferences drawn from any of the foregoing to create a profile about a consumer reflecting the consumer’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities and aptitudes.”

Inferences about people’s intelligence, predispositions and psychological trends?

Not so benign after all.

“When they made ‘Minority Report,’ it wasn’t science fiction,” said Chester at the Center for Digital Democracy. “That scene was based on what they knew was actually coming.”

And here we are.

BUSINESS

TECHNOLOGY AND THE INTERNET



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David Lazarus



 Twitter

David Lazarus is a former business columnist for the Los Angeles Times who focused on consumer affairs. He appears daily on KTLA-TV Channel 5. His award-winning work has appeared in newspapers across the country and resulted in a variety of laws protecting consumers.

Show Comments



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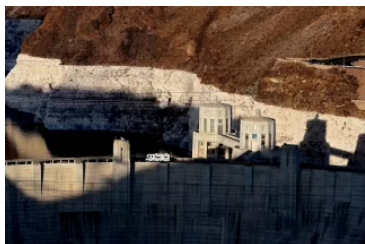
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January 9, 2023

Transportation Communications Network Project Team
Metropolitan Transportation District

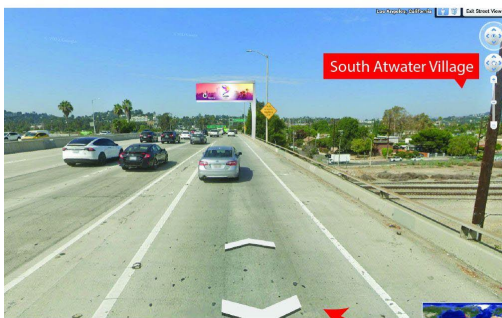
Submitted via email at tcn@metro.net

Re: Metro TCN impacts on the Bowtie Demonstration Project

The Metropolitan Transportation District (Metro) proposes to build electric billboards [“Transportation Communications Network” (TCN)] on Metro lands across Los Angeles. The Nature Conservancy (TNC) is engaged in an important 3-acre conservation project, the Bowtie Demonstration Project, along the east bank of the Los Angeles River on California State Parks-owned land. TNC is an international, non-profit conservation organization that has been actively working in California for over 60 years and in Los Angeles for over a decade. The Bowtie Demonstration Project will restore native wetland and upland vegetation and wildlife habitat to the northern portion of the Bowtie Parcel, which is closest to state route 2 and the proposed sites of two electric billboards. TNC has significant concerns about how the light from these billboards may affect wildlife in and around the Bowtie Parcel.

The billboards proposed for construction near the Bowtie Project are FF-13 and FF-14. These would be two-sided, illuminated, freeway-facing structures 50 feet in height, and would appear along the Glendale Freeway (State Route 2), northeast of Casitas Avenue. The images below are excerpted from the November 10, 2022 Atwater Village Neighborhood Council letter.

FF-13 SR-2 South Lanes NE of Casitas Avenue (5436033906)



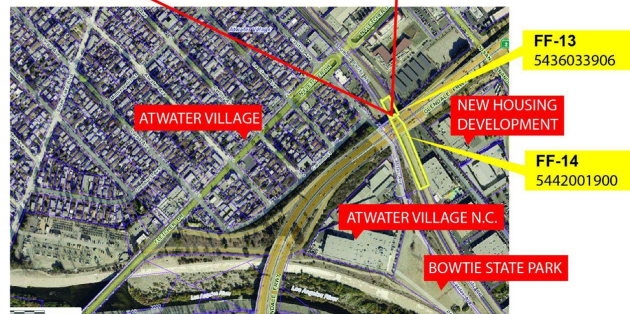
Billboard Front: direction of traffic flow
Side and back of billboard illumination impact South Atwater Village



Billboard Back: view to ? (this side dangerous and not needed)
Projects to neighborhood vs drivers
Distracted driving - view from rear view mirror

FF-13 SR-2 South Lanes NE of Casitas Avenue
(parcel no. 5436033906)
Two-sided 672 square feet of display area -
display size 14' tall x 48' wide x 85' high (Sign
height from grade)

FF-14 SR-2 North Lanes NE of Casitas Avenue
(parcel no. 5442001900)
Two-sided 672 square feet of display area -
display size 14' tall x 48' wide x 85' high (Sign
height from grade)

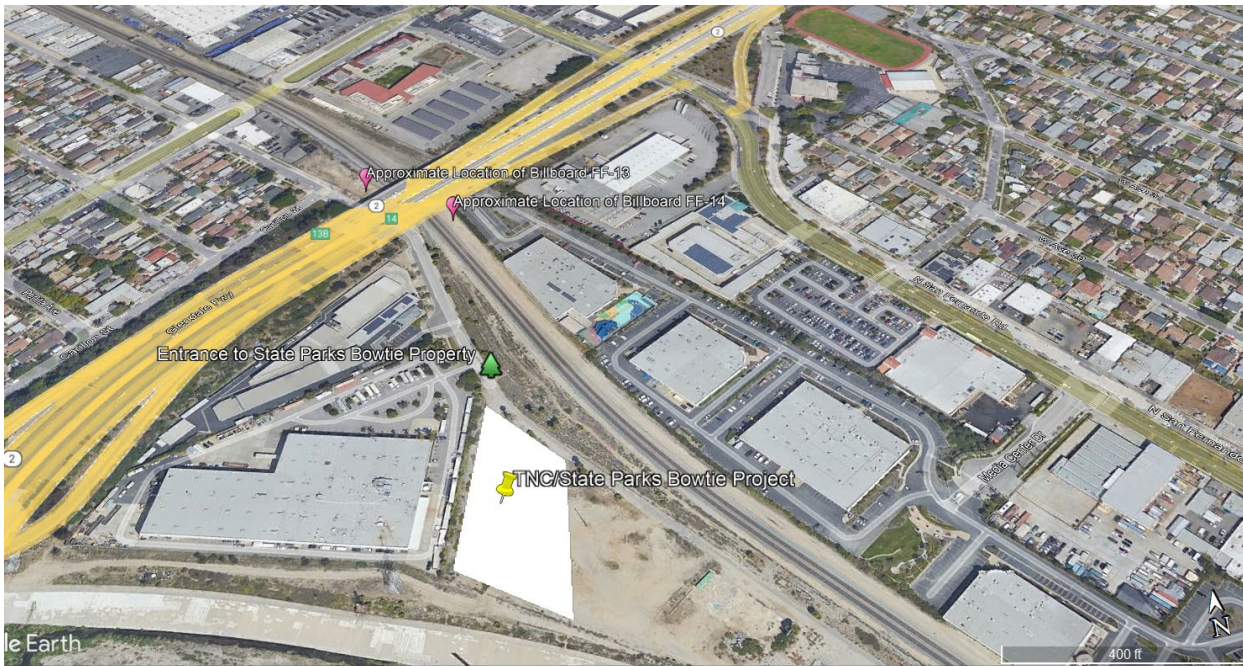


Sign ID	Map No.	Location	Assessor's Parcel Number	sf per Digital Display (No. of Digital Display Faces per TCN Structure)	Digital Display Height (ft)	Digital Display Width (ft)	Sign Height (from grade)
FF-13	1	SR-2 South Lanes Northeast of Casitas Avenue	5436033906	672 (2)	14	48	85
FF-14	1	SR-2 North Lanes Northeast of Casitas Avenue	5442001900	672 (2)	14	38	85

Using GoogleEarth, TNC staff measured the distance from the proposed locations for these two digital billboards and the TNC/State Parks Bowtie Project. The distance from FF-13 to the nearest edge of the Bowtie State Parks property is approximately 823 ft (251 m). The distance from FF-14 to the nearest edge of the Bowtie State Parks property is approximately 619 ft (188 m).

Using Google StreetView imagery at the entrance of the Bowtie State Parks property (beyond the southern end of Casitas Road, at 2898 Kerr Street), the Glendale Freeway (State Route 2) is clearly visible, so it appears that the digital billboards, which are planned to be 50 feet above the freeway, will be visible on the Bowtie State Parks property as well.





The main concern that TNC has about these digital billboards is the light that they will emit during times of natural low light: dusk, dawn, and throughout the night. TNC's concerns were captured by the comments made in an [October 24, 2022 letter](#) by Dr. Travis Longcore on behalf of the Audubon Society on the Draft Environmental Impact Report (DEIR). Dr. Longcore is Adjunct Professor in the UCLA Institute of the Environment and Sustainability and Co-Chair, Environmental Science and Engineering (D.Env.) Program. He is also a recognized world expert in the topic of light pollution. Two important statements made by Dr. Longcore from that letter are highlighted in yellow below.

“Via email (tcn@metro.net)

October 24, 2022

Shine Ling, Development Review Team
One Gateway Plaza
Mail Stop 22-9
Los Angeles, California 90012

Re: Transportation Communications Network Draft Environmental Impact Report

Dear Ms. Ling: The Draft Environmental Impact Report (DEIR) for the Transportation Communications Network (TCN) acknowledges that the facilities would be constructed in locations that would impact sensitive species, including federally and state listed endangered species, and sensitive bat species (see Biological Resources Technical Report, All Vision LLC, August 2022). **The analysis of biological impacts does not include a description of or even an attempt to quantify the effects of light pollution on these sensitive species.**

The environmental impacts of light pollution on sensitive species are well-documented. See attached reports and papers for an introduction to these issues.

The lighting study for the DEIR only addresses impacts to humans, not to sensitive wildlife. Notwithstanding existing light pollution, its **impacts on wildlife are cumulative and must be evaluated**

under CEQA. Therefore, the DEIR must be revised and recirculated so that the impacts to sensitive wildlife are evaluated, and the U.S. Fish and Wildlife Service must be consulted because of the potential adverse impacts to species listed under the U.S. Endangered Species Act at the Ballona Wetlands Ecological Reserve.

Sincerely,
Travis Longcore, Ph.D.”

Additionally, Dr. Longcore provided the following comment letter to Metro via email on November 30, 2022 in response to the release of the Final Environmental Impact Report (FEIR). Several important statements made by Dr. Longcore in the second letter are highlighted in blue below.

“From: Travis Longcore <travislongcore@laudubon.org>
Subject: Metro TCN FEIR
Date: November 30, 2022 at 12:19:19 PM PST
To: BoardClerk@metro.net
Cc: wigginss@metro.net

Dear Metro Board:

Los Angeles Audubon Society commented on the Metro TCN Draft EIR, raising concerns about the impact on biological resources from the digital billboards and their associated light pollution. We only just learned about the Final EIR and request that additional time be given before it is voted on by the Board so that the public has adequate time to review and respond to the assertions made in the response to comments. It flies in the face of good public engagement to release a final EIR over the Thanksgiving holiday and then vote on it 15 days later.

Metro’s aggressive schedule does not allow me time to go into this in detail, but the FEIR does not contain substantial evidence to support the proposed determination that the project will have no impact on biological resource from light pollution. Even though the response to comments contains some text that purports to address this issue, it does not contain any facts on which to base the conclusions. Rather, it refers to a document written by a consultant for another project five years ago in a different location with different species present and claims that because that consultant report references some of the same papers and asserted that there would be no impacts from the billboard, that therefore the current project and its billboards would have no impacts. That isn’t how environmental analysis works. It would be the same as referring to a Philip Morris consultant’s report from 1980 claiming smoking has no impact on health is substantial evidence on which to conclude that smoking has no impact on health today. CEQA requires a fresh look that is specific to the conditions of the project at hand, not second-hand reliance on unvetted and non-peer reviewed assertions by paid consultants in different ecosystems.

The consultant report, although not available to me to review, has major problems that are obvious in the recitation of it in the FEIR. It claims that billboards aren’t any brighter than the full moon as measured in luminance. That is the wrong metric from a physics perspective because the total area of the billboard as viewed from a nearby receptor is much larger than the full moon. Also, light from the full moon is only visible a very small fraction of the time during a month once you account for lunar angle and phase, so it is not the right comparison to evaluate environmental impacts. Furthermore, the assertions in the consultant report relied upon in the FEIR have not been tested. They are simply assertions, and never peer reviewed or field tested.

The light trespass limits in the California code are far too high to mitigate biological impacts. CEQA requires independent assessment of impacts. The CALGreen standard is not designed to mitigate biological impacts and cannot be relied upon to do so. Nocturnal species, as shown in the papers I attached to my original comment, respond to light levels that are orders of magnitude dimmer than the 0.09 fc limit that the FEIR relies upon. That limit is still two times brighter than the light from a typical full moon (see details here: <https://travislongcore.net/2017/08/06/how-bright-the-moon-correcting-a-propagated-figure-error-in-the-literature/>), which we know from extensive published scientific literature has biological impacts. The project is nowhere close to reducing offsite illumination areas in parks to a less than significant level if you consider the visual systems and responses of potentially affected species.

I say all of this as one of the most highly cited scientists in the world working on the adverse impacts of light at night on ecosystems. The FEIR analysis on the impacts of light on wildlife is not sound and any conclusion drawn from it would not be based on substantial evidence. I request that additional time for public comment is allowed before this item goes to the Board.

I am writing on my own behalf because the compressed timeline pursued by Metro.

Sincerely,

Travis Longcore”

According to Dr. Longcore, an expert in the impacts of light pollution on wildlife, the analysis included in the FEIR was inadequate to assess these impacts. This is based on several factors, including:

- (1) The analysis contained in the FEIR does not adequately assess the impacts of the proposed project in Los Angeles. Instead, it relies on a consultant study conducted elsewhere as evidence that the billboards would have no impact.
- (2) The impacts of light pollution are cumulative, and must be evaluated to account for the existing light at the site, plus additional light that would come from the digital billboards. The FEIR does not include this type of cumulative analysis.
- (3) The metrics used in the FEIR to quantify light emitted by the digital billboards are misleading and contextually inappropriate for an adequate assessment of impacts.

In conclusion, TNC continues to have concerns that Metro’s proposed digital billboards could impact wildlife at the Bowtie Demonstration Project. TNC encourages Metro to complete an adequate analysis of light pollution impacts and mitigate those impacts appropriately before adopting the proposed billboards near the Bowtie Demonstration Project. Thank you for your consideration of these comments.

Sincerely,



Kelsey Jessup
California Urban Conservation Program Director
The Nature Conservancy

January 2023 RBM Public Comment – Item 18

From: [REDACTED]
Sent: Tuesday, January 24, 2023 5:41 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Board Meeting Comment

Hello Metro,

I have a comment for board item 2022-0834 about the project in Inglewood. Do not join them on this. The city of Inglewood has a history of pursuing projects that are big but do not positively effect the community. The example of the Cintenela grade separation is a good one. The people mover is a terrible idea that will build 2 miles of rail quality infrastructure for the same goal as the Dodger Stadium Express. Having a gameday bus from DT Inglewood down to Crenshaw on the 105 is a better get and a more efficient use of funds than this awful project. It has low ridership and is not competitive for many grants. Do not validate it. Let it die on its own.

Thanks for reading.

[REDACTED]

January 2023 RBM Public Comment – Item 21

From: [REDACTED]
Sent: Tuesday, January 24, 2023 5:41 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Board Meeting Comment

Hello Metro,

Also on board item 2022-0827, please do this. Advertising revenue is free money that can be used for more infrastructure or hopefully better service. Consider expanding to other stations.

Thanks for reading.

[REDACTED]

January 2023 RBM Public Comment – General Comment

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, January 25, 2023 4:57 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Board of Directors Mtg Gen. Comment C-Line (Green)

To whom it may concern:

My name is Gianna Mitchell and I am a Redondo Beach resident living on the ROW. The construction of the Green Line on the ROW will cause many issues, including exacerbating sensory issues with the noise as well as the vibrations caused. In addition, construction and operation of this magnitude cannot happen on the ROW because it will disrupt the ecosystem. We have families of Great Horned Owls as well as Red-Tailed Hawks who hunt the gopher population, and construction on the ROW would drive them away, leading to the gopher population exploding and thus inviting other predators such as coyotes to move in, which would pose a danger to pets and small children. In addition, we also have threatened species such as the Allen's hummingbird living in our local ecosystem, as well as other wildlife.

Thanks,

[REDACTED]



January 13, 2023

Via Email: ZelmerC@metro.net, laart@metro.net

Corey Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012

RE: Los Angeles Aerial Rapid Transit Project (LA ART)
SCH 2020100007
Draft EIR - Comments

Dear Mr. Zelmer:

Below are comments for the Los Angeles Aerial Rapid Transit Project DEIR.

Arts District Community Council LA (ADCCLA) is a 501c3 nonprofit focused on creating and preserving public green space. We further address government infrastructure and sustainability decisions that could negatively impact the Arts District Community.

ADCCLA became aware of the Project in 2018. In reviewing the scant material provided by LA ART, ADCCLA engaged its board and community members in researching the impacts of the Project.

Description

LA ART intends to build a private aerial tramway on behalf of Frank McCourt to go 1.2 miles from Union Station to near the gold line stop and then over the **LA State Historic** Park and residential communities to Dodger Stadium. The Project has been billed as a sustainable project that will take 3,000 cars off the road. It purports to be a “privately” funded project created to move people to a single private for-profit enterprise and is being billed as a PUBLIC transportation project. Various non-committal mitigations have been offered in the future that continue to be moving targets for stakeholders to try and unwind.

Comments:

1. The entirety of the NOP and DEIR is a farce.

- a. The purpose of CEQA is to lay out in detail all aspects of the Project in order for the public and the communities impacted to have a clear and complete understanding of the Project.

- b. To date, the Project has been driven by non-disclosure agreements (NDA) signed by both Metro (the agency overseeing the Project?) and State Parks. The NDA's gave and has continued to give LA ART and Metro cover to hide the full intent and scope of the Project.
- c. Early "public meetings" and requests for support by LA ART were based only on PR comments that have consistently been debunked, along with a host of confused and moving "options" for "mitigation."
- d. LA ART's claims of extensive outreach were also debunked, when only 40 people were allowed into those same meetings, and no one was allowed to ask questions except in the chat, most of which went ignored.
- e. LA ART failed to provide reasonable alternatives to the Project. Only two alternatives were produced and discussed with the public. When the community screamed the loudest over one alternative, it was removed, leaving only one flawed alternative to be publically discussed.
- f. The entirety of the DEIR claims zero environmental impacts on the community and state park. That means:
 - (1) No noise
 - (2) No vibrations
 - (3) No construction impacts
 - (4) No visual blight
 - (5) No impact on traffic
 - (6) No impact on parking
 - (7) No impact on residential stakeholders
 - (8) No impact...anywhere. None, nothing.
- g. Visual elements have been egregiously misrepresented in the DEIR, including the park viewshed. Perspective drawings appear to be deliberately skewed. Heights and distances are increased and stretched to create a "nice view." Even the incorrect number of cables has been used to skew and reduce the visual blight the Project would bring.

2. Metro is the wrong agency for this Project

As will be opined on by legal experts, Metro is the wrong agency to take the lead on this Project. While it's convenient to place this Project with an agency that has little accountability, it is not a governing agency, meaning that the lead agency must have the governing capacity and natural decision-making powers. Metro has no jurisdictional authority to be the lead.

3. The Project has been improperly placed on Federal funding bundle lists

This would imply that this Project is a done deal which many of us have been told repeatedly by staff members in the former Mayor's Office. This suggests backroom discussions and agreements, pushed through at an all-cost mentality.

4. LA ART relies on Vague, Unenforceable, or Deferred Mitigation Measures.

The PR voice of Mitigation has not been taken seriously in this DEIR as the document fails to lay out in detail, nor does it incorporate any of the mitigations publicly spoken about into the overall design of the Project.

5. Metro awarded a sole source contract to an unqualified, untested entity.

Frank McCourt, nor LA ART, nor Climate Resolve, nor any other entity formed around the same people are qualified to engineer or construct a private gondola, let alone one claiming to be public transit.

6. The "privately funded" Project appears to no longer be "privately funded"

Since efforts to add the Gondola to a federal transportation improvement bundle and improperly pass ownership to another entity that is untested and unqualified again change the playing field.

The right for communities not to be assaulted by backroom deals should override tainted officials.

7. This Project is an assault on communities of color.

The sordid history of the Dodgers and Chavez Ravine in addition to the aberrant treatment of Chinese migrants, seems to have alluded LA ART and McCourt. The idea of “we know what’s best for you” is tone-deaf, to say the least.

8. Politics are winning over what is best for our communities

At a recent metro Meeting, former Mayor Garcetti likened his colleague representing the impacted community to Mitch McConnell’s treatment of SCOTUS because she was doing what her constituents asked her to do. These kinds of comments speak to backroom deals (NDAs), corruption, and an astounding lack of sound judgment.

9. Over 75 mature-growth trees ranging between 15 and 50’ are slated to be removed

to accommodate thousands of pounds of concrete

30 / 30 California Initiative (CA climate change report) is being entirely ignored by LA ART, Climate Resolve, the City, and Metro.

30 / 30 calls for the preservation/conservation of ALL HABITAT in red zones. Los Angeles County is officially a red zone.

10. Gondolas are not, in any way, shape, or form, new technology.

New for LA is not new and innovative to anyone but LA ART.

11. This Gondola is NOT public transportation.

This is a private project, benefitting a private entity. Period. Public Transportation moves people to and from more than one environment. A stop at the Chinatown station is duplicative and is not needed. Additionally, the Dodger express represents non-invasive buses (soon to be fully electric) already routed and funded.

12. LA LART continues to offer no evidence that communities will benefit from increased foot traffic in their neighborhoods.

Indeed, the reverse seems to be true in that the hike to reach Broadway would be unreasonable and time prohibitive in both directions.

13. Climate Resolve is not included in the DEIR as the managing/contracting entity.

Despite press releases and conferences, Climate Resolve, the latest entity to have become embroiled in this sham of a Project, is actually not included in the DEIR as there is no agreement in place, making the claims appear to be more about taking the heat off of McCourt and moving it to yet another unqualified entity. The legality of doing this midstream CEQA is also questionable at best.

14. Digging into severely toxic soil

While significant remediation was done in the park to make sure that it was safe for all, deeper levels of soil, both at the park and surrounding areas, have a long, dark history of toxic and deadly soil contamination. No study was presented or addressed that would show that the public would be safe stirring up and unearthing severely toxic soil.

15. Project Alternatives

Both the no-project alternative and the Dodger Express were left out of all public communication of available alternatives offered during all aspects of the process. The existing Dodger Express has been consistently cited as the preferred method of transport by community stakeholders.

The infrastructure already exists, and the Dodger Express team has committed to electrifying all the buses as a response to climate change. This alternative is preferred by our community and stakeholders at large as it does not pour thousands of pounds of concrete into an already stressed community and **DOES NOT REMOVE ANY EXISTING HABITAT.**

Conclusion

It is our observation and assumption that this Project is yet another lousy idea being rammed down the throats of our communities to satisfy a check box for the Olympics. The Olympics has traditionally created unwarranted hardships on communities, and this Project is no exception.

The manner in which electeds and Metro have conducted this process is utterly shameful and displays a flagrant disregard for the residents and communities being impacted, not to mention the law. Simply reframing the argument to make it look awesome doesn't change the fact that the premise is based on a lie with a complete and appalling disregard for CEQA and the law in general.

We ask that this Project be summarily "wished back into the cornfields." As of this letter **3,501 signatures have been collected from the surrounding neighborhoods** vehemently opposing this Gondola.

It is not wanted. It is not needed. It will exacerbate the climate crisis within LA City by pouring thousands of pounds of concrete into a community already registering at a 2% or lower tree canopy.

This Project is riddled with violations of process, violation of the law, willful disregard of the public's right to know, and a willful disregard for communities of color.

This Project should be immediately terminated, and Mr. McCourt be told, "thanks, but no thanks."

Sincerely,



Todd Terrazas
President

Cc: Supervisor Hilda Solis
Mayor Karen Bass
Congressmember Jimmy Gomez
Assembly Member Miguel Santiago



January 17, 2023

VIA EMAIL

Mr. Cory Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012

Re: SCH #2020100007 Los Angeles Aerial Rapid Transit Project

Dear Mr. Zelmer:

I am writing on behalf of Homeboy Industries in response to the Draft Environmental Impact Report (DEIR) issued by your agency for the proposed gondola from Union Station to the Dodger Stadium parking lots.

Homeboy Industries stands to be one of the most heavily impacted community stakeholders if the gondola is allowed to proceed as proposed. We will be affected with significant unmitigated environmental impacts during construction and by permanent effects on our operations.

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J. Michael Hennigan
Rob Smith III

Hope has an address.

130 W. Bruno Street, Los Angeles, CA 90012 | Phone: (323) 526-1254 | homeboyindustries.org

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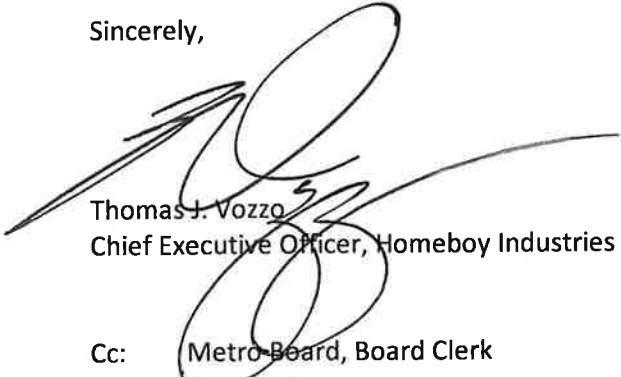
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Sincerely,

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Thomas J. Vozzo
Chief Executive Officer, Homeboy Industries

Cc: Metro Board, Board Clerk
Los Angeles City Mayor Karen Bass
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Adrian Vasquez, District Director for Congressperson Jimmy Gomez
Marisela Villar, District Director for Assembly Member Wendy Carrillo



January 13, 2023

Via Email: ZelmerC@metro.net, laart@metro.net

Corey Zelmer

Deputy Executive Officer

Los Angeles County Metropolitan Transportation Authority

One Gateway Plaza

Mail Stop 99-22-6

Los Angeles, CA 90012

RE: Los Angeles Aerial Rapid Transit Project (LA ART)

SCH 2020100007

Draft EIR - Comments

Dear Mr. Zelmer:

Below are comments for the Los Angeles Aerial Rapid Transit Project DEIR.

Arts District Community Council LA (ADCCLA) is a 501c3 nonprofit focused on creating and preserving public green space. We further address government infrastructure and sustainability decisions that could negatively impact the Arts District Community.

ADCCLA became aware of the Project in 2018. In reviewing the scant material provided by LA ART, ADCCLA engaged its board and community members in researching the impacts of the Project.

Description

LA ART intends to build a private aerial tramway on behalf of Frank McCourt to go 1.2 miles from Union Station to near the gold line stop and then over the **LA State Historic** Park and residential communities to Dodger Stadium. The Project has been billed as a sustainable project that will take 3,000 cars off the road. It purports to be a “privately” funded project created to move people to a single private for-profit enterprise and is being billed as a PUBLIC transportation project. Various non-committal mitigations have been offered in the future that continue to be moving targets for stakeholders to try and unwind.

Comments:

1. The entirety of the NOP and DEIR is a farce.

- a. The purpose of CEQA is to lay out in detail all aspects of the Project in order for the public and the communities impacted to have a clear and complete understanding of the Project.

- b. To date, the Project has been driven by non-disclosure agreements (NDA) signed by both Metro (the agency overseeing the Project?) and State Parks. The NDA's gave and has continued to give LA ART and Metro cover to hide the full intent and scope of the Project.
- c. Early "public meetings" and requests for support by LA ART were based only on PR comments that have consistently been debunked, along with a host of confused and moving "options" for "mitigation."
- d. LA ART's claims of extensive outreach were also debunked, when only 40 people were allowed into those same meetings, and no one was allowed to ask questions except in the chat, most of which went ignored.
- e. LA ART failed to provide reasonable alternatives to the Project. Only two alternatives were produced and discussed with the public. When the community screamed the loudest over one alternative, it was removed, leaving only one flawed alternative to be publically discussed.
- f. The entirety of the DEIR claims zero environmental impacts on the community and state park. That means:
 - (1) No noise
 - (2) No vibrations
 - (3) No construction impacts
 - (4) No visual blight
 - (5) No impact on traffic
 - (6) No impact on parking
 - (7) No impact on residential stakeholders
 - (8) No impact...anywhere. None, nothing.
- g. Visual elements have been egregiously misrepresented in the DEIR, including the park viewshed. Perspective drawings appear to be deliberately skewed. Heights and distances are increased and stretched to create a "nice view." Even the incorrect number of cables has been used to skew and reduce the visual blight the Project would bring.

2. Metro is the wrong agency for this Project

As will be opined on by legal experts, Metro is the wrong agency to take the lead on this Project. While it's convenient to place this Project with an agency that has little accountability, it is not a governing agency, meaning that the lead agency must have the governing capacity and natural decision-making powers. Metro has no jurisdictional authority to be the lead.

3. The Project has been improperly placed on Federal funding bundle lists

This would imply that this Project is a done deal which many of us have been told repeatedly by staff members in the former Mayor's Office. This suggests backroom discussions and agreements, pushed through at an all-cost mentality.

4. LA ART relies on Vague, Unenforceable, or Deferred Mitigation Measures.

The PR voice of Mitigation has not been taken seriously in this DEIR as the document fails to lay out in detail, nor does it incorporate any of the mitigations publicly spoken about into the overall design of the Project.

5. Metro awarded a sole source contract to an unqualified, untested entity.

Frank McCourt, nor LA ART, nor Climate Resolve, nor any other entity formed around the same people are qualified to engineer or construct a private gondola, let alone one claiming to be public transit.

6. The "privately funded" Project appears to no longer be "privately funded"

Since efforts to add the Gondola to a federal transportation improvement bundle and improperly pass ownership to another entity that is untested and unqualified again change the playing field.

The right for communities not to be assaulted by backroom deals should override tainted officials.

7. This Project is an assault on communities of color.

The sordid history of the Dodgers and Chavez Ravine in addition to the aberrant treatment of Chinese migrants, seems to have alluded LA ART and McCourt. The idea of “we know what’s best for you” is tone-deaf, to say the least.

8. Politics are winning over what is best for our communities

At a recent metro Meeting, former Mayor Garcetti likened his colleague representing the impacted community to Mitch McConnell’s treatment of SCOTUS because she was doing what her constituents asked her to do. These kinds of comments speak to backroom deals (NDAs), corruption, and an astounding lack of sound judgment.

9. Over 75 mature-growth trees ranging between 15 and 50’ are slated to be removed

to accommodate thousands of pounds of concrete

30 / 30 California Initiative (CA climate change report) is being entirely ignored by LA ART, Climate Resolve, the City, and Metro.

30 / 30 calls for the preservation/conservation of ALL HABITAT in red zones. Los Angeles County is officially a red zone.

10. Gondolas are not, in any way, shape, or form, new technology.

New for LA is not new and innovative to anyone but LA ART.

11. This Gondola is NOT public transportation.

This is a private project, benefitting a private entity. Period. Public Transportation moves people to and from more than one environment. A stop at the Chinatown station is duplicative and is not needed. Additionally, the Dodger express represents non-invasive buses (soon to be fully electric) already routed and funded.

12. LA LART continues to offer no evidence that communities will benefit from increased foot traffic in their neighborhoods.

Indeed, the reverse seems to be true in that the hike to reach Broadway would be unreasonable and time prohibitive in both directions.

13. Climate Resolve is not included in the DEIR as the managing/contracting entity.

Despite press releases and conferences, Climate Resolve, the latest entity to have become embroiled in this sham of a Project, is actually not included in the DEIR as there is no agreement in place, making the claims appear to be more about taking the heat off of McCourt and moving it to yet another unqualified entity. The legality of doing this midstream CEQA is also questionable at best.

14. Digging into severely toxic soil

While significant remediation was done in the park to make sure that it was safe for all, deeper levels of soil, both at the park and surrounding areas, have a long, dark history of toxic and deadly soil contamination. No study was presented or addressed that would show that the public would be safe stirring up and unearthing severely toxic soil.

15. Project Alternatives

Both the no-project alternative and the Dodger Express were left out of all public communication of available alternatives offered during all aspects of the process. The existing Dodger Express has been consistently cited as the preferred method of transport by community stakeholders.

The infrastructure already exists, and the Dodger Express team has committed to electrifying all the buses as a response to climate change. This alternative is preferred by our community and stakeholders at large as it does not pour thousands of pounds of concrete into an already stressed community and **DOES NOT REMOVE ANY EXISTING HABITAT.**

Conclusion

It is our observation and assumption that this Project is yet another lousy idea being rammed down the throats of our communities to satisfy a check box for the Olympics. The Olympics has traditionally created unwarranted hardships on communities, and this Project is no exception.

The manner in which electeds and Metro have conducted this process is utterly shameful and displays a flagrant disregard for the residents and communities being impacted, not to mention the law. Simply reframing the argument to make it look awesome doesn't change the fact that the premise is based on a lie with a complete and appalling disregard for CEQA and the law in general.

We ask that this Project be summarily "wished back into the cornfields." As of this letter **3,501 signatures have been collected from the surrounding neighborhoods** vehemently opposing this Gondola.

It is not wanted. It is not needed. It will exacerbate the climate crisis within LA City by pouring thousands of pounds of concrete into a community already registering at a 2% or lower tree canopy.

This Project is riddled with violations of process, violation of the law, willful disregard of the public's right to know, and a willful disregard for communities of color.

This Project should be immediately terminated, and Mr. McCourt be told, "thanks, but no thanks."

Sincerely,



Todd Terrazas
President

Cc: Supervisor Hilda Solis
Mayor Karen Bass
Congressmember Jimmy Gomez
Assembly Member Miguel Santiago



January 17, 2023

VIA EMAIL

Mr. Cory Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012

Re: SCH #2020100007 Los Angeles Aerial Rapid Transit Project

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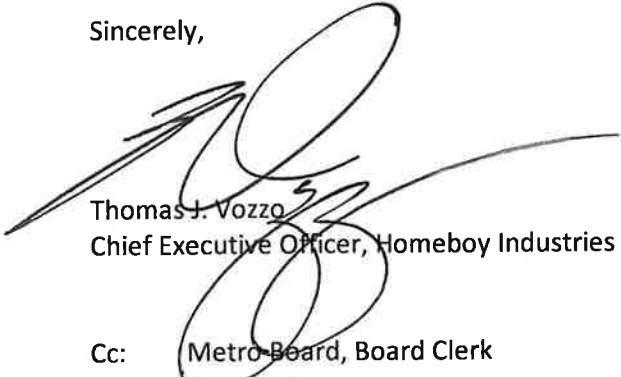
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Cc: Metro Board, Board Clerk
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Adrian Vasquez, District Director for Congressperson Jimmy Gomez
Marisela Villar, District Director for Assembly Member Wendy Carrillo



MINUTES

Thursday, January 26, 2023

10:00 AM

Board of Directors - Regular Board Meeting

DIRECTORS PRESENT:

Ara J. Najarian, Chair
Jacquelyn Dupont-Walker, 1st Vice Chair
Janice Hahn, 2nd Vice Chair
Kathryn Barger
Karen Bass
Mike Bonin
James Butts
Fernando Dutra
Lindsey Horvath
Paul Krekorian
Holly J. Mitchell
Tim Sandoval
Hilda Solis
Paul Marquez, non-voting member

Stephanie Wiggins, Chief Executive Officer

CALLED TO ORDER: 10:03 A.M.

ROLL CALL

APPROVED under reconsideration the Consent Calendar Items: 2, 5, 6, 7, 8, 9, 10, 11, 14, 18, 21, 22, 23, 27, 28, 30*, and 36.

*Item required a two-thirds vote of the Board.

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

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y

2. SUBJECT: MINUTES

2023-0034

APPROVED ON CONSENT CALENDAR Minutes of the Regular Board Meeting held December 1, 2022 and the Special Board Meeting held January 4, 2023.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
Y	Y	Y	Y	Y	Y	Y	Y	Y	A	ABS	Y	Y

3. SUBJECT: REMARKS BY THE CHAIR

2023-0032

RECEIVED remarks by the Chair.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
P	P	P	P	P	P	P	P	P	A	P	P	P

4. SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER

2023-0033

RECEIVED report by the Chief Executive Officer.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
P	P	P	P	P	P	P	P	P	P	P	P	P

KB = K. Barger	JDW = J. Dupont Walker	PK = P. Krekorian	HS = H. Solis
KRB = K.R. Bass	FD = F. Dutra	HJM = H.J. Mitchell	
MB = M. Bonin	JH = J. Hahn	AJN = A.J. Najarian	
JB = J. Butts	LH = L. Horvath	TS = T. Sandoval	

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

5. SUBJECT: EASTSIDE TRANSIT CORRIDOR PHASE 2

2022-0824

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification No. 5 to Contract No. AE51242000 with Cordoba/HNTB Design Partners, Inc. to continue advanced conceptual engineering support in the amount of \$17,958,254, increasing the total current contract value from \$17,556,103 to \$35,514,357 and extend the period of performance from February 28, 2023 to June 30, 2024.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
Y	C	Y	Y	Y	Y	Y	C	Y	A/C	C	C	Y

6. SUBJECT: MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM UPDATE - ARROYO VERDUGO SUBREGION

2022-0737

RECOMMENDATION

AUTHORIZED ON CONSENT CALENDAR:

A. APPROVING:

1. Programming of an additional \$3,537,374 within the capacity of Measure M Multi-Year Subregional Program (MSP) - Modal Connectivity and Complete Streets Projects;
2. Programming of an additional \$8,848,631 within the capacity of Measure M MSP - Transit Projects;
3. Reprogramming of one previously awarded project in the Measure M MSP - Active Transportation Projects;
4. Inter-program borrowing and programming of \$1,000,000 from the Subregion’s Measure M MSP - Modal Connectivity and Complete Streets Projects to the Measure M MSP - Highway Efficiency, Noise Mitigation and Arterial Projects; and

B. the CEO or their designee to negotiate and execute all necessary agreements and/or amendments for approved projects.

7. SUBJECT: TRANSPORTATION COMMUNICATION NETWORK ENVIRONMENTAL IMPACT REPORT

2022-0838

APPROVED ON CONSENT CALENDAR:

- A. the Transportation Communication Network (TCN) Project;
- B. CERTIFYING, in accordance with the California Environmental Quality Act (CEQA), the Final Environmental Impact Report (Final EIR) for the Transportation Communication Network, if the Board concludes that it satisfies the requirements of CEQA and reflects the Board’s independent judgment following CEQA Guidelines, section 15090;
- C. ADOPTING, in accordance with CEQA, the:
 - 1. Findings of Fact;
 - 2. Mitigation Monitoring and Reporting Program; and
- D. AUTHORIZING the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and the State of California Clearinghouse.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
Y	Y	Y	Y	Y	Y	Y	Y	Y	A	ABS	Y	Y

8. SUBJECT: MEASURE R MULTIMODAL HIGHWAY SUBREGIONAL PROGRAMS UPDATE

2022-0576

AUTHORIZED ON CONSENT CALENDAR:

- A. APPROVING \$18,928,000 in additional programming and funding changes within the capacity of the Measure R Multimodal Highway Subregional Programs (see Attachment A for updated project list):
 - Las Virgenes Malibu Operational Improvements
 - Gateway Cities I-605 Corridor “Hot-Spots” Interchange Improvements
 - Gateway Cities I-710 South Early Action
 - North Los Angeles County SR-138 Safety Enhancements
 - North Los Angeles County I-5/SR-14 Safety Enhancements
 - South Bay I-405, I-110, I-105 & SR-91 Improvements
- B. APPROVING the deobligation of \$26,892,000 of previously approved Measure R Multimodal Highway Subregional Program funds for re-allocation to other existing Board-approved Measure R projects;

(continued on next page)

(Item 8– continued from previous page)

- C. DELEGATING the Chief Executive Officer or their designee the authority to:
 - 1. Amend Measure R funding Agreements to modify the scope of work of projects and project development phases consistent with eligibility requirements;
 - 2. Administratively extend funding agreement lapse dates for Measure R funding agreements to meet environmental, design, right-of-way, and construction time frames; and
- D. AUTHORIZING the CEO or their designee to negotiate and execute all necessary agreements for the Board-approved projects.

9. SUBJECT: SR-57/SR-60 INTERCHANGE IMPROVEMENTS PROJECT 2022-0805

APPROVED ON CONSENT CALENDAR the funding agreement with the San Gabriel Valley Council of Governments in the amount of \$293,590,000 for the State Route (SR)-57/SR-60 construction phase.

10. SUBJECT: STATE OF CALIFORNIA ASSEMBLY BILL 180 GRANT APPLICATIONS 2022-0847

AUTHORIZED ON CONSENT CALENDAR:

- A. RECEIVING AND FILING a report on Metro’s upcoming applications for funding appropriated by Assembly Bill (AB) 180 to the California State Transportation Agency (CalSTA) for the Transit and Intercity Rail Capital Program (TIRCP) Cycle 6 and High-Priority Grade Crossing Improvement and Separation Projects;
- B. APPROVING the programming and expenditure of \$8.5 million of Measure M High Desert Multipurpose Corridor (HDMC) funds identified in the Expenditure Plan to be repurposed as a local match for a TIRCP Cycle 6 grant application to be submitted by the High Desert Corridor Joint Powers Authority (HDCJPA) and to leverage other state and federal funds for advancing HDMC project needs; and
- C. AUTHORIZING the Chief Executive Officer (CEO) or their designee to request from the Federal Transit Administration (FTA) approval for entry into the Project Development Phase of the Capital Investment Grants (CIG) Program for the Locally Preferred Alternative (LPA) of the Metro L (Gold) Line Eastside Transit Corridor Phase 2 Project to meet CalSTA’s TIRCP Cycle 6 eligibility requirement, pursuant to the December 2022 Board motion (File #2022-0830) to submit the project as a candidate for the TIRCP Project Development Reserve funding.

11. SUBJECT: METROLINK ANTELOPE VALLEY LINE CAPITAL AND SERVICE IMPROVEMENTS **2022-0772**

AUTHORIZED ON CONSENT CALENDAR:

- A. EXECUTING a Funding Agreement (FA) with the Southern California Regional Rail Authority (SCRRA) in the amount of \$16,563,581 for final design services for the Antelope Valley Line - Capital and Service Improvements Project (Project) to a 60% design level; and
- B. the CEO or their designee to negotiate and execute all agreements necessary to implement the Project.

14. SUBJECT: LEASE AGREEMENT OPTION WITH ANDY AZAD 2002 IRREVOCABLE TRUST FOR A LOGISTICS WAREHOUSE LOCATED AT 2950 E. VERNON AVENUE IN VERNON **2022-0625**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (“CEO”), or their designee, to execute a five-year option to extend the existing lease agreement with Andy Azad 2002 Irrevocable Trust (“Landlord”) for the use of 44,964 rentable square feet (“RSF”) of warehouse and office space located at 2950 East Vernon Avenue in Vernon (“Vernon Warehouse”), commencing August 1, 2023, at a monthly rental rate of \$46,391.78 with fixed annual increases of approximately three percent (3%) for a total of \$2,955,603 over the five-year option term. The annualized rental rate over the initial term, including the option increases the total amount of the lease from \$2,189,247 to \$5,144,850.

18. SUBJECT: INGLEWOOD TRANSIT CONNECTOR PROJECT **2022-0834**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to enter into a Master Cooperative Agreement with the City of Inglewood (the “COI”) for the Inglewood Transit Connector Project (the “Project”).

19. SUBJECT: END OF LINE POLICY MOTION RESPONSE **2022-0744**

RECEIVED AND FILED a status report on the End of Line Policy evaluation.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
P	P	P	P	A	P	P	P	P	P	P	P	P

**19.1.SUBJECT: AMENDMENT TO END OF LINE POLICY MOTION
RESPONSE**

2023-0055

APPROVED AS AMENDED Motion by Directors Sandoval, Solis, Bass, Najarian, Hahn, and Horvath that the Board supports all the staff recommendations, additionally direct CEO and her designee to report back at the next reporting cycle in April with responses on the following items:

- A. Assess the ability to provide a full-service homeless outreach plan as part of the daily operations for all 13 end of the line rail stations and continue to add new stations as Metro completes capital projects, by identifying in-house and outside key partnerships with Federal, State, County, and local cities and community-based organizations to assist the unhoused riders with the services needed at the end of service hours.
- B. Formally endorse the recent emergency declarations regarding homelessness by the City of Los Angeles, the County, and the City of Long beach.
- C. Report back in April regarding any Metro streamlining that would need to take place to fully support the emergency declarations.

DUTRA AMENDMENT: Work with cities to provide Mental Evaluation Team (MET) teams to provide mental health services at end of line station.

HAHN AMENDMENT: Update its inventory of potential properties that could be used for interim shelter. With the emergency directives in LA and Long Beach and at the County, and with opportunities like the parking lot at Willow Street Station in mind, Metro has a responsibility to be a partner.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y

21. SUBJECT: LONG-TERM ADVERTISING - CULVER CITY STATION

2022-0827

APPROVED ON CONSENT CALENDAR a long-term advertising purchase for up to 12 months at Culver City Station from HBO, generating an estimated \$484,000 in net revenues for Metro. This is not a title sponsorship and will not affect Culver City Station’s title nor the adjacent private property’s title, Ivy Station.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	C	Y

22. SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT - INCREASE TO GANNETT FLEMING, INC., CONTRACT MODIFICATION AUTHORITY **2022-0836**

AUTHORIZED ON CONSENT CALENDAR:

- A. an increase in the contract modification authority (CMA) for Contract AE58083E0129 with Gannett Fleming, Inc, in the not-to-exceed amount of \$25,985,967, thus increasing the current not-to-exceed CMA amount from \$12,394,970 to a new CMA amount not-to-exceed \$38,380,937, thereby increasing the contract value to \$111,863,617 should all modifications be executed; and
- B. the Chief Executive Officer to negotiate and execute any contract modifications within and up to the authorized total CMA amount.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
Y	Y	Y	Y	Y	C	Y	Y	Y	A	Y	Y	Y

23. SUBJECT: PROGRAM CONTROL SUPPORT SERVICES **2022-0718**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to:

- A. AWARD AND EXECUTE a cost reimbursable fixed fee contract, Contract No. PS89856, to Kal Krishnan Consulting Services/Triunity Engineering and Management, a DBE Prime Joint Venture, for Program Control Support Services for a term of five (5) years for a not-to-exceed amount of \$85,000,000, plus two one-year options for an amount not-to-exceed \$38,000,000, resulting in a total not-to-exceed amount of \$123,000,000 through Fiscal Year 2030, with a not-to-exceed funding amount of \$50,000,000 for the first three years of the contract, subject to resolution of any properly submitted protest; and
- B. EXECUTE individual Contract Work Orders and Contract Modifications within the Board approved contract funding amount.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
Y	Y	C	Y	Y	Y	Y	Y	Y	A	Y	C	Y

27. SUBJECT: GLASS REPLACEMENT AND INSTALLATION SERVICES **2022-0717**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a firm fixed unit rate Contract No. OP917120008370 to Los Angeles Glass Company Inc. for systemwide glass replacement and installation service. The contract three-year base term not-to-exceed amount is \$3,544,842, effective March 1, 2023, subject to resolution of protest(s), if any.

28. SUBJECT: DISABILITY INTERACTIVE PROCESS/REASONABLE ACCOMMODATION SERVICES **2022-0837**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a four-year, firm fixed unit rate Contract No. PS92829000 to Shaw HR Consulting, Inc. to provide support with the administration of Metro's Disability Interactive Process for an amount not-to-exceed \$1,122,000 for the two-year base term, plus \$561,000 each for the two, one-year option terms, for a combined not-to-exceed amount of \$2,244,000, subject to the resolution of any timely protest(s), if any.

30. SUBJECT: NEW BATTERY-ELECTRIC BUS PROCUREMENT **2020-0637**

APPROVED BY TWO-THIRDS VOTE ON CONSENT CALENDAR authorizing the Chief Executive Officer (CEO) to solicit competitive negotiations Request for Proposals (RFPs), pursuant to Public Contract Code (PCC) §20217 and Metro's procurement policies and procedures for the acquisition of new Battery Electric Buses (BEBs) and supporting Charging Infrastructure.

36. SUBJECT: FINDINGS REQUIRED TO CONTINUE TO MEET VIA TELECONFERENCE IN COMPLIANCE WITH AB 361 WHILE UNDER A STATE OF EMERGENCY **2023-0035**

APPROVED ON CONSENT CALENDAR the following findings:

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

- A. In accordance with AB 361 Section 3(e)(3), California Government Code Section 54953(e)(3), the Metro Board has reconsidered the circumstances of the State of Emergency due to the COVID-19 pandemic, and that the State of Emergency remains active; and
- B. In accordance with AB 361 Section 3(e)(3), California Government Code Section 54953(e)(3), the state of emergency continues to directly impact the ability of the members to meet safely in person.

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

37. SUBJECT: AMENDMENT TO THE CUSTOMER CODE OF CONDUCT 2023-0043 MOTION

RECEIVED AND FILED Motion by Directors Najarian, Butts, Barger, Dutra, and Sandoval that:

- A. Title 6, Chapter 6-05 of the Los Angeles County Metropolitan Transportation Authority (“Metro”) Administrative Code (the “Code”), otherwise known as the Metro Customer Code of Conduct, be amended to clarify that the use and sale of illegal drugs is prohibited on the Metro system and subject to immediate ejection, and possible fine and exclusion, consistent with other prohibited activity as provided for in the fine schedule of the Code, in addition to any criminal or other civil penalties that might apply.
- B. The Communications Department take steps to inform the riding public that Metro has a policy prohibiting the use or sale of illegal drugs on the Metro; and
- C. The System Security and Law Enforcement Department include in its top priorities the enforcement of this prohibition against use or sale of illegal drugs on Metro’s system.
- D. The Operations Department shall work with all other departments in Metro, law enforcement, and other agencies including substance abuse and addiction recovery partners to take steps to promote awareness, compliance, and enforcement of this prohibition.
- E. The System Security and Law Enforcement Department will report back to the board in 60 days on the implementation of this directive.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
P	P	P	P	P	P	P	P	P	P	P	P	P

38. SUBJECT: WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE IMPROVEMENT PROJECT RESOLUTIONS OF NECESSITY 2022-0759

APPROVED BY TWO-THIRDS VOTE:

- 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 ~~partial fee interest (“Fee”) and a 48-month Temporary Construction Easement (“TCE”) from the property located at 42611 Artesia Boulevard, Cerritos, CA, APN: 7030-001-048, CPN: 81510-1, 2, 3, 4 and a 48-month TCE from the property located at 12651 Artesia Boulevard, Cerritos, CA, APN: 7030-001-049, CPN: 81511-1.~~ The above listed requirements are collectively identified as the “Property Interests” as identified in.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

39. SUBJECT: CLOSED SESSION

2023-0042

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

- Harley Potts v. LACMTA, Case No. 20STCV24749

APPROVED settlement in the amount of \$3,000,000.

JDW	JH	KB	MB	JB	FD	PK	HJM	TS	HS	LH	KRB	AJN
Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y

B. Conference Regarding Potential Threats to Public Safety or Facilities

G.C. 54957

- Consultation with MTA Chief Safety Officer, Gina Osborn or designees and related security representatives

NO REPORT.

ADJOURNED AT 2:44 P.M. IN MEMORY OF THE MONTEREY PARK VICTIMS - Xiujuan Yu, Hongying Jian, Lilan Li, My My Nhan, Muoi Dai Ung, Diana Man Ling Tom, Wen Tau Yu, Valentino Marcos Alvero, Yu Lun Kao, Ming Wei Ma, and Chia Ling Yau.

Prepared by: Jessica Vasquez Gamez
Administrative Analyst, Board Administration



Collette Langston, Board Clerk



Board Report

File #: 2022-0573, File Type: Program

Agenda Number: 5.

**PLANNING AND PROGRAMMING COMMITTEE
FEBRUARY 15, 2023**

SUBJECT: NEW SR-710 NORTH MOBILITY IMPROVEMENT PROJECTS

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATIONS

CONSIDER:

- A. APPROVING the list of new eligible SR-710 North Mobility Improvement Projects (MIPs) recommended for Board approval (Attachment A),
- B. AUTHORIZING the Chief Executive Officer or their designee to:
 - 1. APPROVE changes in the number, scope, program schedule (allocations and cashflows) and cost estimate for each project within the overall MIP program budget and individual MIP Sponsor allocation;
 - 2. AMEND the MIP Funding Agreements to modify scopes of work consistent with the MIP eligibility requirements; and
 - 3. EXTEND lapse dates for the MIP Funding Agreements when subject to expire to meet environmental, design, right-of-way, and construction time frames.

ISSUE

At the February 2022 meeting, the Board approved Motion 35 (Attachment B) expanding the definition of mobility improvements eligible for MIP funds, thereby giving recipients of MIP Measure R funds (i.e., San Gabriel Valley MIP Sponsors) the opportunity to submit new or substitute projects for Board approval, and to revise scopes of work in consideration of the eligible uses for Measure R MIP funds clarified by the motion. Board Motion 35 was introduced by Directors Solis, Sandoval, Barger, Bonin, Garcetti, and Butts. Staff reviewed and evaluated 13 new projects (Attachment C) and is seeking Board approval for the 10 projects listed in Attachment A.

BACKGROUND

Upon completion of the SR-710 Gap Closure Project environmental process and adoption of the Transportation System Management/Transportation Demand Management (TSM/TDM) as the Preferred Alternative, at its May 2017 meeting, the Board approved Motion 29.1 (Attachment D

<<https://boardagendas.metro.net/board-report/2017-0097/>)%20>) identifying the next steps and guiding the implementation of the local mobility improvement projects to bring immediate relief to the SR-710 corridor cities in the San Gabriel Valley, the Central subregion (City of Los Angeles) and the Los Angeles County unincorporated area of East Los Angeles affected by the SR-710 freeway gap. Motion 29.1 was introduced by Directors Fasana, Barger, Solis, Garcetti, and Najarian.

As a result of this action, more than \$1 billion in Measure R, state and federal funds were allocated to the San Gabriel Valley cities of Alhambra, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, and South Pasadena; and to the City and County of Los Angeles for eligible MIPs, starting in FY2020 and subject to the availability of funds.

More than 250 project proposals were submitted by local agencies for consideration, of which 104 were selected based on the eligibility requirements outlined in Motion 29.1. Should the Board approve the new projects set forth in Attachment A, the total number of projects eligible for MIP funds would increase to 114, without exceeding the overall MIP program budget or individual MIP Sponsor allocations.

The 10 new MIPs recommended for Board approval also support Metro's Objectives for Multimodal Highway Investment to:

- (1) Advance the mobility needs of people and goods within LA County by developing projects and programs that support traffic mobility and enhanced safety, economic vitality, equitable impacts, access to opportunity, regional sustainability, and resiliency for affected local communities and the region.
- (2) Work with local communities to reduce disparities caused by existing highway system and develop holistic, positive approaches to maintain and improve the integrity and quality of life.
- (3) Ensure local and regional investment in LA County's highway system is considered within the context of a countywide multimodal, integrated planning vision that reflects a holistic approach to meeting the needs of local communities, reducing disparities, creating a safer and well-maintained transportation system, and fostering greater regional mobility and access to opportunity.

Executing funding agreements with MIP Sponsors or issuing contracts/task orders for each MIP is the first step in the project development process. Utilizing Metro's Complete Streets and Highways On-Call Services Contract remains an option for the cities, if requested, to assist in expediting the completion of the environmental and design phases for each MIP.

DISCUSSION

As described in Motion 35, the following three (3) categories of improvements are consistent with the purpose and need of the SR-710 North Project, support the Board's adoption of the SR-710 North Transportation System Management/Transportation Demand Management (TSM/TDM) Alternative, and are therefore eligible for MIP Measure R funds: (1) Bus Infrastructure Improvements, (2) Bikeway Improvements and (3) Pedestrian Improvements.

The cities of Monterey Park and Pasadena have proposed new and substitute (replacement)

projects, respectively. Both cities are requesting the reallocation of previously approved MIP funds to implement the new projects, therefore no additional funding is needed.

The current MIP programmed funds reported in Attachment E are based on the availability of funds; Metro's overall funding strategy and programming capacity; and previous input and requests made by MIP Sponsors in response to Motion 35 and local project priorities and concerns.

The new projects submitted by the cities of Monterey Park and Pasadena were evaluated and recommended for approval based on initial project information (scope, descriptions, justifications, and preliminary cost estimates) and anticipated benefits that were provided. Staff will further evaluate and validate the scope, schedule, justification, benefits, and cost estimate for each project before executing funding agreements to ensure compliance with the intent and direction of the Board.

As shown in Attachment C, the Project Type categories previously established for submittals were used to group the new projects. In addition, a new Project Type 9 (Multimodal Mobility Improvements) category was established to group new submittals that represent more than one project type.

Brief descriptions of the new projects recommended for Board approval are referenced below and described further in Attachment F. Also, a recent proposal from the City of Monterey Park to rescope and refine conceptual plans for a previously approved MIP, to address community concerns and to reallocate the savings to a new project, is discussed below and described in Attachment F for Board approval.

MONTEREY PARK

The Board approved a total of \$100,300,000 in Measure R MIP funds for six projects in Monterey Park, of which \$60,000,000 was allocated to the Three Parking Structures on Garvey Project (Parking Structure MIP). Approval of the Parking Structure MIP was contingent upon converting the on-street parking lane to a mixed-flow traffic lane on Garvey Avenue (from Atlantic Boulevard to New Avenue) to improve mobility. To address concerns about losing on-street parking, the City is proposing to revise the Parking Structure MIP scope by providing a multimodal mobility hub in conjunction with at least one off-site parking structure to improve mobility.

Also, in response to community requests for more multimodal options, the City proposes to allocate a portion of the Parking Structure MIP funds (\$20,840,000) to a new project - Monterey Pass Road Improvements (Floral Drive to the Garvey Avenue/Fremont Avenue Intersection) - to relieve congestion and improve mobility on a route that is reportedly used to bypass traffic bottlenecks generated by the I-10/710 interchange. As described in Attachment F, the new project will provide bus transit improvements, pedestrian enhancements, and Americans with Disabilities Act (ADA) infrastructure upgrades to support multimodal mobility.

PASADENA

The Board approved a total of \$241,850,000 in Measure R MIP funds for five projects in Pasadena, of which \$230,500,000 was allocated to the Gold Line Grade Separation at California Boulevard

Project (Grade Separation Project). After conferring with Metro and reassessing the Grade Separation Project, the City concluded the costs, impacts and changes to existing and proposed land uses adjacent to the rail crossing outweigh the benefits of grade separating the light rail tracks. In addition, the change in ownership of the transportation infrastructure resulting from the relinquishment of the SR-710 northern stub to the City (from Union Street to Columbia Street) has given cause for the City to update its previous project list submittal and develop near-term projects for the stub area, based on community feedback, to meet the north-south travel demand, enhance safety, and provide complete streets concepts, traffic signal upgrades, and transit systems expansions that will provide equitable multimodal mobility options, as described in Attachment F.

Therefore, instead of advancing the Grade Separation Project, the City proposed a dozen replacement projects to Metro for consideration. Also, the City would like to reallocate the funding approved and programmed for the Grade Separation Project (\$230,500,000) to the replacement projects that are approved by the Board to improve mobility, provide multimodal options, and enhance safety.

Based on staff's recommendation (described in Attachment A), there will be a balance of \$49,100,000 in Measure R MIP funds available for the City from the previously approved Grade Separation Project allocation. It is anticipated, upon further development of the projects (or project elements) not recommended by staff, that the City will return to the Board with additional project information or new replacement projects for consideration until all funds have been allocated.

DETERMINATION OF SAFETY IMPACT

Approval of staff's recommendations has no known adverse impact on the safety of Metro's patrons and employees or users of the facility. Caltrans and local safety standards will be adhered to during the project development and implementation of the proposed new projects.

FINANCIAL IMPACT

The amount of \$9,440,934 is included in the FY23 adopted budget under Complete Streets & Highways Cost Centers 4730 and 0442, under SR-710 North Corridor Mobility Improvement Project (461315), Professional Services (50316) and Subsidies (54001) Accounts.

Staff will reassess the approved FY23 budget and make the necessary adjustments for new projects requiring funds beyond the current fiscal year budget. Staff will also refine future cashflow needs based on the recommendations and programming requests and the agency's overall funding strategy.

Since this is a multi-year program of mobility improvements, the Chief Planning Officer will continue to be responsible budgeting any remaining costs in future fiscal years.

Impact to Budget

The source of funds for the new projects will be Measure R Highway Capital (20%) Funds. This fund source is not eligible for Bus and Rail Operations or Capital Expenditures.

EQUITY PLATFORM

The Board-approved Highway Subsidy grants for the SR-710 North MIPs are aligned with the Measure R Board-approved guidelines; and consistent with Board Motions 29.1 and 35, Metro's Strategic Plan Goal, and Metro's Objectives for Multimodal Highway Investments. This subsidy program affords local agencies the opportunity to develop and implement transportation projects that improve mobility, address local concerns, and provide better and safer access to key destinations (jobs, employment centers, markets, commercial centers, recreational centers, healthcare facilities, etc.) that may lead to more equitable outcomes.

All the MIPs are being administered by local agencies, except for one city that elected to utilize Metro's Complete Streets & Highways On-Call Services Contract to expedite the project development process. Over the years, various community outreach efforts have been conducted by MIP Sponsors to inform the project development process and address transportation disparities in or near equity-focus and disadvantaged communities. Each MIP Sponsor is responsible for engaging the public, key stakeholders, and community-based organizations, as necessary, depending on the proposed improvements and potential impacts.

Specific community engagement and outreach efforts conducted by the City for the new Monterey Park project (Monterey Park Pass Road Improvements) and other projects included convening two public/city council meetings (on March 17, 2021 and January 13, 2022); posting project information on the City's website via Google Translation; and disseminating multilingual (English, Chinese and Spanish) project information (mailers/postcards, notices) to residents, adjacent business owner associations, the Chamber of Commerce, and senior centers. During the first meeting, the City received comments from 23 speakers in attendance and approximately 150 written comments (mail). The second meeting was held to address the community feedback obtained during the first meeting held in March 2021.

Specific community engagement and outreach efforts conducted by the City for the Pasadena replacement projects included sending direct mailings to over 1000 residents within the City's disadvantaged census tract area; and convening a public open house meeting on August 9, 2022 (with bilingual staff in attendance to answer questions in Spanish and English) that was attended by approximately 100 people, followed by another public meeting held on September 2, 2022, and subsequent city council and committee meetings. In addition, eight targeted outreach meetings were held with key stakeholders and sensitive receptors along the 710 corridor (four schools, homeowner associations and Huntington Hospital) to address local specialized concerns.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports Metro's Strategic Plan Goals to:

- (1) Provide high quality mobility options that enable people to spend less time traveling.
- (2) Enhance communities and lives through mobility and access to opportunity.
- (3) Transform LA County through regional collaboration.

ALTERNATIVES CONSIDERED

The Board may choose not to accept staff's recommendations. This alternative is not recommended as this would not be consistent with the Board's directive for staff to work directly with the cities in identifying eligible projects and could possibly delay bringing relief to affected local jurisdictions.

NEXT STEPS

Upon Board approval, the MIP Sponsors will be notified of the Board's decision. Staff will work with the MIP Sponsors to help refine the project scopes of work and cost estimates that are needed to execute the Funding Agreements for the newly approved MIPs. In addition, staff will continue to assist in the delivery of all the MIPs and provide biannual reports to the Board.

ATTACHMENTS

Attachment A - NEW Mobility Improvement Projects Recommended

Attachment B - Motion 35: Clarifying Eligible Uses for SR-710 North MIPs (File ID# 2022-0115)

Attachment C - NEW Project Sponsor Submittals

Attachment D - Motion 29.1: SR-710 North (Related to Item 29: File ID# 2017-0097)

Attachment E - MIP Programmed Funds

Attachment F - New & Rescoped MIP Descriptions by Sponsor

Prepared by:

Michelle E. Smith, Senior Director, Countywide Planning & Development- Complete Streets and Highways, (213) 547-4368

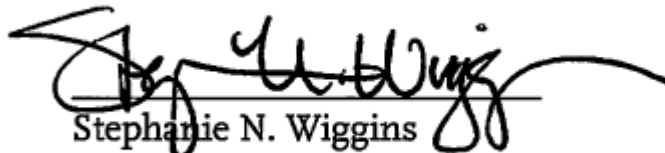
Ernesto Chaves, Executive Officer, Countywide Planning & Development- Complete Streets and Highways, (213) 547-4362

Ray Sosa, Deputy Chief Planning Officer, Countywide Planning & Development, (213) 547-4274

.Reviewed_By

Reviewed by:

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



Stephanie N. Wiggins
Chief Executive Officer

NEW MOBILITY IMPROVEMENT PROJECTS
RECOMMENDED

LINE #	PROJECT SPONSOR	PROJECT NAME	COST ESTIMATE ¹
PROJECT TYPE 3: Intelligent Transportation System [ITS] Projects			
1	Pasadena	Orange Grove Boulevard Traffic Signal & Intersection Improvements ² (At Colorado Boulevard and Holly Street Intersections)	\$4,500,000
2	Pasadena	Metro Line L At-Grade Crossing Enhancements ²	\$2,500,000
SUBTOTAL			\$7,000,000
PROJECT TYPE 4: Transit Projects			
1	Pasadena	Transit Operations and Maintenance Facility ²	\$65,400,000
PROJECT TYPE 5: Active Transportation Projects			
1	Monterey Park	Monterey Pass Road Improvements (Floral Drive to Garvey/Fremont Avenues) ³	\$20,840,000
2	Pasadena	Greenways (4 Bike Boulevards -Wilson, El Molino, Sierra Bonita & Craig Avenues) ²	\$12,000,000
SUBTOTAL			\$32,840,000
PROJECT TYPE 9: Multimodal Mobility Improvements			
1	Pasadena	Pasadena Avenue & St. John Avenue Roadway Network (Walnut to Columbia) ²	\$75,100,000
2	Pasadena	Avenue 64 Complete Streets Program ²	\$1,800,000
3	Pasadena	Columbia Street Improvements (Orange Grove Boulevard to Fair Oaks Avenue) ²	\$ 9,900,000
4	Pasadena	San Rafael Avenue Project (Between Linda Vista Avenue and Colorado Boulevard) ²	\$4,800,000
5	Pasadena	Orange Grove Mobility Improvement Program ²	\$5,400,000
SUBTOTAL			\$97,000,000
TOTAL			\$202,240,000
MONTEREY PARK TOTAL			\$ 20,840,000
PASADENA TOTAL			\$181,400,000 ⁴

NOTE: No additional funds are being requested.

¹ All estimates are preliminary planning level cost estimates subject to reevaluation based on more detailed scopes of work.

² This replacement project is submitted in lieu of the previously approved Gold Line Grade Separation at California Blvd MIP.

³ A portion of funds from rescoped Parking Structure MIP (with Multimodal Mobility hub) will be allocated to this new project.

⁴ A balance of \$49,100,000 remains for Pasadena [\$230.5M available - \$181.4M reallocated to nine (9) replacement projects].



Metro

Board Report

File #: 2022-0115, File Type: Motion / Motion Response

Agenda Number: 35.

REGULAR BOARD MEETING FEBRUARY 24, 2022

Motion by:

DIRECTORS SOLIS, SANDOVAL, BARGER, BONIN, GARCETTI, and BUTTS

Clarifying Eligible Uses for SR-710 North Mobility Improvement Projects Motion

The SR-710 North Mobility Improvement Projects (MIP) were created as an alternative to the SR-710 Gap Closure project following the Board's adoption of the Transportation System Management/Transportation Demand Management (TSM/TDM) alternative in 2017 for the SR-710 project. Since its creation, some recipients of MIP funding have expressed the desire for more flexibility, and on February 16, 2022, the Monterey Park City Council decided to forego any action related to adding lanes to Garvey Avenue under their Garvey Avenue Improvements Project in favor of seeking other improvements.

As stated in the Environmental Impact Report/ Environmental Impact Statement (EIR/EIS), the purpose of the 710 N Project is "to effectively and efficiently accommodate regional and local north south travel demands in the study area of the western San Gabriel Valley and east/northeast Los Angeles." The purpose continues and highlights certain considerations, including "[improving the] - efficiency of the existing [...] transit networks, [reducing] congestion on local arterials adversely affected due to accommodating regional traffic volumes, [and minimizing] environmental impacts related to mobile sources."

Direction from the Metro Board of Directors is necessary to clarify, based on the EIR/EIS, what kinds of MIPs are eligible for Measure R funding. This motion proposes to clarify that the following three categories of improvements are consistent with the purpose and need of the 710 N Project, support the adopted TSM/TDM alternative, and are subsequently eligible for MIP Measure R funds available for the SR-710 N Gap Closure project:

- 1) Bus Infrastructure Improvements: The TSM/TDM alternative includes transit service improvements which support efficiency of existing transit networks as stated in the project purpose.
- 2) Bikeway Improvements: The EIR/EIS TSM/TDM alternative includes Class III bike route projects. Recipients of MIP funding should also be able to implement standalone Class I, II or IV bikeways.

3) Pedestrian Improvements: The EIR/EIS states that TSM "... encourages automobile, public and private transit, ridesharing programs, and bicycle and pedestrian improvements as elements of a unified urban transportation system." Pedestrian improvements make it easier and more appealing to walk and run to and from destinations, thereby increasing potential for mode shift and congestion reduction. Pedestrian improvements are encouraged as part of any comprehensive TSM strategy and contribute to a comprehensive transportation system that promotes non-vehicular travel.

If recipients of MIP funding propose projects that require vehicular lane reductions, they should first demonstrate that the project is consistent with the purpose and need of the 710 N Project. Guidance issued by Metro should be utilized to ensure consistency.

SUBJECT: CLARIFYING ELIGIBLE USES FOR SR-710 NORTH MOBILITY IMPROVEMENT PROJECTS MOTION

RECOMMENDATION

APPROVE Motion by Directors Solis, Sandoval, Barger, Bonin, Garcetti, and Butts that directs the CEO to take the following actions:

- A. Find that new mobility improvement are eligible as both standalone projects and as components of larger projects, as follows:
- On-street bus priority infrastructure including but not limited to bus lanes, signal prioritization, queue jumps, bus boarding islands/curb extensions, and bus stop improvements.
 - Class I, II, III or IV bikeway projects.
 - Sidewalk improvements, including but not limited to, widening, shade trees, and curb ramps.
 - Pedestrian safety improvements, including but not limited to bulb-outs, refuge islands, midblock crossings, pedestrian signals/beacons, raised intersections/pedestrian crossings, and scramble crosswalks.
 - Any recipient of MIP Measure R funding that proposes a project which requires a reduction in vehicle lanes should first make a determination that the proposed project is consistent with the purpose and need of the 710 N Project. The determination should be based on guidance issued by Metro.
- B. Provide recipients of MIP Measure R funding the opportunity to revise scopes of work or propose a replacement project if recipients intend to take advantage of the eligible uses clarified through this motion.
- C. Report back in May 2022 with draft guidance that MIP Measure R funding recipients can refer to when proposing projects that require a reduction in vehicle lanes. This guidance should ensure that all proposed projects are consistent with the purpose and need of the 710 N Project.

NEW MOBILITY IMPROVEMENTS
PROJECT SPONSOR SUBMITTALS

LINE #	PROJECT SPONSOR	PROJECT NAME	COST ESTIMATE ¹
PROJECT TYPE 1: Local Street/Road and Freeway Local Interchange Mobility and Operational Improvement Projects			
1	Pasadena	SR710/SR134/I210 Ramp Modifications ^{2,3,5}	\$150,000,000
SUBTOTAL			\$150,000,000
Project Type 3: Intelligent Transportation System [ITS] Projects			
1	Pasadena	Orange Grove Boulevard Traffic Signal & Intersection Improvements ³ (At Colorado Boulevard and Holly Street Intersections)	\$4,500,000
2	Pasadena	Metro L Line At-Grade Crossing Enhancements ³	\$2,500,000
SUBTOTAL			\$7,000,000
PROJECT TYPE 4: Transit Projects			
1	Pasadena	Transit Operations and Maintenance Facility ³	\$65,400,000
SUBTOTAL			\$65,400,000
PROJECT TYPE 5: Active Transportation Projects			
1	Monterey Park	Monterey Pass Road Improvements (Floral Drive to Garvey/Fremont Avenues) ⁶	\$20,840,000
2	Pasadena	Greenways (Bike Boulevards) ³	\$12,000,000
3	Pasadena	Arroyo Link Project ^{3,4,5}	\$65,000,000
SUBTOTAL			\$97,840,000
PROJECT TYPE 9: Multimodal Mobility Improvements			
1	Pasadena	Pasadena Avenue & St. John Avenue Roadway Network (Walnut to Columbia Streets) ³	\$75,100,000
2	Pasadena	Ave 64 Complete Streets Program ³	\$1,800,000
3	Pasadena	Columbia Street Improvements (Orange Grove Boulevard to Fair Oaks Avenue) ³	\$9,900,000
4	Pasadena	San Rafael Avenue Project (Between Linda Vista Avenue and Colorado Boulevard) ³	\$4,800,000
5	Pasadena	Continental Crosswalk Implementation ³	\$6,800,000
6	Pasadena	Orange Grove Mobility Improvement Program ³	\$5,400,000
SUBTOTAL			\$103,800,000
TOTAL			\$424,040,000

Metro Project Type Groupings [for Submittals]

PROJECT TYPE 1: Local Street/Road & Freeway Local Interchange Mobility and Operational Improvements Projects

PROJECT TYPE 2: Local Street Intersection Improvements Projects

PROJECT TYPE 3: Intelligent Transportation System [ITS] Projects

PROJECT TYPE 4: Transit Projects

PROJECT TYPE 5: Active Transportation Projects

PROJECT TYPE 6: Maintenance/Rehabilitation/Safety Projects

PROJECT TYPE 7: Studies

PROJECT TYPE 8: Parking Structures

PROJECT TYPE 9: Multimodal Mobility Improvements [NEW]

NOTE: NO additional funds are being requested.

¹ All preliminary planning level cost estimates are subject to reevaluation based on more detailed scopes of work (SOW).

² Project is not fully funded. Cost estimate could exceed \$150M.

³ This replacement project is submitted in lieu of the previously approved Gold Line Grade Separation at California Blvd Project.

⁴ Cost estimate could range from \$45-65M.

⁵ Further study, design, coordination with stakeholders is needed to refine SOW and cost estimate. Project could be scalable.

⁶ Funding reallocated/made available from rescopeed Parking Structure MIP.

Metro

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



Board Report

File #:2017-0358, File Type:Motion / Motion
Response

Agenda Number:29.1

**REVISED
REGULAR BOARD MEETING
MAY 25, 2017**

Motion by:

FASANA, BARGER, SOLIS, GARCETTI and NAJARIAN

May 25, 2017

Relating to Item 29; File ID 2017-0097: SR-710 North

The Expenditure Plan for Measure R, approved by voters in 2008, included \$780 million assigned to the San Gabriel Valley sub-region for the SR-710 North project, under the Highway Capital Subfund. The estimated \$3+ billion (in 2014\$) that will be required to pay for design and construction of a single bore freeway tunnel is not available and the BRT and LRT alternatives may not produce the expected traffic impact mitigation.

CONSIDER Revised Motion by Fasana, Barger, Solis, Garcetti and Najarian that to implement mobility improvements that are fundable with existing resources and bring some relief to affected corridor cities, the Metro Board:

- A. **SUPPORT** adoption of the Transportation System Management/Transportation Demand Management Alternative as the Locally Preferred Alternative (LPA) and defer a decision on any other alternative for future consideration by the Board until the community collectively agrees on the value of that investment and funds are identified to implement a project. This decision and the Board's vote will allow for timely implementation of cost-effective transportation improvements that would include the projects that have support by affected jurisdictions on the TSM/TDM list in the EIS/EIR as well as additional improvement projects that can promote capacity enhancements and operational improvements consistent with the Purpose and Need statement of the project in communities along the corridor. The new Measure R and Government Code 54237.7 projects, described in this motion, that are not included in the environmental document will undergo their own environmental process and clearance as necessary.
- B. **ALLOCATE** \$105 million of Measure R funds available for the "Interstate 710 North Gap Closure (tunnel) Project" for development and implementation of TSM/TDM projects listed in the EIS/EIR.
- C. **ALLOCATE** remaining Measure R funds available for the "Interstate 710 North Gap Closure

(tunnel) Project” for new mobility improvement projects within the San Gabriel Valley sub-region, if consistent with the purpose and need of the Gap Closure Project to relieve congestion on local streets along the SR-710 alignment between I-10 and I-210, with highest priority for projects proximate to I-10. Newly proposed projects not included in the environmental document will undergo their own environmental process and clearance as necessary. Other funding dedicated to this project, including Regional Surface Transportation, Congestion Mitigation and Air Quality, and Regional Improvement Program funds, shall be allocated for use in the Central sub-region, including Unincorporated East Los Angeles. Funds shall be prioritized for multi-modal and safety enhancement projects within the SR-710 North Study Area. To ensure equitable cashflow, these funds shall be scheduled proportionally to Measure R funding in the next Long Range Transportation Plan update.

- D. CONSULT WITH affected jurisdictions and Caltrans and report back to the Metro Board within 90 days on a procedure to initiate the identification of projects to be funded through the SR-710 Rehabilitation Account, as prescribed in Government Code 54237.7. Such projects are to be located in Pasadena, South Pasadena, Alhambra, La Cañada Flintridge, and the 90032 postal ZIP Code, and may include, but are not limited to: sound walls; transit and rail capital improvements; bikeways; pedestrian improvements; signal synchronization; left turn signals; and major street resurfacing, rehabilitation, and reconstruction. Metro shall be responsible for submitting the list of projects to the California Transportation Commission (CTC) who will have the final authority to approve those projects.
- E. ENCOURAGE the corridor cities, Caltrans, and Metro to collectively pursue policies and actions that would promote smart and functional land use, reduce automobile dependency, encourage multi-modal trips, improve traffic operations, and maximize the use of the latest available technologies to enhance the performance of the existing transportation system to minimize impacts of the regional traffic on the communities along the SR-710 corridor.
- F. ENCOURAGE Caltrans, working with Metro and affected jurisdictions, to identify corrective measures to contain the regional traffic on the freeway system and minimize impacts on the local street network in the SR-710 corridor.
- G. DIRECT the Metro staff to work with Caltrans, the corridor cities, and other affected jurisdictions to identify and pursue the new Measure R and the Government Code 54237.7 projects referenced in this motion.
- H. REPORT BACK to the Board when Caltrans selects the Preferred Alternative.

MIP ID #	PROJECT SPONSOR	PROJECT NAME	FY22 and PRIOR YRS	FY23	FY24	FY25	FY26	FY27	FY28+	TOTAL	
PROJECT TYPE 1: Local Street/Road & Freeway Local Interchange Mobility and Operational Improvement Projects											
MR1.1.1.01	Alhambra	SR-710 North of I-10 Termination Project [I-10 to Valley Boulevard]	\$0	\$1,000,000	\$3,500,000	\$4,500,000	\$4,500,000	\$20,000,000	\$28,900,000	\$62,400,000	
MR1.1.1.02	Alhambra	I-10/Fremont Avenue On and Off Ramp Reconfiguration	\$0	\$4,000,000	\$4,000,000	\$4,000,000	\$30,600,000	\$38,100,000	\$19,300,000	\$100,000,000	
MR1.1.1.03	Alhambra	I-10/Atlantic Boulevard On and Off Ramp Reconfiguration	\$0	\$300,000	\$1,500,000	\$2,000,000	\$2,500,000	\$13,700,000	\$0	\$20,000,000	
MR1.1.1.04	Alhambra	I-10/Garfield Avenue On and Off Ramp Reconfiguration	\$0	\$300,000	\$1,500,000	\$2,000,000	\$2,500,000	\$2,500,000	\$11,200,000	\$20,000,000	
MR1.1.2.01	Alhambra	Fremont Avenue Traffic Improvements [Valley Blvd to Mission Rd]	\$950,000	\$750,000	\$6,000,000	\$6,700,000				\$14,400,000	
MR1.1.2.02	Alhambra	I-10/New Avenue Freeway Interchange Ramp Reconfiguration	PROJECT WITHDRAWN & FUNDS REALLOCATED PER SPONSOR REQUEST								(\$10,000,000)
MR1.1.2.03	Alhambra	Railroad Channel Bridge Wdng Project [Mission Rd & Atlantic Blvd]	PROJECT WITHDRAWN & FUNDS REALLOCATED PER SPONSOR REQUEST								(\$8,400,000)
MR1.1.2.05	Alhambra	Railroad Channel Bridge Wdng Project [Mission Rd & Garfield Ave]	PROJECT WITHDRAWN & FUNDS REALLOCATED PER SPONSOR REQUEST								(\$8,400,000)
LA8.1.1.06	LA City	Soto Street Widening Project [Valley Boulevard and UPRR]	\$4,000,000							\$4,000,000	
LA8.1.1.07	LA City	Soto Street Widening from Multnomah Street to Mission Road	\$0	\$0	\$0	\$0	\$5,330,000	\$7,000,000	\$14,000,000	\$26,330,000	
MR2.1.1.16	Monterey Park	Ramona Road Capacity Improvements	\$375,000	\$200,000	\$175,000	\$1,000,000	\$650,000			\$2,400,000	
MR2.1.1.21	Monterey Park	Garvey Avenue Capacity Improvements	\$1,600,000	\$600,000	\$300,000	\$15,000,000	\$8,800,000			\$26,300,000	
MR2.1.1.22	Monterey Park	Garfield Avenue Capacity Improvements	\$100,000	\$600,000						\$700,000	
MR2.1.1.23	Monterey Park	Atlantic Avenue Capacity Improvements	\$200,000	\$50,000	\$1,650,000					\$1,900,000	
MR3.1.1.30	Pasadena	Gold Line Grade Separation at California Blvd	\$2,100,000	\$3,150,000	\$15,750,000	\$21,000,000	\$21,000,000	\$21,000,000	\$21,000,000	\$105,000,000	
MR3.1.2.06	Pasadena	Gold Line Grade Separation at California Boulevard [ROW & Construction]	\$0	\$0	\$0	\$31,375,000	\$31,375,000	\$31,375,000	\$31,375,000	\$125,500,000	
MR3.1.2.07	Pasadena	St. John Capacity Enhancement Project	\$390,000	\$2,210,000						\$2,600,000	
MR4.1.2.08	Rosemead	I-10/Rosemead Boulevard Freeway [Westbound] Ramp Improvements	\$800,000	\$200,000	\$4,600,000	\$400,000				\$6,000,000	
MR4.1.2.09	Rosemead	I-10/Walnut Grove Avenue Freeway [Westbound] Ramp Improvements	\$500,000	\$200,000	\$200,000	\$4,700,000	\$400,000			\$6,000,000	
MR7.1.1.36	South Pasadena	Regional Traffic Corridor Improvements [Fremont, Huntington, Fair Oaks]	\$6,000,000	\$4,000,000	\$0	\$0				\$10,000,000	
MR7.1.1.37	South Pasadena	SR-110/Fair Oaks Ave Interchange Modifications	\$0	\$500,000	\$1,000,000	\$4,000,000	\$4,000,000	\$14,250,000	\$14,250,000	\$38,000,000	
MR7.1.2.14	South Pasadena	SR-110/Fair Oaks Ave IC Modifications [ROW, Design & Construction]	\$0	\$0	\$0	\$0	\$0	\$16,000,000	\$16,000,000	\$32,000,000	
PROJECT TYPE 2: Local Street Intersection Improvement Projects											
LA8.2.1.01	LA City	Cesar Chaves Avenue/Lorena Street/Indiana Street Roundabout	\$5,600,000	\$2,400,000						\$8,000,000	
MR5.2.1.04	San Gabriel	Valley Boulevard and New Avenue Intersection Improvements	\$2,240,000	\$1,210,000						\$3,450,000	
MR5.2.1.05	San Gabriel	Mission Drive and Las Tunas Drive Intersection Improvement	\$2,310,000	\$1,240,000						\$3,550,000	
MR5.2.2.05	San Gabriel	San Gabriel and Marshall Street Realignment Project (SG-11)	PROJECT WITHDRAWN & FUNDS REALLOCATED PER SPONSOR REQUEST								(\$4,900,000)
MR5.2.2.06	San Gabriel	San Gabriel & Valley Boulevard Intersection Improvements Project	\$3,080,000	\$1,570,000						\$4,650,000	
MR5.2.2.08	San Gabriel	Valley Boulevard & Del Mar Avenue Intersection Improvements	\$3,850,000	\$1,900,000						\$5,750,000	
MR6.2.1.14	San Marino	Huntington Drive Intersection Capacity Improvements	\$0	\$600,000	\$200,000	\$1,800,000	\$2,700,000	\$2,700,000		\$8,000,000	
MR6.2.1.15	San Marino	Huntington Drive Capacity Enhancements	\$0	\$300,000	\$2,200,000	\$3,500,000				\$6,000,000	
PROJECT TYPE 3: Intelligent Transportation Systems [ITS] Projects											
MR1.3.1.01	Alhambra	Garfield Avenue Traffic Signal Synchronization Project [TSSP]	\$1,000,000	\$1,000,000						\$2,000,000	
MR1.3.1.02	Alhambra	Fremont Avenue TSSP	\$750,000	\$750,000						\$1,500,000	
MR1.3.2.01	Alhambra	Atlantic Boulevard TSSP- Adaptive Upgrade [Huntington to I-10]	\$1,800,000	\$1,800,000						\$3,600,000	
MR1.3.2.02	Alhambra	Fremont Avenue TSSP - Adaptive Upgrade NCL to Montezuma/I-10 ⁶	\$700,000	\$700,000						\$1,400,000	
MR1.3.2.03	Alhambra	Garfield Avenue TSSP - Adaptive Upgrade [Huntington to I-10] ⁷	\$1,000,000	\$1,600,000						\$2,600,000	
MR1.3.2.04	Alhambra	Main Street TSSP- Adaptive Upgrade [WCL to ECL]	\$500,000	\$3,000,000	\$1,900,000					\$5,400,000	
MR1.3.2.05	Alhambra	Mission Road TSSP Adaptive Upgrade [WCL to ECL]	\$300,000	\$1,800,000	\$900,000					\$3,000,000	
MR1.3.2.06	Alhambra	Valley Boulevard TSSP- Adaptive Upgrade	\$2,900,000	\$1,700,000						\$4,600,000	

MIP ID #	PROJECT SPONSOR	PROJECT NAME	FY22 and PRIOR YRS	FY23	FY24	FY25	FY26	FY27	FY28+	TOTAL
LA8.3.1.03	LA City	ITS & Technology - Traffic Signal Upgrades in El Sereno -Huntington, Eastern & Valley	\$0	\$500,000	\$500,000	\$1,000,000	\$4,000,000	\$4,000,000		\$10,000,000
LA8.3.2.07	LA City	Soto Street & Marengo Street Traffic Signal Enhancements	\$400,000	\$1,000,000	\$600,000					\$2,000,000
LA9.3.1.11	LA County	Atlantic Boulevard Traffic Corridor Improvement Project (N-S)	\$0	\$0	\$0	\$0	\$0	\$0	\$3,700,000	\$3,700,000
LA9.3.1.39	LA County	Arizona Ave/Mednik Pass Rd/Fremont Ave Traffic Corridor Improvements	\$25,000	\$100,000	\$550,000	\$4,100,000	\$2,225,000			\$7,000,000
LA9.3.1.57	LA County	Traffic Signal Control Intersection Upgrade Project [3 Intersections]	\$30,000							\$30,000
LA9.3.1.30	LA County	Ford Boulevard Traffic Corridor Improvement Project (N-S)	\$12,500	\$50,000	\$300,000	\$1,000,000	\$937,500			\$2,300,000
LA9.3.1.22	LA County	Eastern Avenue Traffic Corridor Improvement Project (N-S)	\$0	\$0	\$300,000	\$700,000	\$900,000			\$1,900,000
LA9.3.1.20	LA County	City Terrace Drive Traffic Corridor Improvement Project (E-W)	\$12,500	\$25,000	\$100,000	\$100,000	\$562,500			\$800,000
LA9.3.1.28	LA County	Floral Drive Traffic Corridor Improvement Project (E-W)	\$0	\$50,000	\$100,000	\$100,000				\$250,000
LA9.3.2.08	LA County	1st Street TSSP and ITS Improvements	\$12,500	\$50,000	\$500,000	\$2,200,000	\$3,437,500			\$6,200,000
LA9.3.2.09	LA County	Cesar Chavez Avnue TSSP and ITS Improvemements	\$0	\$0	\$0	\$0	\$0	\$0	\$5,500,000	\$5,500,000
LA9.3.2.10	LA County	East Los Angeles ITS Enhancements	\$15,000	\$70,000	\$200,000	\$300,000	\$215,000			\$800,000
LA9.3.2.11	LA County	Olympic Boulevard ITS Improvements	\$0	\$0	\$200,000	\$600,000	\$2,100,000			\$2,900,000
LA9.3.2.12	LA County	Whittier Boulevard ITS Improvements	\$0	\$0	\$100,000	\$400,000	\$1,700,000			\$2,200,000
MR2.3.2.13	Monterey Park	Monterey Park Adaptive Traffic/Traffic Responsive Control Project	\$1,050,000	\$700,000	\$2,250,000	\$5,000,000				\$9,000,000
MR3.3.2.15	Pasadena	Fair Oaks Avenue/Bellevue Drive Signalized Intersections Project	\$850,000							\$850,000
MR3.3.2.16	Pasadena	ITS Projects and Traffic Flow Improvements Project-Within Affected SR-710 Corridors	\$494,000	\$1,900,000	\$1,406,000					\$3,800,000
MR3.3.2.18	Pasadena	Walnut Street Corridor Signal Improvement Project	\$2,542,000	\$1,558,000						\$4,100,000
MR4.3.2.19	Rosemead	Rosemead Adaptive Traffic/Traffic Responsive Control Project	\$1,800,000	\$4,000,000	\$3,200,000					\$9,000,000
MR4.3.2.20	Rosemead	Rosemead Traffic Signal Improvements	\$1,200,000	\$2,500,000	\$2,300,000					\$6,000,000
MR5.3.1.10	San Gabriel	Adaptive/Traffic Responsive Signal Control Project	\$3,130,000	\$500,000	\$1,000,000	\$1,400,000				\$6,030,000
MR5.3.2.21	San Gabriel	San Gabriel Traffic Signal Improvements	\$700,000	\$500,000	\$500,000					\$1,700,000
PROJECT TYPE 4: Transit Projects										
LA8.4.2.02	LA City	DASH El Sereno /City Terrace Route Expansion & Bus Stop Enhancements	\$2,000,000							\$2,000,000
LA8.4.2.03	LA City	DASH Highland Park / Eagle Rock Bus Stop Enhancements	\$1,500,000							\$1,500,000
LA8.4.2.04	LA City	Eagle Rock Boulevard Multi-Modal Transportation Improvements	\$3,000,000	\$3,000,000	\$4,000,000	\$6,362,000				\$16,362,000
LA8.4.2.05	LA City	Eastern Avenue Multi-Modal Transportation Improvements	\$3,000,000	\$3,000,000	\$4,000,000	\$6,388,000				\$16,388,000
LA8.4.2.06	LA City	Huntington Drive Multi-Modal Transportation Improvements	\$2,500,000	\$1,000,000	\$1,000,000	\$4,500,000	\$8,000,000			\$17,000,000
LA8.4.2.07	LA City	Valley Boulevard Multi-Modal Transportation Improvements	\$4,000,000	\$2,000,000	\$2,000,000	\$4,000,000	\$8,000,000	\$14,100,000		\$34,100,000
LA9.4.2.08	LA County	El Sol Shuttle Service Improvements	\$0	\$12,500	\$25,000	\$25,000	\$25,000	\$25,000	\$18,072,500	\$18,185,000
LA9.4.2.09	LA County	Cesar Chavez Avenue Mobility Improvements	\$0	\$25,000	\$50,000	\$50,000	\$50,000	\$50,000	\$7,675,000	\$7,900,000
LA9.4.2.10	LA County	Olympic Boulevard Mobility Improvements	\$0	\$25,000	\$50,000	\$50,000	\$50,000	\$50,000	\$6,525,000	\$6,750,000
LA9.4.2.11	LA County	Wellness Shuttle Fleet Upgrade and Expansion Project	\$0	\$12,500	\$25,000	\$25,000	\$25,000	\$25,000	\$9,372,500	\$9,485,000
LA9.4.2.12	LA County	Whittier Boulevard Mobility Improvements	\$0	\$100,000	\$200,000	\$800,000	\$1,650,000	\$2,100,000	\$3,400,000	\$8,250,000
PROJECT TYPE 5: Active Transportation Projects										
LA8.5.2.02	LA City	El Sereno Active Transportation Project & Transit Connectivity Enhancements	\$1,900,000	\$1,000,000	\$1,800,000	\$1,300,000				\$6,000,000
LA8.5.2.03	LA City	Northeast Los Angeles Active Transportation & Transit Connectivity Enhancements	\$1,750,000	\$1,000,000	\$1,000,000	\$1,250,000				\$5,000,000
LA9.5.2.04	LA County	Atlantic Boulevard Mobility Improvements	\$0	\$25,000	\$50,000	\$50,000	\$50,000	\$50,000	\$4,775,000	\$5,000,000
LA9.5.2.05	LA County	East Los Angeles Mobility Hub Project	\$0	\$12,500	\$25,000	\$25,000	\$50,000	\$50,000	\$1,837,500	\$2,000,000
LA9.5.2.06	LA County	East Los Angeles Pedestrian Accessibility Improvements	\$0	\$25,000	\$325,000	\$625,000	\$750,000	\$500,000	\$275,000	\$2,500,000
LA9.5.2.07	LA County	East Los Angeles Vision Zero Enhancements	\$250,000	\$1,000,000	\$2,500,000	\$3,000,000	\$2,000,000	\$1,250,000		\$10,000,000
LA9.5.2.08	LA County	Eastern Avenue Mobility Improvements	\$0	\$25,000	\$125,000	\$875,000	\$1,450,000	\$2,525,000		\$5,000,000
LA9.5.2.09	LA County	Floral Drive Pedestrian and Roadway Improvements	\$0	\$25,000	\$300,000	\$750,000	\$3,925,000			\$5,000,000

MIP PROGRAMMED FUNDS

ATTACHMENT E

MIP ID #	PROJECT SPONSOR	PROJECT NAME	FY22 and PRIOR YRS	FY23	FY24	FY25	FY26	FY27	FY28+	TOTAL
LA9.5.2.10	LA County	LA County +USC Medical Ctr Mobility Improvements [Valley Blvd Improvements]	\$500,000	\$500,000	\$500,000	\$1,000,000	\$2,000,000	\$2,000,000	\$23,500,000	\$30,000,000
LA9.5.2.11	LA County	Micro-Mobility Program and Infrastructure Improvements	\$0	\$25,000	\$50,000	\$50,000	\$150,000	\$200,000	\$2,025,000	\$2,500,000
LA9.5.2.12	LA County	Safe Routes to Schools Infrastructure Enhancements	\$0	\$25,000	\$150,000	\$275,000	\$600,000	\$650,000	\$800,000	\$2,500,000
PROJECT TYPE 8: Parking Structures										
MR2.8.1.02	Monterey Park	Three (3) Parking Structures on Garvey Avenue	\$1,750,000	\$3,000,000	\$3,000,000	\$1,250,000	\$22,000,000	\$17,000,000	\$12,000,000	\$60,000,000
TOTAL PROGRAMMED FUNDS BY FISCAL YEAR			\$77,468,500	\$68,970,500	\$80,656,000	\$151,525,000	\$181,207,500	\$211,200,000	\$255,482,500	\$1,026,510,000

NEW & RESCOPE MOBILITY IMPROVEMENTS
PROJECT DESCRIPTIONS BY SPONSOR

RECOMMENDED - NEW MOBILITY IMPROVEMENTS

MONTEREY PARK: In response to community requests for more multimodal mobility options the following new project is being proposed. Savings from a rescope MIP were reallocated to this new project.

Monterey Park Pass Road Improvements Project (Floral Drive to Garvey Avenue) ---Project extends approximately 1.6 miles from the southerly limit at Floral Drive to the northerly limit at the Garvey Avenue/Fremont Avenue Intersection and will include, but is not limited to, the following proposed improvements:

- Americans with Disabilities Act (ADA) infrastructure upgrades (sidewalks, driveways, curb ramps)
- Traffic signal improvements and upgrades.
- Roadway construction -new pavement overlay, signing and striping, bulb outs.
- Trees, landscaping.
- Bus transit amenities (bus shelters, pads, benches, etc.).
- EV charging stations.
- Dedicated and protected bike lanes.

This corridor is currently used to bypass traffic from the I-10/710 freeway interchange. When implemented the Project will improve mobility and traffic flow, enhance safety, and provide greater and better access for all roadway users (motorists, transit riders, pedestrians walking, cyclists, and rollers).

Preliminary Planning Level Cost Estimate: \$20,840,000

PASADENA: In lieu of constructing the Gold Line Grade Separation at California Boulevard, the City proposed twelve replacement projects, based on community feedback, to improve mobility, provide and support multimodal options and enhance safety. The following replacement projects that range from multimodal and active transportation projects to local street intersection improvements, traffic signal upgrades and a transit operations and maintenance facility are being proposed.

Pasadena Avenue and St. John Avenue Roadway Network (Walnut Street to Columbia Street) ---Project encompasses a comprehensive network of multimodal and intersection improvements that extend approximately 1.8 miles (from Walnut to Columbia Streets) along two primary access routes to the SR-710 northern stub area, in proximity to I-210 and the SR-134 on and off ramps to California Boulevard. The proposed improvements generally include, but are not limited to, the installation of Class II bike lanes, Class IV protected bike lanes; sidewalk and roadway construction (pavement striping, signage); street lighting, trees, and landscaping; pedestrian signals; and traffic signal modifications; American with Disabilities Act (ADA) infrastructure upgrades; raised medians, pedestrian refuge; and related intersection improvements at several overcrossings and streets (Walnut Street, Union Street, Colorado Boulevard, Green Street, Del Mar Boulevard, California Boulevard, Bellefontaine Street and Columbia Street.)

Preliminary Planning Level Cost Estimate: \$75,100,000

NOTES:

1. All preliminary planning level cost estimates are subject to reevaluation based on more detailed scopes of work.
2. Additional information about the Pasadena replacement projects can be found by clicking the link to the City's Municipal Services Committee staff report (pdf page 33) <https://www.Cityofpasadena.net/commissions/wp-content/uploads/sites/31/2022-09-13-Municipal-Services-Committee-Agenda..pdf?v=1663181177477>

**NEW & RESCOPED MOBILITY IMPROVEMENTS
PROJECT DESCRIPTIONS BY SPONSOR**

Ave 64 Complete Streets Program ---Project provides supplemental to complete the construction of the Avenue 64 traffic circle at the Burleigh Drive intersection to reduce speeds and enhance pedestrian safety. Supplemental funding is being requested because supply chain constraints that have significantly increased the cost of construction materials. In addition, the Project will install curb extensions at the intersection of Avenue 64 and Glenullen Drive (north of the traffic circle under construction) for pedestrian safety.

Preliminary Planning Level Cost Estimate: \$1,800,000

Transit Operations and Maintenance Facility ----Project provides funds for the construction of a new transit operations and maintenance facility that is needed to accommodate the City's existing transit services, Metro's NextGen planned services and the expanded transit services for the proposed development of the SR710 northern stub area recently relinquished to the City. The City has already initiated the design and environmental clearance for a new Transit Operations and Maintenance Facility, but funding has not been secured. Without a new facility, the City would not be able to provide an expanded transit service option for the SR-710 northern stub area to be developed. Construction of a new facility on City owned property is estimated to cost \$65,400,000.

Typical items of work associated with a transit operations and maintenance facility include, site demolition, earthwork, shoring, erosion control, interior and exterior improvements, landscaping, site signage and utilities. Other related building materials and items of work include, but are not limited to, concrete (building foundation, structures/walls, columns, walkways, pads), masonry (walls), metals (steel structures, stairs, panel screens for walls and roof, glass screens and canopy, steel trellis, metal fabrications for enclosures/gates, guardrails) wood, plastic and composites, thermal and moisture protection, openings (interior and exterior doors, hardware, glazing), finishes (interior and exterior walls, floor finishes and wall bases, ceiling, exterior soffit) specialties (restroom/janitor/shower specialties, fire extinguishers, building signage, ADA pole signage, parking stall, etc.), equipment (maintenance/wash equipment, administration/operations equipment, breakroom equipment, employee storage equipment) furnishings (window shades), special construction (PV panels), conveying (passenger elevator), fire suppression enclosed and parking area fire sprinkler system), plumbing (domestic, cistern, industrial; storm drain system, , HVAC systems, electrical systems, communications systems (enclosed and parking areas) , and electronic safety and security (enclosed and parking area fire alarm system, enclosed and parking area security system, enclosed and parking area gas detection system for CNG, CO/NOx (explosion proof).

Preliminary Planning Level Cost Estimate: \$65,400,000

Columbia Street Improvements Project (Orange Grove Boulevard to Fair Oaks Avenue) ---Project provides a variety of intersection and geometric improvements at the intersections of Orange Grove, Pasadena Avenue and Fremont Avenue to enhance safety and improve operations while maintaining the existing roadway capacity for motorists. The proposed improvements include, but are not limited to installing curb extensions and ramps, left turn pockets, high visibility crosswalks, median islands, reduced crossing widths, landscaping, and roadway signage, striping, and pavement; upgrading traffic signals for accessible pedestrian signals, vehicle and bicycle detection, and fiber optic communication

2

NOTES:

1. All preliminary planning level cost estimates are subject to reevaluation based on more detailed scopes of work.
2. Additional information about the Pasadena replacement projects can be found by clicking the link to the City's Municipal Services Committee staff report (pdf page 33) <https://www.Cityofpasadena.net/commissions/wp-content/uploads/sites/31/2022-09-13-Municipal-Services-Committee-Agenda..pdf?v=1663181177477>

**NEW & RESCOPE MOBILITY IMPROVEMENTS
PROJECT DESCRIPTIONS BY SPONSOR**

infrastructure; and providing bike lanes (from Orange Grove Boulevard to Fair Oaks Avenue) to complement the proposed Pasadena Avenue bike network. Continued coordination with the neighboring jurisdiction (South Pasadena) throughout project development process will be required.

Preliminary Planning Level Cost Estimate: \$9,900,000

Traffic Signal and Intersection Improvements Project (Orange Grove/Colorado Boulevard & Orange Grove Boulevard/Holly Street) ---Project addresses deficient weaving, merging, and turning movements between the SR134 on and off ramps at the Orange/Colorado Boulevard intersection by implementing a variety of traffic signal, safety, and operational improvements. The proposed improvements include, but are not limited to, roadway channelization, new signage, striping, curb ramps and pavement; upgraded traffic signals; additional traffic signal hardware and controllers, cabinets, vehicle detection and communication infrastructure; and protected permissive left turn arrows to separate vehicles/ramp traffic, reduce weaving and turning conflicts, and manage split approach operations. Continued coordination with Caltrans throughout the project development process will be required because both intersections include freeway off ramps.

Preliminary Planning Level Cost Estimate: \$4,500,000

San Rafael Avenue Project (between Linda Vista Avenue and Colorado Boulevard) ---Project modifies traffic signals at three closely spaced signalized intersections; upgrades traffic signal controllers; installs vehicle detection, closed circuit television camera, fiber optic communication infrastructure and new pavement, median, curbs ramp, signage and striping; reconfigures ramps; relocates a traffic signal cabinet and communications cabinet (from the south side of Colorado Boulevard to the north side of Colorado Boulevard at San Rafael Avenue); and widens the south sidewalk to provide an ADA compliant pedestrian pathways. Continued coordination with Caltrans throughout the project development process will be required because the three intersections include freeway off ramps.

Preliminary Planning Level Cost Estimate: \$4,800,000

Metro L Line At-Grade Crossing Enhancements Project ---Project provides for enhanced performance monitoring, data collection and analytics at intersections adjacent to the at-grade Metro L Line Crossing at Glenarm Street, Colorado Boulevard and Del Mar Boulevard to monitor and reduce intersection delay by collecting vehicular, cyclist and pedestrian data for analysis and decision making. In addition, Project provides for the implementation of advanced video analytics to identify inherent risk based or near miss occurrences, hardware for up to 15 signalized intersections, communication infrastructure, and central system hardware and software for the performance monitoring system.

Preliminary Planning Level Cost Estimate: \$2,500,000

Orange Grove Mobility Improvement Program ---Project provides safety and mobility enhancements (traffic signal upgrades, fiber optics communication infrastructure, and curb ramps) on Orange Grove Boulevard from Del Mar Boulevard to Columbia Street. In addition, Project replaces a free right turn slip lane with a standard right turn pocket at the California Boulevard intersection.

Preliminary Planning Level Cost Estimate: \$5,400,000

NOTES:

1. All preliminary planning level cost estimates are subject to reevaluation based on more detailed scopes of work.
2. Additional information about the Pasadena replacement projects can be found by clicking the link to the City's Municipal Services Committee staff report (pdf page 33) <https://www.Cityofpasadena.net/commissions/wp-content/uploads/sites/31/2022-09-13-Municipal-Services-Committee-Agenda..pdf?v=1663181177477>

**NEW & RESCOPED MOBILITY IMPROVEMENTS
PROJECT DESCRIPTIONS BY SPONSOR**

Greenways (Bike Boulevards) ---Project provides four (4) north-south greenways on Wilson Avenue, El Molino Avenue, Sierra Bonita Avenue, and Craig Avenue. The proposed greenway elements include, but are not limited to, installing bike signage and striping (intersection crossing, flashing turn arrows, bike bollards, and bike turn boxes); accessible pedestrian signals at all signalized intersections; raised traffic calming medians/islands; offset edge islands; traffic calming diverters; traffic circles with and without bulb outs; buffered bike lanes; and bike video detection systems. Three (3) of the 4 greenways are within ¼ mile of a Metro L Line Station and all four will connect to the stations through an existing bicycle network. The Greenways will provide a bicycle network connection to Lake Station and Hill Station, and future connectivity to the Memorial Park Station and the Del Mar Station when planned improvements on Union and Cordova Streets are completed.

Preliminary Planning Level Cost Estimate: \$12,000,000

RECOMMENDED - RESCOPED MOBILITY IMPROVEMENTS

MONTEREY PARK -In response to the community feedback, the City is studying curbside management strategies for Garvey Avenue that necessitate minimal off-site replacement parking; and proposing multimodal mobility hub elements throughout the City to improve mobility for all roadway users.

Three (3) Parking Structures on Garvey Avenue – This previously approved MIP will be rescoped to allow for at least one parking structure (on City owned parcel at the northwest corner of Garvey and Lincoln Avenues) for off-site replacement parking, a multimodal mobility hub and curbside management strategies. The multimodal mobility hub elements that are being studied will accommodate motorized and non-motorized modes of travel (vehicles, transit [buses], pedestrians [walking], bicyclists, scooters, rollers, etc.); provide access to rideshare services; incorporate pedestrian enhancements and other access and mobility improvements to support multimodal systems throughout the City. In addition, in lieu of converting the Garvey Avenue parking lane into a mixed flow lane, the curbside management strategies that are being studied include shared use lanes and/or dedicated lanes for buses, bikes, or delivery loading zones (with restrictions) to improve overall multimodal mobility and traffic flow, reduce congestion and enhance safety.

This rescoped MIP will also help accommodate the increase in the frequency of Metro Bus Line Nos. 70, 106 and 260 that is planned for the City. Savings from this rescoped MIP will be allocated to construct the new Monterey Park Pass Road Improvements Project (Floral Drive to Garvey Avenue) which is estimated to cost \$20,840,000.

Preliminary Planning Level Cost Estimate: \$39,160,000

NOTES:

1. All preliminary planning level cost estimates are subject to reevaluation based on more detailed scopes of work.
2. Additional information about the Pasadena replacement projects can be found by clicking the link to the City's Municipal Services Committee staff report (pdf page 33) <https://www.Cityofpasadena.net/commissions/wp-content/uploads/sites/31/2022-09-13-Municipal-Services-Committee-Agenda..pdf?v=1663181177477>



Board Report

File #: 2022-0833, File Type: Agreement

Agenda Number: 6.

PLANNING AND PROGRAMMING COMMITTEE FEBRUARY 15, 2023

SUBJECT: EXPO/CRENSHAW JOINT DEVELOPMENT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATIONS

AUTHORIZE:

- A. the Chief Executive Officer to execute an amendment to the Exclusive Negotiation Agreement and Planning Document (ENA) with WIP-A, LLC, a wholly-owned subsidiary of Watt Companies (WIP-A), Inc. and the County of Los Angeles (County) in regard to the joint development of 1.77 acres of Metro-owned property and 1.66 acres of County-owned property adjacent to the K Line Expo/Crenshaw Station to extend the term for twelve months, and provide for an additional twelve month option to be exercised at staff's discretion; and
- B. the modification of the ENA's assignment provision to allow for the assignment of the ENA to one or more developer entities, each of which shall be made up of the following entities or an affiliate or instrumentality of such entities: WIP-A, West Angeles Community Development Corporation, The Richman Group of California Development Company LLC and the Housing Authority of the City of Los Angeles (Limited Partnership(s)).

ISSUE

Metro, County, and WIP-A are parties to an Exclusive Negotiation Agreement and Planning Document dated October 15, 2018, as amended (collectively, the ENA) regarding the development of a mixed-use project (Project) adjacent to the Expo/Crenshaw Station (See Attachment A - Site Map). WIP-A is seeking approval to assign the ENA to Limited Partnership(s) to increase the Project's competitiveness for affordable housing funding. The ENA will expire in April 2023. A 12 month extension of the ENA term is necessary to allow the Project sufficient time to secure financing, finalize the Project scope, advance design review, and complete negotiations of the Joint Development Agreement (JDA) and Ground Lease (GL) terms, which terms shall be subject to Metro Board of Directors (Metro Board) and County Board of Supervisors (County Board) approval.

BACKGROUND

Following a competitive solicitation process, in late 2017/early 2018, the Metro Board and County Board approved entering into a six-month ENA with WIP-A for the development of Metro and County-

owned parcels (collectively, the Site) located adjacent to the Expo/Crenshaw Station. 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 WIP-A could identify a community-based organization to partner with on the development of the Project. In the spring of 2018, WIP-A entered into an agreement with West Angeles Community Development Corporation (WACDC) to support WIP-A in the execution and operation of the Project. Following County and Metro Board approvals, a tri-party ENA was executed on October 15, 2018, between Metro, the County, and WIP-A. In November 2019, the Metro Board approved a sixteen-month extension, and again in March 2021, authorized extending the term for an additional twenty-four months. The current ENA expires in April 2023.

DISCUSSION

WIP-A, with support from WACDC, continues to diligently perform its obligations under the ENA, including conducting ongoing community outreach, securing entitlements from the City of Los Angeles (City), receiving Metro and County approval of the conceptual development plan, seeking financing to fund deeper levels of affordability, and negotiating JDA and GL terms.

Community Outreach

Through 2021-2022 WIP-A and WACDC held several meetings with local residents, community organizations, and government officials to provide updates on the proposed Project. In 2021 WIP-A and WACDC launched a Project website and social media accounts. With the opening of the K Line in October 2022, WIP-A and WACDC have received more inquiries about this Project's status. They continue to be responsive to any requests for information and regularly communicate with various stakeholder groups.

Entitlements and California Environmental Quality Act (CEQA)

WIP-A applied for land use entitlements and California Environmental Quality Act (CEQA) clearance from the City in September 2019. WIP-A, WACDC, and Metro staff participated in several City meetings and public hearings from 2020 through 2022. In their entitlements application, WIP-A requested the City authorize the removal of three protected Sycamore trees on the Metro property to accommodate the building footprint. Stakeholders expressed concerns about removing these trees and filed an appeal to the City in late 2021/early 2022. In April 2022, the City's Planning and Land Use Committee and the full City Council rejected the appeal. The Project is now fully entitled and received clearance through a Sustainable Communities Environmental Assessment adopted by the City. The Project is required to replace the three Sycamore trees at a ratio of 4:1. This exceeds the Tree Policy adopted by the Metro Board in October 2022 that requires trees removed as a part of transit construction be replaced at a ratio of 2:1. The Project will remove 43 unprotected trees and the three Sycamore trees and will plant 98 new trees to meet replacement ratio requirements, plus an additional 59 new trees. The total 157 trees planted by the Project will provide a net 111 new trees across the Site.

Design Review

In April 2020, Metro and the County approved the Project's conceptual design. WIP-A has submitted schematic design drawings, which are currently under review by Metro and the County with support from an urban design consultant. The review is focused on ensuring compatibility between the Project and Metro transit infrastructure. The schematic design plans will be approved before staff

returns to the Metro and County Boards for consideration of the JDA and ground lease term sheet.

Project Scope

Following community engagement under the initial short-term ENA, WIP-A increased the number of affordable residential units from 15% to 20%. In late 2019, some members of the public and the Metro Board expressed an interest in WIP-A further increasing the number of income-restricted residential units in the Project. WIP-A has revised the Project scope again and is committed to applying for funds to support the financial feasibility of making 100% of the residential units income-restricted as detailed below and in excess of the ENA requirements.

	Initial Proposed Project (2017)	Revised Proposed Project (2019)/ ENA Requirements	Current Proposed Project*
Total Residential Units	492	401	401
Income-Restricted Residential Units	At least 73 units (15%) at 50% of AMI or less	At least 80 units (20%) at 30-80% AMI, of which at least 12 (15%) at or below 50% of AMI	100 units at 30% of AMI; 180 units at 60% of AMI; 117 at 80% of AMI; 4 unrestricted managers units
Market-Rate Residential Units	419	321	0
Commercial/Community Space	40,000 sqft.	40,000 sqft.	37,804 sqft. commercial/community space (including a grocery store) 2,650 sqft. of open space

**Subject to change.*

Some funding sources may require adjustments to unit sizes/total unit count and the AMIs noted above. The commercial space will offer opportunities for leasing to local small businesses and will include a grocery store. Staff will present the final Project scope for Metro Board and County Board consideration once the recommended JDA and GL terms are finalized.

Limited Partnership and Project Financing

With the goal of making the Project more competitive for affordable housing financing sources, WIP-A and WACDC have elected to expand their team and partner with The Richman Group of California Development Company LLC (Richman) and the Housing Authority of the City of Los Angeles (HACLA). Created in 1986, Richman has over 150 high-quality affordable housing developments in the United States totaling over 26,000 units developed. Created in 1938, HACLA is one of the nation’s largest public housing authorities and provides the largest supply of affordable housing to City residents.

In anticipation of upcoming funding opportunities, WIP-A is seeking consent from the County and Metro to assign the ENA to one or more developer entities, each of which shall be comprised of the

following entities or an affiliate or instrumentality of such entities: WIP-A, Richman, WACDC and HACLA. In January, the Limited Partnership requested 100 project-based vouchers from a HACLA Notice of Funding Availability (NOFA). In March, the Project will seek funding from the California Department of Housing and Community Development's Affordable Housing and Sustainable Communities Program (AHSC) for the Metro-owned parcel. If awarded, AHSC could grant up to \$35M in funding to the residential portion of the Project and an additional \$15M for transit-supportive improvements within one-mile of the Site. Another source the Project will pursue is up to \$45M in funding from the State of California Infill Infrastructure Grant Program. NOFAs for many of the public financing sources the Project will respond to are only made available once a year and are highly competitive. This two-year ENA extension will provide additional time for the Limited Partnership to respond to 2024 NOFAs in the event they are unsuccessful in securing funding awards in the 2023 cycles.

DETERMINATION OF SAFETY IMPACT

Approval of this item will have no adverse impact on safety since no improvements will be constructed during the ENA period. 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 ground lease.

FINANCIAL IMPACT

Funding for joint development activities related to the ENA and the Project is included in the FY23 budget in Cost Center 2210, Project 401045.

Impact to Budget

There is no impact to the FY23 budget. The ENA executed in October 2018 required WIP-A to pay Metro a non-refundable fee of \$25,000, as well as a \$50,000 deposit to cover third-party expenses. If the ENA is assigned, the Limited Partnership will be responsible for replenishing that deposit when it reaches a balance of less than \$25,000.

EQUITY PLATFORM

The proposed Project advances the Metro Joint Development (JD) Policy adopted in June 2021 which is centered on four main goals: (1) equity and inclusion; (2) access; (3) performance; and (4) innovation. The JD Policy aims to "create high-quality homes, jobs, and places near transit for those who need them most, as soon as possible." Construction of the Project will be subject to the County's Local Hire Policy which establishes a goal that 30% of the construction hours be performed by qualified Local Residents from low-income zip codes, and a goal that 10% of the construction hours be performed by Targeted Workers facing barriers to employment. The Project will deliver affordable housing, enhanced public infrastructure, jobs and other transit-supportive amenities benefitting community members adjacent to the Project as well as other low-income Los Angeles County residents.

Consistent with the Equity Platform pillar "listen and learn," the Site has gone through a lengthy community engagement process which has led to revisions to the Project scope. WIP-A and

WACDC's commitment to community engagement has been exemplary for the JD Program. They have created and continue to maintain meaningful and deep relationships with stakeholders. The Project team and Metro staff will continue to actively engage with and be responsive to all stakeholders throughout all phases of development. As construction nears completion, affirmative marketing strategies will be utilized to encourage local residents within the income thresholds to apply for housing in the Project.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

These recommendations support 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 several community benefits, including transit-accessible affordable housing and new commercial/community space.

ALTERNATIVES CONSIDERED

The Metro Board could choose not to extend the ENA term in which case the ENA would expire in April 2023. Metro could then choose to solicit a new developer and proposal for the Site. Staff does not recommend this alternative because WIP-A, WACDC, Metro, and the County have worked diligently and in good faith to advance the Project. Furthermore, the recommended actions build upon the significant planning/visioning work, developer procurement, community engagement, design, and financial review, entitlements/CEQA process, and term sheet negotiations that have transpired in the last seven years. The Metro Board could choose not to authorize assignment of the ENA which would hinder the Project's ability to secure affordable housing funding and jeopardize financial feasibility.

NEXT STEPS

Upon approval of the recommended actions, staff will execute the ENA amendment and assign it to Limited Partnership(s) made up of the following entities or an affiliate or instrumentality of such entities: WIP-A, Richman, WACDC and HACLA. The Project team will continue pursuing funding sources to support additional affordable residential units, complete the schematic design review, and continue negotiating the JDA and GL terms. Staff will return to the Metro and County Boards for approval of final terms. During the JDA period, the development team will continue securing funding for the Project. The ground lease would then be executed, and construction would commence. With this potential change in scope, the Project could benefit from Mayor Karen Bass' recent executive order which requires City departments to process clearances and utility releases related to building permit applications, certificates of occupancy, or temporary certificates of occupancy within five business days.

ATTACHMENTS

Attachment A - Site Map

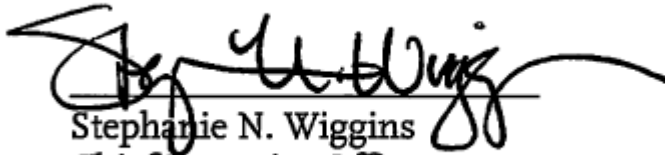
Prepared by: Nicole Velasquez Avitia, Senior Director, Countywide Planning & Development, (213) 314-8060

Wells Lawson, Deputy Executive Officer, Countywide Planning & Development, (213) 547-4204

Nick Saponara, Executive Officer, Transit Oriented Communities, (213) 547-4329

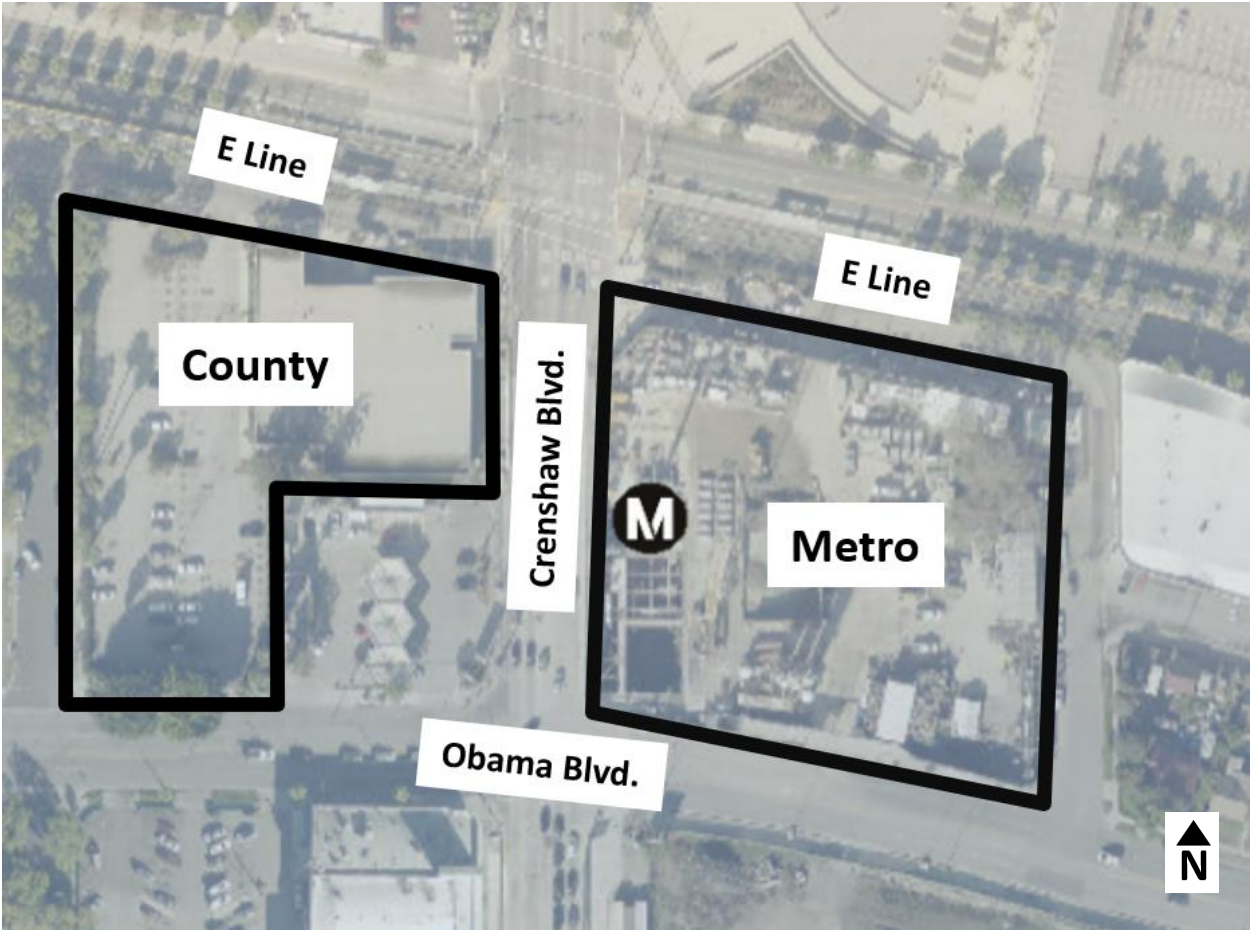
Holly Rockwell, Senior Executive Officer, Transit Oriented Communities and Real Estate (213) 547-4325

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



Stephanie N. Wiggins
Chief Executive Officer

SITE MAP



M K Line Station

Expo/Crenshaw Joint Development Project



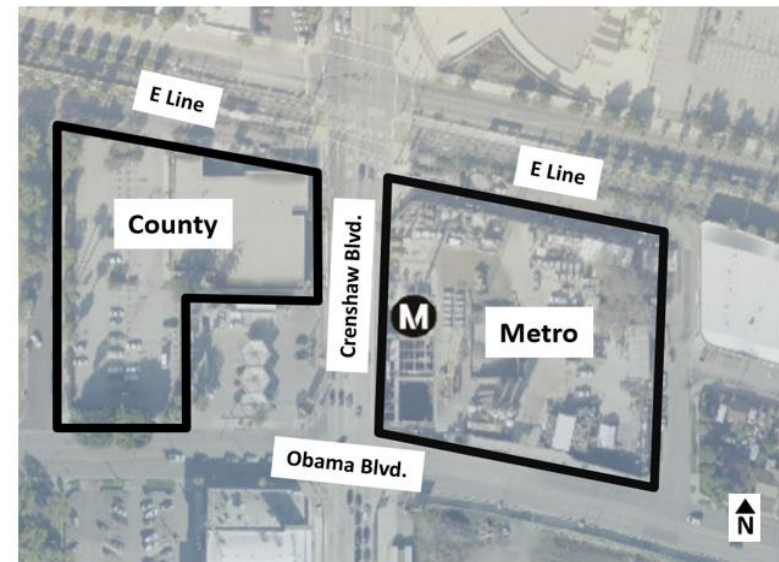
Planning and Programming Committee
February 15, 2023




Metro

Recommendations

- A. AUTHORIZE the Chief Executive Officer to execute an amendment to the Exclusive Negotiation Agreement and Planning Document (ENA) with WIP-A, LLC, a wholly-owned subsidiary of Watt Companies (WIP-A), Inc. and the County of Los Angeles (County) in regard to the joint development of 1.77 acres of Metro-owned property and 1.66 acres of County-owned property adjacent to the K Line Expo/Crenshaw Station to extend the term for twelve months, and provide for an additional twelve month option to be exercised at staff's discretion; and
- B. AUTHORIZE the modification of the ENA's assignment provision to allow for the assignment of the ENA to one or more developer entities, each of which shall be made up of the following entities or an affiliate or instrumentality of such entities: WIP-A, West Angeles Community Development Corporation, The Richman Group of California Development Company LLC and the Housing Authority of the City of Los Angeles (Limited Partnership(s)).



 K Line Station

Project Timeline

- **June 2016:** Board adopted Development Guidelines.
- **Early 2018:** Metro, County and Watt Companies entered into initial ENA.
- **Spring 2018:** Watt Co. entered into an agreement with West Angeles CDC to partner in the delivery and operation of the Project.
- **Sept 2018, Nov 2019, Mar 2021:** Board approved ENA extensions. ENA will expire in April 2023.
- **April 2020:** Project conceptual plans approved.
- **2020 - 2022:** Community meetings/updates, social media.
- **April 2022:** Entitlements secured.

Project Scope

	Initial Proposed Project (2017)	Revised Proposed Project (2019)/ ENA Requirements	Current Proposed Project*
Total Residential Units	492	401	401
Income-Restricted Residential Units	At least 73 units (15%) at 50% of AMI or less	At least 80 units (20%) at 30-80% AMI, of which at least 12 (15%) at or below 50% of AMI	100 units at 30% of AMI; 180 units at 60% of AMI; 117 at 80% of AMI; 4 unrestricted managers units
Market-Rate Residential Units	419	321	0
Commercial/Community Space	40,000 sqft.	40,000 sqft.	37,804 sqft. commercial/community space (including a grocery store) 2,650 sqft. of open space

**Subject to change.*

- Limited Partnership
- Affordable housing funding

Next Steps

- Term sheet negotiations
- Schematic design review and approval
- On-going community engagement/updates
- Return to Metro and County Boards for approval of Joint Development Agreement and Ground Lease term sheet





Board Report

File #: 2022-0863, File Type: Program

Agenda Number: 7.

PLANNING AND PROGRAMMING COMMITTEE
FEBRUARY 15, 2023

SUBJECT: MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM ANNUAL UPDATE - LAS VIRGENES/MALIBU SUBREGION

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

A. APPROVING:

1. Deobligating \$3,623,887 from the Las Virgenes/Malibu Subregion’s Measure M Multi-Year Subregional Program (MSP) Active Transportation, Transit, and Tech Program, as shown in Attachment A;
2. Programming an additional \$18,708,637 within the capacity of Measure M MSP Highway Efficiency Program, as shown in Attachment B;
3. Programming an additional \$5,472,000 within the capacity of Measure R Highway Operational Program, as shown in Attachment C; and

B. AUTHORIZING the Chief Executive Officer (CEO) or their designee to negotiate and execute all necessary agreements and/or amendments for approved projects.

ISSUE

Measure M MSPs are included in the Measure M Expenditure Plan. All MSP funds are limited to capital projects. The annual update approves additional eligible projects for funding. It also allows the Las Virgenes/Malibu Subregion and implementing agencies to revise project schedules and amend project budgets.

This update includes changes to projects which have received prior Board approval and funding allocation for new projects. Funds are programmed through Fiscal Year (FY) 2025-26. The Board’s approval is required to program additional funds. The updated project lists (Attachments A and B) serve as the basis for Metro to enter into agreements and/or amendments with the respective implementing agencies.

BACKGROUND

In January 2019, the Metro Board of Directors approved Las Virgenes/Malibu Subregion's first MSP Five-Year Plan and programmed funds in 1) Measure M MSP - Active Transportation/Transit/Tech Program (expenditure line 56); and 2) Measure M MSP - Highway Efficiency Program (expenditure line 57). Since the first Plan, staff has provided annual updates to the Board in February 2020, March 2021, and February 2022.

Based on the amount provided in the Measure M Expenditure Plan, a total amount of \$109.5 million was forecasted for programming for Fiscal Year (FY) 2017-18 to FY 2025-26. The 2022 Board action approved programming of \$57.4 million. Therefore, \$52.1 million was available to the Subregion for programming as part of this update.

DISCUSSION

Metro staff worked closely with the Las Virgenes/Malibu Subregion Council of Governments (COG) and the implementing agencies on project eligibility reviews of the proposed projects for this annual update. Metro required, during staff review, detailed project scope of work to confirm eligibility and establish the program nexus, e.g., project location and limits, length, elements, phase(s), total expenses and funding request, and schedule, etc. This level of detail will ensure the timeliness of the execution of the project funding agreements once the Metro Board approves the projects. For those proposed projects that will have programming of funds in FY 2024-25 and beyond, Metro accepted a high level (but focused and relevant) project scope of work during the review process. Metro staff will work on the details with the COG and the implementing agencies through a future annual update process. Those projects will receive conditional approval as part of this approval process. However, final approval of funds for those projects shall be contingent upon the implementing agency demonstrating the eligibility of each project as required in the Measure M Master Guidelines.

This update includes deobligation and additional programming of previously approved projects in the Active Transportation/Transit/Tech and Highway Efficiency Programs.

Active Transportation/Transit/Tech Program (expenditure line 56)

This update includes funding adjustments to three existing projects and a program of funds to one new project as follows:

Calabasas

- Reprogram \$3,156,164 as follows: \$5,000 in FY 20, \$70,408 in FY 21, \$161,661 in FY 22, \$20,000 in FY 23, \$800,000 in FY 24, \$2,064,095 in FY 25 and \$35,000 in FY 26 for MM4401.02 - Citywide Green Streets. The funds will be used for the project's Plans, Specification, and Estimates (PS&E) and construction phases.

Malibu

- Deobligate \$3,495,640 from MM4401.06 - Westward Beach Parking and Walkway

Improvements. The City requested that the deobligated funds be reallocated to another project.

- Program \$2,250,000 in FYs 24, 25 and 26 for MM4401.13 - Pedestrian Undercrossing at Malibu Seafood. The funds will be used for the project's PS&E and construction phases.

Westlake Village

- Deobligate all \$2,378,247 from MM4401.08 - Lindero Sidewalk Extension - Thousand Oaks Blvd to Via Colinas. The City requested that the deobligated funds be reallocated to another project.

Highway Efficiency Program (expenditure line 57)

This update includes funding adjustment to one existing project and a program of funds to four new projects as follows:

Agoura Hills

- Program an additional \$300,000 in FY 23 for MM5503.01 - U.S 101/Palo Comado Interchange Project. The funds will be used for the project's PS&E and construction phases.
- Program \$9,706,529 in FYs 23, 24, 25, and 26 for MM5503.12 - Agoura Road/Kanan Road Intersection Improvements, an existing Measure R funded project (MR311.04). The funds will be used for the project's Right-of-Way (ROW) and construction phases.
- Program \$6,023,861 in FYs 23 and 24 for MM5503.13 - Agoura Hills Greenway Project. This project is also awarded Measure R funds, program \$5,472,0000 in FY 23 under MR311.23. The funds will be used for the project's ROW and construction phases.

Westlake Village

- Program \$2,378,247 in FY 24 for MM5503.10 - Lindero Sidewalk Extension - Baronsgate Rd. to Lakeview Canyon Rd., an existing Measure R funded project (MR311.21). The funds will be used for the project's construction phase.

Las Virgenes/Malibu Councils of Government

- Program \$300,000 in FY 23 for MM5503.11 - Regional Smart Cities Fiber Network Project. The funds will be used for the project's PS&E phase.

DETERMINATION OF SAFETY IMPACT

Programming of Measure M MSP funds to the Las Virgenes/Malibu Subregion projects will not have any adverse safety impacts on Metro's employees or patrons.

FINANCIAL IMPACT

In FY 2022-23, \$9.59 million is budgeted in Cost Center 0441 (subsidies budget - Planning) for the Active Transportation Program (Project #474401), \$1 million is budgeted in Cost Center 0442 (Highway Subsidies) for the Highway Efficiency Program (Project #475503), and \$6.7 million is budgeted in Cost Center 0442 (Highway Subsidies) for the Highway Operational Improvements - Las Virgenes/Malibu (Project #460311). Upon approval of this action, staff will reallocate necessary funds to appropriate projects within Cost Centers 0441 and 0442. Since these are multi-year projects, Cost Centers 0441 and 0442 will be responsible for budgeting the cost in future years.

Impact to Budget

The source of funds for these projects is Measure M Highway Construction 17% and Measure R 20%, which are not eligible for Metro bus and rail operating and capital expenditures.

EQUITY PLATFORM

The Las Virgenes/Malibu subregion consists of the cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, Westlake Village, and the adjacent unincorporated area of Los Angeles County, but no Equity Focus Communities (EFCs) are located within this subregion. The jurisdictional requests are proposed by the cities and approved/forwarded by the subregion. In line with the Metro Board adopted guidelines and June 2022 Objectives for Multimodal Highways Investments, cities provide documentation demonstrating community support, project need, and multimodal transportation benefits that enhance safety, support traffic mobility, economic vitality, and enable a safer and well-maintained transportation system. Cities lead and prioritize all proposed transportation improvements, including procurement, the environmental process, outreach, final design, and construction. Each city and/or agency, independently and in coordination with the subregion, undertake their jurisdictionally determined community engagement process specific to the type of transportation improvement they seek to develop. These locally determined and prioritized projects represent the needs of cities.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The 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 lead the development and implementation of their projects.

ALTERNATIVES CONSIDERED

The Board could elect not to approve the additional programming of funds for the Measure M MSP projects for the Las Virgenes/Malibu Subregion. This is not recommended as the Las Virgenes/Malibu Subregion developed the proposed projects in accordance with the Measure M

Ordinance, Guidelines, and the Administrative Procedures.

NEXT STEPS

Metro staff will continue to work with the Las Virgenes/Malibu Subregion to identify and deliver projects. Funding Agreements will be executed with those who have funds programmed in FY 2022-23. Program/project updates will be provided to the board annually.

ATTACHMENTS

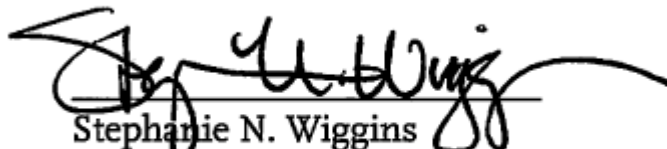
Attachment A - Active Transportation/Transit/Tech Program Projects

Attachment B - Highway Efficiency Program Projects

Attachment C - Las Virgenes Malibu Highway Operational Improvements Project List

Prepared by: Fanny Pan, Executive Officer, Countywide Planning & Development, (213) 418-3433
Laurie Lombardi, Senior Executive Officer, Countywide Planning & Development, (213) 418-3251

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



Stephanie N. Wiggins
Chief Executive Officer

Las Virgenes/Malibu Subregion
 Measure M Multi-Year Subregional Plan - Active Transportation/Transit/Tech Program (Expenditure Line 56)

	Agency	Project ID #	Project/Location	Funding Phases	Note	Pror Alloc	Alloc Change	Current Alloc	Prior Years	FY 2021-22	FY2022-23	FY2023-24	FY 2024-25	FY 2025-26
1	Calabasas	MM4401.02	City-wide Green Streets - Malibu Hills Road, Calabasas Road, Old Town Calabasas, Las Virgenes Road and Parkway Calabasas	PS&E Construction	chg	\$ 3,156,164		\$ 3,156,164	\$ 75,408	\$ 161,661	\$ 20,000	\$ 800,000	\$ 2,064,095	\$ 35,000
2	Calabasas	MM4401.03	Mulholland Highway Gap Closure - Old Topanga Canyon Road - Phase I (CFP #F7516)	PS&E ROW Construction		2,200,000		2,200,000	100,000	2,100,000				
3	Calabasas	MM4401.11	Mulholland Highway Gap Closure - Old Topanga Canyon Road to City Limits (Phase II) (MR311.13)	PS&E Construction		8,500,585		8,500,585	175,000	3,380,585	3,160,000	1,785,000		
4	Malibu	MM4401.05	Pedestrian/Bicyclist Crosswalk Improvements - PCH @ Big Rock Dr. & 20356 PCH	PS&E Construction		683,219		683,219	160,153	523,066				
5	Malibu	MM4401.06	Westward Beach Parking and Walkway Improvements	PS&E Construction	Deob	3,500,000	(3,495,640)	4,360	4,360					
6	Malibu	MM4401.13	Pedestrian Undercrossing at Malibu Seafood	PS&E Construction	new	-	2,250,000	2,250,000				400,000	600,000	1,250,000
7	Westlake Village	MM4401.07	Lindero Linear Park - Lindero Canyon Blvd from Agoura Rd to Foxfield Dr.	PS&E Construction	Complete	4,452,678		4,452,678	4,452,678					
8	Westlake Village	MM4401.08	Lindero Sidewalk Extension - Thousand Oaks Blvd to Via Colinas	PS&E ROW	Deob	2,378,247	(2,378,247)	-						
9	Westlake Village	MM4401.12	Lakeview Canyon Road Pedestrian Safety Improvements *	PAED PS&E Construction		3,000,000		3,000,000					3,000,000	
10	LA County	MM4401.09	Malibu Canyon Road Bridge Replacement	PS&E Construction		875,000		875,000		150,000	100,000	220,000	369,755	
11	LA County	MM4401.10	Topanga Beach Shuttle Bus Stops Improvements (Metro Orange Line to Metro Expo Line in Downtown Santa Monica)	PS&E Construction		400,000		400,000	20,000	60,000	40,000	220,000	30,000	
Total Programming Amount						\$ 29,145,893	\$(3,623,887)	\$ 25,522,006	\$ 4,987,599	\$ 6,375,312	\$ 3,320,000	\$ 3,425,000	\$ 6,063,850	\$ 1,285,000

* Conditional programming approval as only high level scope of work was developed and reviewed. Future annual update process will reconfirm the programming.

**Las Virgenes/Malibu Subregion
Measure M Multi-Year Subregional Plan - Highway Efficiency Program (Expenditure Line 57)**

	Agency	Project ID #	Project/Location	Funding Phases	Note	Prior Alloc	Alloc Change	Current Alloc	Prior Years	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
1	Agoura Hills	MM5503.01	U.S 101/Palo Comado Interchange - Chesebro Rd S to Driver Ave. & Chesebro Rd to N of interchange	PS&E Construction	Chg	\$ 8,195,436	\$ 300,000	\$ 8,495,436	\$ 8,195,436		\$ 300,000			
2	Agoura Hills	MM5503.02/ MM5503.07	Kanan Road Corridor from Thousand Oaks Blvd to Cornell Road (MR311.14) - Merge with MM5503.07	PSR Env PS&E Construction		5,313,493		5,313,493		330,595	426,000	1,200,000	3,356,898	
3	Agoura Hills	MM5503.12	Agoura Road/Kanan Road Intersection Improvements (MR311.04)	ROW Construction	new	-	9,706,529	9,706,529			1,700,000	2,638,860	3,167,669	2,200,000
4	Agoura Hills	MM5503.13	Agoura Hills Greenway Project (MR311.23)	ROW Construction	new		6,023,861	6,023,861			4,023,861	2,000,000		
5	Calabasas	MM5503.08	Calabasas Road Improvements	PS&E Construction		4,500,000		4,500,000	190,000	1,300,000	3,010,000			
6	Hidden Hills	MM5503.03	Long Valley Road/Valley Circle/US-101 On-Ramp Improvements	PS&E, ROW Construction		1,215,652		1,215,652	249,247	966,405				
7	Malibu	MM5503.04	Malibu Park and Ride Lots	ROW	Complete	3,100,000		3,100,000	3,100,000					
8	Malibu	MM5503.05	Median Improvements PCH	PS&E Construction		2,000,000		2,000,000		150,000	150,000	1,700,000		
9	Westlake Village	MM5503.10	Lindero Sidewalk Extension - Baronsgate Rd. to Lakeview Canyon Rd. (MR311.21)	Construction	new	-	2,378,247	2,378,247				2,378,247		
10	LA County	MM5503.06	Malibu Canyon Road Improvements - Malibu Canyon Rd @ Piuma Rd. & Las Virgenes Rd @ Las Virgenes Canyon Rd	PS&E ROW Construction		1,500,000		1,500,000	825,000	475,000	200,000			
11	LA County	MM5503.09	Agoura Hills and Westlake Village Intelligent Transportation System	PS&E Construction		2,380,000		2,380,000				430,000	1,950,000	
12	Las Virgenes Malibu COG	MM5503.11	Regional Smart Cities Fiber Network *	PS&E Construction	new	-	300,000	300,000			300,000			
Total Programming Amount						\$28,204,581	\$18,708,637	\$46,913,218	\$12,559,683	\$ 3,222,000	\$10,109,861	\$10,347,107	\$ 8,474,567	\$ 2,200,000

* The Regional Smart Cities Fiber Network Project would be a fiber-optic cable loop for the cities of Agoura Hills, Calabasas, Hidden Hills, Westlake Village, and unincorporated areas of LA County that would support telecommute-based transportation demand management strategies, enhance multi-jurisdictional traffic system management, enable regional transportation data exchange, and provide a network communications backbone that would facilitate the delivery of the transportation system mobility improvement applications as identified by the Las Virgenes-Malibu Council of Governments.

Las Virgenes/Malibu Subregion
 Measure R Operational Improvements

	Agency	Project ID #	Project/Location	Funding Phases	Note	Prior Alloc	Alloc Change	Current Alloc	Prior Years	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
1	Agoura Hills	MR311.23	Agoura Hills Greenway Project (MM5503.13)	ROW Construction	new	-	5,472,000	5,472,000			5,472,000			
Total Programming Amount						\$ -	\$ 5,472,000	\$ 5,472,000	\$ -	\$ -	\$ 5,472,000	\$ -	\$ -	\$ -

**Board Report**

File #: 2022-0862, **File Type:** Contract**Agenda Number:** 8.

PLANNING AND PROGRAMMING COMMITTEE
February 15, 2023**SUBJECT: SEPULVEDA TRANSIT CORRIDOR****ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 4 to Contract No. AE67085000, Sepulveda Transit Corridor Environmental Review and Conceptual Engineering, with HTA Partners (HTA), a joint venture between HNTB Corporation, Terry A. Hayes Associates Inc., and AECOM Technical Services, Inc., in the amount of \$4,108,638.43 for additional technical services to support the environmental phase for all six alternatives and the refinement of the Alternative 6 design, increasing the total contract value from \$54,592,930 to \$58,701,568.43.

ISSUE

The execution of Contract Modification No. 4 will allow for the preparation of documents necessary for state and federal environmental processes. It would also allow Metro to perform the necessary design work and analysis associated with Alternative 6. These technical services should be conducted by the existing contractor team for continuity and to avoid any delays associated with procuring a separate contractor.

BACKGROUND

In 2016, Los Angeles County voters approved the Measure M Expenditure Plan, which included transit improvements between the San Fernando Valley, the Westside, and Los Angeles International Airport (LAX). The Measure provides for the implementation of the Sepulveda Transit Corridor Project in two phases: the first segment between the San Fernando Valley and the Westside and a second segment extension to LAX.

Metro conducted the Sepulveda Transit Corridor Feasibility Study between 2017 and 2019 that identified three feasible heavy rail alternatives and one feasible monorail alternative between the San Fernando Valley and the Westside. The Board received the findings of the study in 2019 ([Legistar File 2019-0759 <https://boardagendas.metro.net/board-report/2019-0759/>](https://boardagendas.metro.net/board-report/2019-0759/)).

The contract for environmental and design services with HTA was awarded in August 2020 ([Legistar File 2020-0296 <https://boardagendas.metro.net/board-report/2020-0296/>](https://boardagendas.metro.net/board-report/2020-0296/)). Three contract

modifications were subsequently implemented to perform an administrative adjustment to the scope of work language, to expand the environmental review from three to six alternatives ([Legistar File 2021-0710 <https://boardagendas.metro.net/board-report/2021-0710/>](https://boardagendas.metro.net/board-report/2021-0710/)), and to implement proprietary protocols.

In March 2021 ([Legistar File 2021-0072 <https://boardagendas.metro.net/board-report/2021-0072/>](https://boardagendas.metro.net/board-report/2021-0072/)), the Board approved the award of Pre-Development Agreements (PDA) with two contractor teams for the further definition and design development of their transit alternatives. In August 2021, a Notice to Proceed was issued to these teams that resulted in PDA alternatives (Alternatives 1-5) being carried forward for environmental study. In addition, elements from the Feasibility Study that were not proposed by either PDA team were incorporated into a sixth alternative for environmental review. The current study alternatives include both monorail (Alternatives 1-3) and heavy rail (Alternatives 4-6) technologies and range between 14 and 16 miles in length. From north to south, these routes all connect to the Van Nuys Metrolink Station, Metro G Line (Orange), future Metro D Line (Purple), and Metro E Line (Expo).

The project began the CEQA environmental clearance process on November 30, 2021, and the duration of the scoping period was 74 days through February 11, 2022.

DISCUSSION

Staff recommends Board action to execute a contract modification for additional technical services to support the environmental phase for all six alternatives and the refinement of the Alternative 6 design. The additional services include the following:

Planning and Environmental Linkages (PEL) Study (Alternatives 1-6): As a precursor to the National Environmental Policy Act (NEPA) process for the project, Metro is developing a PEL study at the request of, and in collaboration with, the Federal Transit Administration. The PEL study will engage federal agencies during the California Environmental Quality Act (CEQA) environmental process, prior to identification of a Locally Preferred Alternative (LPA), to identify potential issues of concern that would be studied further under a future NEPA process.

Project Study Report-Project Development Support (PSR-PDS) Project Initiation Document (PID) (Alternatives 1-6): Caltrans requested that Metro prepare a PSR-PDS PID for the Project, including a Preliminary Environmental Analysis Report (PEAR). The purpose of the PSR-PDS document is to outline the project and to gain approval for the project studies to move into the Project Approval and Environmental Document (PA&ED) phase. HTA is contributing materials for Alternative 6 to the PSR-PDS and preparing the PEAR for Alternatives 1-6.

Load flow analyses (Alternative 6): Load flow analyses are now being requested at an earlier stage of development by Metro Systems Engineering to better understand system requirements and implications for performance. Load flow analyses are required to determine the provision of traction power substations (TPSS) for the project, and the spacing of TPSS in the Santa Monica mountains should be studied in the environmental phase for potential impacts. During late 2022, Program Management requested that scope for load flow analyses for Alternative 6 be added to the environmental contract performed by HTA, with Program Management serving in a review capacity

as they are for the two PDA teams designing Alternatives 1 through 5 on the project.

Santa Monica Boulevard Station (Alternative 6): The viability of a previous station location has changed, and as a result, the station location must be moved. Changes include horizontal and vertical route alignment, station alignment, and the location of cross passages.

DETERMINATION OF SAFETY IMPACT

The environmental study and design phase will not impact the safety of our customers or employees.

FINANCIAL IMPACT

The FY 2022-2023 budget includes \$11,017,820 in Cost Center 4360 (Mobility Corridors Team 3), Project 460305 to support environmental clearance, advanced conceptual engineering, and associated outreach. Since this is a multi-year program, the Cost Center Manager and Chief Planning Officer will be responsible for budgeting in future years.

Impact to Budget

The sources of funds are Measure R and Measure M 35% Transit Construction funds. These funds are not eligible for bus or rail operating expenses.

EQUITY PLATFORM

This Board Action will allow the contractor to prepare documents to satisfy Caltrans and federal requirements and perform additional technical work for Alternative 6. This additional analysis will benefit future Metro transit riders, study area residents, and stakeholders by providing them with more information and a more robust environmental process. Modifying the contract would not harm anyone specifically or generally, and it would result in more informed decision-making on the project, with an increased probability that an alternative with fewer environmental impacts and greater benefits for the public will be selected.

HTA would continue to make a 20.61% Small Business Enterprise Program (SBE) commitment and a 3.02% Disabled Veteran Business Enterprise (DVBE) commitment through Contract Modification No. 4. The difference between the percentage committed and current participation reflects early stages of work completion and does not suggest an anticipated shortfall.

During the public scoping period, the project complied with the CEQA requirements for public engagement and executed a robust engagement program in accordance with Metro's Public Participation Plan, Title VI, and ADA compliance requirements. Metro increased project awareness and participation of Equity Focus Communities (EFCs), transit riders and individuals with disabilities, and limited English proficiency speakers. A wide range of digital and non-digital outreach methods were used to notify stakeholders about the scoping period and opportunities for comment, including bilingual blog posts, e-blasts to over 15,000 contacts, bus car cards, printed and online ads in Spanish-language newspapers, media coverage in more than 35 outlets, bilingual interactive StoryMap with over 10,000 hits, bilingual project video with over 7,000 views, transit app campaign, 11 local events, 13 presentations, and direct outreach via phone and email to over 90 organizations.

Metro encouraged the public to provide formal comments on the scope of the environmental document during the 74-day public comment period in writing, via the project comment form, project email, US mail, providing an oral comment during public scoping meetings, or by calling the project helpline. Three public meetings were held via Zoom on December 7, 2021, January 11, 2022, and January 22, 2022, which resulted in 554 participants and 90 oral comments. Metro received a total of 3,122 submissions from the public and from government agencies.

The project team will continue to listen to community input and concerns and collect stakeholder feedback to inform the project. The outreach team (inclusive of the outreach contractor) developed a broad range of activities, including booths at community events, outreach at transit stations and stops, bilingual online surveys and webinars, collaboration with community-based and faith-based organizations that will align with Metro's CBO Partnering Strategy, and coordination with elected officials representing the communities throughout the project area. Efforts are targeted to EFCs within and beyond the study area, to veterans and students accessing the West LA Veterans Affairs Medical Center and UCLA campuses, and to current and potential future transit riders.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Sepulveda Transit Corridor Project will support the first goal of the Vision 2028 Metro Strategic Plan by providing high-quality mobility options that enable people to spend less time traveling. Estimated travel times for the Feasibility Study alternatives were less than 30 minutes from the Metrolink and Amtrak station at Van Nuys Boulevard in the north to the E Line (Expo) in the south. This performance is highly competitive with travel by car on the I-405 freeway.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendation. This would interrupt work on the project and delay the environmental phase of the project. If fewer alternatives were being studied, the cost of the contract modification would be minimally reduced. However, reducing the reasonable range of alternatives or eliminating alternatives still being considered is not recommended.

NEXT STEPS

Upon Board approval, staff will execute Contract Modification No. 4 to Contract No. AE67085000 with HTA Partners for additional technical services to support the environmental phase for all six alternatives and the refinement of the Alternative 6 design.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Order Log
Attachment C - DEOD Summary

Prepared by:

Jacqueline Su, Principal Transportation Planner, Countywide Planning & Development
(213) 922-2847

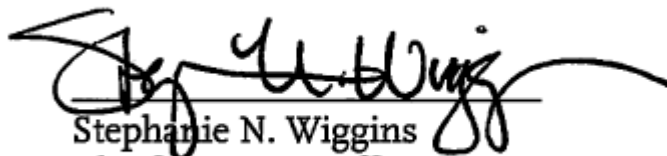
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Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

SEPULVEDA TRANSIT CORRIDOR ENVIRONMENTAL REVIEW
AND CONCEPTUAL ENGINEERING/AE67085000

1.	Contract Number: AE67085000		
2.	Contractor: HTA Partners Joint Venture (HNTB Corporation, Terry A. Hayes Associates Inc. and AECOM Technical Services, Inc.)		
3.	Mod. Work Description: Additional technical services to support the environmental phase for all six alternatives and the refinement of Alternative 6 design.		
4.	Contract Work Description: Environmental review and conceptual engineering.		
5.	The following data is current as of: 01/11/23		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	08/27/20	Contract Award Amount: \$48,304,067.00
	Notice to Proceed (NTP):	09/21/20	Total of Modifications Approved: \$6,288,863.00
	Original Complete Date:	11/21/24	Pending Modifications (including this action): \$4,108,638.43
	Current Est. Complete Date:	11/21/24	Current Contract Value (with this action): \$58,701,568.43
7.	Contract Administrator: Lily Lopez		Telephone Number: (213) 922-4639
8.	Project Manager: Peter Carter		Telephone Number: (213) 922-7480

A. Procurement Background

This Board Action is to approve Contract Modification No. 4 issued to authorize additional technical services to support the environmental phase for all six alternatives and the refinement of Alternative 6 design.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is firm fixed price. Except as modified, all other terms and conditions of the Contract remain in effect.

On August 27, 2020, the Board awarded firm fixed price Contract No. AE67085000 in the amount of \$48,304,067.00 to HTA Partners Joint Venture in support of the Sepulveda Transit Corridor environmental review and advanced conceptual engineering design services.

Three modifications have been issued to date.

Refer to Attachment B – Contract Modification/Change Order Log.

B. Cost Analysis

The recommended price of \$4,108,638.43 has been determined to be fair and reasonable based upon an independent cost estimate (ICE), cost analysis, technical analysis and negotiations.

Staff successfully negotiated a savings of \$772,549.57.

The variance between the ICE and the negotiated amount is attributed to: (1) the Contractor revisiting the level of effort and confirming that there is no duplication of effort across similar tasks and (2) clarification of scope.

Proposal Amount	Metro ICE	Negotiated Amount
\$4,881,188.00	\$5,075,422.00	\$4,108,638.43

CONTRACT MODIFICATION/CHANGE ORDER LOG
SEPULVEDA TRANSIT CORRIDOR ENVIRONMENTAL REVIEW
AND CONCEPTUAL ENGINEERING/AE67085000

Mod. No.	Description	Status (approved or pending)	Date	\$ Amount
1	Revised Scope of Services to clarify Task 5 - DEIS and DEIR preparation circulation, review and approvals	Approved	11/30/20	\$0.00
2	Environmental review of three additional alternatives.	Approved	1/27/22	\$4,723,199.00
3	Added firewall – revised and added language to terms and conditions.	Approved	7/27/22	\$1,565,664.00
4	Additional technical services to support the environmental phase for all six alternatives and the refinement of Alternative 6 design.	Pending	Pending	\$4,108,638.43
	Modification Total:			\$10,397,501.43
	Original Contract:	Approved	8/27/20	\$48,304,067.00
	Total:			\$58,701,568.43

DEOD SUMMARY

**SEPULVEDA TRANSIT CORRIDOR ENVIRONMENTAL REVIEW
AND CONCEPTUAL ENGINEERING/AE67085000**

A. Small Business Participation

HTA Partners, A Joint Venture (HTA) made a 20.61% Small Business Enterprise (SBE) and a 3.02% Disabled Veterans Business Enterprise (DVBE) commitment. Based on payments, the project is 29% complete and the current level of SBE participation is 17.10%, representing a shortfall of 3.51% and the level of DVBE participation is 4.18%, exceeding the commitment by 1.16%.

HTA contends that a two (2) year delay has caused the discrepancy in its utilization of SBE firms. HTA explained that there was nearly a year between HTA being authorized to start work and the PDA teams being authorized to start work. Such delays have affected the HTA workflow and the mobilization of SBEs. HTA further stated that, in terms of the HTA workflow, SBEs fall into three specific categories. HTA is fully committed to meeting the SBE goals and based on the scope of services, the updated schedule and the work committed, HTA expects to make substantial progress in closing the SBE/DVBE shortfalls by fall of 2023. In the current modification, HTA is proposing 20.65% SBE and 3.65% DVBE participation.

The Diversity & Economic Opportunity Department (DEOD) will continue to monitor HTA's efforts to meet and exceed its commitment.

Small Business Commitment	SBE 20.61% DVBE 3.02%	Small Business Participation	SBE 17.10% DVBE 4.18%
----------------------------------	----------------------------------	-------------------------------------	----------------------------------

	SBE Subcontractors	% Committed	Current Participation¹
1.	A/E Tech, LLC	0.52%	0.00%
2.	Cityworks Design	0.88%	0.00%
3.	Connetics Transportation Group, Inc.	0.37%	0.42%
4.	D'Leon Consulting Engineers Corp	2.51%	2.13%
5.	Epic Land Solutions	0.20%	0.00%
6.	Fariba Nation Consulting	0.20%	0.00%
7.	Geospatial Professional Solutions, Inc.	1.33%	1.05%
8.	LKG-CMC, Inc.	0.84%	1.85%
9.	Paleo Solutions, Inc.	0.07%	0.00%
10.	Suenram & Associates, Inc.	1.45%	3.74%
11.	Terry A. Hayes Associates, Inc.	10.97%	6.82%

12.	Vicus LLC	0.46%	0.00%
13.	Wagner Engineering & Survey, Inc.	0.81%	1.09%
	Total	20.61%	17.10%

	DVBE Subcontractors	% Committed	Current Participation¹
1.	Conaway Geomatics	1.16%	2.16%
2.	MA Engineering	0.97%	1.44%
3.	OhanaVets, Inc.	0.89%	0.58%
	Total	3.02%	4.18%

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

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

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this modification.

D. Project Labor Agreement/Construction Careers Policy

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



Next stop: exploring alternatives to the 405.

SEPULVEDA TRANSIT CORRIDOR PROJECT

Planning & Programming Committee
File 2022-0862
February 15, 2023



Metro®

Recommendation

AUTHORIZE the Chief Executive Officer to execute Modification No. 4 to Contract No. AE67085000, Sepulveda Transit Corridor Environmental Review and Conceptual Engineering, with HTA Partners (HTA), a joint venture between HNTB Corporation, Terry A. Hayes Associates Inc., and AECOM Technical Services, Inc., in the amount of \$4,108,638.43 for additional technical services to support the environmental phase for all six alternatives and the refinement of the Alternative 6 design, increasing the total contract value from \$54,592,930 to \$58,701,568.43.

Project Overview

- > The original contract for environmental and design services for HTA Partners was awarded in 2020
- > There are six alternatives under consideration for the project: three monorail alternatives and three heavy rail alternatives
- > The project is currently in the environmental phase, preparing a Draft Environmental Impact Report (DEIR)



Contract Modification #4

- > The following additional technical services are needed to support the environmental phase for all six alternatives:
 - **Planning and Environmental Linkages (PEL) Study (Alternatives 1-6):** At the request of, and in collaboration with, the Federal Transit Administration, the PEL study will engage federal agencies during CEQA to identify potential issues of concern that would be studied further during NEPA.
 - **Project Study Report-Project Development Support (PSR-PDS) Project Initiation Document (PID) (Alternatives 1-6):** Caltrans requested that Metro prepare a PSR-PDS PID for the Project, including a Preliminary Environmental Analysis Report (PEAR). HTA is contributing materials for Alternative 6 to the PSR-PDS and preparing the PEAR for Alternatives 1-6.

Contract Modification #4 (continued)

- > The following additional technical services are needed to support the refinement of the Alternative 6 design:
 - **Load Flow Analyses (Alternative 6):** Load flow analyses are required to determine the provision of traction power substations (TPSS) for the project. During late 2022, Program Management requested that scope for load flow analyses for Alternative 6 be added to the environmental contract performed by HTA.
 - **Santa Monica Boulevard Station Design (Alternative 6):** The viability of a previous station location has changed, and as a result, the station location must be moved. Changes include horizontal and vertical route alignment, station alignment, and the location of cross passages.

Next Steps

- > Continue technical analysis for CEQA environmental review
- > Continue Caltrans coordination
- > Continue PEL coordination
- > Continue to keep stakeholders informed of the environmental review process and provide opportunities for community engagement





Board Report

File #: 2022-0828, File Type: Policy

Agenda Number: 10.

PLANNING AND PROGRAMMING COMMITTEE

FEBRUARY 15, 2023

EXECUTIVE MANAGEMENT COMMITTEE

FEBRUARY 16, 2023

SUBJECT: MEASURE M 3% LOCAL CONTRIBUTION GUIDELINES REVISIONS

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

ADOPT revised Measure M Guidelines, Section VIII - 3% Local Contribution to Major Transit Projects (Attachment A).

ISSUE

In August 2022, the Board directed Metro staff to release the draft revised Measure M Guidelines, Section VIII - 3% Local Contribution to Major Transit Projects (Guidelines) for a 60-day public comment period (File# 2022-0445). Several comments were received that resulted in minor changes to the Guidelines. Staff is seeking Board approval of the revised Guidelines.

BACKGROUND

The Measure M Ordinance (Ordinance) requires local jurisdictions to pay three percent (3%) of the total cost of new major rail projects. The Measure M Guidelines adopted by the Board in 2017 (File# 2017-0280) guide Metro's implementation of this requirement. Noting a discrepancy, in April 2022, the Board requested that staff revise the Guidelines to be consistent with the Ordinance, modify two aspects of the calculation, and clarify and provide additional flexibility on sources available to jurisdictions to satisfy the 3% contribution (File# 2022-0258). Metro made the draft Guideline revisions available for public comment and now recommends that the Board adopt the final revised Guidelines.

DISCUSSION

Metro released the draft Guideline revisions for public review on August 26, 2022. Some revisions reflect procedural changes from the 2017 Guidelines. These include modifying the contribution allocation approach, excluding First/Last Mile (FLM) expenses incurred by jurisdictions from the total project cost, and providing credit for FLM expenses in situations when Metro is withholding local return funds. Other minor revisions clarified existing procedures for applying the 3% contribution

requirement to phased projects and allowing subregional investments as in-kind contributions. Metro advertised the public comment opportunity via mass email, The Source article, and an announcement at the Metro Technical Advisory Committee. Comments were accepted until October 26, 2022 (with one comment arriving on October 27th that was accepted).

Six comment letters were received, including five from local cities and one from a Council of Governments. The comments and responses have been summarized in Attachment B. Most commenters expressed a general concern that the 3% contribution requirement will have a burdensome long-term financial impact on their city. While the cost to jurisdictions is significant, the rationale for the contribution is that local communities with a rail station receive a direct benefit due to the increased access to high quality transit service that is above and beyond the project's benefit to the County as a whole. The benefit is expected to outweigh the cost. Metro is committed to continuing to work with jurisdictions to find creative and flexible solutions to satisfy the requirement. Metro considered all comments carefully, and several specific issues arose.

Regarding the eligible funding sources available to satisfy the 3% contribution, commenters requested additional discussion about in-kind contributions and subregional investments. Metro recommends creating additional guidance and procedures apart from the Guidelines for evaluating these broad categories of contributions. This will allow Metro and jurisdictions the most flexibility when considering whether a proposed contribution adds value to the Metro project. Metro has drafted a detailed procedure and plans to solicit feedback from jurisdictions following internal approvals. This procedure could be used to evaluate a range of possible in-kind contributions, including several specific projects that cities proposed in their comments. However, conducting such an evaluation within the Guidelines could be misleading since an eligible contribution for one project (e.g., parking) may not provide the same or any value to another project. In addition, Metro guidance in this area may apply to projects outside of Measure M. In-kind contributions must reduce the overall cost of the project, with examples such as exercising franchise agreements for utility relocations and expedited third party processes for completing work within the public right-of-way being effective ways to contribute but also produce both overall schedule and cost savings.

Also on eligible funding sources, one commenter suggested that in-kind contributions be added to FLM investments as an option for cities to receive credit in scenarios where Metro withholds up to 15 years of local return. This approach is allowable under the Ordinance and would yield contributions that directly offset Metro capital project costs. One risk is that it could increase administrative costs, compared with accepting a cash contribution, for Metro staff to oversee the successful performance of in-kind contributions. However, Metro expects those costs to be minimal. And under some scenarios, e.g., where a City prefers not to implement FLM projects, credit for in-kind contributions could positively affect Metro project finances. For these reasons, plus the benefit to jurisdictions gaining additional flexibility to meet their required contributions, Metro recommends allowing this flexibility, as reflected in the final revised Guidelines.

Separately, several commenters requested additional detail on Metro's timeline and process for implementing the 3% contribution requirement. These elements remain unchanged and are already included in Metro's publicly available Measure M Administrative Procedures. Briefly, Metro conducts outreach with potentially affected jurisdictions prior to producing a project cost estimate based on 30% design. This cost becomes the basis for calculating the 3% contribution, which is then allocated

to jurisdictions based on the track mileage formula in the Ordinance. Metro will notify the jurisdiction, then the Metro Board, of the estimated contribution and will then work with the jurisdiction to execute a 3% contribution agreement prior to issuing a notice to proceed for the construction phase of the project.

Several minor changes resulted from comments as noted in the attached summary table, mainly to clarify phrasing.

Metro staff will continue working closely with cities and the county to implement the 3% contribution requirement and will finalize and publish the revised Guidelines following Board approval.

DETERMINATION OF SAFETY IMPACT

The proposed approval will not have any adverse safety impacts on employees or patrons.

FINANCIAL IMPACT

Approving the recommendations will have no impact on the FY 2022-23 Budget.

EQUITY PLATFORM

The substantive changes resulting from this action include expanding credit for FLM improvements and excluding FLM costs from the “total project cost”. These changes will result in a financial benefit and increased flexibility for jurisdictions with a 3% contribution, including some with Equity Focus Communities. The remainder of the revisions to the Guidelines clarify existing practices and enhance consistency of current policy with the Measure M Ordinance, and therefore have no impact on equity opportunities. The 3% local contribution is one of the financial resources supporting Metro’s major rail transit projects program in the Measure M Expenditure Plan. These projects will benefit communities by adding new high-quality reliable transit services, many of which will increase mobility, connectivity, and access to opportunities for historically underserved and transit-dependent communities. Metro will continue to conduct outreach and provide technical assistance on the 3% contribution requirement to affected jurisdictions, including assisting with identifying viable financing strategies. Staff will also analyze how each project might impact equity and Equity Focused Communities. These analyses will be included in future Board items (e.g. notifying the Board of the 3% contribution amount by jurisdiction based on 30% design) on a project-by-project basis.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports the following strategic plan goals identified in Vision 2028: Goal 1: Provide high-quality mobility options that enable people to spend less time traveling, Goal 3: Enhance communities and lives through mobility and access to opportunity and Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

The Board could elect not to adopt the final revised Guidelines. This is not recommended as the

proposed revisions resulted from Board direction and will ensure consistency between Metro's published guidance and the Measure M Ordinance.

NEXT STEPS

The final revised Guidelines will be posted on the Metro website, and Metro will continue to engage with affected jurisdictions on the 3% contribution requirement.

ATTACHMENTS

Attachment A - Measure M 3% Local Contribution Guidelines Final Revisions

Attachment B - Summary of Public Comments Received

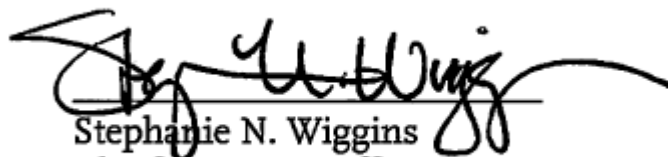
Prepared by: Adam Stephenson, Senior Director, Countywide Planning & Development, (213) 547-4322

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



Stephanie N. Wiggins
Chief Executive Officer

REVISED MEASURE M GUIDELINES, SECTION VIII. 3% LOCAL CONTRIBUTION TO MAJOR TRANSIT PROJECTS

The following shall replace Section VIII. in its entirety.

INTRODUCTION

The Measure M Ordinance includes a provision for 3% local contribution to major rail transit capital projects. The rationale for the contribution is that local communities with a rail station receive a direct benefit due to the increased access to high-quality transit service that is above and beyond the project's benefit to the County as a whole. Countywide, the 3% local funding contribution represents ~~approximately~~ more than \$1 billion in funding to support the project delivery identified in the Expenditure Plan. The 3% local funding contribution is a critical element of a full funding plan for these rail transit projects. The Ordinance includes provisions that allow development of a mutual agreement between a jurisdiction and Metro, and a default ~~penalty~~ payment mechanism if such an agreement cannot be reached. The agreements shall be in accordance with these guidelines.

PROGRAM METHODOLOGY

The Ordinance calculates the local contribution based ~~on~~ upon the percent of project total centerline track miles to be constructed within a local jurisdiction's borders if one or more new stations are to be constructed within that jurisdiction ~~with a new station in those jurisdictions~~. These guidelines reflect the nexus between mobility benefits provided to a jurisdiction based on the ~~location and proximity~~ presence of a new station within the jurisdiction. The local contribution will be calculated by ~~dividing~~ distributing 3% of the ~~project's total~~ project cost, estimated ~~after~~ at the conclusion of thirty percent (30%) of final design, ~~by the number of new rail stations constructed to jurisdictions based on centerline track miles per the line.~~ Ordinance. For projects along a larger transit corridor with more than one operable segment, each operable segment will have its own "total project cost" for purposes of this section, determination of the local jurisdiction borders will be a new station located within one-half mile of the jurisdiction. Building on the Metro Board adopted First/Last Mile policy in 2016, which defines the "walk-shed" around each station as a half-mile radius, calculating the 3% local contribution requirement will be proportionately shared by all local agencies based upon the local agency's land area for each segment. Jurisdictions will incur a 3% local contribution obligation only for operable segments that include station construction within a one-half mile radius of a new station, their borders. Other arrangements agreed upon by every local jurisdiction in a project corridor with a local

contribution obligation are also acceptable, provided that the total of all jurisdictions' contributions equals 3% of the estimated total project cost. A list of jurisdictions that may be affected, subject to changes determined by the environmental process, is included as Appendix A.

An agreement approved by both Metro and the governing body of the jurisdiction shall specify the total project cost as determined at the conclusion of thirty percent (30%) of final design, the amount to be paid by the local jurisdiction, and a schedule of payments. Once approved, the amount to be paid by the local jurisdiction shall not be subject to future cost increases.

Eligible Fund Contributions

Eligible fund sources to satisfy 3% local contribution include any funds controlled by the local agency or local agencies (e.g., General Fund, State Gas Tax Subventions, Prop. A, Prop. C and Measure R and Measure M Local Return Funds, Measure M Subregional Program Funds), or any funds awarded from non-Metro competitive grant process funding. Measure M Subregional Program Fund contributions must be accompanied by documented agreement from all jurisdictions that would otherwise be eligible for those sub-regional funds. In-kind contributions eligible to satisfy 3% local contribution include, but are not limited to, project specific right-of-way and, waiver of permitting fees, local agency staff time (incurred and forecast) if, and other subregional investments that support a Metro transit corridor if those costs are specifically included in the project cost and contribution amount by the conclusion of thirty percent (30%) of final design. In-kind contributions consistent with this section will not be considered "betterments" for the purposes of these Guidelines and are eligible to satisfy local contribution obligations in lieu of Metro withholding up to 15 years of Measure M Local Return.

Betterments

Betterments are defined consistent with existing policy adopted by the Metro Board on Supplemental Modifications to Transit Projects (October 2013). A "betterment" is defined "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 upgrade the service capacity, capability, appearance, efficiency or function of such a facility or property of a third party." Once the 30% design project scope and cost have been determined as the basis of the 3% contribution calculation, subsequent betterments cannot be included in that calculation, nor counted toward a jurisdiction's eligible contribution. However, they may be included in the project scope if carried at the jurisdiction's expense.

Active Transportation Capital Improvement Contributions and First/Last Mile Investments

These guidelines reflect provisions adopted by the Board that allow ~~for~~ and incentivize local jurisdictions, through an agreement with Metro, to meet all or a portion of their 3% local contribution obligation through active transportation capital improvements and first/last mile (FLM) investments that are included in the project scope and cost estimate at the conclusion of thirty percent (30%) of final design. All local ~~first/last~~ FLM improvements must be consistent with station area plans that will be developed and adopted by Metro in coordination with the affected jurisdiction(s). The criteria for local ~~first/last~~ mile FLM investments for ~~first/last~~ mile FLM contributions are ~~being developed~~ described in full in the First/Last Mile Guidelines adopted by Metro the Metro Board of Directors on May 27, 2021 (File #2020-0365), specifically to carry out integration of ~~first/last~~ mile FLM within transit capital projects. ~~First/Last mile FLM~~ improvements consistent with this section and included in project scope at conclusion of 30% of final design will not be considered “betterments” for the purposes of these Guidelines, and are eligible ~~for~~ to satisfy local contribution obligations in lieu of Metro withholding up to 15 years of Measure M Local Return.

Local Contribution Limits

The 3% local contribution will only be calculated against the overall project scope and cost determined at the conclusion of thirty percent (30%) of final design, and will not include costs for FLM improvements delivered by entities other than Metro. Local agencies cannot count other transportation investments that are not included in the project scope and cost estimate after the conclusion of thirty percent (30%) of final design. Metro staff will provide written notice to the affected jurisdiction(s) and a report to the Metro Board ~~at~~ after the completion of thirty percent (30%) of final design.

Contributions for calculations assigned to the County of Los Angeles are to be determined by the County.

Opt-Out Option

Metro will withhold up to 15 years of Measure M Local Return Funds ~~for~~ from local agencies that fail to reach a timely agreement with Metro on their 3% contribution prior to the award of any contract authorizing construction of the project within the borders of that jurisdiction. Local return funds from Proposition A, Proposition C, and Measure R are not subject to withholding. In some cases, principally in smaller cities, the default withholding of 15 years of local return from ~~only~~ Measure M Local Return Funds will be less than a ~~formal~~ full 3% contribution. In these cases, Metro may accept either amount as

the 3% contribution, and may execute a corresponding agreement with the jurisdiction. The cities which default on making their full 3% contribution that fulfill the 3% contribution requirement through the Local Return withholding mechanism, including offsets for approved FLM improvements and in-kind contributions, will suffer no further financial impact.

AUDIT REQUIREMENTS

Use of Measure M funds will be subject to audit and oversight, and all other applicable state and local laws.

REPORTING REQUIREMENTS

Metro will provide annual reports to the Measure M Independent Taxpayer Oversight Committee describing how uses of the Measure M Funds are contributing to accomplishing the program objectives.

REVISIONS TO PROGRAM GUIDELINES

These program guidelines may be revised by the Metro Board of Directors.

Summary Table of Public Comments Received

The table below summarizes and responds to the substantive comments submitted during the public comment period (8/26/22 – 10/26/22) for the Measure M 3% Guideline Revisions.

COMMENT	COMMENTER	RESPONSE	EDITS
General			
“Revisions will have a burdensome long-term financial impact on the city” in particular “withholding 15 years of Measure M funds”	Artesia, Huntington Park, South Gate, Gateway Cities Steering Committee	Per the Measure M Ordinance, 3% of the total project cost of any Measure M Expenditure Plan Major Project coded “T” shall be paid by jurisdictions along the corridor. Metro is required to collect this contribution and will continue to work with jurisdictions to ensure transparency and flexibility.	N
We support the proposed revisions to the Measure M Guidelines.	City of Los Angeles	Thank you for your comment.	N
Calculation and Distribution			
“Clarify jurisdictional responsibility for 3% Contributions related to the I-105/B Line Station and future WSAB stations being planned.”	Huntington Park	Per the Ordinance, jurisdictions containing station construction owe a portion of the 3% contribution even where station construction occurs primarily within right-of-way owned by another agency. Working with jurisdictions, Metro will examine each station footprint to establish the presence or absence of construction in a given area.	N

ATTACHMENT B

COMMENT	COMMENTS	RESPONSE	EDITS
The planned B/Green Line station should fall under the jurisdiction of Caltrans and Metro, and should be removed from the 3% local contribution calculations. Local contribution calculations should focus only on the station elements located within the city of South Gate’s local jurisdiction boundaries, not those within Caltrans right-of-way”	Huntington Park	The C Line/I-105 Station is part of the WSAB project definition. Stations included as part of the total project cost estimated as of 30% design will be subject to the 3% contribution requirement. Local contribution requirements for stations constructed as part of future separate projects will depend on the project funding source.	N
“Design plans are being completed for the Future Rio Hondo Confluence Station, along with cost estimates and funding plans by multiple regional and state stakeholders and entities. Responsibility for the 3% local contribution obligation for this future rail station supporting a regional/state project should not be the responsibility of a single local city.”	Huntington Park	The Future Rio Hondo Station is not part of the WSAB Project and will require its own environmental clearance and further design. Local contribution requirements for stations constructed as part of future separate projects will depend on the project funding source.	N
“The City requests that change to the calculation for the 3% local contribution not be considered if it results in increasing the amount of the contribution”	South Gate	Metro determined that we would not be able to legally enforce the 3% calculation and allocation method as described in the 2017 Measure M Guidelines. The contribution for each jurisdiction must be based on track mileage only as described in Ordinance. Jurisdictions along a corridor may use their own distribution method if they choose, so long as the total 3% contribution is met.	N
Provide Appendix A Local Jurisdiction Information for the WSAB Project	Gateway Cities Steering Committee	Metro revised this Appendix and posted it on the Measure M website.	N

COMMENT	COMMENTS	RESPONSE	EDITS
Funding Sources			
“allow cities that do not have stations to credit their Metro-approved First/Last Mile improvements towards the three percent local obligation of a city with a station in the same area”	Artesia, Huntington Park	Metro agrees this is allowed under the Measure M Ordinance and Guidelines as written and does not require further revisions to the Guidelines.	N
Request that any unmet 3% contribution “be requested as part of the federal project funding submission”	Artesia,	Metro anticipates needing to demonstrate local financial commitment as a prerequisite to receiving Federal funding support. The 3% local contribution is a key component of that local financing.	N
“we request a more complete discussion of Subregional Investments”	Huntington Park, South Gate	Metro plans to create additional guidance and procedures apart from the Guidelines for evaluating in-kind contributions, including subregional investments. This will allow Metro and jurisdictions the most flexibility when considering whether a proposed contribution adds value to the Metro project.	N
“Add a separate guidelines section discussing In-Kind Contributions to reaffirm that in-kind contributions count towards a jurisdiction’s 3% local contribution. Clarify when guidance on the handling of in-kind contributions will be available for public review and comment.”	Huntington Park, Gateway Cities Steering Committee		N
“Ensure consistency in the inclusion and discussion throughout the guidelines of the eligible 3% local contributions available to local cities/jurisdictions beyond funds controlled by the local agency or agencies: subregional investments, In-kind contributions, and First/Last Mile project credits. Add “FLM” in the introductory language to “Eligible Fund Contributions”	Huntington Park, Gateway Cities Steering Committee	Since FLM improvements are not required to be in the project scope and cost by 30% design, they should not be called out in the introductory language to the in-kind discussion. There is a separate section that specifically addresses FLM investments.	N

ATTACHMENT B

COMMENT	COMMENTER	RESPONSE	EDITS
<p>“Subregional investments” definition should include any sub-regional investment or capital project that is within 3-miles of the WSAB light rail project that will improve pedestrian, bike, public transit, and/or vehicular access to a WSAB station</p>	<p>South Gate</p>		<p>N</p>
<p>The City of South Gate requests that Metro count several (list provided) “subregional investment” projects toward the city’s local match.</p>	<p>South Gate</p>	<p>Locally led improvements may receive credit if they are included in the project scope and cost by 30% design or are qualifying FLM projects.</p>	<p>N</p>
<p>The City requests consideration for the inclusion of newly constructed transit centers (built by the local jurisdiction) and their amenities to qualify as part of the required three-percent (3%) local contribution for new rail lines and major transit projects</p>	<p>Torrance</p>		<p>N</p>
<p>Under “Local Contribution Limits” Revise: “...will not include costs for First/Last Mile and approved in-kind improvements delivered by ...”</p>	<p>Gateway Cities Steering Committee</p>	<p>In-kind contributions envisioned in this section add value to the core transit project (e.g. ROW, parking) and therefore are necessarily part of the project scope at 30% design.</p>	<p>N</p>
<p>Similar to allowing credit for qualifying FLM investments in a scenario where Metro is withholding MM Local Return, Metro should also allow credit for in-kind contributions.</p>	<p>Gateway Cities Steering Committee</p>	<p>Metro agrees this is allowed under the Measure M Ordinance, and the clarification is reflected in the revised Guidelines.</p>	<p>Y</p>
<p>FLM-specific</p>			
<p>“To encourage the transfer of FLM credits, the guidelines should clarify that cities preparing FLM plans are required to implement their FLM plans”</p>	<p>Huntington Park</p>	<p>Per Metro’s First-Last Mile Guidelines, Metro leads the FLM planning phase but does not require that jurisdictions subsequently implement FLM project. Jurisdictions are responsible for selecting, designing, and implementing FLM projects.</p>	<p>N</p>

COMMENT	COMMENTS	RESPONSE	EDITS
<p>“Strengthen text to incentivize provision by First/Last Mile investments by jurisdictions, and clarify when the FLM criteria will be available for public review and comment” Add “and incentivize” to the sentence that addresses the Metro Board provisions.</p>	<p>Huntington Park, Gateway Cities Steering Committee</p>	<p>Metro agrees, as this is consistent with the language and intent of Motion 35, and has revised the Guidelines to add “and incentivize.” The FLM project prioritization methodology was adopted by the Metro Board (2022-0265) in October 2022. This action follows the Board approval of the FLM Guidelines (2020-0365) in May 2021.</p>	<p>Y</p>
<p>Timeline/Process</p>			
<p>“Provide more information on the 3% contribution negotiation process, including additional discussion of how and when the 3% negotiation process is initiated by Metro with the affected cities.” Define “timely agreement”.</p>	<p>Huntington Park, Gateway Cities Steering Committee</p>	<p>These procedural elements remain unchanged and are included in Metro’s publicly available Measure M Administrative Procedures. A “timely agreement” will generally be one that is executed prior to construction commencing on stations and guideway.</p>	<p>N</p>
<p>“Provide a definition of what is meant by “station.”</p>	<p>Huntington Park, Gateway Cities Steering Committee</p>	<p>Station elements delivered by Metro will vary from station to station. They will be consistent with Metro’s Systemwide Station Design Standards Policy as well as Metro’s Rail Design Criteria, and will generally include construction of platforms, passenger circulation, and parking as appropriate.</p>	<p>N</p>
<p>“Clarify local return withholding requirements, including default withholding and ‘suffering no further impacts.’”</p>	<p>Huntington Park, Gateway Cities Steering Committee</p>	<p>Rephrased this sentence to clearly mean that either the full 3% contribution based on the 30% design cost estimate, or the up-to-15-year local return withholding will satisfy the contribution requirement in the Ordinance. Also clarified the sentence to mean there will be no further <u>financial</u> impacts related to the 3% contribution from the jurisdiction.</p>	<p>Y</p>

ATTACHMENT B

COMMENT	COMMENTER	RESPONSE	EDITS
<p>“Metro's proposed approach places a timeline that limits the City's ability to meet its 3% local funding contribution which was not contemplated by Measure M. ... This approach precludes the City from pursuing grant funding for transportation and subregional investments ... The City requests that revisions be made until the completion of the WSAB construction to identify, implement, and fund transportation and subregional investments to meet its 3% local contribution and provide ample time to pursue grant funds.”</p>	<p>South Gate</p>	<p>Measure M does allow for the time that jurisdictions might need to arrange finances by basing the total project cost on scope and estimate at 30% design. A jurisdiction may pursue financing, including grant funds, after 30% design to support FLM and in-kind improvements.</p>	<p>N</p>
<p>Clarify: does this written notice trigger initiation of negotiation of 3% local contribution agreements between Metro and affected local jurisdictions?</p>	<p>Gateway Cities Steering Committee</p>	<p>Not necessarily. The written notice provides an estimate of the local contribution and requests that the jurisdiction identify staff to work with Metro on development and execution of a 3% agreement.</p>	<p>N</p>

A large, stylized letter 'M' is the central focus of the top half of the image. The 'M' is composed of several white, rectangular blocks with a slightly textured surface, arranged to form the letter. The background behind the 'M' is a dark green circle. Below this circle is a large, curved orange shape that sweeps across the middle of the page. The bottom of the page is a solid black background.

Measure M 3% Contribution Guideline Revisions

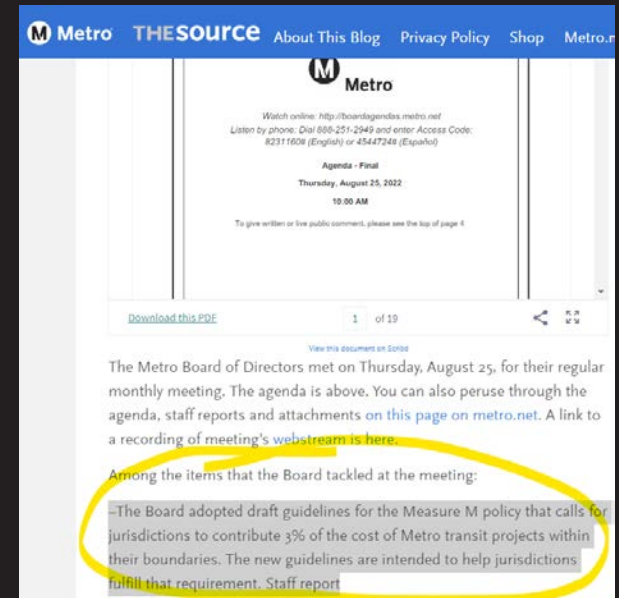
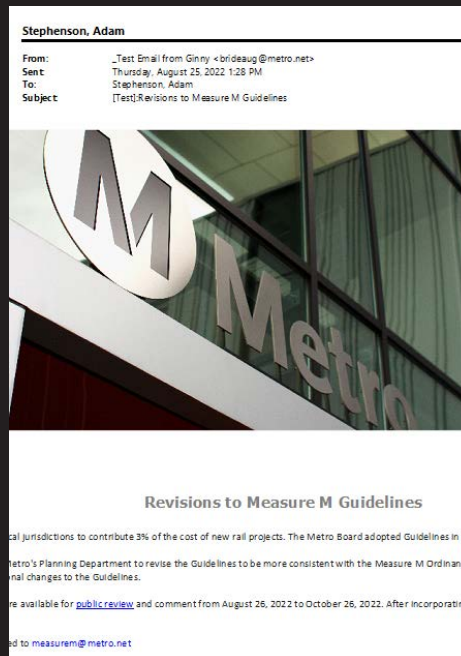
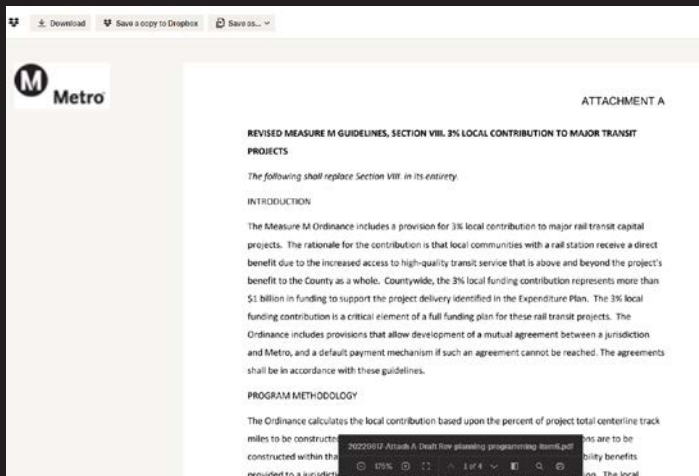
*Planning and Programming Committee
February 15, 2023*



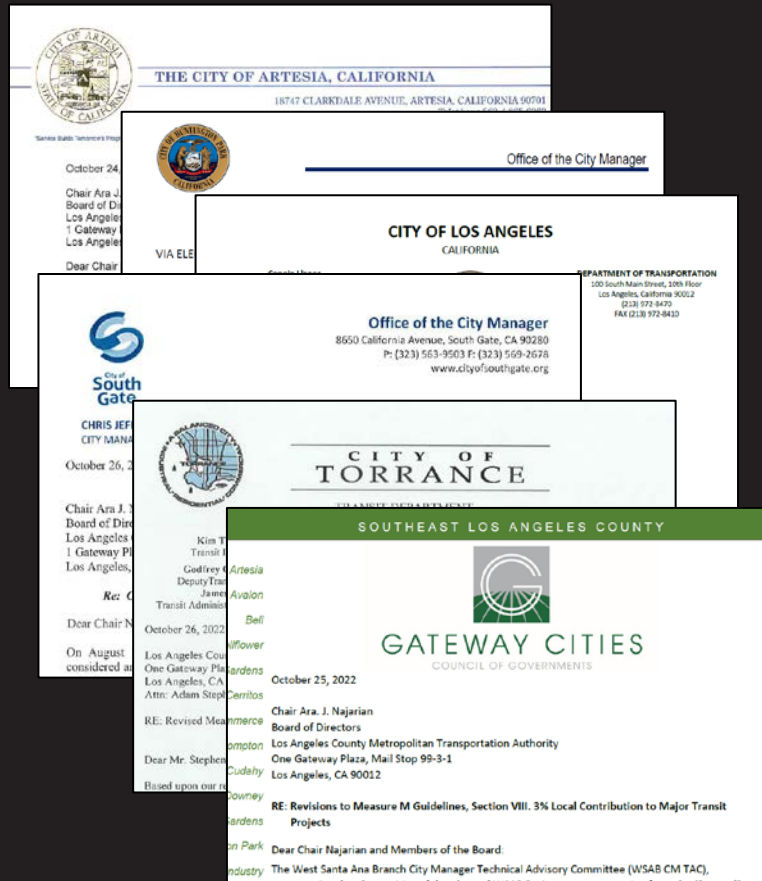
Metro

Draft Measure M 3% Guideline Revisions

- Focused on Motion 35 directives (April 2022)
- Circulated for public review August – October 2022



Comments Received



- Six comment letters received by the deadline
- Main themes: financial burden, listing specific in-kind contributions, process clarity
- Responses in summary table

Final Revisions and Implementation

- Accepted
 - Consistency with Board Motion 35
 - Additional flexibility, e.g. allowing in-kind contributions in local return withholding scenario
 - Clarity
- Not incorporated
 - List/discussion of all eligible in-kind contributions and subregional investments (to avoid constraining contribution options)
- Next steps: workshop, in-kind procedures, continue outreach with jurisdictions



Metro



Board Report

File #: 2022-0854, File Type: Plan

Agenda Number: 11.

FINANCE, BUDGET AND AUDIT COMMITTEE FEBRUARY 15, 2023

**SUBJECT: MEASURE M FIVE YEAR COMPREHENSIVE ASSESSMENT AND EQUITY REPORT
CRITERIA**

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATIONS

CONSIDER:

- A. APPROVING criteria for the Measure M Five Year Comprehensive Assessment and Equity Report (Attachment A); and
- B. AUTHORIZING an increase in the Contract Modification Authority (CMA) for Task Order No. PS87260-5433000 under Countywide Planning and Development Bench Contract PS54330009 with Fehr & Peers, in the not-to-exceed amount of \$100,000, increasing the current not-to-exceed CMA amount from \$100,000 to a new CMA amount not-to-exceed \$200,000, thereby increasing the task order value to \$561,713.83 should all modifications be executed.

ISSUE

The Measure M Ordinance requires that every five (5) years, Metro conduct a comprehensive review of all projects and programs implemented under the Measure M Expenditure Plan (Plan) to evaluate the performance of the overall program and make recommendations to improve its performance based on current practices, best practices, and organizational changes to improve coordination. In addition, the Measure M Guidelines require that the specific evaluation areas, performance metrics, and criteria of the Program Assessment be approved by the Metro Board of Directors in consultation with the Measure M Independent Taxpayer Oversight Committee (MMITOC).

BACKGROUND

Since the passage of Measure M, Metro has followed a continuous monitoring approach for the oversight of the projects and programs included in the Plan. This has been realized through the quarterly updates provided to the MMITOC on budget and expenses for the program, status on Transit and Highway capital projects, as well as updates of the Active Transportation and State of Good Repair programs. In addition, annual independent audits are conducted to determine Metro's

and the subrecipient's compliance with the provisions of the Ordinance related to the receipt and expenditure of sales tax revenues during each fiscal year. The quarterly and annual reviews, along with the five- and ten-year assessments, provide ongoing oversight, as well as transparency to Los Angeles County taxpayers, as set forth in the Ordinance.

Additionally, Metro renewed its commitment to equity with Board approval of the Metro Equity Platform Framework ("Equity Platform") in 2018. The Equity Platform consists of four pillars to guide Metro's equity implementation in projects, programs, policies, services, processes, and all that Metro does:

- Define and Measure
- Listen and Learn
- Focus and Deliver
- Train and Grow

The Measure M Five Year Comprehensive Assessment and Equity Report supports two pillars: Define and Measure and Focus and Deliver. The report's evaluation of the first five years of Measure M funding will define and measure equity impacts from the sales tax measure and provide findings from this analysis period demonstrating Metro's progress and delivery of the Measure M expenditure plan.

In the Summer of 2022, Metro started initial research and outreach to identify preliminary objectives and criteria for a report analyzing the impacts of Measure M's first five years of funding.

Measure M is a revenue source for many major multi-year capital projects that will bring mobility improvements across the Los Angeles region. The preliminary research and outreach focused on impacts on the people of Los Angeles for this assessment, resulting in five key themes for the analysis: Mobility, Experience, Community, Regional, and Stewardship. These themes are proposed to also serve as a foundation to analyze the performance and progress of Measure M-funded activities within the Five Year Comprehensive Assessment and Equity Report.

DISCUSSION

The intent of the Assessment is to evaluate the performance and impact of the overall Measure M program and support the successful delivery of Measure M projects and programs. Key among the steps towards completing the Assessment was the development of objectives and criteria that measure Metro's implementation of the Plan in the initial five years (FY18 - FY22).

As contained in Attachment A, staff is proposing Assessment objectives and performance criteria that guide the comprehensive evaluation of the performance from June 2017 to June 2022 and lead to recommendations for opportunities to improve the performance in future phases. They are based on best practices and are aligned with those used by other agencies. The objectives support effective decision making by identifying and evaluating process improvement opportunities, best practices and suggestions for improved internal coordination, as well as potential barriers in achieving the effective delivery of the program. Furthermore, the identified assessment areas will examine Metro's performance on a range of activities including, financial performance, effectiveness of project delivery, Metro's program management approach, compliance with the Ordinance and, transparency

to the Board and public and alignment with Metro's equity objectives.

The project team began collecting five-year Metro data on service, ridership, maintenance, safety, funding expenditures, program and project delivery, and many other metrics. The team also began collecting data outside of the agency that captured the broader conditions of the five-year period (FY2018 - FY2022), including many significant external drivers such as new state and federal funding sources, the 2028 Olympics announcement, and of course, the COVID-19 pandemic. The team met with eight Metro advisory committees to identify equity impacts and key themes from the five-year period to guide research and the framework of a final comprehensive assessment. These committees included the Accessibility Advisory Committee, Community Advisory Council, Metro Youth Council, Office of Strategic Innovation working group, Policy Advisory Council, Sustainability Council, Technical Advisory Committee, and a preliminary presentation to the MMITOC. The team also presented to and solicited feedback from the Aging/Disability Transportation Network. During Fall 2022, the team hosted four community-based organization (CBO) listening sessions (three virtual, one in-person), inviting over 120 individuals from 96 CBOs, meeting with 25 individuals and receiving 11 virtual surveys from community members who could not attend the listening sessions. Interpretation services were available at all sessions.

During the Quarterly MMITOC meeting in December 2022, staff sought feedback on an initial draft of the Assessment criteria and objectives. Following this meeting, the MMITOC provided some initial recommendations and feedback. To ensure adequate engagement with the MMITOC prior to presentation to the Board, staff convened a special meeting on January 10, 2023. During the special meeting, staff discussed the specific comments provided by the MMITOC and demonstrated how the comments would be addressed within the refined objectives and/or Assessment to fully engage the MMITOC in the process. See Attachment B for full MMITOC comments received and corresponding Assessment Objectives refinement.

The final report is scheduled to be completed before the end of FY 2023. With the remaining timeline, staff is requesting a CMA increase to streamline any potential future task order modifications related to additional analysis and outreach. The requested CMA increase amount is based on the existing project contract tasks and rates.

DETERMINATION OF SAFETY IMPACT

There is no anticipated safety impact associated with the recommended action. This action would set criteria and performance metrics for Metro's Measure M Five Year Assessment.

FINANCIAL IMPACT

Adoption of the Measure M Assessment criteria does not have a direct financial impact to the agency.

Impact to Budget

No impact to Metro's budget is anticipated as a result of the Board approving the Assessment criteria.

EQUITY PLATFORM

Proposed objectives and criteria for the Measure M Five Year Comprehensive Assessment and Equity Report will analyze the first five years of Measure M investments through Metro's Equity Platform framework by focusing on impacts to people as well as progress on projects. Metro continues to serve riders throughout the Los Angeles region, who are predominantly lower income, Black, Indigenous, and other People of Color (BIPOC), and without access to other mobility options. Further, the ongoing COVID-19 pandemic and daily disruption to health and economic stability has hit already-vulnerable communities hardest. Metro plays a key role in the region, as an operator, employer, planner, builder, and funder. The proposed objectives and criteria are intended to meet Measure M guidelines within the broader Assessment and support a deep understanding of how Measure M has allowed Metro to continue to provide essential services for Los Angeles, with an equity lens, in its first five years.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This item supports Strategic Plan Goal #5, which seeks to "Provide responsive, accountable, and trustworthy governance within Metro. The Measure M Comprehensive Assessment seeks to ensure the continued effective delivery of Measure M projects and programs and transparency to the Board, MMITOC, stakeholders and public.

ALTERNATIVES CONSIDERED

The Board may choose to not proceed with the recommended objectives and criteria however, the proposed assessment criteria are aligned with feedback from stakeholders, and reflect consultation with the MMITOC, as well as benchmark with other self-help transit agencies measure assessment best practices.

NEXT STEPS

With the approval of this item, and as stipulated in the Ordinance and Guidelines, staff will finalize the Assessment and present the results to the MMITOC in the Spring of 2023 to enable them to add findings or recommendations. The results of the MMITOC's review and feedback will be included in the staff report to the Metro Board as part of the adoption of the Assessment.

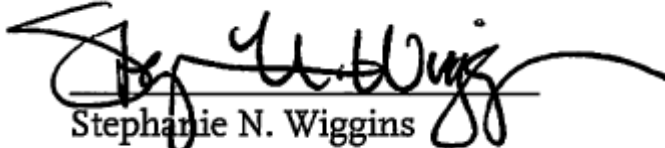
ATTACHMENTS

Attachment A - Proposed Assessment Objectives and Criteria
Attachment B - MMITOC Comments on Assessment Objectives and Criteria
Attachment C - Procurement Summary
Attachment D - Contract Modification and Change Order Log
Attachment E - DEOD Summary

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Nicole Englund, Chief of Staff, (213) 922-7950



Stephanie N. Wiggins
Chief Executive Officer

Measure M Five Year Assessment and Equity Report Proposed Objectives and Criteria (FY18-22)

The intent of the **Measure M Five Year Comprehensive Assessment and Equity Report** is to evaluate the performance and impact of the overall Measure M program and support the successful delivery of Measure M projects and programs. Key among the steps towards the completion of the Assessment was the development of objectives and criteria that measure Metro's implementation of the Plan in the initial five years (FY18 – FY22).

In addition, as stipulated in the Measure M Guidelines, staff is currently developing the Short Range Transportation Plan (SRTP) and plans to align Board adoption of both reports to ensure that the results of the Assessment are reflected within the SRTP financial forecast.

Key Assessment Objectives

- Assess Metro's performance on the efficiency and effectiveness in delivering Measure M projects and programs
- Identify and evaluate any potential barriers in the delivery of the Expenditure Plan
- Identify and evaluate opportunities for process improvement
- Identify and evaluate best practices to be used going forward
- Identify and evaluate any organizational changes needed to improve coordination

Assessment Areas and Related Performance Criteria

1. Financial Analysis

- Accounting of revenues and expenditures (Fiscal Year 2018-22)
- Whether initial funding assumptions have been achieved, and by what ratio
- Whether funding sources to accomplish the Expenditure Plan have been adequate, by what ratio, and reasoning behind any differences

2. Project Delivery

- Identification of potential risks on project deliveries that may need to be addressed in the Expenditure Plan
- Identification of progress (as of June 30, 2022) of project scope, cost, and schedule related to original projections
- Qualitative evaluation of effectiveness in developing and implementing the projects and programs included in Measure M, based on the above criteria

3. Program Management

- Description of Metro's approach to program management over the past 5-year period
- Whether program progress reporting has been adequate, such as frequency of reporting and topics covered in reporting
- Whether change order reporting has been adequate, such as ratios of different types of change orders, reasons behind change orders, and efforts

- being done to minimize change orders
- Whether staffing/resources have been adequate, in terms of anticipated versus actual workforce utilized on projects, and for both internal and external staff
- Whether the Quality Assurance Program is effective in ensuring the quality expected, and whether it measures up the other agency processes of a similar nature

4. Compliance

- Demonstration of Metro's and subrecipients compliance with the Ordinance

5. Transparency/Accountability/Equity

- Whether reporting to MMITOC has been adequate
- Description of the purpose, functionality, and usefulness of the MMITOC in meeting requirements of the Ordinance
- Whether reporting to Metro Board on MM has been adequate through reports including all items required in the Ordinance
- Whether Public Information has been available with expected regularity and detail, such as posting of agendas, public hearings, annual audit reports, dedicated website
- Whether equity and inclusion objectives have been aligned with other Metro endeavors, such as geographic distribution of services related to EFCs

MMITOC Assessment Objectives and Criteria Comments

As required, by the Measure M Ordinance and Guidelines, staff sought feedback on the proposed assessment objectives and criteria from the Measure M Independent Taxpayer Oversight Committee (MMITOC). The table below details the comments received from the MMITOC and corresponding updates to the objectives and criteria.

Ref.	Committee comment	Refinement
Section 5, bullet 1	These items need to correspond with input received in reports from Metro staff over the past five years. For this section, the names of those assessing and evaluating need to be identified, along with their roles.	Added to section 5, first bullet: Whether reporting to MMITOC has been adequate.
Key Objectives, bullet 1	Assess what performance? The sentence is not clear. Better: "Assess MTA's efficiency and effectiveness in delivering Measure M's projects and programs." Efficiency measures \$\$ spent per unit of output, e.g., \$\$/bus-hour, Effectiveness measures returns per unit of output (riders/bus-hour) I am not sure what measurements to use for construction.	Changed first bullet in key objectives: Assess Metro's performance on the efficiency and effectiveness in delivering Measure M projects and programs. In addition, refined assessment areas to identify performance criteria.
Key Objectives, bullet 4	Add "to be used going forward" to the fourth bullet of the objectives	Changed fourth bullet in key objectives: Identify and evaluate best practices to be used going forward.
Section 5, bullet 2	For this section, Measure M Committee members with special expertise should meet with relevant counterparts in their specialties. For future reports, consider adding areas of performance, including design, local and regional planning, environmental performance and resiliency, and others to be identified.	Added to section 5, second bullet: Description of the purpose, functionality, and usefulness of the MMITOC in meeting requirements of the Ordinance.
N/A	Add: Identify any system bottlenecks and what changes to the Expenditure Plan might be needed to assure a more effective transit system.	No change as the 10 Year Assessment will review changes in circumstances affecting the delivery of projects/programs in the Measure M Expenditure Plan.
N/A	Add: Identify changes to the priorities identified in the Expenditure Plan that might be needed to meet changing externalities.	No change as the second bullet of the key objectives addresses this.
N/A	Add: Estimate the realistic future operating costs of projects now being constructed to determine any future	No change as the 10 Year Assessment will review changes in circumstances affecting the delivery of

Ref.	Committee comment	Refinement
	impacts to the Expenditure Plan.	projects/programs in the Measure M Expenditure Plan.
Section 2, bullet 1	Add “on project deliveries that might need to be addressed in the Expenditure Plan” to first bullet under Project Delivery.	Changed section 2, first bullet: Identification of potential risks on project deliveries that may need to be addressed in the Expenditure Plan.
Section 5, bullet 2	Add: Evaluate the purpose, functionality, and usefulness of the Oversight Committee in meeting the requirements of the Ordinance.	Added to section 5, second bullet: Description of the purpose, functionality, and usefulness of the MMITOC in meeting requirements of the Ordinance.
N/A	<p>In measuring overall program performance, the five-year assessment should discretely address which subfunds / program elements support each of the eight goals and moreover how the programs have performed in achieving these goals in the context of the two primary objectives.</p> <p>The public will like to know (1) the extent to which traffic congestion has been eased and transportation improved, and (2) the success of each of the eight goals.</p>	Will integrate the eight core goals identified in the Measure M Ordinance into the five themes identified during the assessment research phase.

PROCUREMENT SUMMARY

2022 QUALITY OF LIFE EQUITY REPORT/PS87260-5433000

1.	Contract Number: Task Order No. PS87260-5433000 under Contract No. PS54330009		
2.	Contractor: Fehr & Peers		
3.	Mod. Work Description: Increase the contract modification authority (CMA) for Task Order No. PS87260-5433000 with Fehr & Peers, in the not-to-exceed amount of \$100,000, an increase from \$100,000 to \$200,000.		
4.	Contract Work Description: 2022 Quality of Life Equity Report		
5.	The following data is current as of: 1/9/23		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	5/20/22	Contract Award Amount: \$361,787.26
	Notice to Proceed (NTP):	5/20/22 (Task Order Execution)	Total of Modifications Approved: \$99,926.57
	Original Complete Date:	11/21/22	Pending Modifications (including this action): N/A
	Current Est. Complete Date:	6/23/23	Current Contract Value (with this action): \$461,713.83
7.	Contract Administrator: Lily Lopez		Telephone Number: (213) 922-4639
8.	Project Manager: Naomi Iwasaki		Telephone Number: (213) 922-3085

A. Procurement Background

This Board Action will authorize the increase of the Contract Modification Authority (CMA) amount for the negotiation and execution of anticipated modification(s) to incorporate any feedback from the Metro Board that may not have been anticipated in the original Task Order scope.

Task Order Modification(s) will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

On May 20, 2022, Metro staff awarded firm-fixed price Task Order No. PS87260-5433000 under Countywide Planning and Development Bench Contract No. PS54330009 to Fehr & Peers for the 2022 Quality of Life Equity Report.

Three modifications have been issued to date.

Refer to Attachment C – Contract Modification/Change Order Log.

B. Cost Analysis

The cost for any Task Order modification(s) will be reviewed and analyzed for fair and reasonableness, upon completion of fact finding, technical evaluation, cost analysis, and negotiations. All Task Order Modification(s) will be processed in accordance with Metro's Acquisition Policy, within and up to the additional CMA authorized.

CONTRACT MODIFICATION AND CHANGE ORDER LOG
2022 QUALITY OF LIFE EQUITY REPORT/PS87260-5433000

Mod. No.	Description	Status (approved or pending)	Date	\$ Amount
1	Extended period of performance to December 12, 2022	Approved	11/21/22	\$0.00
2	Extended period of performance to December 30, 2022	Approved	12/12/22	\$0.00
3	Added additional scope and extended the period of performance to June 23, 2023	Approved	12/27/22	\$99,926.57
	Modification Total:			\$99,926.57
	Original Task Order:	Approved	5/20/22	\$361,787.26
	Total:			\$461,713.83

DEOD SUMMARY

QUALITY OF LIFE EQUITY REPORT/PS87260-5433000

A. Small Business Participation

Fehr & Peers (F&P) made a 27.47% Small Business Enterprise (SBE) commitment and a 4.11% Disabled Veterans Enterprise (DVBE) commitment on this Task Order contract. Based on payments, the Task Order is 12% complete and the current SBE participation is 0.21% and the current DVBE participation is 0.00%, representing a delta of 27.26% and 4.11%, respectively.

As this is early in the contract, staff will continue to monitor F&P's effort to ensure that they are on track to meet or exceed their commitments. An assessment for a shortfall plan will be conducted at 50% contract completion.

Small Business Commitment	SBE 27.47% DVBE 4.11%	Small Business Participation	SBE 0.21% DVBE 0.00%
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	SBE Subcontractors	% Committed	Current Participation¹
1.	Cityworks Design	27.47%	0.21%
	Total		

	DVBE Subcontractors	% Committed	Current Participation¹
1.	Atlas Planning Solutions	4.11%	0.00%
	Total		

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 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.



Measure M Five Year Comprehensive Assessment and Equity Report

Finance Budget & Audit Committee

February 15, 2023



Project Benchmarks

(2016-2022)

2016: Measure M passes

2017: MM funds available

2017: Quality of Life (Measure R) report

2018: Equity Platform framework

2020: COVID-19 pandemic begins

2022: Five years since MM funds available

“Metro shall conduct every five (5) years a comprehensive review of all projects and programs implemented under the Plan to evaluate the performance of the overall program and make recommendations to improve its performance on current practices, best practices, and organizational changes to improve coordination.”

- Measure M Ordinance §8.h.4.B.

Initial Report Development



First five years of Measure M through equity framework



Data collection and analysis with “people-first” focus



Advisory Committee and community outreach

Measure M ITOC Feedback

Present

- December 2022 - staff presented draft objectives to MMITOC and requested comments from Committee

Receive

- December 2022/January 2023 - Committee provided suggestions that support alignment with the MM fundamental goals and help form foundation for future enhancements to the program and to its oversight

Refine

- January 2023 - Staff convened a special MMITOC meeting to discuss specific comments and share revisions

Proposed Objectives and Criteria

Key Assessment Objectives

- Assess Metro's performance on the efficiency and effectiveness in delivering Measure M projects and programs
- Identify and evaluate any potential barriers in the delivery of the Expenditure Plan
- Identify and evaluate opportunities for process improvement
- Identify and evaluate best practices to be used going forward
- Identify and evaluate any organizational changes needed to improve coordination



Proposed Objectives and Criteria (summarized)

Financial Analysis

- Accounting of revenues and expenditures
- Initial funding assumptions
- funding sources to accomplish the Expenditure Plan

Project Delivery

- Potential risks on project deliveries that may need to be addressed in the Expenditure Plan
- Project scope, cost, and schedule related to original projections
- Developing and implementing projects and programs included in Measure M

Program Management

- Program management approach
- Progress reporting
- Change order reporting
- Staffing/resources
- QA

Compliance

- Metro's and subrecipients compliance with the Ordinance

Transparency/ Accountability /Equity

- Reporting to MMITOC has been adequate
- Purpose, functionality, and usefulness of the MMITOC
- Reporting to Metro Board
- Public Information: posting of agendas, public hearings, annual audit reports, dedicated website
- Equity and inclusion objectives

Report Timeline

February 2023: Objectives and Criteria to Metro Board

Winter 2023: Draft report development

May 2023: Update to MMITOC for feedback

June 2023: Final report to Metro Board

Thank you!



Board Report

File #: 2022-0865, File Type: Project

Agenda Number: 19.

CONSTRUCTION COMMITTEE FEBRUARY 16, 2023

SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT LINE PROJECT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a firm fixed price Contract No. PS89616000 to San Fernando Transit Constructors (SFTC), a Joint Venture (JV) of Skanska USA Civil West California District, Inc. (Skanska) and Stacy and Witbeck, Inc., for Phase 1 Preconstruction Services of the Progressive Design-Build contract for the East San Fernando Valley Light Rail Transit Line Project (Project) in the amount of \$30,979,750, subject to the resolution of protest(s) if any;
- B. ESTABLISH a Preconstruction Phase-of-Project Budget (Preconstruction Budget) for the Project in the amount of \$496,856,000; and
- C. NEGOTIATE and EXECUTE all project-related agreements and modifications to existing contracts within the authorized Preconstruction Budget.

ISSUE

Staff is seeking the Board's approval for two items: (1) to award a Progressive Design-Build firm fixed price Contract No. PS89616000 to San Fernando Transit Constructors (SFTC), a Joint Venture (JV) of Skanska USA Civil West California District, Inc. (Skanska) and Stacy and Witbeck, Inc. in the amount of \$30,979,750; and (2) to establish a Preconstruction Budget of \$496,856,000. The Preconstruction Budget is inclusive of all previously awarded contracts, incurred expenses to date of \$92,218,000, and anticipated additional preconstruction activities performed by the Progressive Design/Build Contractor and existing professional services contracts for the Project, all as summarized in the expenditure and funding plan for the Preconstruction Budget as shown in Attachment A.

BACKGROUND

The Project extends north from the Van Nuys Metro G-Line station to the Sylmar/San Fernando Metrolink Station, a total of 9.2 miles with 14 at-grade stations. The Metro Board certified the Final

Environmental Impact Report on December 3, 2020, and the Project achieved a Record of Decision on January 29, 2021. Included in the environmental document was the initial operating segment (IOS), defined as the southern 6.7 miles of the Project alignment. The IOS, or more recently identified as the southern segment, is street running in the middle of Van Nuys Boulevard and includes 11 at-grade stations along with the maintenance facility. This southern segment of the Project is the subject of this board action. The remaining northern 2.5-mile environmentally cleared segment, more recently identified as the northern segment, is going through additional analysis as directed by the Board in December 2020 and is not included in this board action.

The Project is currently in the final stages of preliminary engineering (PE) design for the southern segment. Staff is finalizing internal and third-party comments, resolving outstanding internal and third-party issues, and completing underground field investigations. Final design for select Department of Water and Power (DWP) utility relocations is also being advanced. The PE design consists of street improvements and guideway design advanced to 60 percent and all other design elements (stations, maintenance facility, utilities, landscaping, and systems) to 30 percent.

To move into the phase of preconstruction services, the Project will utilize the board approved Progressive Design-Build contract method and will continue to utilize support from Metro labor and previously awarded and existing contracts and agreements, as listed below and further explained in Attachment A:

- Program Management Support Services provided by KKCS/Triunity JV (KTJV) on call support contract (Contract No. AE35279);
- Engineering consultants Gannett Fleming, Inc (general engineering) and SECOTrans (systems engineering) (Contract No AE58083 and Contract No AE47810E0128);
- Environmental support services provided by ICF's on call support contract (Contract No. PS20111);
- Construction Management Support Services from AMM, JV (Contract No. AE82218000); and,
- Project Controls Support Services from KTJV (Contract No. PS89856000).

DISCUSSION

The preconstruction budget consists of costs incurred to date and a forecast of Phase 1 and Phase 2 early works costs through fiscal year 2024. Perhaps the most critical component of the Phase 1 scope is reducing the cost of the Project to a value that is affordable within current and projected funding sources. Contained within the preconstruction budget is the scope of work and funding that provides for Metro, the Contractor, and third parties (such as DWP, the City of Los Angeles, and the County of Los Angeles) to collaborate on innovative solutions that achieve the objective of cost reduction. These solutions include but are not limited to reduced scope required by third parties, more efficient staging and/or phasing proposed by the Contractor and approved by Metro and third parties, value engineering within the parameters of performance requirements, and technology evaluation.

The main elements of the forecasted costs, which are provided in detail within Attachment A, are typical agency costs for a mega-project and include right of way acquisitions (\$114.575M), anticipated early works packages (\$109.060M), third-party, oversight, engineering, and other professional services costs (\$70.885M) and 15% contingency (\$52.695). The Federal Transit Administration's oversight procedure 40c recommends a minimum level of contingency of 15% for the design phase of a project.

The agency's commitment to the Contractor at this time is \$30,979,750, and the allocation of these funds to the Contractor does not jeopardize the agency's ability to mitigate the cost or schedule of the project, nor does it jeopardize the agency's ability to off-ramp the Contractor.

Progressive Design-Build works best on projects with sequence and schedule sensitivities and where the design is complex, difficult to define, and/or subject to change. Those criteria exist on the subject Project due to the interfaces with other transit projects that are currently in the planning, design, and/or construction stages (and therefore are subject to design and schedule changes), the potential for implementing innovative emerging technology elements, and necessary interfaces with third-party stakeholders. Additionally, this Project faces an unprecedented level of coordination and planning with major third-party stakeholders such as DWP, the City of Los Angeles, and the County of Los Angeles. Utilizing the Progressive Design-Build delivery method will provide for the efficient management of risks, allow for appropriate collaboration with the selected qualified contractor to deliver a complex project, and encourage the optimization of interface management between internal Metro departments, other projects, and third-party stakeholders. Progressive Design-Build is one of the strategies Program Management Department applies to address project risks and current cost escalation trends in the construction industry.

The Progressive Design-Build contract for the Project will be delivered in two phases, as described in more detail below:

Phase 1 is preconstruction services. The scope of work for this phase consists of a thorough evaluation of the current PE designs, a constructability, value engineering, and innovation analysis, a bottoms-up cost and schedule analysis, and early works packages. Phase 1 also establishes the scope of work and price for Phase 2, which includes final design, construction, testing, and commissioning for the entirety of the Project. All Phase 1 work will be performed within the Board approved Preconstruction Budget.

Upon issuance of Notice to Proceed (NTP) for Phase 1, the Progressive Design-Build Contractor (Contractor) and Metro will work side by side to review constructability, undertake value engineering and innovation tasks, assess market conditions, provide schedule and cost estimates, perform risk assessments, and develop a design and construction schedule for the Project. Throughout Phase 1, the Contractor will provide Metro with Opinions of Probable Cost (OPC) which are open book detailed cost estimates that will enable Metro to evaluate the overall projected Project schedule and costs against the Project budget and make necessary adjustments to scope and/or schedule that protect the affordability of the Project.

To optimize the Project schedule, early work packages for discrete scopes of work included in Phase 2 may be defined, and Metro and the Contractor may agree to firm pricing, after which Metro may issue an early works package NTP prior to issuance of the full Phase 2 NTP. Examples of these early

works packages may include field investigations, demolition of buildings within Metro acquired properties, construction of utility adjustments/relocations, and final design. A line item for early works packages is included in Attachment A.

If a final negotiated OPC is reached, staff will seek Board approval to award all of Phase 2 to the Contractor. If a final OPC cannot be reached, Metro will have the option to terminate the contract with the Contractor and package the design documents into a separate bid package. This off-ramp will be available to Metro throughout the course of Phase 1 and will be evaluated at each OPC.

Throughout Phase 1 negotiations, the following parameters will be maintained to mitigate discrepancies and lead to a positive outcome:

- the Contractor's Phase 2 Management Lump Sum Fee (expressed as lump sum dollar amount per month) and Phase 2 Margin Percentage that was included in the Contractor's original proposal will be retained in all OPCs;
- if Metro and the Contractor cannot reach an agreement on the Phase 2 pricing and terms, Metro may exercise its right to off-ramp as described above, ensuring accountability for the Contractor to effectively work with Metro through all phases;
- the Phase 1 Contract sets out the form and frequency of OPCs to provide for multiple checkpoints for Metro;
- the Contract sets out the form of the price proposal for Phase 2 and the information that the Contractor is required to submit;
- the Contract sets out a clear governance structure for managing Phase 1, including the establishment of working groups that include members from Metro, the Contractor team, and any relevant third parties; and,
- the process for establishing all OPCs will employ transparent open-book methods and the use of independent cost and schedule estimates to enable validation of pricing.

Phase 2 work begins upon successful cost and schedule negotiations for all work associated with the Project and includes the final design and construction of all work not included in Phase 1 or early works packages. When the Project is ready to proceed into Phase 2, staff will return to the Board to seek authority to enter into Phase 2 and to set the Life of Project budget (LOP). The LOP will be inclusive of all previous costs, including the Preconstruction Budget and the negotiated final price for all Phase 2 work. Board approval of the LOP and a successfully negotiated final design and construction contract with Metro allows the Contractor to proceed into Phase 2.

As an essential element of the preconstruction phase, staff recommends the award of a firm fixed price contract for the Project for the Phase 1 Preconstruction Services as further explained in the Procurement Summary in Attachment B and DEOD Summary in Attachment C.

DETERMINATION OF SAFETY IMPACT

The recommended Board action will have no detrimental safety impact.

FINANCIAL IMPACT

The funds required in FY23 for the Phase 1 Preconstruction Services are included in the adopted budget under Cost Center 8510 Project number 865521, East San Fernando Valley Light Rail Transit Corridor, under various accounts, including professional and technical services. Annual budgeting within the approved preconstruction budget for the future fiscal years (FY24, FY25, FY26) will be the responsibility of the Project Manager, Cost Center Manager, and the Chief Program Management Officer.

The Preconstruction Budget is for Phase 1 Preconstruction Services only, and additional funding will be needed to complete the southern segment. However, the amount of the Preconstruction Budget is consistent with the comparable services identified in the current cost estimate for the total southern segment. Metro has developed a preliminary cost estimate for the southern segment in coordination with the Federal Transit Administration as part of the Expedited Project Delivery (EPD) grant process, which Metro is currently pursuing.

Impact to Budget

Sources of funds for the recommended actions are Measure R 35%, Measure M 35%, and Federal and State Grants. There is no impact on Operations eligible funding. No other funds were considered.

The planned Federal EPD Grant, a supplemental TIRCP State Grant (relating to AB 180), and a portion of the Measure R 35% funds are yet to be secured. These funds are needed to complete Phase 2 and the total southern segment. In the event these funds are not obtained, there is sufficient funding that is currently secured to fund the Phase 1 Preconstruction Services budget.

EQUITY PLATFORM

The Project will serve 11 new stations along Van Nuys Blvd, and will improve connections and access to key destinations. Equity Focus Communities (EFC) are within walking and biking distances to the proposed stations. Accordingly, the Project will improve access for East San Fernando Valley transit riders in EFCs along the existing route to additional destinations.

To date, Metro Community Relations (CR) staff, who include bilingual speaking staff, have met with the local neighborhood councils and representatives from the local council district offices on upcoming construction, mitigation plans/efforts, and outreach efforts to the local community. CR staff have also been visiting the small businesses along the alignment and have been providing bilingual project information along with business resources available through Metro. Also, the Project will have a Community Leadership Council (CLC) an advisory body to the Project and implement a CBO partnership that aligns with Metro's CBO Partnering Strategy.

The solicitation was available for download from Metro's Vendor Portal, was advertised in five newspapers (Asia Week, La Opinion, Los Angeles Sentinel, Los Angeles Daily News, and the Los Angeles Times), the periodical Mass Transit, and notifications were sent to small businesses based on applicable North American Industry Classification System (NAICS) codes.

As part of the procurement process, each Proposer had to demonstrate through its Proposal a well-defined approach to ensure that Cultural Competency is considered and executed for all Phases of the Work, a first of its kind requirement by Metro for a mega project. Cultural Competency requires awareness of self, reflection on one's own cultural position and potential biases, awareness of others' positions and assumptions, and the ability to interact genuinely and respectfully with others across cultural and linguistic differences ("Cultural Competency"). Each Proposer was to reference in their Proposal:

- policies and practices at the organizational level as well as values and behaviors at the individual level that enable cross cultural interaction, dialogue, and shared power;
- tools to respond effectively to diverse environments to remediate systematic denial of resources and opportunities caused by institutional prejudicial practices and policies;
- a strategy to establish reciprocal relationships that support trustworthy communication among the Project team and the community; and,
- demonstrate understanding of the communities' lived experiences such that they are able to clearly articulate how those lived experiences will inform the Work, their communications and proposed mitigations.

The recommended firm, SFTC, scored the highest in Cultural Competency. Their proposal encompassed consideration of race, ethnicity, gender, immigration status, languages spoken, socioeconomics, public transportation dependency, and where and how information is received. The recommended firm proposed many culturally competent strategies and activities as part of their approach. Several examples include:

- Researching disaggregated demographic data in the Project Area and aligning strategies for specific marginalized groups, such as minimizing bus service disruption through station hosts and temporary stops and amenities for transit-reliant community members;
- Identifying project area small businesses for project vendor services such as temporary storage, janitorial services, and catering/food services;
- Commitment to community-specific language translation and interpretation needs for project and construction information;
- Mandatory subconsultant diversity and inclusion training that aligns with Metro's D&I purpose initiatives;
- Preliminary research into local events to engage, such as City of San Fernando Day of the Dead Festival and Annual César E. Chávez Day Celebration and March for Justice; and
- Identifying 20 community and faith-based organizations to develop compensated partnerships within the Project Area

The selected firm made a DBE commitment of 19.33% which exceeds the DEOD goal of 18% DBE.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project supports the following strategic goals:

Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling.

The purpose of the Project is to provide high-capacity transit service in the San Fernando Valley.

Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system.

The at-grade light rail system will attract bus ridership and improve the trip experience for users of the transportation system.

Strategic Goal 3: Enhance communities and lives through mobility and access to opportunity.

With 11 stations, including connections to Metro G-Line and Metrolink, the ESFV enhances mobility to the community.

Strategic Goal 4: Transform LA County through regional collaboration and national leadership.

Collaboration with the elected officials, citizens, and Metro patrons of San Fernando Valley continues to positively impact the Project.

ALTERNATIVES CONSIDERED

The Board may choose not to move forward with award of the contract and establishment of the Preconstruction Budget. This is not recommended as Metro will incur undesirable schedule delays and cost increases if the Project does not move forward. Furthermore, delay to the Project will have detrimental effects on the available Federal and State Grant funding dollars.

NEXT STEPS

After Board approval, staff will execute Contract No. PS89616000 with San Fernando Transit Constructors (SFTC), a Joint Venture (JV) of Skanska USA Civil West California District, Inc. (Skanska) and Stacy and Witbeck, Inc. to begin Phase 1 work. As the evaluation nears completion level and assuming successful OPC negotiations for Phase 2 work, staff will return to the Board for approval of an LOP budget and seek further authority for the Chief Executive Officer to execute project agreements and contract modifications within the LOP budget.

ATTACHMENTS

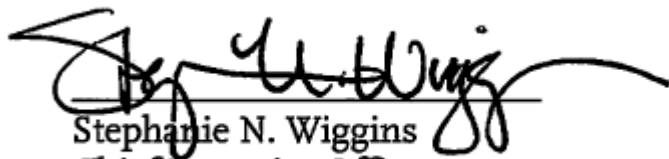
Attachment A - Expenditure and Funding Plan

Attachment B - Procurement Summary

Attachment C - DEOD Summary

Prepared by:

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Stephanie N. Wiggins
Chief Executive Officer

East San Fernando Light Rail Project Preconstruction Budget

Use of Funds (Dollars in Millions)	Total	Inception Thru FY 22	FY 23	FY 24
February 2023 Progressive Design Build Contract Award				
Phase 1 - PDB	\$ 38.500	\$ -	\$ 3.850	\$ 34.650
Additional Preconstruction Activities				
Anticipated Early Works Packages	\$ 109.060	\$ -	\$ 8.433	\$ 100.627
P3 (previously awarded)	\$ 0.500	\$ -	\$ 0.250	\$ 0.250
Professional Svcs (Agency & PMSS/PCSS)	\$ 16.137	\$ 0.872	\$ 5.989	\$ 9.275
Right of Way Acquisition	\$ 114.575	\$ 0.000	\$ 33.758	\$ 80.817
Third Party & COLA	\$ 29.796	\$ 0.468	\$ 12.411	\$ 16.917
Construction Management Support Services (previously awarded)	\$ 22.456	\$ -	\$ 7.500	\$ 14.956
LRV	\$ 1.500	\$ -	\$ 0.750	\$ 0.750
Other Professional Services	\$ 2.496	\$ 0.071	\$ 1.081	\$ 1.343
Engineering Services for Project				
General Engineering (previously awarded)	\$ 23.670	\$ 7.016	\$ 11.103	\$ 5.551
System Engineering (previously awarded)	\$ 2.114	\$ 1.079	\$ 0.555	\$ 0.480
Contingency				
Contingency (15%) *	\$ 52.695	\$ -	\$ 12.852	\$ 39.843
Environmental Planning & Pre-Authority Expenditures				
Pre-Authority Expenditures (865521)	\$ 61.493	\$ 61.493	\$ -	\$ -
Environmental Planning (405521 & 465521)	\$ 21.864	\$ 21.217	\$ 0.547	\$ 0.100
Total Preconstruction Phase Funding Cost	\$ 496.856	\$ 92.218	\$ 99.079	\$ 305.559
Source of Funds (Dollars in Millions)	Total	Inception Thru FY 22	FY 23	FY 24
LOCAL				
LACMTA Measure M Funds	\$ 249.333	\$ -	\$ 76.919	\$ 172.414
LACMTA Measure R Funds	\$ 68.500	\$ 62.866	\$ 5.634	\$ -
Proposition C	\$ 52.410	\$ 1.384	\$ 16.526	\$ 34.500
STATE				
Traffic Congestion Relief Program Funds (TCRP)	\$ 27.000	\$ 27.000	\$ -	\$ -
Transit and Intercity Rail Capital Program (TIRCP)	\$ 81.330	\$ -	\$ -	\$ 81.330
Regional Improvement Program Funds (RIP)	\$ 17.315	\$ -	\$ -	\$ 17.315
FEDERAL				
Section 5339 Alternatives Analysis	\$ 0.968	\$ 0.968	\$ -	\$ -
Total Preconstruction Phase Funding Sources	\$ 496.856	\$ 92.218	\$ 99.079	\$ 305.559

PROCUREMENT SUMMARY

EAST SAN FERNANDO VALLEY (ESFV) LIGHT RAIL TRANSIT LINE PROJECT
PS89616000

1.	Contract Number: PS89616000	
2.	Recommended Vendor: San Fernando Transit Constructors (SFTC)	
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 29, 2022	
	B. Advertised/Publicized: July 18 and August 3, 2022	
	C. Pre-Proposal Conference: August 8, 2022	
	D. Proposals Due: November 2, 2022	
	E. Pre-Qualification Completed: December 21, 2022	
	F. Conflict of Interest Form Submitted to Ethics: November 9, 2022	
	G. Protest Period End Date: February 24, 2023	
5.	Solicitations Picked up/Downloaded: 327	Proposals Received: 3
6.	Contract Administrator: Robert Romanowski	Telephone Number: (213) 922-2633
7.	Project Manager: Monica Born	Telephone Number: (562) 524-0597

A. Procurement Background

This Board Action is to approve Contract No. PS89616000 issued in support of the progressive design-build project delivery method (approved for use on October 28, 2021, Board Report File No. 2021-0543) for construction of the East San Fernando Valley (ESFV) Light Rail Transit Line Project. Board approval of contract awards are subject to resolution of any properly submitted protest.

Prior to the release of the solicitation, starting June 10, 2022, Metro conducted an Industry Review (IR) process by releasing the draft Request for Proposals (RFP) and Progressive Design-Build Contract to the transportation construction industry. The IR was conducted in order to solicit comments on the terms and conditions of the contract and request one-on-one meetings with Metro to discuss the proposed project delivery approach in an effort to increase the likelihood that Metro would receive proposals for this solicitation. The one-on-one meetings were held virtually on June 27 and 28, 2022, in which four firms participated. Metro responded to the 115 consolidated comments by posting the publicly available responses on the Vendor Portal on July 28, 2022.

The Request for Proposals (RFP) was issued on July 29, 2022, in accordance with Metro's Acquisition Policy and the contract type for Phase 1 is firm fixed price. The RFP was issued with an 18% DBE goal for Phase 1, a range of 15-35% DBE goal for Phase 2 Final Design and Early Works Packages, and a range of 15-30% DBE

goal for Phase 2 Construction Supplement. The final DBE goal for Phase 2 will be set during negotiation of the Opinion of Probable Cost (OPC) for Phase 2.

Seven (7) amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on August 23, 2022, updated Project Requirements and Reference Documents;
- Amendment No. 2, issued on September 1, 2022, updated additional Project Requirements and Reference Documents;
- Amendment No. 3, issued on September 7, 2022, updated additional Project Requirements to include revised statutory language including for Build America, Buy America Act and the Russia-Ukraine Certification;
- Amendment No. 4, issued on September 19, 2022, clarified professional licensing requirements for the Maintenance and Storage Facility (MSF) Design Lead;
- Amendment No. 5, issued on September 22, 2022, extended the Proposal Due Date;
- Amendment No. 6, issued on October 4, 2022, revised various Contract Articles; and
- Amendment No. 7, issued on November 7, 2022, revised the DBE Contract Compliance Manual for this project delivery type, revised the instructions for Form 60 and Form 70 (Phase 2 Management Lump Sum Fee and Phase 2 Margin percentage) and finalized RFP and Contract revisions.

A virtual pre-proposal conference was held on August 8, 2022, that was attended by 139 participants. Seven sets of questions and responses were released by Metro to all plan holders prior to the proposal due date.

A total of 327 firms downloaded the RFP and were registered in the plan holder's list. A total of three proposals were received by the due date of November 2, 2022.

Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of Metro staff from Countywide Planning, Operations, Project Controls, Project Management, Systems Engineering, and the San Diego Association of Governments (SANDAG) was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated based on the following weighted evaluation criteria:

1. Capability and Experience	400 Points
2. Project Understanding	75 Points
3. Project Approach	325 Points
4. Price	<u>200 Points</u>
	1000 Points

Several factors were considered when developing these weights, giving the greatest importance to Capability and Experience, and Project Approach.

In addition, the price evaluation criteria consisted of three price elements with pre-established parameters to reflect the phases of the project, designed to establish a level playing field and to arrive at one price that would be evaluated with the understanding that only the amount listed under Phase 1 would be used for the awarded Contract Value (subject to clarification and/or negotiations) as follows:

1. Phase 1 – Pre-Construction Lump Sum Fee;
2. Phase 2 – Management Lump Sum Fee per month, converted to an aggregate total cost based on a 48-month construction period (construction duration established in the RFP for evaluation purposes only);
3. Phase 2 Margin Percentage – for an estimated construction cost of \$1,500,000,000.00 (construction cost established in the RFP for evaluation purposes only).

Of the three proposals received, all were determined to be responsive, are within the competitive range, and are listed below in alphabetical order:

1. San Fernando Transit Constructors (SFTC), a Joint Venture (JV) of Skanska USA Civil West California District, Inc. (Skanska) and Stacy and Witbeck, Inc.
2. Tutor Perini Corporation (TPC)
3. Valley Transit Constructors (VTC), a Joint Venture of Flatiron West, Inc. and Herzog Contracting Corporation

On December 7, 2022, oral presentations were conducted. During each proposer's oral presentation, project managers and key personnel discussed their proposed response to Project Understanding and Project Approach including its seven sub criteria identified in the RFP, and other technical questions. Each proposer was asked clarifying questions relevant to each firm's proposal and presentation.

After a thorough review of proposals and the oral presentations, the PET's recommendation of the best value to Metro in the order of ranking is shown in the table below:

1	Firm	Maximum Points	Earned Points	Total Points	Rank
2	San Fernando Transit Constructors (SFTC)				
3	Capability and Experience	400.00	368.83		
4	Project Understanding	75.00	69.66		
5	Project Approach	325.00	294.62		
6	Price	200.00	191.73		
7	Total	1000		924.84	1
8	Valley Transit Constructors (VTC)				
9	Capability and Experience	400.00	345.75		
10	Project Understanding	75.00	65.71		
11	Project Approach	325.00	285.72		
12	Price	200.00	200.00		
13	Total	1000		897.18	2
14	Tutor Perini Corporation (TPC)				
15	Capability and Experience	400.00	321.38		
16	Project Understanding	75.00	60.38		
17	Project Approach	325.00	256.28		
18	Price	200.00	191.97		
19	Total	1000		830.01	3

Note: All scores rounded to the second decimal.

The proposal from SFTC demonstrates the best value to Metro because it documents the largest number of successfully completed directly comparable alternative delivery projects, coupled with competitive pricing for the Phase 1 – Pre-Construction Lump Sum Fee and very competitive pricing for the monthly Phase 2 – Management Lump Sum Fee.

Additionally, SFTC scored the highest points under all evaluation criteria and subcriteria outlined in the RFP. Their designer, AECOM, will be a partner during Phase 1. The PET determined that SFTC demonstrated the greatest understanding of the risks, challenges and also opportunities of the Project, having provided tangible, specific examples of where equivalent or comparable risks, challenges, and opportunities have been solved on their past projects. Innovative approaches include the use of allowances, incentives, reverse incentives, and constructing dual purpose Train Control & Communications structures to reduce the quantity of piles that will need to be drilled adjacent to existing underground utilities. SFTC proposed innovative approaches towards cost savings measures including approaches that will minimize impacts to the community during construction as well as improve future

operational activities. Highlighting two subcriteria from the Project Approach criteria, SFTC has the best Safety record during the 2017-2022 sample years and the most comprehensive, community-centered Cultural Competency Plan.

VTC is technically capable to construct the project and also has experience with alternative project delivery methods. One of their JV partners, Flatiron, was the third JV partner on the Mid-Coast Transit Corridor Project. However, the details of VTC’s Project Approach, including proposed innovations and cost savings measures, did not demonstrate meeting a realistic schedule.

TPC is technically capable and is a known entity with multiple, current heavy rail projects currently under construction with Metro. Their proposal scored lower than the others, primarily for having presented far fewer directly comparable examples of completed at-grade or street running light rail transit line projects using an alternative project delivery method.

Cost/Price Analysis

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

Proposer Name	Proposal Amount	Metro ICE	Award Amount
SFTC	\$31,632,405.70 (Phase 1)	\$27,574,000.00	\$30,979,750.00 (Phase 1)
	Phase 2 Management Lump Sum Fee \$400,582.94/month		Phase 2 Management Lump Sum Fee \$400,582.94/month
	Phase 2 Margin Percentage 8.5%		Phase 2 Margin Percentage 8.5%
VTC	\$30,958,558.57 (Phase 1)		
	Phase 2 Management Lump Sum Fee \$423,375.00/month		
	Phase 2 Margin Percentage 8.0%		
TPC	\$30,874,485.00 (Phase 1)		
	Phase 2 Management Lump Sum Fee \$568,425.57/month		
	Phase 2 Margin Percentage 8.0%		

Metro's ICE inadvertently did not include Other Direct Costs (ODCs) such as vehicles, bonds, and insurance, nor fee; the ICE only included direct labor and direct labor overhead costs. In addition, the ICE did not include the cost of Phase 1, Task 6 – Permits, Licenses, and Agreements Management.

V/CM staff held discussions with the top ranked Proposer and successfully negotiated a cost savings of \$652,656 for Phase 1 Preconstruction Lump Sum Fee.

D. Background on Recommended Contractor

San Fernando Transit Constructors (SFTC) is a Joint Venture of Skanska USA Civil West California District, Inc. (Skanska) and Stacy and Witbeck, Inc. (S+W) with Skanska as the managing JV partner.

Skanska has past experience as Construction Manager/General Contractor (CM/GC) JV partner for the \$1.49B Mid-Coast Corridor Project completed in San Diego, experience on Metro's Regional Connector Project, SFO AirTrain Extension Project, and I-5 North Coast Corridor Phase 1 in San Diego. Skanska is part of a JV on existing transit projects in progress including Metro's Westside Purple Line Extension Segment 1 and is currently the Prime Contractor for the Lynnwood Link light rail transit line extension for Central Puget Sound Regional Transit Authority.

The recommended Joint Venture has a local office in Riverside California. Skanska has been an active Corporation in California since March 30, 1953, was originally licensed by Contractor's State License Board on August 03, 1953, and holds a valid class A – General Engineering license.

Stacy and Witbeck (S+W) has directly comparable past experience as the managing JV partner of the CM/GC JV for the \$1.49B Mid-Coast Corridor Project completed in San Diego and the recently completed Sixth Street Viaduct Replacement for the City of Los Angeles as the Prime Contractor. They also have experience as the Prime for multiple above ground light rail transit line projects including on-call maintenance contract for Utah Transit Authority and multiple light rail transit line projects for Valley Metro in Phoenix, Arizona.

S+W is currently the Prime for in-progress transit projects including Anaheim Canyon Metrolink Station, East Link Extension light rail extension in Portland Oregon, and the Brightline Zone 4 High Speed Rail Orlando to Cocoa Beach in Florida.

S+W has been an active California Corporation since November 19, 1981, has been licensed by the contractor's State License Board since November 24, 1981, and holds a valid class A - General Engineering license.

Skanska and Stacy + Witbeck formed a joint venture specifically for this endeavor and brings together their experience in alternative project delivery methods as well as heavy infrastructure construction.

DEOD SUMMARY

EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT PROJECT/PS89616

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established an 18% Disadvantaged Business Enterprise (DBE) goal for Phase 1 of this project. San Fernando Transit Constructors Joint Venture (SFTC JV) made a 19.33 % DBE commitment.

Small Business Goal	DBE 18%	Small Business Commitment	DBE 19.33%
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	DBE Subcontractors	Ethnicity	% Committed
1.	AP Engineering & Testing	Asian-Pacific American	0.06
2.	Ana Cubas Consulting LLC dba Mariposa Consulting	Hispanic American	0.49
3.	Anbessaw Consulting Inc. dba The Quality Firm	Black American	0.24
4.	Bess Test Labs	Hispanic American	3.23
5.	Cityworks Design	Hispanic American	0.35
6.	Coast Surveying	Hispanic American	0.80
7.	CPM Logistics	Caucasian Female	0.97
8.	D'Leon Consulting Engineering	Hispanic American	2.07
9.	Full Traffic Maintenance	Hispanic American	0.97
10.	Gregg Drilling	Black American	0.05
11.	JLM Staffing Solutions dba JLM Strategic Talent Partners	Black American	1.62
12.	JNA Builders, Inc.	Asian-Pacific American	0.24
13.	Kroner Environmental Services	Caucasian Female	0.16
14.	LIN Consulting Inc.	Asian-Pacific American	0.27
15.	LKG-CMC, Inc.	Caucasian Female	0.70
16.	MA Engineering	Hispanic American	0.55
17.	Martinez engineering LLC dba Joaquin R Martinez	Hispanic American	0.16
18.	Martini Drilling	Hispanic American	0.05
19.	MBI Media	Caucasian Female	0.48

20.	M-P Consultants dba in California as Colmena Engineering	Hispanic American	0.36
21.	Parthenon corporation	Hispanic American	1.29
22.	RSE Corporation	Asian-Pacific American	0.45
23.	Raul V Bravo & Associates Inc.	Hispanic American	0.17
24.	Tatsumi and Partners Inc.	Asian-Pacific American	0.15
25.	V&A Inc.	Hispanic American	1.53
26.	V&A Inc.	Hispanic American	1.92
Total DBE Commitment			19.33%

Phase 2 - Final Design Work and Construction Supplement Work (inclusive of any Early Works Package)

DEOD established a preliminary DBE goal range of 15%-35% for the Phase 2 Final Design and Early Works Packages and a 15%-30% goal range for the Phase 2 Construction Supplement. DEOD will establish the DBE goal(s) for the Phase 2 Design Work and the Phase 2 Construction Work in accordance with the provisions of the contract. SFTC JV will be required to meet or exceed the goal at the time of submission of its Phase 2 Work Proposal(s) or demonstrate good faith efforts to do so.

B. Small Business Engagement and Outreach Plan (EOP)

Proposers were required to submit a small Business Engagement Outreach Plan (EOP) as part of its proposal evidencing how it will engage and outreach to the small and disadvantaged business community on contracting opportunities for all phases of the contract work. SFTC JV met the requirements.

C. Contracting Outreach and Mentoring Plan (COMP)

The COMP is applicable to this project. At a minimum, Proposer is required to mentor two (2) firms in connection with Phase 1 Work for protégé development. SFTC JV committed to mentor four (4) firms: Bess Testab Inc., LIN Consulting Inc., D'Leon Consulting Engineers, and Full Traffic Maintenance.

For Phase 2 Final Design Work and Construction Supplement Work (inclusive of any Early Works Package), DEOD will identify the number of DBE firms for protégé development in accordance with the provisions of the contract.

D. 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).

E. Living Wage Service Contract Worker Retention Policy Applicability

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

F. Project Labor Agreement/Construction Careers Policy

PLA/CCP will be applicable upon award of the Phase 2 construction portion of this contract Contractor will be required to commit to meet the applicable Targeted Local Hiring requirements.

Community / Local Area Worker Goal	Apprentice Worker Goal	Disadvantaged Worker Goal
40%	20%	10%



Next stop: light rail for the Valley.

EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT



Metro®

February 2023

Project Overview



- 6.7 miles street running, 11 Stations
- Connects to G line and Metrolink
- Multiple Contracts: Alternative Delivery (P3, PDB) & traditional DBB
- Project improves safety, travel speeds, ridership and capacity in a community with a transit-dependent population of 7.04 persons/acre, 100% higher than County average of 3.21.
- Project benefits the community by decreasing travel time, improving air quality, enhancing access to the corridor and promoting transit-oriented communities.

Project Status



- Design completion ranges from 30 to 60% complete
- Property acquisitions underway
- Construction Management contract awarded August 2022 Board meeting
- Solar P3 contract for MSF awarded at August 2022 Board meeting
- First early utility relocation contract was awarded December 2022 and is in progress
- Staff working to close the funding gap through design refinements, working with third parties and utilities, pursuing innovation, and utilizing the progressive design build (PDB) delivery method.
- Working closely with FTA to achieve a Full Funding Grant Agreement (FFGA) as part of the Expedited Project Delivery (EPD) program.
- In January 2023 Metro received a \$600 million grant award from the State through the TIRCP Cycle 6 program.

Phase 1

- First 6-9 months will include validation of existing design work and evaluation of innovative/alternative concepts with focus on lowering project cost.
- Project team then collaboratively progresses the design through specific design intervals (e.g. 60% complete, 85% complete)
- At each design interval, contractor provides costs which are negotiated and reconciled to independent cost estimates
- During Phase I, Metro may issue contract modifications for Phase 2 early works packages, such as advanced utility relocations
- At end of design process, Metro and contractor agree to guaranteed maximum price with corresponding schedule and proceed to Phase 2.

Phase 2

- Metro issues Supplement to contract and proceeds into Phase 2, construction of the project.

Preconstruction Budget

- Preconstruction Budget is a Board-approved not-to-exceed budget inclusive of all Phase I project development costs prior to primary construction (e.g. contractor Phase 1 costs, engineering, agency labor, consulting, ROW, early works/advanced utilities)
- Upon agreement with contractor for guaranteed maximum price, staff will seek approval of Life of Project Budget, including all project costs, prior to proceeding into Phase 2

Proposed Action and Recommendations



Recommendations:

- A. Award a firm fixed price Contract No. PS89616000 to San Fernando Transit Constructors, for Phase 1 Preconstruction Services of the Progressive Design-Build contract for the East San Fernando Valley Light Rail Transit Line Project (Project) in the amount of \$30,979,750, subject to the resolution of protest(s) if any;
- B. Establish a Preconstruction Phase-of-Project Budget (Preconstruction Budget) for the Project in the amount of \$496,856,000; and
- C. Negotiate and Execute all project-related agreements and modifications to existing contracts within the authorized Preconstruction Budget.

Proposer Scoring



Proposer	Technical (800 points)	Price (200 points) **	Grand Total (1000 points)
San Fernando Transit Constructors (Skanska & Stacy + Witbeck JV)	733.11	191.73	924.84
Valley Transit Constructors (Flatiron West & Herzog JV)	697.18	200.00	897.18
Tutor Perini Corporation	638.04	191.97	830.01

** Price evaluation factors included Phase 1: lump sum and delay compensation rate, and Phase 2: management lump sum fee, margin percentage and design support during construction.

Goal: 18% DBE

Commitment: 19.33% DBE

Negotiations with **SFTC** resulted in a cost savings of \$652,656 for a Pre-Construction Services LS recommended Contract Award amount of **\$30,979,750**

TECHNICAL PROPOSAL EVALUATION



- SFTC has significant alternative project delivery method experience on the Mid-Coast Corridor Project, SFO AirTrain Extension, and Portland Milwaukee LRT Project, all of which include unique components of progressive design-build
- SFTC's technical experience includes light rail at-grade projects where Skanska and Stacy + Witbeck previously worked together and as Primes. Skanska is currently a part of the \$1.2B Regional Connector. SFTC's joint list of completed light rail projects includes Expo LRT Phase 2 (E Line), Houston Metro LRT expansion, and L Line (Gold) Eastside LRT expansion
- SFTC scored the highest in Cultural Competency and their Plan encompasses consideration of race, ethnicity, gender, immigration status, languages spoken, socioeconomic, public transportation dependency, and where and how information is received
 - They have identified at least 20 CBOs that may be stakeholders
 - SFTC was the only Proposer to acknowledge that there are nine Native American Tribes represented along the corridor
- SFTC has the lowest recordable injury rate (1.34) vs national average (2.4) for 2017-2022 and scored the highest in Safety

Next Steps



- Upon Board approval, the contract will be awarded to SFTC, Notice to Proceed will be issued, and Phase I will begin
- It is expected that Phase I will be complete within 12-18 months of issuing NTP
- At the conclusion of Phase I, Metro and SFTC will negotiate a Guaranteed Maximum Price
- Should agreement on a Guaranteed Maximum Price be reached, staff will return to the Board for approval to enter into Phase II (construction). This action will also include setting the Life of Project budget for the project
- Throughout the process, Metro will continue to work with the contractor and third parties to close the funding gap through design refinements and alternative concepts
- Staff will continue working with FTA to achieve a Full Funding Grant Agreement
- The forecasted opening date for the ESFV project will continue to be refined during the Progressive Design Build process.



Board Report

File #: 2022-0842, **File Type:** Informational Report

Agenda Number: 21.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE FEBRUARY 16, 2023

SUBJECT: PURCHASE OF THREE CNG ARMORED VAULT TRUCKS

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a firm fixed price contract DR827453000 to Los Angeles Truck Centers, LLC, the lowest responsive and responsible bidder for three (3) CNG Armored Vault Trucks for a firm fixed price of \$1,211,139.67, inclusive of sales tax and fees, subject to resolution of any properly submitted protest(s), if any.

ISSUE

This procurement is for replacement of three Metro owned and operated diesel powered armored vault trucks with new compressed natural gas (CNG) vault trucks. The diesel trucks being replaced support Revenue Collection and require replacement with alternative fuel vehicles in compliance with the South Coast Air Quality Management District's (SCAQMD) Rule 1196. The trucks will support bus fare revenue collection at the ten Bus Operating Divisions.

BACKGROUND

Metro's Revenue Collection department currently operates a fleet of three diesel powered armored vault trucks. These armored vault trucks transport mobile safes between the Central Cash Counting Office and ten Bus Operating Divisions. The mobile safes contain bus fares collected from fareboxes installed on the bus fleet.

The three existing armored vault trucks are expected to exceed 100,000 miles each at the time of replacement. Replacement of the armored vault trucks will ensure the reliability of the revenue collection equipment and will ensure compliance with SCAQMD's Rule 1196 which requires that all public fleet operators with 15 or more heavy duty vehicles acquire alternative fuel heavy-duty vehicles when procuring or leasing vehicles to reduce air toxic and criteria pollutant emissions.

DISCUSSION

The award of this firm fixed price contract with Los Angeles Truck Centers, LLC, will allow the replacement of three Metro owned and operated diesel armored vault trucks with three CNG powered armored vault trucks. These armored vault trucks transport mobile safes between the Central Cash Counting Office and ten Bus Operating Divisions. The trucks are deployed from Metro's Location 29, Cash Counting Facility, and maintained at Metro's Division 2, Bus Maintenance Operations. The trucks are required to support revenue collection throughout the Metro system. The three new trucks will replace trucks that are expected to exceed 100,000 miles at the time of replacement.

The new CNG armored vault trucks will replace diesel trucks that do not meet current SCAQMD emission standards. The procurement of the new armored vault trucks that are powered by compressed natural gas (CNG) is in alignment with the AQMD Rule 1196, which requires Metro to purchase alternate fuel vehicles to replace heavy-duty diesel-powered vehicles. The CNG armored vault truck emissions control systems are far superior to the trucks being replaced, which results in emission of significantly less Reactive Organic Gas (ROG) and Particulate Matter (PM) than the diesel armored vault trucks.

The availability of vault truck with a CNG propulsion system is very limited due to the low sales volume for this type of equipment. Procurement postings were issued three times for vault trucks with CNG propulsion systems. Metro did not receive any bids for the first two procurement postings, but received one bid for the third procurement posting.

DETERMINATION OF SAFETY IMPACT

Metro's current armored vault trucks have higher emission levels and outdated support systems when compared to current heavy-duty trucks. The purchase of new trucks will provide Metro with state-of-the-art armored vault trucks that maximize operator safety, fuel efficiency, and provides significant emission reductions.

FINANCIAL IMPACT

A total of \$1,211,139.67 is required for the procurement of the three armored vault trucks. Budget for the procurement is included in Capital Project 208608 - FY22 AQMD 1196 Rule Non-Revenue Vehicles. The Life of Project (LOP) budget is \$9,400,000, so the procurement is within the project budget.

Since this is a multi-year contract, the Project Manager will be responsible for budgeting resources in future Fiscal Years.

Impact to Budget

Current funding allocated for this purchase is TDA Article 4. Allocating these funds maximizes the best project funding allocation use given approved provisions and guidelines.

EQUITY PLATFORM

The three armored vault trucks procured will be assigned to Metro's Revenue Collection Department located at Metro's Location 29; however, the trucks will provide support to Bus Operating Divisions located throughout Los Angeles County, including Downtown Los Angeles, El Monte, Long Beach, and Sun Valley. These trucks will traverse several Equity Focus Communities (EFCs) when servicing the ten Bus Operating Divisions. Delays in the procurement of the new trucks may result in higher emissions levels for EFCs and other environmental justice communities.

The Diversity and Economic Opportunity Department (DEOD) did not recommend a SBE or DVBE participation goal for this procurement due to limited suppliers and only one bid submitted for the armored vault trucks.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports Metro Strategic Plan Goal 5) Provide responsive, accountable, and trustworthy governance within the Metro organization. New armored vault trucks will minimize vehicle maintenance needs, improve safety, and lower emissions by purchasing and deploying CNG trucks with the latest emission control devices on the market. With this, Metro is exercising good public policy judgment and sound fiscal stewardship.

ALTERNATIVES CONSIDERED

Staff considered leasing equipment and/or contracting out revenue collection services. These alternatives are not recommended as this work has historically been performed by Transportation Communications/IAM Union (TCU) contract personnel. Contracting out this service would conflict with current Metro/TCU/IAM Collective Bargaining Agreement. Additionally, staff calculated that the cost of external contracted truck services for one truck would equal or exceed the full purchase price of one armored vault truck in the first five years of operation.

Staff reviewed the potential for procurement of vault trucks with a zero emission electric drive system, but determined that the electric drive vault trucks are not feasible at this time, since manufacturers of the vault trucks are not producing this type of vehicle with an electric drive train due to low sales volume for this type of equipment. The engineering and development cost for a prototype electric drive train on these specialty vehicles would be very expensive and would result in significant delays in delivery of the vault trucks. In addition, the vault trucks are deployed out of Division 2, and that division is one of the later divisions planned for installation of the electric vehicle charging infrastructure due to construction restrictions related to the historical designation of the maintenance facility.

The alternative of retaining the existing armored vault truck fleet for primary revenue collection services is not recommended, since the armored vault trucks are expected to exceed 100,000 miles at the time of replacement and SCAQMD's Rule 1196 requires Metro to purchase alternative fuel vehicles to replace these heavy-duty diesel-powered vehicles.

Not purchasing the recommended trucks will significantly reduce the ability of the Metro Revenue Collection Department to support Bus Operations that effectively provide world-class transportation

throughout Los Angeles County.

NEXT STEPS

After execution of the procurement contract, the vendor will provide Metro with a production schedule, begin the manufacturing process, and provide milestones that includes the anticipated delivery of the armored vault trucks within about eighteen months after award of the contract.

ATTACHMENTS

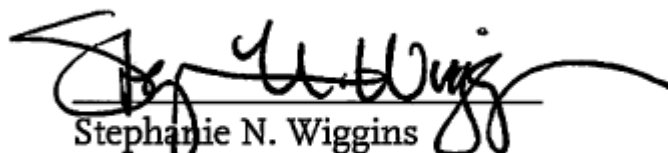
Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Daniel Ramirez, Superintendent, Bus Maintenance, (213) 922-5797
James Pachan, Senior Executive Officer, Bus Maintenance (213) 922-5804
Debra Avila, Deputy Chief Vendor/Contract Management (213) 418-3051

Reviewed by:

Conan Cheung, Chief Operations Officer (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

CNG ARMORED VAULT TRUCKS

1.	Contract Number: DR827453000	
2.	Recommended Vendor(s): Los Angeles Truck Centers, LLC	
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: 7/18/2022	
	B. Advertised/Publicized: 7/14/22, 7/15/22	
	C. Pre-Bid Conference: 7/26/22	
	D. Bids Due: 10/26/22	
	E. Pre-Qualification Completed: 1/13/23	
	F. Conflict of Interest Form Submitted to Ethics: 12/16/22	
	G. Protest Period End Date: 2/17/23	
5.	Solicitations Picked up/Downloaded: 5	Bids Received: 1
6.	Contract Administrator: Lorretta Norris	Telephone Number: (213) 922-2632
7.	Project Manager: Adam Robertson	Telephone Number: (562) 658-0231

A. Procurement Background

This Board Action is to approve Contract No. DR827453000 to procure three (3) CNG Armored Vault Trucks, to support Metro's Bus Operations. Contract award is subject to resolution of any properly submitted protest.

The IFB was issued in accordance with Metro's Acquisition Policy and the contract type is a Firm Fixed Price.

Six (6) amendments were issued during the solicitation phase of this IFB:

- Amendment No. 1, issued on August 9, 2022, to update Critical Dates;
- Amendment No. 2, issued on August 11, 2022, to update Critical Dates;
- Amendment No. 3, issued on August 26, 2022, to provide date for site visit;
- Amendment No. 4, issued on September 23, 2022, to update Technical Specification;
- Amendment No. 5 issued on September 26, 2022, to update Technical Specification and;
- Amendment No. 6 issued on October 4, 2022, to update Technical Specification.

A single bid was received on October 26, 2022, and deemed responsive.

B. Evaluation of Bids

This procurement was conducted in accordance and complies with Metro’s Acquisition Policy for a competitive sealed bid. A single bid was received and deemed responsive and responsible to the IFB requirements.

The recommended firm, Los Angeles Truck Centers, LLC, the single responsive and responsible bidder, was found to be in full compliance in meeting the bid and technical requirements of the IFB.

Market Survey

Metro received a single bid and staff conducted a market survey of other firms to determine the reasons for the lack of formal bid responses to this IFB.

Five (5) firms downloaded the solicitation and based on staff’s communication with the plan holders, one submitted a bid, one was a refuse and recycling truck manufacturer, one was a dealership, and two were not vendors or manufacturers.

C. Price Reasonableness

The recommended bid price from Los Angeles Truck Centers, LLC is the result of an open competitive bid process in a competitive environment. The bidder prepared its bid in the expectation of adequate price competition. Both Metro and the bidder anticipated there would be more than one acceptable bid submitted. Overall, the total bid price has been determined to be fair and reasonable based upon market conditions and selection of the single responsive and responsible bidder.

The single bid received was recommended for award even though the bid was higher than the independent cost estimate. The price variance is reflective of the Market Survey conducted and the current global market conditions which have been heavily impacted by the COVID-19 pandemic.

The market price of steel has fluctuated to almost double of what it was since the last procurement of heavy-duty trucks were purchased. A worldwide semiconductor supply shortage has stalled production within the automotive industry and drastically delayed the delivery timeline of vehicles. In addition, the global logistics landscape of moving goods is heavily burdened by a shortage of manpower combined with an increased cost of fuel driving up the freight cost for these units.

Bidder’s Name	Total Bid Amount	Metro ICE
Los Angeles Truck Centers, LLC	\$1,211,139.67	\$993,000

D. Background on Recommended Contractor

The recommended firm, Los Angeles Truck Centers LLC., is a subsidiary of Velocity Vehicle Group which is headquartered in Whittier, California and has over 20 years of experience providing medium- to heavy-duty trucks, alternative fuel trucks, CARB compliant trucks, and truck engines and parts throughout California (Long Beach, San Diego, Las Vegas, Ontario, Fontana, Carson, Hesperia, Sacramento, and Caruthers) and Nevada. Los Angeles Truck Centers LLC was previously awarded a Metro Contract in May 2020 and performed satisfactorily.

DEOD SUMMARY

PURCHASE OF THREE CNG ARMORED VAULT TRUCKS / DR82745-3

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) did not establish a Disadvantaged Business Enterprise (DBE) goal for this solicitation due to the lack of subcontracting opportunities. It is expected that Los Angeles Truck Centers, LLC will perform the services of the contract with its own workforce.

B. Living Wage / Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

D. Project Labor Agreement/Construction Careers Policy

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

**Board Report**

File #: 2022-0866, **File Type:** Contract**Agenda Number:** 22.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
FEBRUARY 16, 2023****SUBJECT: DRUG TESTING LABORATORY SERVICES****ACTION: APPROVE CONTRACT AWARD****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a five-year, firm fixed unit rate Contract No. PS75883000 to Phamatech, Inc. (Phamatech) to provide drug testing laboratory analysis services in an amount not-to-exceed \$377,025 for a base term of three years, plus \$135,675 for each of the two, one-year option terms for a combined not-to-exceed amount of \$648,375, effective April 1, 2023, subject to the resolution of any timely protest(s), if any.

ISSUE

The existing contract for drug testing laboratory services expires on March 31, 2023. Approval of this contract award will allow drug testing laboratory services to continue the administration of Metro's substance abuse testing program, which includes drug testing laboratory analysis.

BACKGROUND

The substance abuse testing program is a requirement of the regulations set forth under the U.S. Department of Transportation (DOT) 49 CFR Part 40 (Part 40) and the Federal Transit Administration (FTA) 49 CFR Part 655 (Part 655). FTA requires the following drug tests to be administered to all safety-sensitive employees: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Random testing is the most utilized drug test as the FTA requires that Metro test a minimum of 50% of the safety-sensitive work force each calendar year. Random selections are conducted using a scientifically valid method that gives each safety-sensitive employee an equal chance of being selected each time a selection is made. Management has no discretion regarding selection. Additionally, the substance abuse testing program conducts additional testing, outside of the DOT and FTA regulations, under Metro's Drug & Alcohol-Free Work Environment Policy (HR-46). The tests authorized under the authority of HR-46 include post-accident, post-incident, periodic, reasonable suspicion return-to-duty and follow-up. For consistency testing conducted under the authority of HR-46 follows the same analysis protocols as described in the regulations.

Failure to comply with the requirements of DOT and FTA regulations may result in suspension of Metro's eligibility to receive FTA funding.

DISCUSSION

Metro, as a public transit agency, conducts drug testing of safety-sensitive employees (approximately 8,130 out of approximately 11,180) and job candidates in order to promote and increase safety. Safety-sensitive employees/candidates are those who perform safety-sensitive functions within the scope of their job. These functions include, but not limited to, operating a revenue service vehicle, maintaining a revenue service vehicle, controlling dispatch or movement of a revenue service vehicle, carrying a firearm for security purposes, etc. Additionally, under the authority of

HR-46, Metro conducts additional testing of safety-sensitive and non-safety-sensitive employees using the same analysis protocols as described in the regulations.

Under DOT and FTA regulations, drug testing must be performed using the procedures outlined in Part 40, which require that collected specimens be processed by laboratories certified by the U.S. Department of Health and Human Services (HHS), of which there are only 18 nationwide. A laboratory participating in DOT drug testing must comply with the requirements in the HHS Mandatory Guidelines for Federal Workplace Drug Testing, as amended, and Part 40, as amended, as well as all other applicable HHS requirements.

DOT and FTA mandated drug testing numbers and results must be reported to the FTA for review on an annual basis, by calendar year. Additionally, the Drug & Alcohol Program is subject to various state and federal audits including California Highway Patrol, California Public Utilities Commission, FTA Triennial Audits, FTA National D&A Program audits.

DETERMINATION OF SAFETY IMPACT

These services are necessary to ensure Metro continues to remain in compliance with DOT and FTA regulations, which promotes safety for our passengers, the public at large, as well as our workforce. Additionally, compliance with these regulations allows Metro to continue receiving FTA funding.

FINANCIAL IMPACT

The funding of \$150,000 is allocated in the FY23 Budget within cost center 2311, Helping Employees Access Resources & Well Being Services Office under the Chief People Office, Account 50316, under Project 100001. The cost center manager and the Chief People Officer will be responsible for budgeting the cost in future years, including any options exercised.

Impact to Budget

The source of funds for this contract is Project 100001 General Overhead and is comprised of

Federal, State, and local funds. These funds are eligible for these services.

EQUITY PLATFORM

The services provided by the contract will ensure Metro's continued compliance with DOT and FTA regulations pertaining to drug testing laboratory analysis, which promotes safety for our passengers, the public at large, as well as our workforce. Additional benefits of drug testing include enhanced health of our employees, increased productivity and decrease absenteeism. All safety-sensitive employees are subject to drug testing as required under DOT and FTA regulations. Additionally, all Metro employees are subject to testing under HR-46; no employee is exempt from drug testing.

The Diversity and Economic Opportunity Department (DEOD) did not establish a Disadvantaged Business Enterprise (DBE) goal for this solicitation.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Board action supports **Strategic Goal 5**: Provide responsive, accountable, and trustworthy governance within the Metro organization. Providing these services will ensure that Metro maintains and nurtures a diverse, inspired, and high-performance workforce.

ALTERNATIVES CONSIDERED

The Board may decline to approve the contract; however, this is not recommended as this alternative would result in Metro's non-compliance with DOT and FTA regulations and would impact funding received from the FTA.

NEXT STEPS

Upon approval by the Board, staff will execute Contract No. PS75883000 with Phamatech, Inc. to provide drug testing laboratory analysis services.

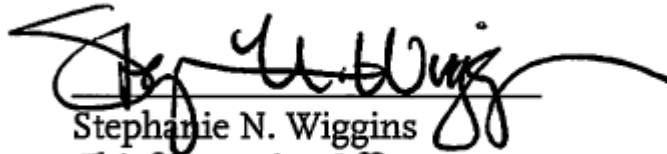
ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Mary Ahumada, Manager, Human Resources (213) 922-7172
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(213) 418-3166
Debra Avila, Deputy Chief Vendor/Contract Management Officer (213) 418-3051

Reviewed by: Robert Bonner, Chief People Officer (213) 922-3048



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

DRUG TESTING LABORATORY SERVICES/ PS75883000

1.	Contract Number: PS75883000	
2.	Recommended Vendor: Phamatech, 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: April 15, 2022	
	B. Advertised/Publicized: April 15, 2022	
	C. Pre-Proposal Conference: April 26, 2022	
	D. Proposals Due: May 13, 2022	
	E. Pre-Qualification Completed: January 11, 2023	
	F. Conflict of Interest Form Submitted to Ethics: December 27, 2022	
	G. Protest Period End Date: February 20, 2023	
5.	Solicitations Picked up/Downloaded: 17	Bids/Proposals Received: 1
6.	Contract Administrator: Marc Margoni	Telephone Number: (213) 922-1304
7.	Project Manager: Mary Ahumada	Telephone Number: (213) 922-7172

A. Procurement Background

This Board Action is to approve the award of Contract No. PS75883000 to Phamatech, Inc., to provide as-needed drug laboratory testing services for safety-sensitive employees and job candidates in accordance with Federal Transit Administration (FTA) regulations 49 CFR Part 655. Board approval of contract award is subject to resolution of all properly submitted protest(s).

Request for Proposal (RFP) No. PS75883 was issued as a lowest price, technically acceptable procurement in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate. Metro did not establish a Race Conscious Disadvantaged Business Enterprise (RC DBE) goal for this contract.

No amendments were issued during the solicitation phase of this RFP.

The solicitation was available for download from Metro's website. Advertisements were placed in four leading publications within Los Angeles County (i.e. Los Angeles Daily News, La Opinion, Watts Times, and the Asian Journal) to notify potential proposers of this solicitation. Metro also notified proposers from the Metro's vendor database based on applicable North American Industry Classification System (NAICS) codes.

A virtual pre-proposal conference was held on April 26, 2022.

A total of 17 firms downloaded the RFP and were included on the planholders list. No questions were received regarding the solicitation.

Only one proposal was received on May 13, 2022.

Metro staff canvassed firms on the planholders list to determine why no other proposals were received. Of the 17 firms on the planholders list, only five (5) firms are laboratories that provide drug testing services. Of the five (5) potential proposers, only the incumbent contractor, Phamatech, Inc., is certified by the Department of Health and Human Services (HHS) to conduct urine drug testing and meets the Department of Transportation's (DOT) drug and alcohol testing requirements. As of January 3, 2023, there are only 18 HHS-certified laboratories approved to perform urine drug testing in the US.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Human Resources, HEAR & Wellness Program, and Employee & Labor Relations was convened and conducted a comprehensive technical evaluation of the single proposal received from Phamatech, Inc. (Phamatech) based on the lowest price, technically acceptable selection process.

On June 21, 2022, the PET met to review the evaluation criteria package, process confidentiality and conflict of interest forms, and take receipt of the proposal to initiate the evaluation phase.

Evaluations were conducted from June 21, 2022, through July 26, 2022, based on the pass/fail evaluation criteria stated in the RFP, which considered the following:

1. Location of the laboratory facility;
2. Years of experience of the lead certifying scientist analyzing and certifying urine specimens under DOT drug testing regulations;
3. Certification with the Department of Health and Human Services (HHS) under the National Laboratory Certification Program (NLCP);
4. Computer and technical capabilities of the laboratory to provide secure and confidential electronic transmission of results;
5. Ability to meet the requirements of the scope of services including timeframes for processing DOT specimens; and
6. Availability to provide as needed subject matter consultation and expert witness testimony.

The evaluation criteria are appropriate and consistent with criteria developed for similar drug testing laboratory services procurements. After evaluation of the proposal, the PET determined Phamatech to be technically acceptable to perform the required services as outlined in the Scope of Services and is the lowest price.

C. Cost/Price Analysis

The recommended fully burdened rates have been determined to be fair and reasonable based on historical costs, technical evaluation, price analysis and the independent cost estimate (ICE). Metro's ICE is slightly lower than the negotiated amount since it did not consider escalation rates for the second and third year of the base term and the option years.

Staff successfully negotiated \$58,500 in cost savings from Phamatech's proposal.

	Proposer Name	Proposal Amount	Metro ICE	Award Amount
1.	Phamatech, Inc.	\$706,875	\$634,200	\$648,375

D. Background on Recommended Contractor

The recommended firm, Phamatech, Inc. (Phamatech), founded in 1991, is headquartered in San Diego, CA. It is a licensed toxicology laboratory with the Substance Abuse and Mental Health Administration (SAMHSA), College of American Pathologists (CAP) and Clinical Laboratory Improvement Amendments (CLIA) certifications. Phamatech is also registered with the U.S. Food and Drug Administration (FDA) and certified by the International Organization for Standardization (ISO) as a manufacturer of 510K approved and CLIA waived QuickScreen instant urine drug testing devices.

Phamatech operates a state-of-the-art facility located in San Diego where all laboratory testing is performed. Phamatech specializes in high-volume screening tests using EMIT II analyzer and confirmation testing methods using Gas Chromatography/Mass Spectrometry (GC/MS) and Liquid Chromatography tandem-Mass Spectrometry (LC-MS/MS).

Existing clientele include the County of Los Angeles, the Broward County Sheriff's Office in Florida, Amazon, Walgreens, the United States Federal Bureau of Prisons, Los Angeles County Department of Children and Family Services, U.S. Customs & Border Protection, California Department of Corrections and Rehabilitation, and Fulton County Juvenile Court.

Phamatech, Inc. is a registered Minority-Owned Business Enterprise, certified by The Pacific Southwest Minority Supplier Development Council. Phamatech believes in promoting diversity within the community and makes every effort to and has successfully utilized minority-owned, women-owned, and veteran-owned disadvantaged companies.

Phamatech, Inc. has been providing drug laboratory testing services to Metro since 2015 and performance has been satisfactory.

DEOD SUMMARY

DRUG TESTING LABORATORY SERVICES/ PS75883000

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) did not recommend a Disadvantaged Business Enterprise (DBE) participation goal for this procurement due the lack of subcontracting opportunities. Phamatech, Inc., will provide as-needed drug laboratory testing services for safety-sensitive employees and job candidates in accordance with Federal Transit Administration (FTA) regulations 49 CFR Part 655. It is expected the Phamatech will perform these services with its own workforce.

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

D. Project Labor Agreement/Construction Careers Policy

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



File #: 2022-0870, File Type: Contract

Agenda Number: 23.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
FEBRUARY 16, 2023**

SUBJECT: CUSTOMER EXPERIENCE RESEARCH SERVICES BENCH

ACTION: AWARD BENCH CONTRACTS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

A. AWARD seven (7) bench Contract Nos. PS43815000 through PS43815006, for Customer Experience (CX) research services to the firms listed below, for a total not-to-exceed amount of \$6,893,226 for the initial three-year base term, plus \$2,531,252 for the first, one-year option and \$2,657,814 for the second, one-year option, for a combined total not-to-exceed amount of \$12,082,292, effective March 1, 2023, subject to resolution of protest(s), if any; and

1. Discipline 1: Intercept Survey

- 1.1 ETC Institute
- 1.2 Hispanispace, LLC dba ThinkNow Research
- 1.3 Maroon Society, Inc.
- 1.4 Redhill Group, Inc.

2. Discipline 2: Online and Telephone Survey

- 2.1 Barrios and Associates, LLC dba Communications Lab
- 2.2 EMC Research, Inc.
- 2.3 Maroon Society, Inc.
- 2.4 Quantum Market Research, Inc.
- 2.5 Redhill Group, Inc.

3. Discipline 3: Qualitative Research

- 3.1 Barrios and Associates, LLC dba Communications Lab
- 3.2 EMC Research, Inc.
- 3.3 Hispanispace, LLC dba ThinkNow Research
- 3.4 Maroon Society
- 3.5 Quantum Market Research, Inc.
- 3.6 Redhill Group, Inc.

4. Discipline 4: User Experience Testing

4.1 Redhill Group, Inc.

5. Discipline 5: General Research Support

5.1 Maroon Society, Inc.

5.2 Redhill Group, Inc.

B. EXECUTE individual task orders for up to \$2 million per task order.

ISSUE

Metro's Customer Experience (CX) Research Team requires a bench contract for professional services with five disciplines: intercept surveys, online and telephone surveys, qualitative research, user experience (UX) testing, and general research support.

Depending on the goal of the project, the Metro project manager will decide which research discipline will be used. For all tasks valued up to \$100,000, a task order will be awarded to a contractor in a specific discipline following a competitive procurement process. For tasks valued at less than \$100,000, the contractor will be awarded on a rotational basis.

BACKGROUND

Metro has historically used a mix of in-house and consultant resources, depending on staff availability and complexity, to conduct research to understand customer wants and needs. When the CX department was formed, the CX staff used firms on the Countywide Planning and Development Bench under the Research and Surveying Discipline to conduct research, including the annual Customer Experience Rider Survey, as well as research needed to measure the impact of customer-related investments (e.g., Respect the Ride Before/After Survey), assist with engagement for representative public input (e.g., CLAX Survey), and user experience testing existing and new products or services Metro offers its riders and employees (e.g., Equity Information Hub).

However, as Metro continues to expand its work to improve the customer experience and needs for customer-focused research continue to grow, the Customer Experience office determined it requires additional, specialized research skillsets to gain more insight into our customers' lifestyles, habits, and preferences, as well as to measure the impact of the initiatives put in place through the annual CX plan.

DISCUSSION

As customer experience improvements continue to be an important focus for our agency, a research bench will provide staff with an efficient and effective way to continue to establish broad customer experience priorities, monitor progress in improving the customer experience, understand improvement opportunities along the customer journey, and evaluate the impact of our investments on the customer.

To that end, staff is developing a customer research plan to identify and fill any gaps in the agency's

current research program with the goal of gathering honest feedback and secondary data that will inform key decisions to improve our customers' experience using the system. The additional research will contribute to ensuring CX Plans are actionable and outcome-oriented and based on input from our riders, employees, and other key stakeholders and that the team can analyze, report, and use data to create a better customer experience.

In addition to the online surveys and in-person questionnaires currently in use by Metro, potential expanded research could include:

- customer journey mapping,
- ethnographic research
- user experience (UX) testing of Metro products and services,
- rider segmentation,
- rider/non-rider research panels,
- pulse surveys,
- online customer panels and forums
- focus groups and in-depth interviews
- evaluation of pilot programs,
- customer needs surveys to improve equity and inclusion in our service

Staff recommends a total funding value of just over \$12 million for this new bench.

DETERMINATION OF SAFETY IMPACT

The approval of this Bench will not impact the safety of our customers and employees.

FINANCIAL IMPACT

No change to FY23 Budget. Project Managers using the bench service providers are responsible for budgeting the cost annually. The funding source for this CX activity is operating eligible funds, including fares, sales tax, and eligible grants.

Since this is a multi-year contract, the cost center manager and Chief Customer Experience Officer will be responsible for budgeting costs in future years, including any options exercised.

Impact to Budget

The funding for these task orders is dependent upon the specific project. Generally, Propositions A and C, Measure M, and Transportation Development Act (TDA) Administration funds used for planning activities that are not eligible for bus or rail capital and operating will be used.

EQUITY PLATFORM

The CX On-Call Bench will ensure Metro will be able to reach a broader base of current and potential customers by allowing us to conduct research in multiple languages and using different methodologies, e.g., in-person surveys and interviews, online surveys, etc. Experience with equity in research, especially with historically disadvantaged populations, was a criterion of the qualifications of the teams and each team demonstrated their experience. These ranged from working with Metro's Equity Focus Communities (EFCs), working with Community-Based Organizations (CBOs), and analyzing barriers to customer utilization of equity and rebate programs, including low income and non-English speaking customers. The CX On-Call Services Bench contracts provide business opportunities for seven firms. The Diversity and Economic Opportunity Department (DEOD) will establish a Disadvantaged Business Enterprise (DBE), Small Business Enterprise (SBE), and Disabled Veteran Business Enterprise (DVBE) goal for each Task Order Request to ensure maximum opportunity for participation in this contract. This solicitation was advertised through periodicals of general circulation, posted on Metro's Vendor Portal, and an e-mail notice to SBE firms with applicable NAICS codes. The Proposal Evaluation Team (PET) was diverse and comprised of different department personnel with various backgrounds to comprehensively evaluate proposers and subconsultants to determine the most qualified teams.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Metro is working to create a customer-centric culture amongst all employees to improve customer experiences for the people and communities it serves. Therefore, the CX On-Call Services Bench supports strategic plan goals:

- **Goal #1:** "Provide high-quality mobility options that enable people to spend less time traveling."
- **Goal #2:** "Deliver outstanding trip experiences for all users of the transportation system."
- **Goal #3:** "Enhance communities and lives through mobility and access to opportunity."

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendations. This is not recommended as the award of these task orders under the bench contract would then be pursued as separate procurements, which, for each task order, could potentially take up to nine months to complete. This would limit our ability to respond quickly to needs and meet tight project delivery schedule constraints.

NEXT STEPS

Upon Board approval, staff will establish and execute the Bench contracts. Staff will solicit responses to individual task order requests from specific disciplines as needed. SBE, DVBE, and/or DBE goal requirements will be set for each individual task order.

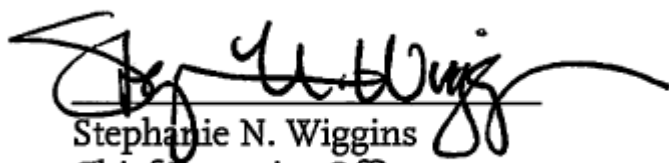
ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Jeff Boberg, Senior Director, Customer Experience, (213) 922-7659
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Reviewed by: Jennifer Vides, Chief Customer Experience Officer, (213) 922-4060



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

CUSTOMER EXPERIENCE RESEARCH SERVICES BENCH/ PS43815000 - PS43815006

1.	Contract Number: PS43815000 through PS43815006	
2.	Recommended Vendors: See Attachment B	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFIQ <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: October 6, 2022	
	B. Advertised/Publicized: October 6, 2022	
	C. Pre-Proposal Conference: October 13, 2022	
	D. Proposals Due: November 7, 2022	
	E. Pre-Qualification Completed: January 1, 2023	
	F. Conflict of Interest Form Submitted to Ethics: November 22, 2022	
	G. Protest Period End Date: February 21, 2023	
5.	Solicitations Picked Up/Downloaded: 45	Bids/Proposals Received: 21
6.	Contract Administrator: Shannon Thoene	Telephone Number: (213) 922-2790
7.	Project Manager: Jeff Boberg	Telephone Number: (213) 922-7659

A. Procurement Background

This Board Action is to establish multiple-award customer experience research services bench contracts for a five-year term inclusive of a three-year base term and two, one-year option terms. The contracts shall be effective March 1, 2023, with a cumulative total amount not-to-exceed \$12,082,292. The Bench is intended to provide market research services to support bringing the voice of the customer into decision-making and to drive Customer Experience (CX) improvements. Board approval of contract award is subject to resolution of any properly submitted protest.

Customer experience research services shall be performed on an “as-needed” basis and work shall be authorized through the issuance of task orders. Task Orders with a total value of \$100,000 and below, shall be issued on a rotational, sequential basis while task orders with a total value over \$100,000 shall be competed among the bench firms within the appropriate discipline.

On October 6, 2022, RFIQ No. PS43815 was issued as a competitive procurement in accordance with Metro’s Acquisition Policy and the contract type is task order based.

A virtual pre-proposal conference was held on October 13, 2022. Eleven questions were received, and Metro provided responses prior to the proposal due date.

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

- Amendment No. 1, issued on October 26, 2022, revised the submittal requirements and evaluation criteria.
- Amendment No. 2, issued on October 31, 2022, incorporated the Diversity and Economic Opportunity Department Compliance Manuals for the SBE/DVBE and Set-Aside programs as a contract exhibit.

Forty-five firms downloaded the RFIQ and were included on Metro's planholders' list. A total of 21 proposals were received from seven firms by the due date of November 7, 2022, and are listed below in alphabetical order:

Discipline 1: Intercept Survey

1. ETC Institute
2. Hispanispace, LLC dba ThinkNow Research
3. Maroon Society, Inc.
4. Redhill Group, Inc.

Discipline 2: Online and Telephone Survey

1. Barrios and Associates, LLC dba Communications Lab
2. EMC Research, Inc.
3. ETC Institute
4. Hispanispace, LLC dba ThinkNow Research
5. Maroon Society, Inc.
6. Quantum Market Research, Inc.
7. Redhill Group, Inc.

Discipline 3: Qualitative Research

1. Barrios and Associates, LLC dba Communications Lab
2. EMC Research, Inc.
3. Hispanispace, LLC dba ThinkNow Research
4. Maroon Society, Inc.
5. Quantum Market Research, Inc.
6. Redhill Group, Inc.

Discipline 4: User Experience Testing

1. Quantum Market Research, Inc.
2. Redhill Group, Inc.

Discipline 5: General Research Support

1. Maroon Society, Inc.
2. Redhill Group, Inc.

B. Evaluation of Proposals

Five Proposal Evaluation Teams (PETs) were convened and conducted a comprehensive technical evaluation of the proposals received for each of the five disciplines. The PETs consisted of staff from Customer Experience, Technical Services, and Data Analysis, Long Range Transportation Plan, Digital Communication Administration Marketing, Transportation Planning, and TDM Policy and Regional Shared Mobility. The proposals were evaluated based on the following evaluation criteria:

Phase I Evaluation – Minimum Qualification Review: This is a pass/fail criteria. The criteria for all five disciplines focused on the experience of the Prime Contractor and/or team in providing research services, including but not limited to:

1. Development of research plans;
2. Questionnaire/discussion guide development;
3. Documentation of research methods and datasets;
4. Preparing technical memorandums, reports, and presentations; and
5. Provision and administration of incentives to incentivize participation in research.

From November 9, 2022 through November 15, 2022, the PETs met to review the evaluation criteria package, process confidentiality and conflict of interest forms, and take receipt of the proposals to initiate the Phase I evaluation.

On November 21, 2022, the PETs reconvened and determined that all proposals received met the minimum qualification requirements and proceeded with Phase II - Technical Evaluation based on the following criteria and weights:

- | | |
|--|-----------|
| • Qualifications of the Firm and Team | 30 Points |
| • Project Manager and Key Staff's Qualifications and Availability | 50 Points |
| • Understanding the Scope of Services and Management Plan and Approach | 20 Points |

The evaluation criteria are appropriate and consistent with criteria developed for similar customer experience research services. Several factors were considered in developing these weights, giving the greatest importance to the qualifications and availability of the project manager and key staff.

Phase II evaluations were conducted from November 16, 2022, through January 3, 2023. At the conclusion of evaluations, the PETs determined the following:

Discipline 1 - Intercept Survey: All four firms met the competitive range and were determined to be responsive, responsible, and qualified to perform the services based on the RFIQ's requirements. The firms are listed below in alphabetical order:

1. ETC Institute
2. Hispanispace, LLC dba ThinkNow Research
3. Maroon Society, Inc.
4. Redhill Group, Inc.

Discipline 2 - Online and Telephone Survey : Of the seven proposals received, two firms were outside of the competitive range and were not included for further consideration. The five (5) firms within the competitive range are listed below in alphabetical order:

1. Barrios and Associates, LLC dba Communications Lab
2. EMC Research, Inc.
3. Maroon Society, Inc.
4. Quantum Market Research, Inc.
5. Redhill Group, Inc.

Discipline 3 - Qualitative Research: All six firms met the competitive range and were determined to be responsive, responsible, and qualified to perform the services based on the RFIQ's requirements. The firms are listed below in alphabetical order:

1. Barrios and Associates, LLC dba Communications Lab
2. EMC Research, Inc.
3. Hispanispace, LLC dba ThinkNow Research
4. Maroon Society, Inc.
5. Quantum Market Research, Inc.
6. Redhill Group, Inc.

Discipline 4 - User Experience Testing: Of the two proposals received, only the Redhill Group, Inc. met the competitive range and was determined to be responsive, responsible, and qualified to perform the services based on the RFIQ's requirements.

Discipline 5 - General Research Support: Both proposers met the competitive range and were determined to be responsive, responsible, and qualified to perform the services based on the RFIQ's requirements. The firms are listed below in alphabetical order:

1. Maroon Society, Inc.
2. Redhill Group, Inc.

C. Cost/Price Analysis

Each proposer submitted fully burdened hourly rates for labor classifications necessary to perform customer experience research services. The rates have been determined to be fair and reasonable based on price analysis, cost analysis, technical evaluation, and fact-finding.

Work for this Bench Contract will be authorized through the issuance of separate task orders. Each task order will contain a specific Scope of Services and will be issued either on a rotation basis (for task orders with a total value of \$100,000 and below) or will be competed among the firms on the bench within the appropriate discipline (for task orders with a total value over \$100,000).

D. Background on Recommended Contractors

Barrios and Associates, LLC dba Communications Lab

Barrios and Associates, LLC dba Communications Lab (Communications Lab), established in 2013, is headquartered in Orange County, CA. It is a full-service agency that provides focused communication, consulting services, strategic planning, crisis communications, media relations, and community outreach services. Communication Lab's clients include the Orange County Transportation Authority, Transportation Corridor Agency (The Toll Roads), San Bernardino County Transportation Authority, City of Lake Forest, and Santa Margarita Water District.

Communications Lab has been providing community outreach services to Metro since 2018 and performance has been satisfactory.

Communications Lab is a Metro-certified small business enterprise.

EMC Research, Inc.

EMC Research, Inc. (EMC), headquartered in Seattle, Washington, is a full-service opinion research firm established in 1989. Its expertise includes branding and positioning; data analytics; political polling; customer satisfaction; ad testing; and social and behavioral studies. It serves a diverse range of public and private sector clients which include the California Department of Transportation, San Francisco Bay Area Metropolitan Transportation Commission, Alameda-Contra Costa Transit District, San Francisco Municipal Transit Agency, Sound Transit, King County Metro, San Mateo County Transit District, Central Ohio Transit Authority, and Caltrain.

ETC Institute

ETC Institute (ETC), founded in 1982, is based in Olathe, Kansas. It provides onboard customer satisfaction and experience surveys, intercept surveys, rider and non-rider community surveys, and other types of communitywide transit surveys. ETC has more

than 40 years of experience in the design and administration of transportation-related market research for state departments of transportation, transit agencies, and metropolitan planning organizations, including Embark, Kansas City Regional Transit, Capital Area Transit System, LACMTA, North Central Texas Council of Governments, Dallas Area Rapid Transit, and Metropolitan Transportation Commission San Francisco.

ETC has been providing customer satisfaction and experience surveys to Metro since 2018 and performance has been satisfactory.

Hispanispace, LLC dba ThinkNow Research

Hispanispace, LLC dba ThinkNow Research (ThinkNow), established in 2012, is located in Burbank, CA. It provides qualitative and/or quantitative market research studies to help assess public opinions to help guide client's objectives in developing programs, initiatives, and messages. Existing clients include Sigma Alimentos, GAF Materials Corporation, Dish Network, and NetSpend.

ThinkNow currently provides market research, focus groups, and online surveys to Metro as a subcontractor and performance has been satisfactory.

ThinkNow is a Metro-certified small business enterprise.

Maroon Society, Inc.

Maroon Society Inc. (Maroon Society) is a Los Angeles-based Metro-certified Small Business Enterprise research firm that has been providing market research services for over 17 years. Maroon Society's expertise is focused on transportation and public health research for government agencies including the City of West Hollywood, Los Angeles Department of Water and Power, City of Los Angeles, LA SAFE, City of Santa Monica, and City of West Hollywood.

Maroon Society has previously provided urban greening research and outreach study and event staffing services to Metro and performance has been satisfactory.

Maroon Society is a Metro-certified small business enterprise.

Quantum Market Research, Inc.

Quantum Market Research, Inc. (QMR) is a full-service research firm founded in 2002. Located in Oakland, QMR provides survey research and market research consulting services. It has conducted research for the transit industry for the past 25 years and managed customer experience research studies for agencies and organizations including University of California San Francisco, Solano Transportation Authority, San Francisco Fine Arts Museums, Evitarus Inc., and San Francisco Exploratorium.

Redhill Group, Inc.

Redhill Group, Inc. (Redhill Group), located in Irvine, CA was established in 1998. It is a full-service market research firm specializing in transportation, entertainment, customer satisfaction, mystery shopping, product positioning, and ad tracking. Redhill Group has conducted transformative research studies for local and national organizations. Its clients include Clean Power Alliance, Omnitrans, Riverside Transit Agency, Southern California Regional Rail Authority, San Diego International Airport, and Southern California Association of Governments.

Redhill Group has provided research surveys and focus groups to Metro since 1997 and performance has been satisfactory.

Redhill Group is a Metro-certified small business enterprise.

DEOD SUMMARY**CUSTOMER EXPERIENCE RESEARCH SERVICES BENCH/
PS43815000 - PS43815006****A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) will determine Disadvantaged Business Enterprise (DBE), Small Business Enterprise (SBE) and Disabled Veteran Business Enterprise (DVBE) goal for this multiple-funding source bench contract, prior to the issuance of each Task Order proposal request for Customer Experience On-Call Research Services. Proposers were encouraged to form teams that include DBE, SBE, and DVBE firms to perform the scopes of work identified without schedules or specific dollar commitments prior to establishment of this contract.

For each Task Order, a DBE goal will be recommended based on scopes of work and estimated dollar values for a task order that are federally funded. Participants on the Bench will be required to meet the DBE contract-specific goal by obtaining enough DBE participation to meet the goal or by successfully demonstrating Good Faith Efforts. SBE/DVBE goals will be established based on the scope of work and estimated dollar value for task orders funded with state and/or local funds. Participants on the Bench will be required to meet the SBE/DVBE contract-specific goal to be considered for award.

Bench participants that did not list any DBE, SBE or DVBE subcontractors at the time of proposal, must add DBE, SBE or DVBE subcontractors to their team to be responsive to a Task Order solicitation. The Local Small Business Enterprise (LSBE) Preference Program will be applied at the Task Order level. There are two LSBE primes and two LSBE subcontractors on the bench. Overall DBE, SBE and DVBE achievement will be determined based on the cumulative DBE, SBE and DVBE participation of all Task Orders awarded.

The Customer Experience On-Call Research Services Bench is subject to the Small Business Prime Program. If there are at least three certified small business within a bench discipline, the task order solicitation shall be set aside for small businesses only. Three (3) Disciplines currently have at least 3 SBE firms: Discipline 1: Intercept Survey, Discipline 2: Online and Telephone Survey and Discipline 3: Qualitative Research.

Discipline 1: Intercept Survey

Prime: ETC Institute

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	N/A				

Prime: Hispanispace, LLC dba ThinkNow Research

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Hispanispace, LLC dba ThinkNow Research (DBE/SBE/LSBE Prime)	X	X		X

Prime: Maroon Society, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Maroon Society, Inc. (DBE/SBE/LSBE Prime)	X	X		X

Prime: Redhill Group, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Redhill Group, Inc. (SBE Prime)	X			
2.	Temps, Inc. (LSBE)	X	X		X
3.	Lazar Translating & Interpreting	X			X

Discipline 2: Online and Telephone Survey

Prime: Barrios and Associates, LLC dba Communications Lab

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Barrios and Associates, LLC dba Communications Lab (SBE/DBE Prime)	X			X

Prime: EMC Research, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Customer Research International (LSBE)		X		X

Prime: Maroon Society, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Maroon Society, Inc. (DBE/SBE/LSBE Prime)	X	X		X

Prime: Quantum Market Research, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	N/A				

Prime: Redhill Group, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Redhill Group, Inc. (SBE Prime)	X			
2.	Temps, Inc. (LSBE)	X	X		X
3.	Lazar Translating & Interpreting	X			X

Discipline 3: Qualitative Research

Prime: Barrios and Associates, LLC dba Communications Lab

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Barrios and Associates, LLC dba Communications Lab (SBE/DBE Prime)	X			X

Prime: EMC Research, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Customer Research International (LSBE)		X		X

Prime: Hispanispace, LLC dba ThinkNow Research

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Hispanispace, LLC dba ThinkNow Research (DBE/SBE/LSBE Prime)	X	X		X

Prime: Maroon Society, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Maroon Society, Inc. (DBE/SBE/LSBE Prime)	X	X		X

Prime: Quantum Market Research, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	N/A				

Prime: Redhill Group, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Redhill Group, Inc. (SBE Prime)	X			
2.	Temps, Inc. (LSBE)	X	X		X
3.	Lazar Translating & Interpreting	X			X

Discipline 4: User Experience Testing

Prime: Redhill Group, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Redhill Group, Inc. (SBE Prime)	X			
2.	Temps, Inc. (LSBE)	X	X		X
3.	Lazar Translating & Interpreting	X			X

Discipline 5: General Research Support

Prime: Maroon Society, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Maroon Society, Inc. (DBE/SBE/LSBE Prime)	X	X		X

Prime: Redhill Group, Inc.

	Subcontractors	SBE	LSBE	DVBE	DBE
1.	Redhill Group, Inc. (SBE Prime)	X			
2.	Temps, Inc.	X	X		X
3.	Lazar Translating & Interpreting	X			X

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

D. Project Labor Agreement/Construction Careers Policy

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