



Metro

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

Agenda - Final

Thursday, November 30, 2023

10:00 AM

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Board of Directors - Regular Board Meeting

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Fernando Dutra, 2nd Vice Chair
Kathryn Barger
James Butts
Jacquelyn Dupont-Walker
Lindsey Horvath
Paul Krekorian
Holly J. Mitchell
Ara J. Najarian
Tim Sandoval
Hilda Solis
Katy Yaroslavsky
Gloria Roberts, non-voting member

Stephanie Wiggins, Chief Executive Officer

METROPOLITAN TRANSPORTATION AUTHORITY BOARD AGENDA RULES
(ALSO APPLIES TO BOARD COMMITTEES)

PUBLIC INPUT

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

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

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

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, or when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

CONDUCT IN THE BOARD ROOM - The following rules pertain to conduct at Metropolitan Transportation Authority meetings:

REMOVAL FROM THE BOARD ROOM - The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

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

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

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x2 *Español (Spanish)*

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The Board Meeting begins at 10:00 AM Pacific Time on November 30, 2023; you may join the call 5 minutes prior to the start of the meeting.

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

Instrucciones para comentarios publicos en vivo:

Los comentarios publicos en vivo se pueden dar por telefono o en persona.

La Reunion de la Junta comienza a las 10:00 AM, hora del Pacifico, el 30 de Noviembre de 2023. Puedes unirte a la llamada 5 minutos antes del comienso de la junta.

Marque: 888-251-2949 y ingrese el codigo
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Written Public Comment Instruction:

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

Email: BoardClerk@metro.net

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Board Administration

One Gateway Plaza

MS: 99-3-1

Los Angeles, CA 90012

CALL TO ORDER

ROLL CALL

1. APPROVE Consent Calendar Items: 2, 5, 7, 9, 10, 11, 12, 13, 14, 17, 19, 20, 21, 22, 23, and 24.

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** [2023-0709](#)

RECOMMENDATION

RECEIVE remarks by the Chair.

4. **SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER** [2023-0710](#)

RECOMMENDATION

RECEIVE report by the Chief Executive Officer.

EXECUTIVE MANAGEMENT COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

- 19.1. **SUBJECT: METRO'S RESPONSE TO I-10 FREEWAY FIRE AND SUBSEQUENT CLOSURE MOTION** [2023-0716](#)

RECOMMENDATION

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

- A. Amend goal #4 of the 2024 Legislative Program's State Goals to include provisions for the reimbursement of transit-related services/expenses incurred during a federal or state emergency declaration.
- B. Promote ridership through regional coordination:
 1. Coordinate with the City, County, State, and Federal agencies to take the necessary action to support the recovery phase for the communities impacted by the I-10 freeway fire and subsequent closure.
 2. Collaborate with Tier 1 transit operators and Metrolink to expand and coordinate services affected by the freeway closure to encourage and

promote ridership.

3. Collaborate with local jurisdictions to increase opportunities for bus priority lanes and bus signal prioritization on lines affected by the closure.
 4. Collaborate with local jurisdictions and Caltrans on E-Line & A-Line signal prioritization, including but not limited to closing the eastbound I-10 on-ramp that crosses the A & E Lines right-of-way at Flower Street.
 5. Coordinate with local jurisdictions and special traffic operations to support reliable travel for major and special events.
 6. Develop a strategy to prepare and implement Integrated Corridor Management (ICM) plans for major freeway corridors in partnership with Caltrans, Los Angeles County Department of Public Works, Los Angeles Department of Transportation, and additional local jurisdictions.
- C. Provide incentives for public transportation and enhance services:
1. Lift the monthly cap on transit rides for participants of the Low-Income Fare is Easy (LIFE) program for the duration of the freeway closure.
 2. For Metro riders, reduce daily parking rates to 10 cents at Metro's Park and Ride lots, excluding NFL Game Day promotions, for the duration of the freeway closure.
 3. Provide fare-free rides on Metro Bike-Share for the duration of the freeway closure.
 4. Launch a marketing campaign to encourage transit ridership while the I-10-freeway is undergoing repairs.
 5. Beginning November 23, 2023, work to enhance station services and amenities by deploying additional Transit Ambassador teams at key origin stations around the entire system to ensure adequate coverage is available to serve additional transit riders using the system for the duration of the freeway closure; expanding cleaning services at Metro-owned stations and platforms as needed; and improving lighting at Metro-owned parking lots, bus stations, and station platforms, as necessary.
- D. Assess impacts of the freeway closure and ensure reimbursement of eligible expenses:

1. Instruct Metro Real Estate to prepare an inventory of Caltrans-owned properties leased by Metro to ensure compliance with the lease terms and recommend corrective action if needed.
2. Report back to the Board within 30 days of the freeway reopening, on the effectiveness of various travel demand management strategies utilized during the I-10 freeway closure, including a separate report back on how to improve the transponder technology to provide accurate arrival at transit stations, starting with lines affected by the closure.
3. Report back to the Board within 30 days on ridership changes related to the freeway closure.
4. Submit grant applications and conduct any necessary actions, including negotiating and executing grant agreements and signing requests for reimbursements to the California State Transportation Agency, California Department of Transportation, California Office of Emergency Services, and other pertinent agencies to secure State funds for emergency operations and infrastructure protection services, as necessary.

**31. SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL PROJECT
RELOCATION PLAN AND ACQUISITION AND
RELOCATION PILOT PROGRAM**

[2023-0659](#)

RECOMMENDATION

APPROVE:

- A. a Pilot Program to reduce hardships to property owners by incorporating streamlined acquisition and relocation procedures for right-of-way delivery for the East San Fernando Valley Light Rail Project (Attachment A); and
- B. the East San Fernando Valley Light Rail Project Relocation Plan (Attachment B).

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

Attachments: [Attachment A - Acquisition & Relocation Pilot Prog. for ESFV Light Rail Proj.](#)
[Attachment B - Relocation Plan](#)
[Presentation](#)

END OF NON-CONSENT

32. SUBJECT: CLOSED SESSION

[2023-0723](#)

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

1. Kamal Patel v. LACMTA, LASC Case No. 21STCV05686

B. Conference with Labor Negotiator - Government Code 54957.6

Agency designated representative: Cristian Leiva

Employee organizations: Amalgamated Transit Union, SMART, TCU, AFSCME, Teamsters

C. Public Employee Performance Evaluation - Government Code Section 54957(b)(1)

Title: Chief Executive Officer

CONSENT CALENDAR

2. SUBJECT: MINUTES

[2023-0712](#)

RECOMMENDATION

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

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

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

5. SUBJECT: 2024 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM

[2023-0618](#)

RECOMMENDATION

APPROVE the programming of up to \$216,817,000 in Regional Transportation Improvement Program funds to the proposed projects and the program amendments shown in Attachment A.

Attachments: [Attachment A - 2024 LA County RTIP](#)
[Attachment B - 2024 LA County RTIP Project Descriptions](#)
[Presentation](#)

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

7. **SUBJECT: METRO ACTIVE TRANSPORTATION STRATEGIC PLAN UPDATE** [2023-0516](#)

RECOMMENDATION

CONSIDER:

- A. ADOPTING the Active Transportation Strategic Plan Update;
- B. AUTHORIZING the CEO to release the solicitation for Cycle 2 of the Metro Active Transport, Transit, and First/Last Mile Grant Program; and
- C. APPROVING Metro’s policies for Cycle 7 of the State Active Transportation Program.

- Attachments:** [Attachment A - ATSP Update Executive Summary](#)
[Attachment B - MAT Program Cycle 1 Project List](#)
[Attachment C - ATP Cycle 7 Policies Presentation](#)

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

9. **SUBJECT: RAIL TO RAIL ACTIVE TRANSPORTATION CORRIDOR PROJECT** [2023-0415](#)

RECOMMENDATION

CONSIDER:

- A. INCREASING the Life of Project Budget for the Rail-to-Rail Active Transportation Project (Project) by \$23,100,000, from \$143,284,000 to \$166,384,000; and
- B. AUTHORIZING the Chief Executive Officer to execute agreements, including Contract Modifications, within the Board Approved Life of Project Budget.

- Attachments:** [Attachment A - R2R Funding and Expenditure Plan Presentation](#)

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

10. SUBJECT: TRACK AND TUNNEL INTRUSION PROJECT [2023-0565](#)

RECOMMENDATION

INCREASE the Life of Project (LOP) Budget on the Track and Tunnel Intrusion Project by \$550,224, from \$10,821,772 to \$11,371,996.

Attachments: [Attachment A - Funding and Expenditure Plan](#)

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

11. SUBJECT: SYSTEMS ENGINEERING AND SUPPORT SERVICES CONTRACT [2023-0639](#)

RECOMMENDATION

CONSIDER:

- A. APPROVING an increase in total authorized funding for Contract No. AE47810E0128 with SECOTrans (Joint Venture of Hatch LTK Engineering Services, NBA Engineering Inc., Pacific Railway Enterprises Inc., and Ramos Consulting Services, Inc), for pending and future Task Orders to provide systems engineering and support services for Metro Rail and Bus Transit projects, in the amount of \$19,500,000, increasing the total contract authorized funding from a not-to-exceed (NTE) amount of \$95,282,000 to a not-to-exceed amount of \$114,782,000 through April, 2025; and
- B. AUTHORIZING the Chief Executive Officer (CEO) or designee to execute individual Task Orders and Contract Modifications within the Board approved contract funding amount.

Attachments: [Attachment A - Procurement Summary](#)
[Attachment B - Proposed Task Order Work List](#)
[Attachment C - DEOD Summary Presentation](#)

CONSTRUCTION COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

12. SUBJECT: EB SR-91 ATLANTIC TO CHERRY IMPROVEMENTS [2023-0641](#)

RECOMMENDATION

CONSIDER:

- A. ESTABLISHING a Life-of-Project budget for the EB SR-91 Atlantic to Cherry Improvements in the amount of \$174,187,000; and

- B. AUTHORIZING the Chief Executive Officer to negotiate and execute project-related agreements, including contract modifications, up to the authorized Life-of-Project budget.

Attachments: [Attachment A - Funding and Expenditure Plan](#)
 [Attachment B - Bid Opening and Bid Summary](#)
 [Presentation](#)

CONSTRUCTION COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

- 13. **SUBJECT: I-605 SOUTH STREET IMPROVEMENTS PROJECT** [2023-0640](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. ESTABLISH a Life of Project Budget (LOP) for the I-605 Southbound South Street Improvements Project in the amount of \$33,222,000; and
- B. AUTHORIZE the Chief Executive Officer to negotiate and execute project related agreements, including contract modifications, up to the authorized Life-of-Project Budget.

Attachments: [Attachment A - Funding and Expenditure Plan](#)
 [Attachment B - Bid Opening and Bid Summary](#)
 [Presentation](#)

CONSTRUCTION COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

- 14. **SUBJECT: WEST SANTA ANA BRANCH TRANSIT CORRIDOR** [2023-0605](#)

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to award a cost plus fixed fee contract, Contract No. AE104903000, to HDR Engineering, Inc., for advanced engineering and final design services of utility adjustments, freight relocation, and grade crossings for the Slauson/A Line to Pioneer segment of the West Santa Ana Branch (WSAB) Transit Corridor Project in the amount of \$75,407,476, subject to the resolution of protest(s), if any; and
- B. APPROVING Contract Modification Authority (CMA) specific to Contract No. AE104903000 in the amount of \$7,540,748, or 10% of the not-to-exceed contract award value authorize the CEO to execute

individual Contract Modifications within the Board-approved Contract Modification Authority.

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

EXECUTIVE MANAGEMENT COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

17. SUBJECT: LONG-TERM ADVERTISING - MARIACHI PLAZA STATION [2023-0650](#)

RECOMMENDATION

APPROVE a long-term advertising purchase agreement with Adventist Health White Memorial Hospital (Adventist Health), of up to 12 months, for advertising at Mariachi Plaza Station generating \$97,500 estimated gross sale for Metro. This agreement is not a title sponsorship and will not affect Mariachi Plaza Station's title/name.

Attachments: [Attachment A - Commercial Sponsorship and Adoption Policy](#)
[Attachment B - System Advertising Policy](#)
[Presentation](#)

EXECUTIVE MANAGEMENT COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

19. SUBJECT: 2024 LEGISLATIVE PROGRAM [2023-0682](#)

RECOMMENDATION

CONSIDER:

- A. RECEIVING the State and Federal Legislative Report;
- B. ADOPTING the proposed 2024 Federal Legislative Program as outlined in Attachment A; and
- C. ADOPTING the proposed 2024 State Legislative Program as outlined in Attachment B.

Attachments: [Attachment A - 2024 Federal Legislative Program](#)
[Attachment B - 2024 State Legislative Program](#)

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

20. SUBJECT: P2550 LIGHT RAIL VEHICLE MIDLIFE OFFSITE TESTING [2023-0528](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE Contract Modification No. 6 to Contract No. PS183832000P2550 Light Rail Vehicle (LRV) Midlife Modernization with Kinkisharyo International, L.L.C. for Offsite LRV Qualification Testing increasing the total Contract value by \$1,500,000 from \$159,119,493 to \$160,619,493 to enable LRV testing offsite LACMTA property; and
- B. EXECUTE Contract Modifications under this Contract for up to \$1,000,000 per Contract Modification.

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

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

21. SUBJECT: TRANSIT OPERATIONS ENGINEERING SUPPORT [2023-0606](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award and execute Indefinite Delivery/Indefinite Quantity (IDIQ) task order-based Contracts No. AE100331000 and AE100331001 to HNTB Corporation and Gannett Fleming, Inc., respectively, for transit operations engineering support services for a combined not-to-exceed (NTE) amount of \$116,000,000 for the four-year base period, and combined NTE of \$20,000,000 for each of the three one-year options; for a combined NTE total amount of \$176,000,000 subject to resolution of any properly submitted protest(s), if any.

Attachments: [Attachment A - Procurement Summary](#)
[Attachment B - DEOD Summary](#)
[Attachment C - List of Project Uses](#)

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

- 22. SUBJECT: ENGINEERING SUPPORT SERVICES FOR VERTICAL TRANSPORTATION SYSTEM AND RELATED SERVICES** [2023-0620](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a ten-year firm fixed unit rate Contract No. AE89754000 to Gannett Fleming, Inc. for engineering support services for vertical transportation system and related services, for a not-to-exceed amount (NTE) of \$36,324,570 for the six-year base term, and \$12,187,396 for each of the two, two-year option terms for a total combined NTE amount of \$60,699,362, effective January 1, 2024, 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):

- 23. SUBJECT: SPACE PLANNING - INSTALLATION SERVICES AND FURNITURE** [2023-0632](#)

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Modification No. 5 to Contract No. PS28069-2000 with M3 Office Inc. in the amount of \$1,500,000 to continue to provide space planning/installation services and furniture increasing the total not-to-exceed contract value from \$7,500,000 to \$9,000,000 and extend the period of performance through December 31, 2024.

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

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

- 24. SUBJECT: A650 HEAVY RAIL VEHICLE ATC SYSTEM UPGRADE** [2022-0822](#)

RECOMMENDATION

CONSIDER:

A. AUTHORIZING the Chief Executive Officer (CEO) to negotiate, award, and

execute Contract No. OP116496 to Hitachi Rail for 36 months for an amount not to exceed \$29,312,410, to upgrade the onboard train control system on 70 of Metro's A650 option order Heavy Rail Vehicles (HRVs) and a contract option for upgrading an additional 4 A650 HRVs, to ensure compatibility with upcoming upgrades to Metro's wayside signaling and communication systems, subject to the resolution of any properly submitted protest(s), if any; and

- B. FINDING that there is only a single source of procurement for the materials and work set forth in Recommendation A above and it is for the sole purpose of delivering, installing, and testing equipment compatible with the anticipated upgrades to Metro's wayside signaling/communication systems.

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

SUBJECT: GENERAL PUBLIC COMMENT

[2023-0711](#)

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 #: 2023-0710, **File Type:** Oral Report / Presentation

Agenda Number: 4.

**REGULAR BOARD MEETING
NOVEMBER 30, 2023**

SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER

RECOMMENDATION

RECEIVE report by the Chief Executive Officer.

Report by the CEO

Item #4



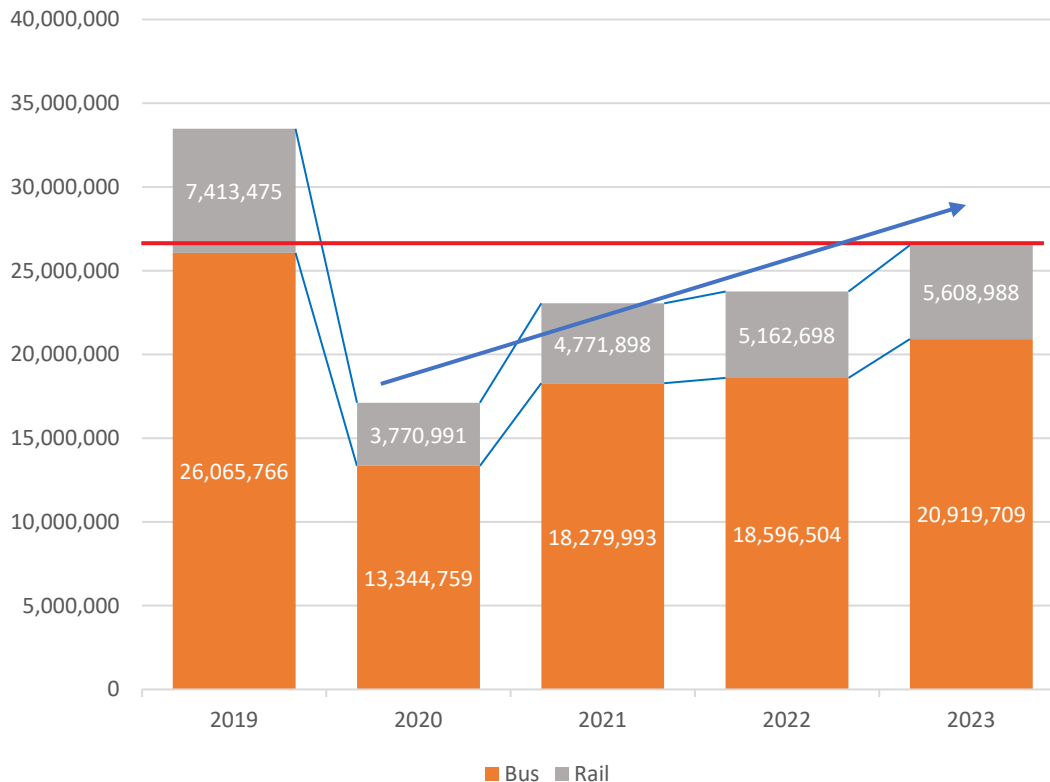
Metro

CHIEF EXECUTIVE OFFICER

November 2023

Ridership Growth Continues for 11th Consecutive Month

OCTOBER MONTHLY RIDERSHIP



- 956,000 average weekday boardings in October – post pandemic ridership record
- 78% of pre-pandemic level on weekdays
- 92% of pre-pandemic level on weekends



The 10 Closure Period

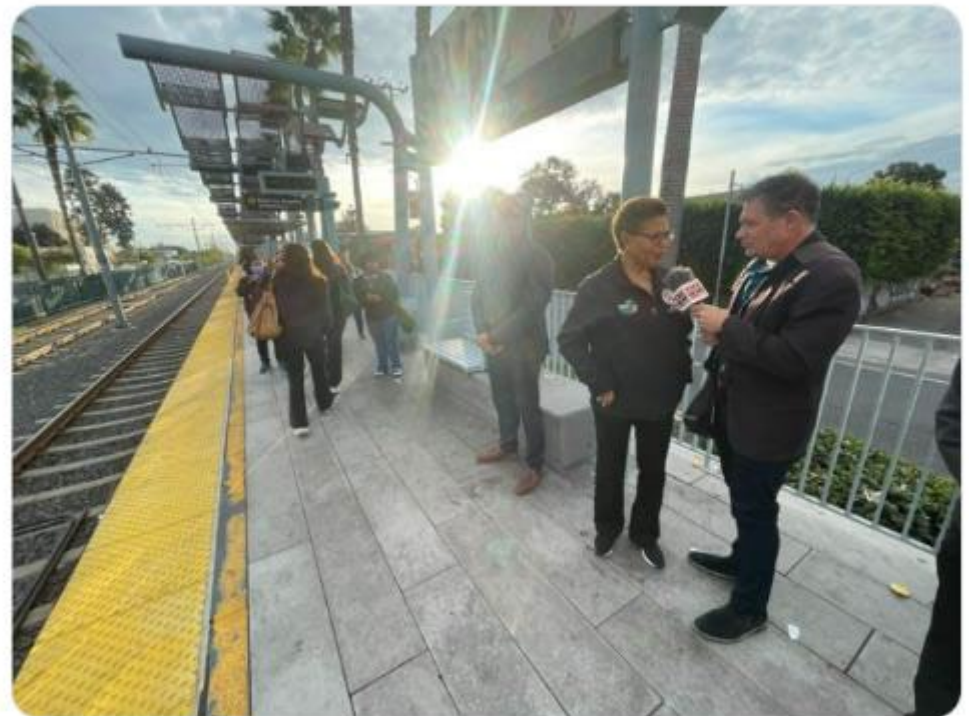


- 7% increase in E Line ridership over October 2023 levels
- 14% increase on E Line on Saturday, November 18



Mayor Karen Bass @MayorOfLA · Nov 15

Took @metrolosangeles to work this morning to beat the traffic! It's the best way to beat the traffic downtown as we work urgently to get the 10 repaired.



241

116

843

126K



EQUITY IN INFRASTRUCTURE PROJECT PLEDGE



CEO Wiggins Goes To Washington



Farewell Jim De La Loza!





Board Report

File #: 2023-0659, File Type: Policy

Agenda Number:

REGULAR BOARD MEETING
NOVEMBER 30, 2023

SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL PROJECT RELOCATION PLAN AND ACQUISITION AND RELOCATION PILOT PROGRAM

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

APPROVE:

- A. a Pilot Program to reduce hardships to property owners by incorporating streamlined acquisition and relocation procedures for right-of-way delivery for the East San Fernando Valley Light Rail Project (Attachment A); and
- B. the East San Fernando Valley Light Rail Project Relocation Plan (Attachment B).

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

ISSUE

Acquisition of property interests and relocation of displacees is required for the construction and operation of the East San Fernando Valley Light Rail Project ("Project"). Per Federal and State regulations, the Project is required to prepare a Relocation Plan to demonstrate relocation planning before initiating any displacement activity. The regulations require the Relocation Plan to be made available for public review and comment for a minimum of 30 days before presenting it to the Agency's legislative body for approval. Once approved, the Project's Relocation Plan must be submitted to the California Department of Housing and Community Development (HCD), which serves as the repository for Relocation Plans. Los Angeles County Metropolitan Transportation Authority ("LACMTA"), by a vote of two-thirds of the Board, must determine if the Project satisfied the relocation planning requirements, and if satisfied, approve the Relocation Plan (Attachment B).

Metro staff also proposes a Pilot Program developed for acquisition and relocation activities to reduce hardships to property owners and displacees impacted by the Project. The Pilot Program includes acquisition incentives for owners entering into voluntary settlements within 60 days of receiving LACMTA's purchase offer and increasing relocation benefits to help minimize displacement hardships.

BACKGROUND

LACMTA completed the preparation of the Final Environmental Impact Statement / Environmental Impact Report (FEIS/FEIR) for the Project, and it was certified by the Board on December 3, 2020. LACMTA intends to phase the Project and construct the 6.7-mile segment along Van Nuys Boulevard as an Initial Operating Segment (IOS). The IOS will extend down the center of Van Nuys Boulevard from Van Nuys LACMTA G Line (Orange Line) Station in the community of Van Nuys on the south, north to the intersection of Van Nuys Boulevard and San Fernando Road which will be the location of the proposed terminus station of the IOS in the community of Pacoima.

LACMTA will need to acquire private property to build and operate the proposed alignment. The required property includes both temporary and permanent rights. The property will be required for four main purposes:

- Construction staging
- Maintenance & Service Facility (MSF)
- Traction Power Substation (TPSS)
- MSF non-revenue track connection

The Project will require the acquisition of privately held properties. Because this project is publicly funded, LACMTA will provide relocation assistance to persons and businesses displaced in compliance with all applicable federal, state, and local laws, regulations, rules, and policies.

Federal and State Regulations require that LACMTA complete relocation planning before initiating any displacement activities. This specific planning document is prepared to comply with federal requirements, as stated in 49 CFR 24.205 and Cal. Code Regs. Tit. 25, § 6038 - Relocation Plan.

DISCUSSION

The Relocation Plan prepared for the Project (Attachment B) describes the method of implementing relocation procedures for the fair, equitable, and consistent treatment of persons displaced from their homes and businesses when displacement occurs due to the Project. It identifies the administrative requirements for conducting relocation and sets forth relocation standards, occupancy standards, methods for obtaining comparable replacement housing, relocation assistance available to residential and non-residential eligible displaced persons, payments available, and other related provisions of the relocation assistance program. The Relocation Program is required to mitigate the impacts of displacement on the persons who will have to vacate because of the project.

The Relocation Plan provides a snapshot of the existing conditions at the occupied properties, such as the types and numbers of occupants that can be expected to be displaced. If changes in occupancy occur, such as additional occupants at properties currently vacant, such changes will be promptly reviewed and documented to determine the reason for moving in or out of the property to make timely determinations of eligibility for relocation assistance under the Relocation Program.

The Relocation Plan was posted on October 14th and was available for comment until November 14th.

The Plan was made available at libraries in Pacoima, Van Nuys and Panorama City and posted at metro.net/eastsvftransit. An email blast was sent to Community Relations' list of 1,979 ESFV stakeholders and ¼ page Newspaper Ads were run in Spanish and English in El Sol Newspaper. The plan notice was posted on NextDoor Website and via direct notice in English and Spanish to all 83 impacted owners and tenants through the mail. It was also announced at the October 25, 2023, virtual community meeting and the November 2, 2023 in-person community meeting.

Two comments were received on the relocation plan - one from Los Angeles Council District 6 and one from Pacoima Beautiful. The comments and the responses are included in the addendum to the relocation plan (Attachment B).

To expedite acquisition and relocation tasks, and to reduce hardships for property owners and displacees impacted by the Project, the Relocation Plan includes a Pilot Program which is supported by both regulatory authority and previous field experience. The adoption of this pilot program as described below will require increased spending above and beyond current LACMTA acquisition and relocation policies, however, cost savings are expected to be harvested due to expedited delivery of right of way, less eminent domain costs, and less loss of goodwill costs.

The proposed pilot program includes:

ACQUISITION INCENTIVES:

Acquisition incentive payments are in addition to the offer of just compensation as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). Incentive payments have been used by many agencies on large infrastructure projects with both state and federal funding. Recognizing the value of incentives, the California Department of Transportation (Caltrans) prepared a Memorandum on Incentives dated June 12, 2014. This memorandum describes how FHWA's authority to participate in incentive payments is derived from 23 CFR 710.203 (b)(2)(ii). Under Caltrans regulations, the incentive payment is a lump sum payment of 10% of the appraised value with a minimum payment of \$1,000 and a maximum payment of \$100,000. It's important to note the Project has \$34.6 million of Caltrans funding for right of way.

The following incentive program is recommended to be implemented for the Project. Higher incentive amounts than those listed in the Caltrans Memo are recommended below as staff experience has shown these amounts have the best chance of expediting voluntary settlements.

The acquisition incentives recommended for the Project are:

- 20% of the appraised value with a minimum payment of \$3,500 and a maximum of \$500,000
- Offer must be accepted within 60 days from receipt of the offer
- Apply the program retroactively to any parcels currently under negotiation when the incentive program is approved.

It is anticipated that an acquisition incentive program will result in the following potential benefits to property owners, displacees, and LACMTA:

- Increased number of voluntary settlements and delivery of right of way

- Development of good rapport with the property owners
- Schedule savings by expedited release of property for construction
- Reduced condemnation costs
- A streamlined settlement process for property owners
- A uniform approach to settlements that delivers compensation more quickly to property owners

INCREASED RELOCATION BENEFITS:

The Relocation Plan proposes increasing relocation benefits above those prescribed by the URA for business displacees for certain categories (current URA relocation benefits for re-establishment are capped at \$25,000; searching costs are capped at \$2,500; and fixed moving payments are capped at \$40,000).

It is recommended, based on the staff's decades of field experience, that the following current capped benefits be raised to the amounts listed below:

- In-lieu fixed payment be raised from a maximum of \$40,000 to a maximum of \$50,000
- Re-establishment be raised from a maximum of \$25,000 to a maximum of \$40,000
- Searching benefits be raised from a maximum of \$2500 to a maximum of \$5,000

Increasing capped non-residential relocation amounts above URA amounts is expected to result in:

- Faster relocations and less hardships to displacees, especially small businesses
- Accelerated parcel vacancies and schedule savings
- Potentially lower losses of goodwill claims

ADDITIONAL STREAMLINING MEASURES

The following streamlining measures do not require increased spending, are already authorized by existing regulations, and do not require additional approvals. They will be used in coordination with acquisition incentives and increased relocation benefits.

1. FTA requires its concurrence on appraised values over \$1,000,000 and acquisition settlements above \$50,000. These thresholds require FTA to use its staff or consultants to review any LACMTA-approved appraisal within that threshold. FTA Circular 5010-1E, Page IV-8, section g provides a procedure for increasing both the \$1,000,000 and \$50,000 concurrence thresholds. Metro is requesting FTA to increase its limit for just compensation and administrative settlements to \$6 million total.

It is anticipated that increased appraisal and settlement concurrence amounts will result in the following benefits to property owners, displacees, and LACMTA:

- faster appraisal approval on complex parcels
- less time taken for administrative coordination with FTA on settlements
- faster amicable settlements with property owners and

- less potential condemnation costs due to increased LACMTA settlement authority
2. Regulatory authority for Appraisal Waivers is found in 49 CFR 24.102 (C) (2). Appraisal Waivers are deemed appropriate where the valuation problem is uncomplicated, and the anticipated value of the proposed acquisition is estimated at \$10,000 or less. However, the Federal Agency funding the project may approve Appraisal Waivers up to \$25,000 if the acquiring agency offers the landowner the option of having the agency appraise the property.

It is anticipated that the use of appraisal waivers will result in the following potential benefits to property owners, displacees, and LACMTA:

- faster valuations of uncomplicated permanent acquisitions and TCEs as opposed to the use of appraisals and review appraisals, which may take up to four months to prepare
- cost savings to LACMTA as opposed to the use of appraisals and review appraisals, which may cost up to \$10,000 initially per parcel
- quicker delivery of payments to property owners due to faster valuations and
- schedule savings resulting from expedited valuations and negotiations that facilitate voluntary settlements

The Pilot Program is designed to reduce hardships to impacted property owners and displacees. Additionally, the program is expected to reduce acquisition and relocation timeframes which have averaged 24 to 36 months for more complicated cases. If successful, the pilot program could be applied to future projects.

METRICS

To measure the success of the acquisition incentive and increased relocation benefits, a series of metrics will be devised and implemented. It will likely take 2-3 years to have a comprehensive perspective of the benefits/costs of the pilot program.

The metrics used for determining the success of acquisition incentives will include tracking the following:

- Number of parcel owners claiming the incentives
- Duration to settle the acquisition and release the parcel to the contractor
- Total amount of incentives claimed per parcel
- Number of voluntary vs involuntary settlements

Negotiation timeframes for parcels claiming the incentives will be compared to historical data on similar parcels not benefitted from an incentive program. Total amounts paid for properties claiming the incentives (including the amount of the incentive and just compensation) will also be compared to historical data on similar parcels not benefitted by an incentive program. The results of these comparisons will be analyzed to judge the effectiveness of the incentive program.

The metrics used for determining the success of increased non-residential relocation benefits will be based on the following:

- Number of displacees claiming the increased relocation benefits
- General relocation timeframes
- Total amount of relocation benefits claimed per displacement
- Number of displacees not claiming the increased relocation benefits
- Number and amounts of goodwill claims paid to displacees

Relocation timeframes for displacees claiming the increased benefits will be compared to historical data on similar displaced businesses not receiving the higher benefits. The amount of loss of goodwill paid to displaced businesses claiming the increased benefits will be compared to historical data on similar displacees receiving the lower URA prescribed benefits and their corresponding losses of goodwill. The results of these comparisons will be analyzed to judge the effectiveness of the increased benefits. Once all metric data has been compiled, it will be finally reviewed as a whole to measure its effectiveness in reducing hardships to impacted property owners and displacees.

DETERMINATION OF SAFETY IMPACT

The Board's action will not have an impact on LACMTA's safety standards.

FINANCIAL IMPACT

The funding for the acquisition of the rights is included in the fiscal year 2024 budget under Project #865521, East San Fernando Valley Transit Project in Cost Center 8510 (Construction Project Management), Account Number 53101, (Acquisition of Land), and Fund 6001 (Light Rail).

Impact to Budget

Sources of funds for the recommended actions are Measure R 35%, Measure M 35%, and Federal and State Grants. These funds are not eligible for bus or rail operations.

Although the costs of proposed acquisition incentives and increased non-residential relocation benefits will not be fully reimbursable from Federal sources, the anticipated countervailing savings on Federally non-eligible loss of goodwill claims and savings realized from avoiding construction delays, condemnation costs, and legal fees, are expected to make up for the costs.

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 distance 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. These destinations include hospitals, churches, and shopping centers. To date, Metro Community Relations (CR) staff, who include bilingual speaking staff, have met with the local neighborhood councils and representatives of 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) as an advisory body to the Project and implement a CBO partnership that aligns with Metro's CBO Partnering Strategy. Before requests for Board adoption of the Relocation Plan, the Relocation Plan was posted for 30 days for public and community comment. Adoption of the Relocation Plan will allow the pilot program to reduce hardships to impacted property owners and displacees through the use of increased acquisition payments and relocation benefits. Real Estate Staff will coordinate with CR, CBOs, and CLC where appropriate to implement the Relocation Plan and benefit impacted property owners and displacees. In addition, the Real Estate Staff will be mindful of the goals of the ESFV's multi-year Cultural Competency Plan. These goals include, but are not limited to, respectful engagement of property owners and displacees based on historical context and lived experience and promoting nuanced understanding of the sociodemographic characteristics and identities of impacted property owners and displacees.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Board's action is consistent with LACMTA Vision 2028 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 Project 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 could choose not to approve the recommendations. This is not recommended as it is anticipated to result in delays and cost increases for the Project.

NEXT STEPS

If this action is approved by the Board, the adoption of the Relocation Plan will allow displacement activities to be carried out by LACMTA and the implementation of the Pilot Program. The Relocation Plan, including the Pilot Program, will be immediately implemented to advance acquisition and relocation activities for expedited right-of-way delivery for the East San Fernando Valley Light Rail Project.

ATTACHMENTS

Attachment A - Acquisition and Relocation Pilot Program for East San Fernando Valley Light Rail Project

Attachment B - Relocation Plan

Prepared by:

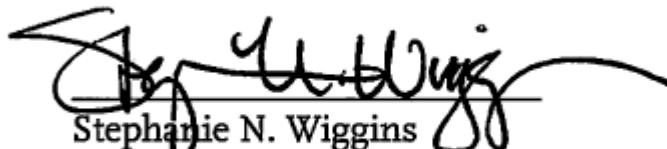
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ATTACHMENT A

ACQUISITION AND RELOCATION PILOT PROGRAM FOR EAST SAN FERNANDO VALLEY LIGHT RAIL PROJECT

In order to expedite acquisition and relocation tasks, and to reduce hardships to property owners and displacees impacted by the East San Fernando Valley Light Rail project, Metro proposes a pilot program as follows:

Acquisition Incentive

- Additional payment to property owners of 20% of the appraised value (with a minimum payment of \$3,500 and a maximum of \$500,000) for those who accept Metro's offer within 60 days from receipt of the offer
- Program to be applied retroactively to any parcels currently under negotiation when the incentive program is approved.

Relocation Benefits

- In-lieu fixed payment be raised from a maximum of \$40,000 to a maximum of \$50,000
- Re-establishment cap be raised from a maximum of \$25,000 to a maximum of \$40,000
- Searching benefits cap be raised from a maximum of \$2,500 to a maximum of \$5,000



REVISED

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

East San Fernando Valley Corridor Project

Relocation Assistance Plan

**Per federal rule
49 CFR 24.205**

September 2023

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EXECUTIVE SUMMARY

Los Angeles County has been served by public transit since 1873. During this time, at least 220 private and public companies have operated transit systems that have included horse cars, cable cars, incline railways, steam trains, electric streetcars, interurban cars, trolley buses and gas, Clean Natural Gas (“CNG”) or diesel-powered buses. From 1873, systems including horse cars operated by The Spring and West 6th Street Railroad and the Pacific Electric Railway Company (Red Cars) were part of transit history leading to the present-day network of busses, light rail and a subway system that is currently the responsibility of Los Angeles County Metropolitan Transportation Authority (“LACMTA”).

LACMTA has completed preparation of the Final Environmental Impact Statement / Environmental Impact Report (FEIS/FEIR) for the East San Fernando Valley Transit Corridor Project. In response to comments received on the Draft EIS/EIR (DEIS/DEIR), on June 28, 2018 the LACMTA Board of Directors formally identified a modified version of Alternative 4 (identified as “Alternative 4 Modified: At-Grade LRT” in the FEIS/FEIR) as the Locally Preferred Alternative (LPA or Alignment). The Project will ultimately provide a 9.2-mile Light Rail Transit system to connect from the Van Nuys LACMTA G Line (Orange Line) Station in the community of Van Nuys to the Sylmar/San Fernando Metrolink Station in the City of San Fernando, shown in Figure ES-1 below, thus providing commuters with significantly more options when navigating Los Angeles County. Daily boarding’s are anticipated to exceed 30,000 by the year 2040.

The LACMTA intends to phase the Project and construct the 6.7-mile segment along Van Nuys Boulevard as an Initial Operating Segment (IOS). The IOS has been included in the FEIS/FEIR to enable LACMTA to realize potential cost savings, which would not otherwise occur under the LPA. The LACMTA Board of Directors certified the FEIR on December 3, 2020 and adopted the Project definition. The IOS will extend 6.7 miles down the center of Van Nuys Boulevard from Van Nuys LACMTA G Line (Orange Line) Station in the community of Van Nuys on the south, north to the intersection of Van Nuys Boulevard and San Fernando Road which will be the location of the proposed terminus station of the IOS in the community of Pacoima.

The LACMTA Board further authorized the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and State of California Clearinghouse. The Board also adopted the Finding of Fact and Statement of Overriding Considerations in accordance with the California Environmental Quality Act (CEQA) and the Mitigation Monitoring and Reporting Plan.

The Federal Transit Administration (FTA) issued a Record of Decision (ROD) on January 21, 2021, certifying the requirements of the National Environmental Policy Act (NEPA). It is anticipated that construction of the Initial Operating Segment (IOS) will begin in late 2023 or early 2024 and take approximately 60 months.

LACMTA will need to acquire or secure use of some private property in order to build and operate the proposed alignment. In some cases the property will be acquired on a permanent basis. In other cases, LACMTA will only need the property temporarily. Property will be required for primarily four purposes:

- Construction staging
- Maintenance & Service Facility (MSF)
- Traction Power Substation (TPSS)
- MSF connection route

Figure ES-1: Proposed LPA Alignment and Stations


The Project will require the acquisition of privately held properties. Because this Project is publicly funded, LACMTA will provide relocation assistance to persons and businesses displaced in compliance with all applicable federal, state and local laws, regulations, rules and policies (Rules).

The Rules require that LACMTA complete relocation planning, outlining how it is planning to assist persons and businesses that may be impacted by the acquisition of real property within the project area. This specific planning document is prepared to comply with federal requirements, as stated in 49 CFR 24.205.

This document describes the method of implementing relocation procedures for the fair, equitable, and consistent treatment of persons displaced from their homes and businesses when displacement occurs due to Project. It identifies the administrative requirements for conducting relocation and sets forth relocation standards, occupancy standards, methods for obtaining comparable replacement housing, relocation assistance

available to residential and non-residential eligible displaced persons, payments available and other related provisions of the relocation assistance program.

This document (“Plan”) identifies the currently anticipated displacement impact resulting from the acquisition of required real property interests for Project and outlines LACMTA’s Relocation Assistance Program (“Relocation Program”) to be implemented in order to mitigate the impacts of displacement on the persons who will have to vacate the properties acquired for the Project or move their personal property as a result of the acquisition.

This document provides a snapshot of the existing conditions at the occupied properties, such as types and numbers of occupants that can be expected to be displaced. If changes in occupancy occur, such as additional occupants at properties currently vacant, such changes will be promptly reviewed and documented to determine the reason for moving in or out of the property in order to make timely determinations of eligibility for relocation assistance under the Relocation Program.

Fifty-three (53) parcels were identified as requiring relocation of the occupants. Based on the review of parcel data and recently conducted site survey, three (3) residential displacements are anticipated from Single Family Residences (SFR). It is anticipated that the Project will result in 80 non-residential displacements, which will require relocation assistance.

Presently, the types of potentially impacted businesses include the following: Weight Loss Clinic, Automotive Repair, Auto sales, Restaurants, Specialized Retail Store (paints), Marble & Granite Sales, Check Cashing, Law Office, Retail/Veterinarian, Retail/Restaurant, Restaurant & Nightclub (El Paseo), Adult Entertainment, Recycling center, and Parking lots.

LACMTA staff has developed a preliminary estimate of the anticipated relocation costs ~~was developed~~ based on ~~staff’s~~ their experience with similar relocation cases, and information gathered from secondary sources.

LACMTA will provide relocation assistance at a minimum as described in this Plan. Relocation payments will be made pursuant to URA.

This preliminary analysis is based upon LACMTA’s current understanding of the affected business operations. The cost to acquire real property, improvements pertaining to realty, fixtures and equipment and the cost associated with potential loss of business goodwill are not included in this analysis. A 30% contingency was added to account for any unforeseen circumstances and is common practice. These estimated costs are shown in Table ES-2, below. These estimated relocation costs will be updated as actual claims are filed. As of September 1, 2023, no relocation claims have been filed.

Table ES-2: Estimated Relocation Costs

Type	Total	30% Contingency	Grand Total
Non – Residential Costs	\$28,467,250	\$8,540,175	\$37,007,425
Residential Costs	\$175,000	\$52,500	\$147,000 <u>\$227,500</u>
Combined Costs	\$28,642,250	\$8,592,675	\$37,234,925

1.0 PROJECT DESCRIPTION

1.1 Project Description

The Project's LPA, East San Fernando Transit Corridor Alignment Full Project, consists of a 9.2-mile, at-grade LRT with 14 stations providing connection from the Van Nuys LACMTA G Line (Orange Line) Station in the community of Van Nuys on the south to the Sylmar/San Fernando Metrolink Station in the City of San Fernando on the north. The LRT would be powered by electrified overhead lines. In addition to the 14 new passenger stations, the Project also includes 14 TPSS sites and a Maintenance and Storage Facility (MSF). The MSF will be constructed on the west side of Van Nuys Boulevard on approximately 21 acres, and is bounded by Keswick Street on the south, Raymer Street on the east and north, and the Pacoima Wash on the west. In order to connect the main line alignment to the MSF site, the guideway will curve west off of Van Nuys Boulevard along Keswick Street. The MSF connection will require acquisition of real property.

To ensure the objectives of the Project are met in a timely manner and to avoid delays due to the timing of funding availability, LACMTA proposes constructing the LPA in two phases: an Initial Operating Segment (IOS) or Phase 1, which consists of the 6.7-miles of the LPA alignment along Van Nuys Boulevard; and Phase 2, which includes the northern 2.5-mile segment of the LPA along the LACMTA-owned railroad right-of-way.

Phase 2 of the Project will extend the alignment 2.5 miles from the proposed terminus station at the intersection of Van Nuys Boulevard and San Fernando Road northwest to Sylmar/San Fernando Metrolink Station. This portion of the alignment will travel along the LACMTA-owned right-of-way that is currently being utilized by the Antelope Valley Metrolink line and Union Pacific Railroad. Additional details regarding the Project characteristics, components, and facilities are discussed further within the Description of the Project section of the ROD. The Project will be delivered in two phases.

1.2 Projected Dates of Displacement

Many factors affect dates of displacements in a project of this size. Based on the current projections for the Project, displacements are projected to occur on a phased basis for early acquisitions beginning in LACMTA's fiscal year 2023 and continuing through 2026. Every effort will be made to keep the community at large aware of project deadlines. In addition, all persons displaced by the Project will receive written notice of the Project, their eligibility for relocation benefits and a minimum of 90 Days written notice to vacate.

1.3 Project Funding

The following funding sources will be used for the Project:

- Federal Sources:
 - Congestion Management and Air Quality (CMAQ) Program;
 - Regional Surface Transportation Program (RSTP); and
 - Other future FTA funding

- State Sources:
 - Regional Improvement Program (RIP);
 - Traffic Congestion Relief Program (TCRP); and
 - Cap-and-Trade Program;

- Local Sources:
 - Measure R Sales Tax;
 - Local Agency Funds;
 - Proposition A sales Tax;
 - Proposition C Sales Tax; and
 - Measure R Sales Tax.

2.0 RELOCATION PLAN OVERVIEW

This portion of the Plan summarizes LACMTA’s relocation program for the Project. This summary has been provided for general information purposes only and should not be interpreted as law. Should this summary contain any information inconsistent with the laws governing relocation assistance, the laws will take precedence. LACMTA’s relocation program will be in compliance with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (“URA”), as amended including the changes made by Public Law 112-141 dated July 6, 2012 titled Moving Ahead for Progress in the 21st Century Act (“MAP-21”), URA amendments as made in MAP-21 Section 1521 became effective on October 1, 2014; and the Relocation Policies and Procedures of METRO.

LACMTA’s Relocation Program establishes a policy for fair, equitable, and consistent treatment of persons displaced as a direct result of programs and projects undertaken with Federal financial assistance. The primary purpose of the relocation program is to ensure that the displaced persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement. LACMTA’s Director of Real Property Management and Development will be responsible for managing the plan.

In September 2022, LACMTA released a right of way services contract to Monument, a right of way services firm on the LACMTA bench of contractors. Resumes for Monument staff members working on this project can be found in Appendix P. Also in Appendix P is an organizational chart showing a description of the roles and responsibilities for their Acquisition and Relocation agents. An updated analysis of relocation information gained from displacee interviews as of September 1, 2023 is contained in Section 7.3.

LACMTA’s Relocation Assistance brochure is contained in Appendix H. Additional forms and guidelines governing the relocation program are also included as appendices.

2.1 Important Terms and Definitions

The following section describes terms used to facilitate the relocation program for the Project and are used throughout this Plan:

Alien Not Lawfully Present: Under federal law, an alien not lawfully present in the United States is not eligible for relocation assistance. As defined by federal law, an alien not lawfully present in the United States includes (1) an alien present in the United States who has not been admitted or paroled in the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the U.S. Attorney General; or (2) an alien who is present in the United States after the expiration of the period of stay authorized by the U.S. Attorney General and who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States. (8 CFR Section 103.12).

Aliens, not lawfully present in the United States, are not eligible for URA assistance unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent or child. It will be strongly recommended to all displaced persons to consult with their respective Relocation Agents to find out if they qualify under this hardship provision.

Business: Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or an outdoor advertising display or displays, when the display or displays must be moved as a result of acquisition of property for the Project.

Caltrans: California Department of Transportation

Displaced Person; Displacee: Any lawful person (individual, family, partnership, business, association or corporation) who moves from real property, or moves personal property from real property, as a direct result of LACMTA's written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property, in whole or in part, for the Project.

Displacement Site: Property acquired for Project which must be vacated by an occupant.

Draft Relocation Plan: A Relocation Plan that is released to the public for comment and review for a period of 30 days.

Final Relocation Plan: A Relocation Plan that has been reviewed by the public as described above with the public comments incorporated. The plan is then sent to the Federal Transit Administration for approval, at this point the Relocation Plan becomes Final.

Fixtures, Furniture and Equipment (FF&E): Movable furniture, fixtures or other equipment that have no permanent connection to the structure of a building or utilities.

General Information Notice (GIN): A notice to all affected project site occupants informing them of the potential project, funding source (Federal/State), benefits types and most important, advising them not to move out now and to continue paying rent, mortgage, and to abide by all terms of their occupancy agreement, that they will not be required to move without a Notice of Eligibility and a 90 Day Notice to Vacate.

IOS: Initial Operating Segment of the Project

LPA: Locally Preferred Alternative

MSF: Maintenance and Storage Facility

Nonprofit Organization: A public or private entity that has established its nonprofit status under applicable federal or state law.

Notice of Eligibility (NOE): A written notice provided by LACMTA to owner-and tenant-occupants of real property at the time LACMTA makes an offer to the property owner to purchase the property, describing the types of assistance available to the occupants.

Notice to Vacate: A statutorily required written notice provided by LACMTA to occupants of real property that LACMTA plans to acquire or has acquired, informing the occupants that they must move from the property within 90 days.

Personal Property: Property that can be moved from real property without damaging the real property or the property moved, including furniture, fixtures and equipment and other movable objects.

RAMP: Real Estate Acquisition Management Plan

Real Property: All land, structures, firmly attached and integrated equipment (such as light fixtures or a well pump), anything growing on the land, and all "interests" in the property which may be the right to future ownership (remainder), right to occupy for a period of time (tenancy or life estate) the right to drill for oil, the right to get the property back (a reversion) if it is no longer used for its current purpose (such as use for a hospital, school or city hall), use of airspace (condominium) or an easement across another's property. Real property should be thought of as a group of rights like a bundle of sticks which can be divided. It is distinguished from the other type of property, personal property, which is made up of movable items.

Relocation Advisor: See "Relocation Consultant"

Relocation Agent: A member of LACMTA staff or person who is contracted by LACMTA implementing provisions of this Plan. Relocation Agents will be available to work with each occupant to understand the Relocation Assistance Program, provide Program information in writing, provide information on available replacement sites, and provide analyses of compensable monetary assistance under the Program. This term is used interchangeably with the terms **Relocation Advisor** and **Relocation Consultant**. This may be a contractor hired by LACMTA or an employee of LACMTA.

Relocation Consultant: See "Relocation Agent"

Rules: All applicable federal, state and local laws, regulations, and policies.

SFR: Single Family Residence

Small Business: A business having not more than 500 employees working at a site, which is the location of economic activity and which will be acquired or is displaced by the Project. A site occupied solely by outdoor advertising signs, displays, or devices is not a "small business" for purposes of the reestablishment expense benefit of the URA and its implementing regulations.

TPSS: Traction Power Sub Station

Unlawful Occupant: A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under state law. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

Other terms in this document which are not listed above are defined in URA; section 49 CFR 24.2(j)(2) and/or Caltrans Right-of-Way manual.

2.2 Statutory Requirements

Real estate acquisition and relocation activities will be conducted in a manner consistent with applicable state and federal laws and procedures. The following specific federal regulations apply to the Project's property acquisition and relocation program:

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), including amendments as per MAP 21.
- 49 CFR Part 24, titled Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally assisted Programs ("URA"), as amended by MAP 21 effective October 12, 2014.
- FTA Circular C 5010.1E dated March 21, 2017; Rev. 2 dated July 16, 2018 titled Award Management Requirements
- Relocation Assistance and Real Property Acquisition Guidelines found in California Code of Regulations, Chapter 6, Subchapter 1 (Guidelines). Guidelines may apply to displacement cases which may not be eligible for federal relocation assistance under Uniform Act but would otherwise be eligible for relocation benefits under California law and regulations.

Under both URA and Guidelines, owners of private property have similar state constitutional guarantees regarding property acquisitions, damages, and just compensation. The intent of these rules is to ensure the consistent and fair treatment of owners and occupants of real property, encourage and expedite acquisition by agreement to avoid litigation and relieve congestion in the courts; and promote confidence in the public land acquisitions.

The URA covers the appraisal and acquisition of real property, relocation assistance services, moving expense payments, replacement housing payments and other allowable expense payments mandated by the Uniform Act. California State law governs property owner rights and the eminent domain process. The LACMTA has developed its own internal policies and procedures that comply with State Law and URA. The California Department of Transportation (Caltrans) Right-Of-Way Manual provides additional interpretation of URA and general guidance to the acquisition and relocation assistance based federal and state law and regulations. Copies of the guiding documents are available in the Real Estate Department's Library.

The other guiding document will include this Relocation Assistance Plan (Plan). The Plan will identify owners and tenants potentially eligible for relocation services and benefits, outline relocation policies and procedures, and survey the availability of replacement housing, if necessary, and business sites.

2.3 Eminent Domain

LACMTA will make every effort to acquire properties through voluntary sales. LACMTA is empowered to acquire property through authority conferred by the State of California in Public Utilities Code Section 130051.15. Eminent Domain procedures are set forth in the California Code of Civil Procedures 1230.010, etc. LACMTA conducts all real estate acquisition and relocation activities consistent with applicable state and federal procedures.

2.4 Purpose of this Relocation Assistance Plan

This plan is intended to serve as part of the RAMP and comply with the relocation planning requirements stated in FTA Circular 5010.1E (IV) (2)(h) and 49 CFR 24.205. The Plan covers the following:

- Describe the Project, its schedule and financing plan;
- Identify the existing occupants to be displaced as a result of Project;
- Provide planning of advisory assistance services;
- Identify the relocation program's administrative requirements, payments available and other related provisions of relocation practices; and
- Explain the methods of implementing relocation procedures for the fair, equitable, and consistent treatment of persons displaced from their homes and businesses.

2.5 Preparation of the Draft Relocation Plan.

LACMTA has hired Monument to update this Relocation Plan prior to displacement activity. In order to update the plan, Monument has personally met with potential displacees and has conducted interviews to determine the needs, preferences and other information related to relocation. The relocation interviews were conducted prior to Initiation of Negotiations (ION) for acquisition of real property rights. Displacees were asked about the business' present operations, replacement site requirements and other potential relocation needs. Appropriate contact was made with displacees to gather relevant information, such as characteristics of the displaced businesses and households, and their relocation requirements. LACMTA relocation assistance agents accompanied the real estate appraisers during the initial and subsequent site inspections.

Where allowed by the displacee, displacement sites were inspected with business owners' permissions and direct observation will be made of business operations and personal property to be relocated, including furniture, fixtures and equipment (FF&E). The information gathered will be used to identify potential obstacles to relocation and develop solutions for successful relocations.

Non-residential tenants who own real property, such as improvements pertaining to realty, separate from the real property owned by the fee owner or other tenants will receive offers to acquire such real property pursuant to *49 CFR 24.105 acquisition of tenant-owned improvements* and applicable state law and regulations.

3.0 PRELIMINARY RELOCATION COSTS

The preliminary estimated relocation costs were developed from information gathered from LACMTA staff, appraisals, available property occupant surveys, research of the area’s real estate market, and relocation experience with currently anticipated type of displacements.

LACMTA will provide relocation assistance as described in this Plan. Relocation assistance payments for business occupants will be based upon actual, reasonable, and necessary moving costs, eligible related non-residential expenses (49 CFR 24.303) and eligible reestablishment expenses (49 CFR 24.304) OR Fixed payment in lieu of moving and reestablishment expenses, as per 49 CFR.305.

This preliminary analysis is based upon LACMTA’s current understanding of the affected business operations. The cost to acquire real property, improvements pertaining to realty, fixtures and equipment and the cost associated with potential loss of business goodwill are not included in this analysis. A 30% contingency was added to account for any unforeseen circumstances and is common practice. These estimated costs are shown in Table 3-1, below.

Table 3-1: Estimated Relocation Costs

Type	Total	30% Contingency	Grand Total
Non – Residential Costs	\$28,467,250	\$8,540,175	\$37,007,425
Residential Costs	\$175,000	\$52,500	\$147,000 <u>\$227,500</u>
Combined Costs	\$28,642,250	\$8,592,675	\$37,234,925

LACMTA will not proceed with displacement activities until it has secured the funds for disbursements of relocation assistance payments to eligible occupants. Funds are to be sufficient to provide full relocation assistance in accordance with LACMTA’s Relocation Assistance Program. LACMTA will regularly update its relocation cost estimates as claims come in and these updated figures will be submitted to oversight and funding agencies in order to finalize these figures as much as possible during this project. In addition, the updated cost estimate will break out the costs per parcel as actual claims come in.

Concurrent Displacements

At the time of the preparation of this plan, there were no known concurrent potential displacements anticipated to be caused by other agencies for projects in the area.

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4.0 RELOCATION IMPACT

This section of the Plan addresses the anticipated impact. As of September 1, 2023, there are currently approximately 80 businesses and off site landlords along with three (3) residences that are anticipated to be displaced by the Project. Because the displacements will happen over an extended period of time, it is possible that the occupants of various properties may change. This document provides a snapshot of the types and numbers of occupants that are currently expected to be displaced as summarized in Table 4-1 below and detailed in Appendices A and Q.

Table 4-1. Summary of Potential Relocation Cases

Non-residential cases	80
Residential cases	3
TOTAL Relocation Cases	83

4.1 Businesses Impacts

The majority of impacted businesses will be able to relocate within the 90-day timeframe provided by the 90 Day Notice to vacate. However, some tenants will require additional lead time due to the nature of their services as well as for build out once a replacement site has been identified. LACMTA will work with business owners to allow additional lead time in complex and challenging cases as appropriate to mitigate the potential hardship that relocation can entail.

It is anticipated that some businesses will require professional services for advance move planning. LACMTA will work with these displacees as early in the process as possible to allow them the lead time and appropriate professional services. When necessary, relocation activities will begin pursuant to the issuance of a Notice of Intent to Acquire.

Relocation Consultants will work closely with all business owners to keep them apprised of the Project schedule. In addition, Relocation Consultants will provide information on available replacement sites and compensation under LACMTA's Relocation Assistance Program.

4.2 Residential Impacts

Displacement of three households is anticipated. LACMTA is fully prepared to provide the appropriate relocation assistance under LACMTA's relocation assistance program and URA rules whether the displaced households are owner-occupants or tenants. Information available for residential displacees as of September 1, 2023 can be found in Section 7.3.

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5.0 COMMERCIAL REPLACEMENT RESOURCES

LACMTA will assist all eligible occupants with relocation. Commercial resource surveys will be regularly conducted during the displacement activity to identify available commercial sites located within five miles of Project area. Information about suitable replacement sites that are available and ready for occupancy will be provided to the displacees. LACMTA and Monument will engage in an effort to find as many referrals as possible to successfully relocate displaced businesses. Monument will work closely with the displacee to determine the location and type of referrals they need. As indicated in Section 4.1 of this plan, certain business uses may require additional time and support to relocate within the time frames necessary to move the project forward on schedule.

6.0 RELOCATION ASSISTANCE PROGRAM

6.1 Eligibility for Relocation Assistance

To be eligible for relocation assistance, a displaced person must be lawfully occupying the property to be acquired by LACMTA at the time LACMTA makes a written offer to the property owner to purchase the property. While LACMTA is statutorily required to provide only a 90-day written notice of the day the occupant is required to relocate, LACMTA intends to begin working with each occupant as soon as feasible. Each occupant will be provided with sufficient time to work with Monument to identify and secure a replacement site. LACMTA's goal is for each occupant to understand the assistance that is available under LACMTA's Relocation Assistance Program.

Businesses who occupy the property on the date of LACMTA's first written offer to the property owner will be eligible to receive assistance in accordance with LACMTA's Relocation Assistance Program. In some instances, displacees who have been determined to need an extended period of time to prepare for their relocation may be issued a "Notice of Intent to Acquire" prior to the first written offer. Subsequent to receiving a Notice of Intent to Acquire, a Notice of Eligibility can be issued prior to the first written offer.

Residential occupants eligible for Relocation Assistance will not be required to move from the acquired property prior to receiving a Notice of Eligibility with an offer of at least one comparable replacement dwelling and a 90 days advance written notice (Appendix F). LACMTA will deliver a Notice of Eligibility to eligible residential occupants upon completion of a Replacement housing Study for each displaced household, which determines the maximum replacement housing payment based on comparable replacement housing.

LACMTA will make every effort to assist each displaced person in finding reasonably comparable replacement sites. However, for businesses or nonprofit organizations, federal and state laws do not require LACMTA to guarantee that the business owner will find a replacement site that it finds to be acceptable. Displaced persons ultimately choose their preferred replacement site and their participation in the process is critical to the success of the relocation.

Although an eligible displaced person is not required to move until 90 days after receiving a Notice to Vacate, a displaced person is eligible to receive relocation assistance upon receiving a Notice of Eligibility from METRO. If displaced persons choose to relocate at any time after receiving a Notice of Eligibility, they

will be eligible to receive relocation assistance in accordance with LACMTA's Relocation Program. If displaced persons move before receiving a written Notice of Eligibility, they will not be eligible for, or provided with relocation assistance.

Although LACMTA may provide notice to displaced persons that they are eligible to receive relocation assistance from METRO, while occupying their current location, the displaced persons will continue to have the same rights and responsibilities they otherwise would have under any lease or other agreement related to the property; LACMTA's Notice of Eligibility does not waive those rights and obligations. In some instances, displacees who have been determined to need an extended period of time to prepare for their relocation may be issued a "Notice of Intent to Acquire" prior to the first written offer. Subsequent to receiving a Notice of Intent to Acquire, a Notice of Eligibility can be issued prior to the first written offer.

6.2 Relocation Advisory Assistance

LACMTA's Relocation Program provides relocation advisory assistance. LACMTA's Relocation Consultant, Monument, is specialized in providing relocation assistance and will administer LACMTA's Relocation Program. Each displaced person will be assigned a Relocation Advisor. The Relocation Advisor is available to help and to advise the displaced person; therefore, each displaced person should make full use of the available services. Individuals with disabilities will be provided the assistance needed to understand their rights under LACMTA's Relocation Program and assistance to locate and move to a replacement site. A displaced person should notify their assigned Relocation Advisor if additional assistance is needed.

The Relocation Advisor will ensure that the displaced person is fully advised of all relocation assistance and benefits for which he or she is eligible. This applies to both residential and commercial displacements. Advisory services will be provided by the URA in a manner which satisfies the requirements of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights act of 1968 and Executive Order 11063.

Advisory Services to be provided:

- The advisory program will include such measures, facilities, and services as may be necessary or appropriate in order to determine, for nonresidential displacements, the relocation needs and preferences of each business to be displaced and explain the relocation payments and other assistance for which the business may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each business. Interviews with displaced business owners and operators will include the following items:
- The business's replacement site requirements, current lease terms and other contractual obligations and the financial capacity of the business to accomplish the move.
- Determination of the need for outside professional services that may be required to assist in planning the move, assistance in the actual move, and in the reinstallation of machinery and/or other personal property.
- For businesses, an identification and resolution of personality/realty issues. Every effort must be made to identify and resolve realty/personality issues prior to, or at the time of, the appraisal of the property.
- An estimate of the time required for the business to vacate the site includes: (1) An estimate of the anticipated difficulty in locating a replacement property and (2) An identification of any advance relocation payments required for the move, and the Agency's legal capacity to provide them.

- Provide, for nonresidential moves, current and continuing information on the availability, purchase prices, and rental costs of suitable commercial properties and locations. Assist any person displaced from a business to obtain and become established in a suitable replacement location.
- Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.
- Supply persons to be displaced with appropriate information concerning disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to displaced persons, and technical help to persons applying for such assistance.

6.3 Understanding the Relocation Program

During the initial contact meeting, Monument Relocation Consultants will explain LACMTA's Relocation Program. The consultant will interview the displaced person to understand the business's current operation, facility, and replacement site needs (household characteristics and replacement housing needs, if necessary). The consultant will explain the assistance and payments that the displaced person may claim in accordance with the displaced person's eligibility. It is important that displaced persons explain any anticipated relocation concerns to their Relocation Consultant. During the initial interview, a Relocation Consultant will ask detailed questions to determine specific relocation needs.

After the initial interview, the Relocation Consultant will deliver written information regarding the displaced person's eligibility and rights (Notice of Eligibility), and forward information regarding available replacement sites as it becomes available. The Relocation Consultant will provide information regarding available replacement properties, maps of replacement properties, and transportation, as needed, to inspect replacement properties, especially if the displaced person is elderly or disabled.

6.4 Planning and Preparing to Relocate

A Relocation Consultant will continue to work with each displaced person to help plan the relocation to a replacement site. In particular, a Relocation Consultant will explain which costs are and are not compensable under LACMTA's Relocation Program and assist the displaced person with properly filing and documenting claims for reimbursement of relocation expenses.

A Relocation Consultant will also provide information and assistance to minimize hardships in adjusting to the new location, such as assistance completing rental applications or loan documents; information on typical down payments; information on any permits, fees and local planning regulations applicable to the replacement site; information on services provided by others in the community, as well as federal, state, and local programs offering assistance to displaced persons; and consumer education literature. A Relocation Consultant will also help to determine any special need for an outside specialist to help a displaced person plan for the move and if applicable, the reinstallation of personal property. A Relocation Consultant will make every effort to secure the services of those agencies with trained personnel who have the expertise to help a displaced person through special concerns related to the relocation.

In addition, a representative of LACMTA will work with each business owner and the owner of the real property (if the owner is a business) to identify and to resolve any issues regarding what is "real estate" and what is "personal property" that can be relocated. Each business owner may be asked to provide a copy of the business owner's lease agreement (if applicable) to help to determine the ownership of the furniture, fixtures, and equipment (FF&E)

LACMTA's goal is for each displaced person to achieve a successful relocation in the community. It is important that each business owner do everything a prudent business owner would do to maintain the business. All displaced persons should work closely with their Relocation Consultants to evaluate and prepare for the move and search leads to available replacement sites.

Notice to Vacate: A statutorily required written notice provided by LACMTA to occupants of real property that LACMTA plans to acquire or has acquired, informing the occupants that they must move from the property within 90 days.

In some instances, an "Informational" 90 Day Notice to Vacate will be issued. This notice is used prior to LACMTA having possession of the property to meet the statutory requirements of a minimum of 90 Days' Notice to vacate. It guarantees a minimum notice of 90 Days but does not specify a specific date by which the property must be vacated. Once LACMTA has possession, the final need date is certain and at least 30 days has passed since the 90 Day Notice has been issued, an optional 60 Day Notice to vacate may be issued setting the exact date by which the property must be vacated.

A statutorily required 30 Day Notice to Vacate is issued to all displacees. It identifies the final date by which the displacee must vacate the property. It is issued either after LACMTA has possession of the property or concurrently to an Order of Possession. These notices described above along with pertinent relocation information can be found in Appendices B through I.

All vacate notices will be issued in such a way to conform to and coincide with the overall project schedule. The relocation milestones and their timing are shown in the critical path schedule that is located in Appendix O. More detailed schedules with estimated acquisition and relocation timeframes for MSF parcels and some TPSS parcels are also included in Appendix O. These schedules are only approximate and not finalized and will be updated as the project progresses.

7.0 RELOCATION PAYMENTS

7.1 Relocation Payments for Displaced Businesses

An eligible business may be reimbursed for the actual, reasonable, and necessary cost of the business or organization's move when the move is performed by a professional or commercial mover or when the business owner elects to self-move. Any moving expenses for which a business is seeking reimbursement must be supported by paid receipts or other evidence of expenses actually incurred.

In addition, in order to meet requirements to offer just compensation to property owners and tenant business owners, an offer to purchase FF&E will be tendered. When relocated, many businesses may be unable to take certain improvements to the realty and / or moveable personal property with them. Reasons vary as to why the item cannot practically be relocated. The item may be destroyed by the move or may be too large or small to fit in the replacement location. An FF&E appraiser will be used to professionally determine the fair market value of these items and, based on this appraisal LACMTA will make an offer to purchase all or a portion of these items. The Relocation Consultant will coordinate with the FF&E appraiser to assure that an accurate determination of personal property versus real property is made.

7.1.1 Moving and Related Expenses

Actual, reasonable and necessary moving expenses may include the following:

- a) Transportation of personal property up to 50 miles from the site from which the business or nonprofit organization was displaced, except where relocation beyond 50 miles is justified.
- b) Packing, crating, unpacking, and uncrating personal property.
- c) Storage of personal property for a period up to 12 months, as determined by LACMTA to be necessary in connection with relocation.
- d) Insurance for the replacement value of personal property lost, stolen, or damaged while in storage or transit.
- e) Replacement value of property lost, stolen, or damaged (but not through neglect) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available.
- f) Disconnecting, dismantling, removing, reassembling, and reinstalling personal property, such as machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building.
- g) Modifications to personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt the personal property to the replacement structure, replacement site, or the utilities at the replacement site, and modification necessary to adapt the utilities at the replacement site to the personal property.
- h) Any required license, permit, fee, or certification, as necessary, for the reestablishment of the business or organization at a new location. However, payment shall take into account the remaining useful life of any existing license, permit, or certification.
- i) Professional services (including, but not limited to, architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installing relocated personal property at the replacement site.
- j) Re-lettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move.

Related Nonresidential Eligible Expenses

- a) Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing, and marketing studies.
- b) Connection to available nearby utilities from the right-of-way to improvements at the replacement site
- c) Impact fees or one-time assessments for anticipated heavy utility usage, as determined necessary by the Agency.

LACMTA will reimburse businesses for moving expenses related to the cost to move personal property from the acquired site to the replacement site. All costs must be actual, reasonable, and necessary to allow the business to reestablish itself at the replacement location.

This is not an inclusive list of moving-related expenses. A Relocation Consultant will provide each business owner with a complete explanation of potentially reimbursable expenses. This list also is not a guarantee of reimbursable moving expenses. Each business owner is advised to work closely with the assigned Relocation Consultant in advance of incurring any costs related to relocation to determine which expenses are likely to be eligible for reimbursement under the Relocation Assistance Program.

It is important that each business owner work closely with their Relocation Consultant so that costs are documented and presented to LACMTA for review and pre-approval whenever possible. LACMTA will exercise its discretion to decide which expenses relating to the businesses' move are eligible for reimbursement.

Commercial/Professional Move. A business owner may elect to hire professional or commercial movers to move personal property. LACMTA may reimburse the business owner for the cost, based on the lower of two bids or estimates.

Self-Move. If a business owner agrees to take full responsibility for all or part of the move of the operation, rather than hiring a professional or commercial mover, LACMTA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at LACMTA's discretion.

Before a business performs a self-move, the following must be provided to a Relocation Consultant: (a) two acceptable bids or estimates from moving professionals; (b) a certified inventory of all personal property to be moved; (c) the date the business intends to move; (d) the address of the replacement property; and (e) the opportunity to monitor and inspect the move.

Direct Loss of Tangible Personal Property. Displaced businesses may be eligible for a payment for the actual direct loss of tangible personal property, which is incurred as a result of the move or discontinuance of the operation. This payment may be based on the lesser of (a) the value of the item for continued use at the displacement site less the proceeds from its sale, or (b) the estimated reasonable cost of moving the item. A Relocation Consultant will explain this procedure in detail if this is a consideration.

Substitute Personal Property. Where an item of personal property, which is used in connection with an operation, is not moved but is replaced with a comparable item, the business may request reimbursement in an amount not to exceed the lesser of (a) the replacement cost, minus any net proceeds from its sale, or (b) the estimated cost of moving the original item.

Low Value High Bulk Property. If LACMTA considers a personal property item to be of low value and high bulk (such as minerals, metals, rock, or topsoil), and moving costs are disproportionate to its value, the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or the replacement cost of a comparable quantity delivered to the new business location.

7.1.2 Searching Expenses for Replacement Site

Displaced businesses are entitled to reimbursement for actual, reasonable, and necessary expenses incurred in searching for a replacement property, not to exceed \$2,500. Such expenses may include transportation, meals and lodging when away from home, the reasonable value of the time spent during the search, fees paid to real estate consultants or brokers to locate a replacement site, the reasonable value of time obtaining permits and attending zoning hearings, and the reasonable value of time spent negotiating the purchase of a replacement site.

7.1.3 Business Reestablishment Expenses

A small business or nonprofit organization may be eligible for reimbursement, not to exceed \$25,000, for actual, reasonable, and necessary expenses incurred in relocating and reestablishing the operation at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

- a) Repairs or improvements to the replacement real property required by federal, state, or local laws, codes or ordinances.
- b) Modifications to the replacement real property to accommodate the operation or to make the replacement structures suitable for the operation.
- c) Construction and installation costs of exterior signs to advertise the operation.
- d) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as painting, wallpapering, paneling, or carpeting.
- e) Advertisement of the replacement location.
- f) Estimated increased costs of operation at the replacement site during the first two years for items such as lease or rental charges, personal or real property taxes, insurance premiums, or utility charges (excluding impact fees).

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable and necessary, or otherwise not eligible for reimbursement.

- a) Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- b) Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the operation.
- c) Interest on money borrowed to make the move or purchase the replacement property.
- d) Payment to a part-time business in the home that does not contribute materially to the household income.

7.1.4 Fixed Payment for Moving Expenses (In Lieu Payment)

Displaced businesses and nonprofit organizations may be eligible for a fixed payment in lieu of actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 or more than \$40,000. A business or nonprofit organization that is

determined to be eligible for a fixed payment will be paid after it moves from the property that LACMTA is acquiring and submits a claim for payment.

For a business to be eligible for a fixed payment, it must meet the following criteria, as determined by METRO.

- a) The business owns or rents personal property that must be moved due to the displacement.
- b) The business cannot be relocated without a substantial loss of its existing patronage (e.g., clientele or net earnings).
- c) The business is not part of a commercial enterprise having more than three other entities engaged in the same or similar business activity, which are under the same ownership and are not being displaced by METRO.
- d) The business is not operated at a displacement site solely for the purpose of renting such site to others.
- e) The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

In order to establish eligibility for the fixed payment option, a business must, before its move indicate the reasons the operation cannot be relocated without a substantial loss of existing patronage; and provide documentation supporting claimed net earnings for the two previous tax years.

Fixed payment eligibility requirements and payment computation for nonprofit organizations are slightly different from business requirements. The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two-year period specified.

7.1.5 Move of Personal Property Only

Persons that are required to move personal property from the project area but that do not reside at or operate a business at the displacement site may be determined to be eligible for a personal property only move. The owner of the personal property has the option of moving the personal property by using a commercial mover or by performing a self-move as described below.

Commercial/Professional Move. An owner of personal property may elect to hire professional or commercial movers to move personal property. LACMTA may reimburse the person for the reasonable and necessary moving cost, based on the lower of two qualified bids or estimates.

Self-Move. If an owner of personal property agrees to take full responsibility for all or part of the move of the operation, rather than hiring a professional or commercial mover, LACMTA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at LACMTA's discretion.

Before a self-move is performed, the following must be provided to a Relocation Consultant: (a) two acceptable bids or estimates from moving professionals; (b) a certified inventory of all personal property to be moved; (c) the date of the intended move; (d) the address of the replacement property; and (e) the opportunity to monitor and inspect the move.

7.1.6 Advertising Signs

The amount of a payment for direct loss of an advertising sign, which is considered personal property, shall be the lesser of:

- a) The depreciated reproduction cost of the sign, as determined by METRO, less any proceeds from its sale; or
- b) According to the State of California Department of Transportation Poster Panel Removal Schedule, (7-EX-14); or
- c) The estimated cost of moving the sign, but with no allowance for storage.

7.2 Relocation Payments for Residential Displacees

In addition to the advisory services described above, eligible residential displacees will receive appropriate financial assistance in accordance in the form of Relocation Payments outlined below.

Relocation Payments

Specific eligibility requirements and benefit plans will be detailed on an individual basis with all displacees. In the course of a personal interview and follow-up visits, each displacee will be counseled as to available options and the possible consequences of any choice with respect to financial assistance.

Relocation Payments will be provided in accordance with the URA and other applicable Rules. Benefits will be paid to eligible displaced persons upon submission of required claim forms and documentation in accordance with the LACMTA's normal administrative procedures.

LACMTA will process advance payment requests to mitigate hardships for tenants who do not have access to sufficient funds to pay move-in costs such as first month's rent and/or security deposits. Approved requests will be processed expeditiously to help avoid the loss of desirable, appropriate replacement housing.

7.2.1 RESIDENTIAL MOVING EXPENSE PAYMENTS

All residential occupants to be permanently relocated will be eligible to receive a payment for moving expenses. Moving expense payments will be made based upon the actual cost of a professional move or a fixed payment based on a room-count schedule.

a. Actual Cost (Professional Move)

Displacees may elect to have a licensed professional mover perform the move upon acceptance by LACMTA after LACMTA reviews at least two acceptable bids. The actual cost of the moving services will be compensated by LACMTA in the form of a direct payment to the moving company upon presentation of an invoice. Transportation costs are limited to a distance of 50 miles. In addition to the actual move, costs associated with utility re-connections (i.e., gas, water, electricity, telephone, and cable, if any), are eligible for reimbursement.

b. Fixed Payment (based on Room Count Schedule)

An occupant may elect to receive a fixed payment for moving expenses which is based on the number of rooms occupied in the displacement dwelling. In this case, the person to be relocated takes full responsibility for the move. The fixed payment includes all utility re-connections as described in (a), above.

The current schedule for fixed moving payments for the State of California published in the Federal Register is set forth in table below:

Schedule of Fixed Moving Payments <i>(effective August 26, 2021)</i>	
Unfurnished Dwelling (Occupant Owns Furniture)	
One room	\$780
Two rooms	\$1,000
Three rooms	\$1,250
Four rooms	\$1,475
Five rooms	\$1,790
Six rooms	\$2,065
Seven rooms	\$2,380
Eight rooms	\$2,690
each additional room	\$285
Furnished Dwelling (Occupant Does Not Own Furniture)	
First Room	\$510
Each additional room	\$100

Personal Property Moving Expense Assistance

Individuals (such as non-occupant property owners), who are currently storing personal property on the Project site, may be eligible for a moving expense payment related to the relocation of their personal property. If a professional move is required, they would be eligible for an actual cost payment as outlined in 1(a), above.

7.2.2 REPLACEMENT HOUSING PAYMENTS

7.2.2.1 REPLACEMENT HOUSING PAYMENT (RHP) FOR HOMEOWNERS

A person who owns and occupies a dwelling to be acquired for Project purposes for at least 90 days prior to the initiation of negotiations, may be eligible to receive a payment of up to **\$31,000.00** to assist in purchasing a comparable replacement dwelling, unless provisions of Housing of Last Resort apply. This payment, as determined in accordance with URA, consists of the following components, which will be explained by the Relocation agent to each displaced household:

1. **Purchase Price Differential** - The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling.
2. **Mortgage Interest Differential** - The increased interest costs and other debt service costs which are incurred in connection with the mortgage(s) on the replacement dwelling.
3. **Incidental Expenses** - The reasonable expenses incidental to the purchase of the replacement dwelling, as determined in accordance with paragraph (e) of this section.

The above components of the RHP are further described as follows:

1. **Purchase Price Differential (PPD)**

The Purchase Price Differential is based on three factors:

Acquisition Price - The final price paid by the Authority for the Project dwelling;

Actual Replacement Housing Purchase Price - The actual price paid for a replacement dwelling; and,

Comparable Replacement Cost - The cost of a decent, safe and sanitary dwelling comparable to the dwelling acquired by the Authority.

The purchase price differential amount is determined by comparing the final acquisition price of the Project residence to the lesser of the actual price paid for a replacement home or the price of a comparable available decent, safe and sanitary dwelling. If the purchase price of a replacement home is less than the cost of a comparable replacement home, the payment will be limited to the actual difference. If the purchase price exceeds the cost of a comparable replacement home, the payment will be based on the cost of the comparable replacement home.

Replacement housing referrals to owner-occupants will match, as closely as possible, existing functional utility and relevant circumstances. The calculation of purchase price differential payments to owner-occupants of multifamily properties will be determined by comparing the pro-rated value of the portion of the property in which they live as compared to the comparable element of a replacement property.

2. **Mortgage Interest Differential (MIDP)**

The Mortgage Interest Differential Payment is intended to compensate homeowners for any increase in interest costs between the acquired dwelling and the replacement dwelling. Computation of the payment is based upon three factors: 1) the remaining term and amount(s) of the current mortgage or mortgages 2) the current type of mortgage product (i.e. fixed vs. variable) 3) a comparison of the mortgage interest rate for the acquired dwelling relative to the lesser of the current market rate or the actual new rate for a similar mortgage product. To be eligible for this payment, the mortgage on the dwelling being acquired must have been in place, as a valid lien, for at least 180 days prior to the Authority's initial written offer to purchase.

3. Incidental Expenses

One-time, non-recurring closing costs associated with the purchase of a comparable, replacement dwelling are compensable. Examples of such compensable expenses include costs for: legal description and deed; recording fees; title insurance; revenue stamps and transfer taxes; loan application fees; loan origination fees; appraisal fees; a credit report; certification for structural soundness; and, termite inspection, when required. Prepaid recurring expenses for mortgage interest, property taxes and insurance are not compensable.

7.2.2.2 REPLACEMENT HOUSING PAYMENT FOR TENANTS

Rental Assistance Option - If an owner-occupant and chooses to rent rather than purchase a replacement dwelling, such displacee may be eligible for a rental assistance payment of up to the amount that they could have received under the Purchase Price Differential calculation. The payment will be based on the difference between an economic rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

If the displacee receives a rental assistance payment and later decide to purchase a replacement dwelling, such displacee may apply for a payment equal to the amount the displacee would have received if the displacee had initially purchased a comparable replacement dwelling, less the amount the person has already received as a rental assistance payment.

Rental Assistance to Tenants Who Choose to Rent

To be eligible to receive the rental assistance benefits, the displaced tenant household has to rent or purchase and occupy a decent, safe, and sanitary replacement dwelling within one year from the date the tenant moves from the displacement dwelling.

Based upon the available data regarding Project displacees, the displaced household may qualify for, and may be eligible to apply for, Relocation Payments under URA provisions. Except in the case of Last Resort Housing situations, the potential payment to the household will be payable over a 42-month period and limited to a maximum of **\$7,200** as stated under URA guidelines. The relocation program is explained in detail in the informational brochure to be provided to each permanently displaced household.

Rental Assistance payment amounts are equal to 42 times the difference between the *base monthly rent* and the lesser of:

- The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; OR
- The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

The *base monthly rent* for the displacement dwelling is the lesser of:

The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by LACMTA. For owner-occupants or households, which paid little or no rent, fair market rent will be used as a substitute for actual rent; OR

Thirty percent (30%) of the displaced person’s average, monthly gross household income, if the amount is classified as “low income” by the U. S. Department of Housing and Urban Development’s (HUD) Annual Survey of Income Limits for the Public Housing and Section 8 Programs. If a displacee refuses to provide appropriate evidence of income, the base monthly rent shall be determined to be the average monthly cost for rent and utilities at the displacement dwelling; OR

The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designated the amounts for shelter and utilities.

Table below illustrates an example benefits computation under the URA:

Example Computation of Rental Assistance Payments		
1. Old Rent	\$1,200	Old Rent and Utilities
or		
2. Ability to Pay	\$1,300	30% of the Monthly Gross Household Income (if displacee meets HUD’s criteria for Low Income household)
3. Lesser of lines 1 or 2	\$1,200	Base Monthly Rental
Subtracted From:		
4. Actual New Rent	\$1,500	Actual New Rent and Estimated Utilities
OR		
5. Comparable Rent	\$1,700	Determined by LACMTA (includes estimated utilities)
6. Lesser of lines 4 or 5	\$1,500	
7. Yields Monthly Need:	\$300	Subtract line 3 from line 6
8. Rental Assistance	\$12,600	Multiply line 7 by 42 months

Down payment Assistance to Tenants Who Choose to Purchase

The displaced household may opt to apply the entire benefit amount for which they are eligible toward the purchase of a replacement unit (49 CFR 24.402(b)).

A displaced household, who chooses to utilize up to the full amount of their rental assistance eligibility (including any Last Resort benefits) to purchase a home, will have the funds deposited in an open escrow account, provided that the entire amount is used for the downpayment and eligible, incidental

costs associated with the purchase of a decent, safe, and sanitary replacement home. A provision shall be made in the escrow arrangements for the prompt return of LACMTA funds, in the event escrow should fail to close within a reasonable period of time.

Final determination about the type of Relocation Payments and assistance for which the household is eligible will be determined upon verification of the household's occupants and income.

7.2.3 REPLACEMENT HOUSING OF LAST RESORT *(49 CFR 24.404)*

If Project cannot proceed on a timely basis because "comparable replacement dwellings", as defined in URA, are not available within monetary limits for displaced owners or tenants, LACMTA will provide additional or alternative assistance under the provisions of URA rule 24.404 Replacement Housing of Last Resort. LACMTA, at its discretion, may opt to issue these payments in installments or in a lump sum. Recipients of rental assistance payment calculated under URA rule 24.404 who intend to purchase rather than rent their replacement dwelling, will have the right to request a lump sum payment of the entire Rental Assistance Payment in the form of *down payment* assistance. Tenant households receiving periodic payments will have the option to request a lump sum payment of remaining benefits to assist with the purchase of a decent, safe and sanitary dwelling.

7.3 Updated Owner/Tenant Displacee Information and Analysis as of September 1, 2023

In response to questions asked by LACMTA and Monument during interviews, some businesses indicated that they may require special permits or licenses that will need to be issued by the replacement site municipality or other agency. Some examples include liquor licenses, CO2 beverage dispensing operational permits, conditional use permits, hazardous material handling/disposal, stormwater discharge, AQMD permits, secondhand dealer/pawnbroker license, dismantler license and police permits. To mitigate this potential issue, LACMTA will work with business owners to allow additional lead time where possible for cases that may require these special permissions. In addition, LACMTA is exploring the possibility of working with issuing agencies to expedite permits for businesses displaced by the Project.

It is anticipated that some businesses will require professional services for advance move planning. Based on business interviews, professional move planning may be required for large businesses, businesses with substantial inventory on hand, businesses with large and/or specialized material or equipment (e.g. automotive lift, walk in refrigerator, large stone slabs), and businesses with equipment that must be moved by the manufacturer or authorized contractor to remain under warranty. LACMTA will work with these displacees as early in the process as possible to allow them the lead time and appropriate professional services. When necessary, relocation activities will begin pursuant to the issuance of a Notice of Intent to Acquire, which may afford additional time for businesses to locate and secure replacement sites. To date, LACMTA has already issued Notices of Intent to Acquire for some businesses where additional relocation lead time may be necessary.

In addition to long-lead permits and specialized move planning, several other potential issues have been identified based on interviews conducted with businesses. Some examples of the types of issues that could impact the relocation process are as follows:

- Several businesses are known or expected to be operating subject to a conditional use permit or ordinance that may be difficult to replicate at a replacement site. Some examples are SCV Recycling (a metal recycler and auto dismantler) and Dames and Games (a sports bar and adult entertainment venue). If these businesses are “grandfathered” into a conditional use permit or special overlay zone, obtaining an equivalent permit at a replacement site could be difficult or impossible. In these cases, a search for replacement sites may need to be directed to areas that will permit such a use, even if the replacement site falls outside the immediate displacement area.
- Certain businesses may face challenges if replacement sites are identified too far from existing suppliers, customers, employees, or specific critical infrastructure:
 - MV Transportation is a contractor that provides public transportation services. While their fleet of transit vans is located at the displacement site, their corporate office is located nearby. Relocating them farther from the corporate office could result in a hardship for the business.
 - Frontier Communications operates a service center that could be displaced by the Project. A relocation site could require approval from the Telecommunication Workers union to ensure that the business is not moved too far from existing employees.
 - Avalanche Air Inc., a full-service HVAC company, is strategically located near several suppliers upon which they depend to operate their business. In their interview, they expressed how critical it is for them to be relocated nearby.
- Due to the industrial nature of the MSF displacement area, many businesses have large equipment or material on site that will require specialized move contractors. In particular, several stone fabrication businesses currently operate at the displacement site. Many of them communicated through interviews the concerns they have about moving the large but delicate stone slabs stored on site.

To address these types of issues, LACMTA and Monument will work closely with all business owners to understand their specific relocation needs and provide them with information on available replacement sites, financial assistance, and other advisory assistance under LACMTA’s Relocation Assistance Program. Additionally, LACTMA and Monument maintain relationships with real estate brokers in the project area who will be able to provide local insights on the availability of potential replacement sites and other information to help businesses successfully relocate.

In addition to the relocation advisory services and direct financial assistance available through LACMTA’s Relocation Assistance Program, the availability of suitable replacement sites will play a major factor in the successful relocation of displaced residents and business. Section 5.0 discussed LACMTA’s commitment to provide relevant referrals to displacees. This section discusses the current availability of residential and non-residential replacement sites as of the time of this update.

If the number of comparable replacement sites for a given use type and size exceeds the number of displacements, it can be said that a surplus of available sites exists. If the number of comparable replacement sites is insufficient to accommodate displaced uses, it can be said that there is a deficit. The size of the “gap” between the number of displaced uses and the number of available replacement sites can be a meaningful indicator of the likelihood that displacees will be able to successfully relocate.

The following gap analyses are based on the assumption that the number and types of replacement properties currently available for sale or lease will be similar to the number available when relocations actually occur. It is also anticipated that additional sites will become available during relocation activities. Finally, it is generally assumed that tenants currently leasing space will be relocated to leased spaces, and that owner-occupants will wish to purchase ~~replacements~~ replacement sites unless specifically noted otherwise in interviews.

As of the time of this update, there appear to be sufficient replacement sites available to accommodate all potentially displaced non-residential uses. Therefore, there is no “gap” between the number of displaced uses and the number of available replacement sites. Replacement site searches for this Plan were conducted during May through September, 2023. Business types and sizes were determined using data obtained through interviews and site inspections where possible. In cases where occupants could not be reached, or the necessary information was not disclosed in interviews, data was estimated using information from publicly available sources such as the Los Angeles County Assessor’s data, and commercial real estate data services such as Costar and LandVision.

Based on the surplus of replacement sites available in each size category, there appears to be sufficient inventory to accommodate owner-occupied and tenant-occupied businesses. However, specific needs identified by each business could limit the number of potential replacement sites that could be reasonably adapted to suit each business. LACMTA will work with each business to identify these needs as early as possible in order to maximize the time available to locate a suitable replacement site and perform any necessary modifications. As discussed in Section 4.1, additional time may also be necessary to obtain the necessary permissions for businesses to operate at the replacement site. LACMTA will provide assistance to help businesses apply for and obtain those permissions as expeditiously as possible.

As of the time of this update, there are sufficient residential replacement sites available to accommodate potentially displaced residents. Although the exact number and size of households in the displacement area are unknown, residential displacement is anticipated to be minimal. A replacement site search for 1-bedroom rentals was performed within and immediately surrounding the City of Van Nuys using the popular rental listing site Apartments.com. Rental listings were filtered to \$2,000 per month or less. There is a significant surplus of replacement sites available as of the time of this report. Once additional information about potential residential displacees is available, the replacement site search may need to be modified; however, based on the limited number of estimated residential displacees and the abundance of available residential units available in the Project area, no significant issues identifying replacement sites are anticipated.

7.4 Proposed Acquisition and Relocation Streamlining and Enhancements

In September, 2023, LACMTA proposed streamlining and enhancement measures to facilitate acquisition and relocation tasks in order to reduce hardships to owners and displacees while accelerating the delivery of right of way. The subject project will use both Caltrans and FTA funding sources and comply with the requirements of both agencies. LACMTA anticipates proposing these streamlining and enhancement measures to its Board of Directors for approval at its November 30, 2023 meeting. Outreach to FTA and Caltrans and other stakeholders for concurrence will be essential prior to this Board meeting, as these measures have not yet been approved.

These streamlining and enhancements include the following:

Streamlining Measures

(1) Potential Use of Increased FTA Settlement and Appraisal Thresholds

a. Regulatory Authority for Increased Settlement and Appraisal Thresholds

Discussions with right of way industry consultants and transit agency officials revealed documentation of FTA-funded projects where grantees were successful in raising the FTA \$1,000,000 appraisal concurrence threshold and the \$50,000 settlement concurrence threshold. These thresholds require FTA to use its staff or consultants to review any LACMTA-approved appraisal over \$1,000,000 and any LACMTA-proposed settlements of \$50,000 or more over the approved appraisal amount. During its reviews, FTA will ask LACMTA questions or make comments concerning the appraisals and/or proposed settlements. LACMTA will then have to respond and this process will take some time.

LACMTA's request to increase FTA settlement and concurrence thresholds is based upon FTA Circular 5010-1E, Page IV-8, section g. This section states:

g. Special Real Estate Acquisition Program Strategies/Issues.

Several real estate program strategies or issues are worthy of discussion in some detail as follows:

(1) Alternative Procedure. A recipient with a qualified and fully staffed real estate department conducting a major capital project within an FTA assisted Award may request an alternative process, which permits higher dollar thresholds before FTA prior concurrence is needed. Recipients may request a review through the FTA Regional Office. An FTA real estate specialist will review the acquisition process and the recipient's capabilities. (Emphasis added.)

The request for the approval for alternative real property procedures at a minimum should include the following:

- a) A statement providing an overall justification and reasoning for why the alternative procedure is requested;*
- b) A copy of real estate department operating procedures;*
- c) A real estate department organization staffing chart;*
- d) A strategy for using and qualifying real estate services contractors, if used;*
- e) An estimate of the number of transactions that may exceed requested threshold(s);*
- f) A discussion of real estate acquisition schedule/status relative to the overall schedule for the Award; and*
- g) A discussion of real estate department program quality assurance/quality control procedures that are in place to assure program delivery is in compliance with Uniform Act requirements and effective/efficient operational standards given the higher thresholds requested.*

LACMTA will issue requests to FTA for increased settlement and appraisal thresholds. As a preliminary proposed figure, it is recommended that LACMTA request a combined appraisal concurrence threshold and settlement figure of \$6,000,000.

It is anticipated that increased appraisal and settlement concurrence amounts will result in the following benefits to LACMTA:

- faster appraisal approval on complex parcels
- less time taken for administrative coordination with FTA on settlements and
- less potential condemnation costs due to increased LACMTA settlement authority

(2) Potential Use of Appraisal Waivers

Both FHWA and FTA recognize the use of appraisal waivers where appropriate to value certain types of acquisitions.

Regulatory authority for appraisal waivers is found in 49 CFR 24.102 (C) (2). Appraisal waivers are deemed appropriate where the valuation problem is uncomplicated, and the anticipated value of the proposed acquisition is estimated at \$10,000 or less. However, the Federal Agency funding the project may approve appraisal waivers up to \$25,000 if the acquiring agency offers the landowner the option of having the agency appraise the property. It is recommended that LACMTA explore the use of appraisal waiver valuations to establish the value of the uncomplicated lower value temporary construction easements (TCE's).

It is anticipated that the use of appraisal waivers will result in the following potential benefits to LACMTA and impacted property owners:

- faster valuations of TCE's as opposed to the use of appraisals
- schedule savings
- faster delivery of payments to property owners and cost savings over the use of appraisals

It is noted that should any of the properties valued via an appraisal waiver become the subject of a condemnation action, a full appraisal and review appraisal will be necessary.

Enhancement Measures

(1) Potential Use of Acquisition Incentives

The Federal Highway Administration (FHWA), Office of Real Estate Services has determined that FHWA may participate in right-of-way acquisition incentive payments made under an FHWA approved plan or program. Acquisition incentive payments are payments that are over and above the just compensation offer provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

Recent studies on the use of incentive payments on transportation projects demonstrate that they can be effective in decreasing the time needed to acquire and clear needed rights-of-way. (See attached Exhibit 1 Caltrans Memorandum on Incentives dated June 12, 2014). This memorandum (Caltrans Memo) describes how FHWA's authority to participate in incentive payments is derived from 23 CFR 710.203(b)(2)(ii). (See attached Exhibit 2, Text of 23 CFR 710.203(b)(2)(ii)).

The Caltrans Memo also describes how it administers acquisition incentive programs and the conditions for their use. The ESFV Project Team has indicated that there will be Caltrans funding in the first acquisition phase involving the Maintenance and Storage Facilities (MSF) parcels. Specifically, the Caltrans Memo states:

- “The Division of Right of Way and Land Surveys is implementing an acquisition incentive program to encourage property owners to sign Right of Way (ROW) contracts within sixty (60) days of the Initiation of Negotiations (ION) or any offer based on an approved appraisal revision. Payments will be offered for both permanent and temporary acquisitions. The Payment for a permanent or temporary acquisition will be based on a lump sum payment of 10% of the appraised value of all parcels under the same ownership with a minimum payment of \$1,000 and a maximum payment of \$100,000.
- The Payment amount will be calculated on the final appraised value and will then be rounded separately from the final appraised value based on the rounding rules found in Section 7.02.11 of the Right of Way Manual.
- The Payment is a standing offer for sixty (60) days. The 60 days starts with the Initiation of Negotiations (ION) as day one (1). The 60 days includes weekends and holidays. For mailed offers it starts on the date the offer was received by certified mail.
- The Payment is a standing offer for sixty days regardless of Caltrans initiating eminent domain proceedings. Additionally, this time period will be sufficient to allow the property owner the opportunity to obtain their own appraisal where Caltrans pays the reasonable cost of the appraisal up to \$5,000 as provided by California Code of Civil Procedure section 1263.025.”

It should be noted that FTA does not currently have a policy on acquisition incentives but **does not prohibit them.**

The following incentive program is recommended to apply to MSF, traction power substations (TPSS), TCE and partial permanent acquisitions, understanding that Caltrans will not participate in the amounts above the incentives discussed above. The amounts of incentives recommended for ESFV are listed below:

- 20% of the appraised value for all parcels if the offer is accepted within 60 days (with a minimum of \$3,500 incentive payment and a maximum of \$500,000)

It is anticipated that an acquisition incentive program will result in the following potential benefits to LACMTA and impacted property owners:

- faster settlements and delivery of right of way
- helps facilitate good rapport with the property owner
- schedule savings and
- less potential condemnation costs.

(2) Potential Use of Enhanced Relocation Benefits

LACMTA will propose to increase non-residential relocation benefit amounts for categories that have an existing cap. (Existing caps under the URA, include the In-lieu fixed payment capped at \$40,000; the re-establishment payment capped at \$25,000;. and searching benefits capped at \$2,500.)

No specific federal regulatory authority for increasing the existing URA caps has been found, however there is no prohibition either. In fact, FHWA in its Notice of Proposed Rule Making (NPRM) , issued in December 2019, proposed to:

“add a new section to the regulation to implement the new provision in MAP-21 at Section 1521(d)(2) which provides that if the head of the Lead Agency determines that the cost of living, inflation, or other factors indicate the relocation assistance benefits should be adjusted to meet the policy objectives of the Uniform Act, that the head of the Lead Agency may adjust: The amounts of relocation benefits for reestablishment expenses-nonresidential moves; fixed payment for moving expenses-nonresidential moves; replacement housing payment for 90-day homeowner-occupants; and replacement housing payment for 90-day tenants and certain others.”

(See Exhibit 3, NPRM, Section 24.11 Adjustments of Payments).

So, there is recognition by FHWA that some capped relocation benefit categories could be adjusted for good reason, i.e., inflation. However, FHWA’s proposed rule making has not been approved and is not currently in effect.

It should be understood that there are States that offer re-establishment benefits higher than federal limits. For example, the State of Washington has a re-establishment limit of \$50,000 while New Hampshire offers a \$100,000 re-establishment limit. (See Exhibit 4 State of Washington Relocation Manual page 12-80 and Exhibit 5, New Hampshire Right of Way Manual pages 152-153.)

There is no doubt the increased benefits would reduce hardship to displacees and likely speed up the relocation process to some degree. Therefore, it is recommended, based on staff’s decades of field experience, that the following capped benefits be raised to the amounts listed below:

- In-lieu fixed payment be raised from a maximum of \$40,000 to a maximum of \$50,000
- Re-establishment be raised from a maximum \$25,000 to a maximum of \$40,000 and Searching benefits be raised from a maximum of \$2500 to a maximum of \$5,000

It is anticipated that increasing capped non-residential relocation amounts will result in the following potential benefits to LACMTA and impacted displacees:

- faster relocations and less hardships to displacees, especially small businesses
- accelerated parcel vacancies and schedule savings
- potentially less loss of good will and
- faster delivery of the higher benefit amounts via relocation claims

8.0 OTHER IMPORTANT INFORMATION

8.1 Relocation Site Office

A temporary relocation site office may be established on site where assigned staff and Relocation Consultants will work closely with all displaced persons and appropriate agencies in carrying out the relocation program. Staffing and working hours may be arranged to provide services conveniently available to all displaced persons from the project.

8.2 Filing Claims

Relocation expenses typically will be reimbursed after displaced persons submit to the Relocation Consultant a signed claim and all required documentation supporting the claim. Claims may be submitted as costs are incurred; displaced persons do not have to wait until their relocation is complete to submit claims for reimbursement. In cases where hardship is identified, LACMTA may elect to make an advance payment with documentation to follow.

For tenants of property acquired by METRO, all claims for relocation assistance must be submitted to a Relocation Consultant and filed with LACMTA within 18 months after the displaced person vacates the property. A Relocation Consultant will work with each displaced person to properly document claims for reimbursement. The Relocation Consultant will submit each complete claim to LACMTA for review and processing. LACMTA will make every effort to provide reimbursement for any approved, eligible portion of that claim as soon as possible.

If LACMTA denies all or a part of a claim for reimbursement, or if LACMTA refuses to consider a claim, LACMTA shall promptly notify the displaced person in writing of its determination, the basis for its determination, and the procedures for appealing the determination.

8.3 Relocation Payments Are Not Considered Income

Per the URA (49 CFR Sec. 24.209), no relocation reimbursement received by a Displaced Person will be considered as income for the purpose of the Internal Revenue Code, or for determining the eligibility of a person for assistance under the Social Security Act, or any other federal law, except for any federal law providing low-income business and housing assistance.

Payments made by LACMTA to a third party can be considered a taxable event. As a result, third-party payments may be subject to an IRS Form 1099 from METRO.

8.4 Business Goodwill

A claim for potential loss of Business Goodwill would be separate from any claim for relocation assistance benefits and would not be provided as part of LACMTA's Relocation Program. Business owners should contact LACMTA's representative for more information regarding business goodwill.

Substantiated claims for loss of Goodwill will be paid with non-federal funds in accordance with California State Law (California Code of Civil Procedure section 1263.510).

8.5 Nondiscrimination

Under Title VII of the federal Civil Rights Act of 1968 (The Act), discrimination based on race, color, religion, sex, or national origin in the purchase and rental of most residential units is illegal. The Act ensures that all services and benefits will be administered to the public without regard to race, religious creed, color, medical condition, sex, sexual orientation, gender identity, marital status, parental status, domestic partner status, age, national origin, ancestry, disability, veteran status, or any other basis protected by law.

8.6 General Information

This summary of LACMTA's Relocation Program has been provided as a courtesy by METRO. It is intended to provide general information concerning LACMTA's Relocation Program and to assist displaced persons in understanding their rights and benefits. Questions regarding LACMTA's Relocation Program should be directed to a Relocation Consultant once a consultant has been assigned.

Further details regarding federal and state relocation assistance and benefits are set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. Sections 4601 et seq., and its implementing regulations, 49 CFR Part 24; the California Relocation Act, Govt. Code Sections 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Sections 6000 et seq.

8.7 Project Assurances

LACMTA is committed to providing relocation assistance to all eligible occupants who are required to relocate as a result of the Project. LACMTA will not proceed with any approval of the project or other activity that will result in the displacement of any person, or business until it makes the following determinations:

- a) Fair and reasonable relocation payments will be provided to eligible persons in accordance with federal and state laws and guidelines.
- b) LACMTA has established a Relocation Program offering the services described in applicable federal and state law and guidelines.
- c) Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures.
- d) Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.
- e) Comparable replacement dwellings will be available within a reasonable period of time prior to displacement sufficient in number, size and cost for the eligible persons who require them.
- f) No person will be displaced until LACMTA has fulfilled the obligations imposed by the applicable relocation regulations.
- g) LACMTA will contract with qualified Relocation Assistance consultant for the following services:
 - 1) Provide current and continuing information on the availability, prices, and rentals of comparable residential and commercial properties and locations.

- 2) Assist each eligible displaced person to complete applications for payments and benefits.
- 3) Assist each eligible displaced person in obtaining and becoming established in a suitable replacement location.
- 4) Provide any services required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state or federal antidiscrimination laws, or any other arbitrary circumstances.
- 5) Supply to such eligible persons information concerning programs administered by the Federal Small Business Administration, and other federal or state programs, offering assistance to displaced persons.
- 6) Provide other advisory assistance to eligible persons in order to minimize their hardships. As needed, such assistance may include counseling and referrals with regard to financing, employment, training, health and welfare, as well as other assistance.
- 7) Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.

In addition to providing relocation benefits, LACMTA will employ measures to mitigate hardships to displacees and maintain the project schedule by avoiding potential problems. Some of the measures that can be employed are summarized here. Specifically, LACMTA will meet the business owners as soon as practicable to establish cooperative relationships and enhance their understanding of the relocation benefits, with focus on advisory assistance and payments for Substitute Personal Property and Direct Tangible Loss. In addition, LACMTA will identify “long lead” relocations as quickly as possible and highlight these relocations in the Relocation Plan. Where needed, LACMTA will issue Notices of Intent to Acquire for “long lead” relocations so relocation activities can begin prior to the first written offer. LACMTA will identify resources that might benefit the displacee as soon as possible (information on small business loans; other governmental programs that might assist the displacee, etc.) and have this information available prior to working with the displacee. LACMTA will attend appraisal inspections to view F&E and identify any F&E that would have special relocation requirements. LACMTA will identify any governmental permitting for businesses that may take significant amounts of time and explore ways to expedite the permits. LACMTA will identify any special zoning requirements as soon as possible for businesses that require them. Displacees will receive assistance with coordination of meeting local code requirements, e.g. fire permit, conditional use permit, etc.). Finally, in cases of a demonstrated need/hardship, LACMTA will make advance relocation payments.

9.0 RELOCATION APPEALS PROCESS

The LACMTA Relocation Appeals Procedure will be described in all printed matter explaining LACMTA’s Relocation Assistance Program, including the Informational Packets that are distributed at public hearings and/or to individual displaced persons.

A Displacee’s right to appeal will also be mentioned whenever any verbal presentation is made at public hearings covering relocation assistance.

- On relocation calls, the Relocation Consultant will provide the following information to the displaced person:
- How to make an appeal;
- Appeals must be filed with LACMTA no later than six months following the deadline for filing a claim for a relocation payment;
- The right to personally appear at all hearings;
- The right of appeal relates only to the Relocation Assistance Program and not to the market value of the property or to the terms of the acquisition agreement for the real estate;
- Appeal decisions will be made in writing;
- The LACMTA Relocation Appeals Procedure and Appeal Form will be provided to the displacee upon request;
- The right of the Displacee to pursue legal action after completion of the appeal process.

Review of Files by Appellant

- The following materials will be classified as confidential by LACMTA and not allowed to be inspected or copied by the appellant:
- The Relocation Case File
- Correspondence to and from Legal Counsel
- That additional material determined by LACMTA Legal Counsel, on a case-by-case basis, to be confidential and unavailable to the appellant.

LACMTA will set a reasonable time limit for the appellant to review the file, taking into consideration that Legal Counsel must first review the case file to determine which material is confidential and which is not. LACMTA may also charge reasonable fees for any copied material.

LACMTA's Relocation Appeal Policy is provided in Appendix M.

APPENDIX A

List of Parcels with Potentially Impacted Commercial/Residential Occupants

PRELIMINARY DATA

INTENDED USE	PROJECT PARCEL NUMBER	APN	SITE ADDRESS	ACQUISITION	NAME OF DISPLACEE(S)
TPSS 1	ESFV-A-001-1	2241-027-003	6073 Van Nuys Blvd	Full	6 Day Weight Loss / American Bariatric
TPSS 1	ESFV-A-001-1	2241-027-003	6073 Van Nuys Blvd	Full	LA Car Zone
TPSS 1	ESFV-A-001-1	2241-027-003	6073 Van Nuys Blvd	Full	Daniel D. Coe (owner)
TPSS 1	ESFV-A-001-1	2241-027-003	6073 1/2 Van Nuys Blvd	Full	Ministerio Profetico Rios de Auga Viva
TPSS 1	ESFV-A-001-1	2241-027-003	6073 Van Nuys Blvd	Full	Clear Channel
TPSS 2	ESFV-A-002-1	2236-023-001	6429 Van Nuys Blvd	Full	<u>El Cafetal Salvadorean Restaurant</u>
TPSS 2	ESFV-A-002-1	2236-023-001	6429 Van Nuys Blvd	Full	Stephen Sol Wies, Michael Bacall, Sylvia R. Bacall (Owners)
TPSS 6	ESFV-B-006-1	2644-030-016	9462 Vans Nuys	Full	Small Office (Western Pacific Med Corp)
TPSS 6	ESFV-B-006-1	2644-030-078	9462 Vans Nuys	Full	Residential property (SFR)
TPSS 7	ESFV-C-001-1	2647-022-015	14229 Van Nuys	Full	Residential property (SFR)
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14533 Keswick Street Unit 1 & 2	Full	Global StoneTrading Inc. (14560 Sqft)
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14533 Keswick St Unit 3	Full	Stone Shoppe (2240 Sqft)
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14533 Keswick St Unit 4	Full	Valegui Stone Inc. (2240 Sqft)
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14533 Keswick St Unit 5	Full	Bella Stone Fabrication & Installation (5152 Sqft)

MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14533 Keswick St Unit 6	Full	AVM Auto Body (2576 Sqft)
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14533 Keswick St Unit 7	Full	OMG Stoneworks, Inc DBA Olympia Marble & Granite (9296 Sqft)
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14523 Keswick St Unit 8	Full	Universal 1 Auto Body (2240 Sqft)
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14523 Keswick St Unit 9 & 10	Full	Pyramid Tile & Marble (5040 Sqft)
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14535 Keswick St	Full	George Spordous (2800 sqft)
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14535 Keswick St	Full	Valentin Machine Shop (2240 Sqft)
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14535 Keswick St	Full	Valentin - Residential Trailer
MSF	ESFV-E-001-1	2210-030-007 2210-030-031 2210-030-008 2210-030-030	14535 Keswick St	Full	Ilan Bldg. Comp, LLC (owner)
MSF	ESFV-E-002-1	2210-030-011	14545 Keswick St	Full	Stone Applications, Inc.
MSF	ESFV-E-002-1	2210-030-011	14545 Keswick St	Full	Franz J. Neuwirth Gretchen V. Newell Trustees (owner)
MSF	ESFV-E-003-1	2210-030-009 2210-030-010 2210-030-014 2210-030-016	14603 Keswick St	Full	Ronin Collective, LLC

MSF	ESFV-E-003-1	2210-030-009 2210-030-010 2210-030-014 2210-030-016	14603 Keswick St.	Full	New Marble Unlimited, Inc.
MSF	ESFV-E-003-1	2210-030-009 2210-030-010 2210-030-014 2210-030-016	14605 Keswick St	Full	Boulevard Tile & Stone, Inc. (BTS) – D003
MSF	ESFV-E-003-1	2210-030-009 2210-030-010 2210-030-014 2210-030-016	14605 Keswick St	Full	Steve M. Lieser— D004 Lieser Holdings, L.P. a California Limited Partnership (owner)
MSF	ESFV-E-004-1	2210-030-029	14546 Raymer St	Full	STR – D001 Active Auto
MSF	ESFV-E-004-1	2210-030-029	14546 Raymer St	Full	Zeyad S. Hillo and Waleed E. Hillo (owner)
MSF	ESFV-E-005-1	2210-030-013	14555 Keswick St	Full	Black Bike, Inc
MSF	ESFV-E-005-1	2210-030-013	14555 Keswick St	Full	Redline Cycles
MSF	ESFV-E-005-1	2210-030-013	14555 Keswick St	Full	Python Vehicles USA
MSF	ESFV-E-005-1	2210-030-013	14555 Keswick St	Full	All American Alliance (Towing)
MSF	2210-030-013	2210-030-013	14555 Keswick St	Full	Oaktree Hospice, Inc.
MSF	ESFV-E-005-1	2210-030-013	14555 Keswick St	Full	Elkin Gamboa LLP
MSF	ESFV-E-005-1	2210-030-013	14555 Keswick St	Full	14555 Keswick, LLC (owner)
MSF	ESFV-E-006-1	2210-030-028	14556 Raymer St	Full	TipTop Restoration, Inc. Purple Construction & Remodeling, Inc.
MSF	ESFV-E-006-1	2210-030-028	14556 Raymer St	Full	David M. Striks and Mirian B. Striks David M. Striks and Mirian B. Striks Solomon D. Pearlman (owners)
MSF	ESFV-E-007-1	2210-030-019	14600 Raymer St	Full	MV Transportation, Inc.

MSF	ESFV-E-007-1	2210-030-019	14600 Raymer St	Full	Gregory R. Baker and Lisa K. Baker Trustees of The Baker Trust Dated September 29, 2000 (owners)
MSF	ESFV-E-008-1	2210-030-024	14617 Keswick St	Full	G&A Fire Protection Corp.
MSF	ESFV-E-008-1	2210-030-024	14617 Keswick St	Full	G&A Underground Utility Corp.
MSF	ESFV-E-008-1	2210-030-024	14617 Keswick St	Full	Arya Company
MSF	ESFV-E-008-1	2210-030-024	14617 Keswick St	Full	IBeauty Brands, Inc.
MSF	ESFV-E-008-1	2210-030-024	14617 Keswick St	Full	Ambar Investment Group, LLC (owner)
MSF	ESFV-E-009-1	2210-030-018	14612 Raymer St	Full	Ed Pink Racing Engines, Inc.
MSF	ESFV-E-009-1	2210-030-018	14612 Raymer St	Full	Malloy Family Partners, L.P. (owner)
MSF	ESFV-E-010-1	2210-030-017	14626 Raymer St	Full	Rouge Gentleman's Club Inc. DBA Dames & Games
MSF	ESFV-E-010-1	2210-030-017	14626 Raymer St	Full	Raymer Street Properties, LLC -D002 (owner)
MSF	ESFV-E-011-1	2210-025-005 2210-025-035	14635 Keswick St 14645 Keswick St	Full	Frontier Communications
MSF	ESFV-E-011-1	2210-025-005 2210-025-035	14635 Keswick St 14645 Keswick St	Full	Lainer Brothers, a California General Partnership (owner)

MSF	ESFV-E-012-1	2210-025-007	14646 Raymer St	Full	SCV Recycling
MSF	ESFV-E-012-1	2210-025-007	14646 Raymer St	Full	Franz J. Neuwirth and Gretchen V. Newell (owners)
MSF	ESFV-E-013-1	2210-025-008 2210-025-009 2210-025-034	14660 Raymer St 14663 Keswick St	Full	Keolis (transportation shuttles)
MSF	ESFV-E-013-1	2210-025-008 2210-025-009 2210-025-034	14660 Raymer St 14663 Keswick St	Full	I&E Cabinets, Inc.
MSF	ESFV-E-013-1	2210-025-008 2210-025-009 2210-025-034	14660 Raymer St 14663 Keswick St	Full	Dennis L. Newman and Shaaron L. Newman Newman and Sons, Inc., and Roger L. Newman (owner)
MSF	ESFV-E-014-1	2210-025-010	14701 - 14707 Keswick St	Full	David Barnes, LLC
MSF	ESFV-E-014-1	2210-025-010	14706 Raymer St	Full	SIT Catering & Event Rentals, Inc.
MSF	ESFV-E-014-1	2210-025-010	14712 Raymer St	Full	Avalanche Air Inc. Air Cool
MSF	ESFV-E-014-1	2210-025-010	14714 Raymer St	Full	MSS Construction, Inc.
MSF	ESFV-E-014-1	2210-025-010	14714 Raymer St	Full	Joyce S. Berens, Trustee of the Joyce Berens Turst Fund Dated December 5, 2005 - Gene Ray Vaccarello, Gerald Vaccarello, Barbara Vaccarello, Dale Vaccarello & Diane E. Vaccarello Dona C. Meyer (owners)
MSF	ESFV-E-014-1	2210-025-010	14701 - 14707 Keswick St	Full	SBA 2012 TC Assets, LLC – D008
MSF	ESFV-E-015-1	2210-025-044	14718 Raymer St Suite B	Full	Brian Williams DBA NDI Worldwide

MSF	ESFV-E-015-1	2210-025-044	14718 Raymer St.	Full	Tip-Top Restoration
MSF	ESFV-E-015-1	2210-025-044	14718 Raymer St (14721 Keswick St. Unit A)	Full	Noah Eye Woodworks, Inc.
MSF	ESFV-E-015-1	2210-025-044	14718 Raymer St. (14721 Keswick St. Unit B)	Full	Hi-Style Metal Design, Inc.
MSF	ESFV-E-015-1	2210-025-044	14718 Raymer St. (14721 Keswick St. Suite C)	Full	Moulding Center
MSF	ESFV-E-015-1	2210-025-044	14718 Raymer St. (14721 Keswick St Unit D)	Full	Universal Stone Works - D006
MSF	ESFV-E-015-1	2210-025-044	14718 Raymer St. (14721 Keswick St Unit E)	Full	Almas Iron Work – D007
MSF	ESFV-E-015-1	2210-025-044	14718 Raymer St. (14721 Keswick St Unit F)	Full	Unique Iron Design
MSF	ESFV-E-015-1	2210-025-044	14718 Raymer St. (14721 Keswick St)	Full	JB Partners, LLC (owner)
MSF		2210-025-016	14743 Keswick St	Full	Vacant (previously a body shop)
MSF	RA-E-003-a	2210-025-049	14745 Keswick St	Full	All-Pro Distributing Inc.
MSF	ESFV-E-016-1	2210-025-045	14742 Raymer St	Full	Heating & Cooling Supply
MSF	ESFV-E-016-1	2210-025-045	14742 Raymer St	Full	Wilshire DS2 (owner)

Residential Occupant

APPENDIX B

Sample General Information Notice

Dear Occupant:

The Los Angeles County Metropolitan Transportation Authority (hereinafter referred to as "METRO") is interested in the property you currently occupy at _____ for a proposed transit project that may receive financial assistance from the federal government.

The purpose of this Notice is to inform you that you may be displaced as a result of the proposed project. This Notice also serves to inform you of your potential rights as a displaced person in accordance with ***Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)*** You may be eligible for relocation assistance and payments under the *Guidelines*, if the proposed project receives funding and if you are displaced as a result of acquisition, rehabilitation or demolition for the project.

- **This is not a notice to vacate the premises.**
- **This is not a notice of relocation eligibility.**

If you are determined to be eligible for relocation assistance in the future, you may be eligible for: 1) Relocation advisory services including help to you find another place to live; 2) At least 90 days advance written notice of the date you will be required to move; 3) Payment for your moving expenses; and 4) Replacement housing payments to enable you to rent, or if you prefer to purchase, a comparable replacement home. You will also have the right to appeal LACMTA's determination, if you feel that your application for assistance was not properly considered.

The enclosed informational brochure, "*Relocation Assistance to Tenants Displaced from Their Homes*" provides an explanation of this assistance and other helpful information.

Please be advised that you should continue to pay your rent and meet any other obligations as specified in your lease agreement. Failure to do so may be cause for eviction. If you choose to move or if you are evicted prior to receiving a formal notice of relocation eligibility you will not be eligible to receive relocation assistance. It is important for you to contact us before making any moving plans.

Again, this is not a notice to vacate the premises and does not establish your eligibility for relocation payments or assistance at this time. If you are determined to be displaced and are required to vacate the premises in the future, you will be informed in writing. In the event the proposed project does not proceed and/or if you are determined not to be displaced, you will also be notified in writing.

If you have any questions about this notice or the proposed project, please contact your Relocation Agent.

[Relocation Agent/Firm Contact Information]

Sincerely,

[Name] / [Title]

ACKNOWLEDGEMENT RECEIPT:

Received By: _____

Sample General Information Notice

Non-Residential

Dear Occupant:

The Los Angeles County Metropolitan Transportation Authority (hereinafter referred to as “METRO”) is interested in the property you currently occupy at _____ for a proposed housing development that may receive financial assistance from the federal government.

The purpose of this Notice is to inform you that your business operation may be displaced as a result of the proposed transit project. This Notice also serves to inform you of your potential rights as a displaced person in accordance with ***Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)***. You may be eligible for relocation assistance and payments if the proposed project receives funding assistance and if you are displaced as a result of acquisition, rehabilitation or demolition for the project.

- **This is not a notice to vacate the premises.**
- **This is not a notice of relocation eligibility.**

If you are determined to be eligible for relocation assistance in the future, you may be eligible for: 1) Relocation advisory services including help to find you a replacement location; 2) At least 90 days advance written notice of the date you will be required to move; 3) Payment for your moving and reestablishment expenses. You also have the right to appeal LACMTA’s determination, if you feel that your application for assistance was not properly considered.

The enclosed informational brochure, “*Relocation Assistance To Displaced Businesses, Nonprofit Organizations, and Farms*” provides an explanation of this assistance and other helpful information.

Please be advised that you should continue to pay your rent and meet any other obligations as specified in your lease agreement. Failure to do so may be cause for eviction. If you choose to move or if you are evicted prior to receiving a formal notice of relocation eligibility you will not be eligible to receive relocation assistance. It is important for you to contact us before making any moving plans.

Again, this is not a notice to vacate the premises and does not establish your eligibility for relocation payments or assistance at this time. If you are determined to be displaced and are required to vacate the premises in the future, you will be informed in writing. In the event the proposed project does not proceed or if you are determined not to be displaced, you will also be notified in writing.

If you have any questions about this notice or the proposed project, please contact your Relocation Agent:

[Relocation Agent/Firm Contact Information]

Sincerely,

[Name] / [Title]

ACKNOWLEDGEMENT RECEIPT:

Received By: _____

APPENDIX D

Sample Notice of Eligibility for Relocation Assistance

Residential Tenant

Subject: Notice of Eligibility (Residential Tenant)

Dear,

On _____, The Los Angeles County Metropolitan Transportation Authority (hereinafter referred to as "METRO") notified you of our proposed plans to construct the [Project Name].

This is a *Notice of Eligibility for Relocation Assistance*. To carry out the project, it will be necessary for you to permanently relocate. However, *you do not need to move now*. You will not be required to move without at least 90 days advance written notice of the date by which you must vacate. And when you do move, you will be entitled to relocation payments and other assistance in accordance with ***Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA)***

Payment for Moving Expenses. You may choose either (1) a payment for your actual reasonable moving and related expenses, or (2) if you prefer, a fixed moving expense and dislocation allowance of \$_____.

Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors, including the cost of a "comparable replacement home," the monthly rent and average cost of utility services for your present home, and 30 percent of your average gross household income.

Listed below are three "comparable replacement homes" that you may wish to consider:

	Address	Rent and Utility Costs	Name and Tele. No. of Person to Contact
1.			
2.			
3.			

We would be pleased to provide you with transportation to inspect these dwelling units. We believe that the unit at (address) is the most representative of your present home. The rent and the estimated average cost of utility services for that unit is \$____. Based on the information you have provided about your income, you may be eligible for a rental assistance payment up to \$____ (42 x \$____). This is the maximum amount that you would be eligible to receive. It would be paid in installments or lump sum. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than \$____, your rental assistance payment would be based on the actual cost of such unit.

Contact us immediately if you do not agree that these units are comparable to your home. We will explain the basis for our selecting these units. And, if necessary, we will find other units. We will not base your payment on any unit that is not a "comparable replacement home."

Should you choose to buy (rather than rent) a decent, safe and sanitary replacement home, you would be eligible for a down payment of \$____. Let us know if you would prefer to buy a replacement home, and we will help you find such housing.

I am enclosing a brochure entitled, “*Relocation Assistance to Tenants Displaced From Their Homes.*” Please read the brochure carefully. It explains your rights and some things you must do to obtain a payment. For example, to obtain a replacement housing payment you must move to a decent, safe and sanitary home within one year after you vacate your present home. Therefore, do not commit yourself to rent or buy a unit until we inspect it.

I want to make it clear that you are eligible for assistance to help you relocate. In addition to relocation payments and housing referrals, counseling and other services are available to you.

Our Relocation Consultant will soon contact you to determine your needs and preferences. They will explain your rights and help you obtain the relocation payments and other assistance for which you are eligible. If you have any questions, please contact your Relocation Consultant.

[Name of Relocation Agent]
[Name of Relocation Firm]
[Address]
[Phone Number]
[Email Address]

Sincerely,

[Name]
[Title]

ACKNOWLEDGEMENT RECEIPT:

Received By: _____ Date: _____

APPENDIX E

Sample Notice of Eligibility for Relocation Assistance

Non-residential Occupant

[Date]

[Name]

[Mailing Address]

[Mailing City, State, Zip]

NOTICE OF ELIGIBILITY FOR RELOCATION BENEFITS
BUSINESS, FARM OR NONPROFIT ORGANIZATION

Re: [Name of Displacee]
[Site Address]
[City, State, Zip]
[Name of Project]
LACMTA Parcel No. [Number]

Dear [Name], et al:

On [Date of Offer], the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) made an offer to purchase the property you currently occupy located at [Address] for the construction of [Name of Project] (the “Project”).

To carry out the project, it will be necessary for you to move. You will be provided a 90-day written notice of the date by which you will be required to move.

As the eligible occupant of the property, you are protected under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as Amended (“URA”) and may be entitled to certain benefits under the LACMTA’s Relocation Assistance Program. These benefits are outlined below.

As the occupant of the property, you are entitled to:

1. RELOCATION ADVISORY ASSISTANCE:

LACMTA will assist you search for a replacement location to conduct your business, farm or nonprofit operation. Information on and maps of available properties, typical real estate purchase and rental costs, and the services offered by other agencies in the area are also available. If you would like assistance, contact LACMTA’s relocation consultant.

2. PAYMENT FOR ACTUAL MOVING AND RELATED EXPENSES:

Business, farms and nonprofit organizations may be paid on the basis of actual reasonable moving and related costs and reestablishment expenses as LACMTA determines to be reasonable and necessary or, under certain circumstances, a fixed payment. The following moving expenses may be considered by LACMTA:

- A. Transportation of personal property limited to 50 miles or less. Distances beyond 50 miles are not eligible, unless LACMTA determines that relocation beyond 50 miles is justified.
- B. Packing, crating, unpacking, and uncrating of the personal property.



- C. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, and certain substitute personal property. This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement site, including those mandated by Federal, State or local law, code or ordinance or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.
- D. Connection to available utilities from the right-of-way to improvements at the replacement site.
- E. Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including, but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such a site). At LACMTA's discretion, a reasonable hourly rate may be established.
- F. Storage of personal property for a period not to exceed 12 months, unless LACMTA determines that a longer period is necessary.
- G. Insurance for the replacement value of personal property in connection with the move and necessary storage.
- H. Any license, permit, or certification required for your operation at the replacement location. However, the payment shall be based on the remaining useful life of existing license(s), permit(s) or certification(s) of your business.
- I. The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of your own, your agent, or your employee) where insurance covering such loss, theft, or damage is not reasonably available
- J. Professional services as LACMTA determines to be actual, reasonable and necessary for (i) planning the move of the personal property, (ii) moving the personal property, and (iii) installing relocated personal property at the replacement location
- K. Relettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move
- L. Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:
 - (1) The fair market value in place of the item, as is for continued use, less the proceeds from its sale; or
 - (2) The estimated cost of moving the item as is, but not including any allowance for storage or for reconnecting a piece of equipment, if the equipment is in storage or not being used at the acquired site. In calculating payment under section the reasonable cost incurred to sell shall be added to the determination of loss.
- M. Purchase of substitute personal property. If an item of personal property which is used as part of your operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, you will be entitled to payment for the lesser of:
 - 1.) The cost of the substitute item, including installation costs at the replacement site, less any proceeds from the sale or trade-in of the replaced items.
 - 2.) The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by LACMTA, but with no allowance for storage.
- N. Searching for a replacement location. You are entitled to reimbursement for actual expenses, not to exceed \$2,500, as LACMTA determines to be reasonable, which are incurred in searching for a replacement location including:
 - 1.) Transportation
 - 2.) Meals and lodging away from home
 - 3.) Time spent searching, based on reasonable salary or earnings
 - 4.) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site
 - 5.) Time spent negotiating the purchase of a replacement site based on reasonable salary or earnings
 - 6.) Time spent in obtaining permits and attending zoning hearings

- O. High bulk/low Value will allow a payment for personal property that is worth less than the cost to move it to the replacement property as determined by LACMTA. The moving payment shall not exceed the amount which you would receive if the property were sold at the site.
- P. Other moving and related expenses as LACMTA determine to be reasonable and necessary.

RELATED NONRESIDENTIAL ELIGIBLE EXPENSES

The following expenses, in addition to those provided above for moving personal property, shall be provided if the Agency determines that they are actual, reasonable and necessary:

- A. Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
- B. Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the Agency a reasonable pre-approved hourly rate may be established.
- C. Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by the Agency.

CAUTION: In order to qualify for reimbursement of the above-described expenses, you MUST:

- A. Provide LACMTA with a certified list or inventory of the items to be moved at least thirty (30) days in advance of the start of your move;
- B. Notify LACMTA at least fifteen (15) days in advance of the date of the start of your move or disposition of your personal property;
- C. Permit LACMTA to monitor the move; and
- D. Permit LACMTA to make reasonable and timely inspections of the personal property at both the displacement and replacement sites.

Failure to comply with any of the above four (4) requirements may result in your losing part or all of your benefits.

You should also be aware that you are not entitled to payment, under the relocation regulations, for:

- The cost of moving any structure or other real property improvement in which you reserved ownership;
- Interest on a loan to cover moving expenses;
- Loss of goodwill;
- Loss of profits;
- Loss of trained employees;
- Personal injury; or
- Costs for storage of personal property on real property owned or leased by the displaced person.

You may move either by commercial mover or take full responsibility for all or part of the move. If you elect a "self-move", you must first obtain at least two (2) acceptable bids or estimates for your move.

- AND -



3. REESTABLISHMENT EXPENSES:

In addition to the payments available above, a small business, farm or nonprofit organization may be eligible to receive a payment, not to exceed \$25,000, for the expenses actually incurred in relocating and reestablishing at a replacement site.

Reestablishment expenses must be reasonable and necessary as determined by LACMTA. They include, but are not limited to, the following:

- A. Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance
- B. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business
- C. Construction and installation costs for exterior signing to advertise the business
- D. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting
- E. Advertisement of replacement location
- F. Provisions of utilities from right-of-way to improvements at replacement site
- G. Licenses, fees and permits when not paid as part of moving expenses
- H. Estimated increased costs of operation during the first two years at the replacement site for such items as:
 - 1.) Lease or rental charges
 - 2.) Personal or real property taxes
 - 3.) Insurance premiums
 - 4.) Utility charges, excluding impact fees
- L. Other items that LACMTA considers essential to the reestablishment of the business.

You should be aware that you are not entitled to payment under reestablishment regulations for any of the following:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures
- Purchase of manufacturing material, production supplies, product inventory or other items used in the normal course of the business operation
- Interior or exterior refurbishment at the replacement site which are purely aesthetic in purpose except as paid in “d” above
- Interest on money borrowed to make the move or purchase the replacement property
- Part-time or home-based business which does not contribute materially to the household income

- OR -

4. FIXED PAYMENT IN LIEU OF PAYMENT FOR ACTUAL AND RELATED EXPENSES AND REESTABLISHMENT EXPENSES:

In lieu of a payment for actual moving and related expenses and reestablishment expenses, you may elect to receive an amount equal to your business’ recent average annual net earnings in an amount not less than \$1,000 or more than \$40,000. A displaced business is eligible for the payment if LACMTA determines that:



- A. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and the business vacates or relocates from its displacement site
- B. The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless LACMTA determines that it will not suffer a substantial loss of its existing patronage.
- C. The business is not part of a commercial enterprise having more than three other entities which are not being acquired by LACMTA, and which are under the same ownership and engaged in the same or similar business activities.
- D. The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others.
- E. The business is not operated at the displacement site solely for the purpose of renting the site to others.
- F. The business contributed materially to the income of the displaced person during the two taxable years prior to displacement.

You will have 18 months from the date you vacate the property which you currently occupy to submit claims for reimbursement of eligible relocation expenses.

If you lease or rent from the LACMTA, failure to pay necessary rental payments to LACMTA may reduce the relocation payment which you will receive.

Moving and related payments are not considered as income for the purposes of personal income tax laws. Relocation payments are normally made within sixty (60) days of the date that a completed claim is received by LACMTA.

LACMTA provides you with the right to appeal this determination and have your case reviewed or reconsidered in accordance with LACMTA’s appeals procedures. If you still believe a proper determination has not been made by LACMTA’s appeals process, you may seek judicial review. Complete details on the appeals process are available from your relocation consultant.

It is important that you understand the matters explained above which relate to your relocation assistance program eligibility. If at any time you would like assistance, please contact the following LACMTA Relocation Consultant:

[Name]
[Name of Relocation Firm]
 [Address]
 [Phone Number]
 [Email Address]

Sincerely,

[Name]
 [Title]
 Los Angeles County Metropolitan Transportation Authority

ACKNOWLEDGMENT

I was contacted by the Relocation Consultant for LACMTA. I have had the available relocation services and entitlements explained to me. I have been advised that LACMTA’s Relocation Agent will be available to assist me if any questions arise or as assistance is needed. I have received a copy of the Notice of Eligibility for Relocation Benefits for Business, Farm or Non-Profit Organization dated [Date of NOE].

[Name of Displacee] Date
 [Address]
 [Address]
 LACMTA Parcel No. [Parcel Number]

APPENDIX F

Sample Ninety Day (90) Day Notice to Vacate

Dear,

You are presently occupying certain premises owned by The Los Angeles County Metropolitan Transportation Authority (hereinafter referred to as "METRO") located at _____.

It is necessary for us to ask you to move. However, in accordance with applicable relocation regulations and LACMTA's relocation policy, you shall be given at least ninety (90) days advance written notice from receipt of this Notice, or until _____ before you shall be required to move.

However, please be advised that you will not be required to move unless you have been given at least three (3) referrals to comparable housing.

If you find another suitable replacement dwelling, you may move before the end of the ninety-day (90) period. Remember to notify your Relocation Consultant before you move or sign a rental agreement so that it may be internally and externally inspected by the Relocation Consultant and qualify your replacement dwelling; also if you would like additional advisory assistance, or to find out if you will be entitled to receive any relocation payments.

Your Relocation Consultant and I know that it may be a hardship for you to move. Therefore, we will do all we can to make it as easy as possible. By planning and working together, we can achieve a common goal, a decent, safe and sanitary dwelling for you and your family

In the meantime, if you have any questions or require assistance, please contact your Relocation Consultant.

Sincerely,

Enclosure

ACKNOWLEDGEMENT RECEIPT:

Received By: _____ Date: _____

APPENDIX G

Sample Thirty Day (30) Day Notice to Terminate Tenancy

Dear,

Previously you received a 90-Day Informational Notice advising that the Los Angeles County Metropolitan Transportation Authority (LACMTA) requires the property you occupy for the Purple Line (Westside) Subway Extension Project. In accordance with that letter, Notice is hereby given that LACMTA is now the owner of the property you occupy and has elected to terminate your tenancy of the premises situated in the City of _____, County of Los Angeles, State of California, and commonly known as _____; and you are hereby required to quit and deliver up possession of said premises on or before _____. If you fail to do so, LACMTA may institute legal proceedings against you to recover possession of said premises, with rents and damages.

We will continue to offer relocation assistance, and the Relocation Consultants, _____ of _____. May be contacted for that purpose at _____.

Sincerely,

[name]
[Title]
Los Angeles County Metropolitan
Transportation Authority

Date of Personal Service:

O.P. Effective Date (if applicable):

Received By:



APPENDIXH

Sample INFORMATIONAL BROCHURE FOR NON-RESIDENTIAL DISPLACEDS

INTRODUCTION

This booklet describes the relocation payments and other relocation assistance which the **Los Angeles County Metropolitan Transportation Authority (LACMTA)** provides under the **Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended (URA)** to businesses and non-profit organizations which may be required to move from real property, or move personal property from real property as a result of a LACMTA transit project.

If you are notified that you will be displaced, LACMTA's Relocation Consultant _____ (name of consultant) _____ will contact you personally. The consultant will answer your specific questions and provide additional information you may need. It is important that you do not move before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

Pursuant to Public Law 105-117, non-residential displaces must certify that they are lawfully present in the United States if a Sole Proprietorship or Partnership, or must certify that the corporation is established pursuant to State Law and is authorized to conduct business in the United States.

This booklet may not answer all of your questions. If you have more questions about your relocation, contact (consultant). Please refer to the bottom of this brochure for the name and telephone number of the person to contact. Ask questions before you move. Afterwards, it may be too late.

SUMMARY OF RELOCATION ASSISTANCE

As an eligible displaced person, you will be offered the following advisory and financial assistance by (NAME OF AGENT) on behalf of METRO:

Advisory Services This includes referrals to suitable replacement locations, help in preparing claim forms for relocation payments, and other assistance to minimize the impact of the move.

Payment for Moving and Reestablishment Expenses Payments for moving, reestablishment, and related expenses fall into two general categories:

- **Payment for your actual reasonable moving and related expenses.** If you choose this payment, you may also be eligible for a **Payment for Reestablishment Expenses** up to \$25,000.

OR

- Certain persons are eligible to choose a **Fixed Payment** as an alternative to the payments for moving and reestablishment expenses.

GENERAL QUESTIONS

How Will I know if I am Eligible for Relocation Assistance?

You should receive a written notice explaining your eligibility for relocation assistance. You should not move before receiving that notice. If you do, you may not receive relocation assistance.

How Will LACMTA Know How Much Help I Need?

You will be contacted at an early date and personally interviewed by your Relocation Consultant to determine your relocation needs and preferences for a replacement location and other services. The Relocation Consultant will ask about such matters as your space requirements. It is to your advantage to provide the information so that (NAME OF AGENT) can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

How Soon Will I Have to Move?

Every reasonable effort will be made to provide you with sufficient time to find and reestablish your business in a suitable replacement location. If possible, a mutually agreeable date for the move will be worked out. You will be given enough time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without at least 90 days advance written notice. It is important, however, that you keep in close contact with (NAME OF AGENT) so that you are aware of the time schedule for carrying out the project and the approximate date by which you will need to move.

How Will I Find a Replacement Location?

(NAME OF AGENT) will provide you with information on currently available replacement locations.

While (NAME OF AGENT) will assist you in obtaining a suitable replacement location, you should take an active role in finding and relocating to a location of your choice. No one knows your needs better than you. You will want a facility that provides sufficient space for your planned activities. You will also want to assure that there are no zoning or other requirements which will unduly restrict your planned operations.

(NAME OF AGENT) will explain the kinds of moving and reestablishment costs that are eligible for repayment and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

What Other Assistance Will be Available to Help Me?

In addition to help in finding a suitable replacement location, other assistance, as necessary, will be provided by METRO. This includes information on Federal, State and local programs that may be of help in reestablishing a business. For example, the Small Business Administration (SBA) provides managerial and technical assistance to some businesses. LACMTA will assist you in applying for help available from government agencies.

I Have a Replacement Location and Want to Move. What Should I Do?

Before you make any arrangements to move, notify (NAME OF AGENT) in writing, of your intention to move. This should be done at least 30 days before the date you begin your move. (NAME OF AGENT) will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, the requirements to be met, and how to obtain payment.



I Own This Property. Will I Be Paid For It Before I Have to Move?

If you reach a negotiated agreement to sell your property to METRO, you will not be required to move before you receive the agreed upon purchase price. If the property is acquired through an eminent domain proceeding, you cannot be required to move before the estimated fair market value of the property has been deposited with the State Treasurer with the court and an Order for Possession is obtained through the court. (You should be able to withdraw this amount immediately, less any amounts necessary to pay off any liens on the property and to resolve any special ownership problems. Withdrawal of your share of the money will not affect your right to seek additional compensation for your property.)

What type of Relocation Assistance Payments are Available to a Displaced Business?

Payment for Actual Reasonable Moving and Related Expenses

If you choose a Payment for Actual Reasonable Moving and Related Expenses, you may include in your claim the reasonable and necessary costs for:

- Transportation of personal property from your present location to the replacement location up to a distance of 50 miles
- Packing, crating, uncrating, and unpacking the personal property
- Disconnecting, dismantling, removing, reassembling, and installing relocated and “substitute” machinery, equipment and other personal property. This includes connection to utilities available nearby. It also includes modifications to the personal property that are necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site and modifications necessary to adapt the utilities at the replacement site to the personal property.
- Storage of personal property not to exceed 12 months (at the discretion of METRO)
- Insurance for the replacement value of your property during the move and necessary storage
- Any license, permit, or certification which you are required to pay at the replacement location. However, cost must be reasonable and necessary for reestablishment at the replacement location and the payment may be based on the remaining useful life of the existing license, permit, or certification.
- The replacement value of property lost, stolen, or damaged in the process of moving (not through your fault or negligence) where insurance covering such loss, theft, or damage is not reasonably available
- Professional services necessary for (1) planning the move of the personal property, (2) moving the personal property, or (3) installing relocated or “substitute” personal property at the replacement location.
- Reentering signs and replacing stationery on hand when you move that are made obsolete as a result of the move.
- ***The actual direct loss of tangible personal property.*** This payment provides compensation for personal property that is neither moved nor promptly replaced at the replacement location. Payment is limited to the **lesser** of (1) The estimated cost of moving and reinstalling the personal property **or** (2) the market value of the property for its continued use at the old location, less any proceeds from its sale. To be eligible, you must make a good faith effort to sell the property, unless LACMTA determines that such effort is not necessary. The reasonable cost incurred in attempting to sell an item that is not to be moved may be reimbursable.
- ***Purchase and installation of “substitute” personal property.*** This payment is made with an item of personal property is not moved but is promptly replaced with a substitute item that performs a

comparable function at the replacement site. Payment is limited to the **lesser** of (1) the estimated cost of moving and reinstalling the item **or** (2) the actual cost of the substitute item delivered and installed at the replacement location, less any proceeds from the sale or trade-in of the replaced item.

- Searching for a replacement location. This payment may not exceed \$2,500 and covers costs for your transportation expenses, time spent searching for a replacement location, reasonable fees paid to a real estate consultant or broker to find a replacement location (not fees related to the purchase of the site), and meals and lodging away from home, if required.
- Expenses for providing utilities from the right-of-way to the building.
- Impact fees or one-time assessments for anticipated heavy utility usage.

Related Nonresidential Eligible Expenses

The following expenses, in addition to those provided above for moving personal property, shall be provided if the Agency determines that they are actual, reasonable and necessary:

- Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
- Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the Agency a reasonable pre-approved hourly rate may be established. (See appendix A, § 24.303(b).)
- Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by the Agency.

It is important that you discuss your plans with your Relocation Agent before you proceed.

Your Relocation Agent will explain all eligible moving and related costs, as well as those that are not eligible. You must be able to account for all costs that you incur, so keep all your receipts. The relocation agent will inform you of the documentation needed to support your claim.

You may minimize the amount of documentation needed to support your claim if you elect to "self-move" your personal property. Payment for a self-move is based on the amount of an acceptable low bid or estimate obtained by Relocation Agent. If you elect a self-move, you may move your personal property using your own employees and equipment or a commercial mover.

You may elect to pay your moving costs yourself and be repaid by LACMTA or, if you prefer, you may have LACMTA pay the mover. In either case, select your mover with care. The Relocation Agent can help you select a reliable and reputable mover.

Also, keep the Relocation Agent informed about your moving plans. You must provide the Relocation Agent with reasonable advance written notice of the date of the start of your move or disposition of your personal property and a list of the items you plan to move. In addition, you must permit the Relocation Agent to make reasonable and timely inspections of the personal property at the old and new locations and to monitor the move.

When a payment for "actual direct loss of personal property" or "substitute personal property" is made for an item, the estimated cost of moving the item will be based on the lowest acceptable bid or estimate obtained by the Relocation Agent. If not sold or traded in, you must transfer ownership of the item to LACMTA in order to receive the payment.

What is a Payment for Reestablishment Expenses?

If you choose to receive a payment for your actual moving and related expenses, you may also be eligible to receive a payment for **Reestablishment Expenses**, not to exceed \$25,000. Such expenses include the reasonable and necessary cost of:

- Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make a replacement structure suitable for conducting your business.
- Construction and installation costs for exterior signs to advertise your business
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
- Advertisement of the replacement location
- Estimated increased costs of operation during the first 2 years at the replacement site for such items as lease or rental charges, personal or real property taxes, insurance premiums, and utility charges (excluding impact fees).
- Other items that the agency considers essential to the reestablishment of the business.

What Costs are Ineligible under Relocation Assistance Program?

- Purchase of capital assets, such as office furniture, filing cabinets, machines or trade fixtures.
- Purchase of manufacturing material, production supplies, product inventory or other items used in the normal course of the business operation.
- Interior or exterior refurbishments at the replacement site which are purely aesthetic in purpose.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time home based business which does not contribute materially to the household income.
- Costs for storage of personal property on real property owned or leased by the displaced person.
- The cost of moving any structure or other real property improvement in which you reserved ownership.
- Interest on a loan to cover moving expenses.
- Loss of goodwill.
- Loss of profits.
- Loss of trained employees.
- Personal injury.



What is a Fixed Payment?

Certain businesses and nonprofit organizations are eligible to obtain a Fixed Payment *instead of* a payment for actual reasonable moving and related expenses and a payment for reestablishment expenses, described above. The Fixed Payment to a business is based on the average annual net earnings of the business operation; the Fixed Payment to a nonprofit organization is based on average annual expenses and revenue. A Fixed Payment will not be less than \$1,000 or more than \$40,000.

To qualify for a Fixed Payment a displaced business or nonprofit organization must:

- III. Own or rent personal property which must be moved from the displacement site
- (2) Be unable to relocate without a substantial loss of existing patronage (measured in terms of clientele or net earnings)
- (3) Not be a part of a commercial enterprise having more than three other entities under the same ownership, engaged in the same or similar business activities that are not being acquired by METRO. (Also, certain rental businesses are excluded.)

Ordinarily, to be eligible for the minimum Fixed Payment, your business must have had average annual gross receipts of at least \$5,000 or had average annual net earnings of at least \$1,000, or contributed 1/3 of the your business's average gross income for the two tax years prior to displacement. METRO, however, may use other criteria if it determines that the calculation would cause an inequity or hardship.

The Relocation Agent will inform you as to your eligibility for this payment and the documentation you must submit to support your claim.

When you elect to take this payment, you are not entitled to reimbursement for any other moving expenses.

Must I File a Claim to Obtain a Relocation Payment?

Yes. You must file a claim for each relocation payment. The Relocation Agent will provide you with the required claim form, help you to complete it, and explain the type of documentation, if any, that you must submit in order to receive the payment.

If you must pay any relocation expenses before you move (e.g., a security deposit when you lease a new location), discuss your needs with your Relocation Agent. You may be able to obtain an advance payment.

If you are a tenant, you must file your claim within 18 months after the date you move. If you are displaced from property that you own, you must file within 18 months after the later of the date you move, or the date you receive the final acquisition payment. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask LACMTA to extend this period.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified in writing of the problem and the action you must take to resolve the matter.



Will I Have to Pay Rent to LACMTA Before I Move?

If LACMTA acquires your property and you are allowed to remain on the property for a period of time, you will be required to pay a fair rent to LACMTA for the period between the acquisition of your property and the date that you move. Such rent will not exceed the market rent for comparable properties in the area.

Do I Have to Pay Federal Income Taxes on My Relocation Payments?

No. Section 216 of the URA states that you need not report relocation payments as part of your gross income for Federal Tax purposes. For information on State income taxes, you should check with the California Franchise Tax Board or with your personal tax advisor.

If I Don't Receive the Required Assistance, Can I Appeal?

Yes. If you disagree with LACMTA's decision as to your right to relocation assistance or the amount of a relocation payment, you may appeal the decision to METRO. Your Relocation Consultant will inform you of the appeal procedures. At a minimum, you will have 60 days to file your appeal with LACMTA after you receive written notification of LACMTA's determination of your claim. Your appeal must be in writing. If you need help, your Relocation Consultant will assist you in preparing your appeal.

You can expect a fair decision on any appeal. However, if you are not satisfied with the final administrative decision on your appeal, you may seek review of the matter by the courts.

I have More Questions. Who Will Answer Them?

If you have further questions after reading this brochure, contact LACMTA's Relocation Consultant (NAME) and discuss your concerns with a representative.

Name of consultant:

Attn:

Address

Phone #

E-mail address

Sample INFORMATION BROCHURE FOR RESIDENTIAL OWNERS AND TENANTS

INTRODUCTION

This booklet describes the relocation payments and other relocation assistance that the **Los Angeles County Metropolitan Transportation Authority (LACMTA)** provides under the **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA)** to tenants who may be required to move from their homes as a result of a LACMTA transit project.

If you are required to move as a result of a LACMTA project, a LACMTA Relocation Consultant will contact you personally. The counselor will answer your specific questions and provide additional information you may need. It is important that you do not move before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

This booklet may not answer all of your questions. If you have more questions about your relocation, contact METRO. (Check the back of this brochure for the name and telephone number of the person to contact.) Ask questions before you move. Afterwards, it may be too late.

SUMMARY OF RELOCATION ASSISTANCE

As an eligible tenant displaced from your home, you will be offered the following advisory and financial assistance by LACMTA's relocation counselors:

Advisory Services. This includes referrals to comparable and suitable replacement homes, the inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments, and other assistance to minimize the impact of the move.

Payment for Moving Expenses. You may choose either a:

- Payment for your actual reasonable moving and related expenses,
- OR
- Fixed moving expense and dislocation allowance.

Replacement Housing Assistance. To enable you to rent, or if you prefer, buy a comparable or suitable replacement home, you may choose either:

- Rental Assistance, or
- Purchase Assistance

GENERAL QUESTIONS

How Will I know If I am Eligible for Relocation Assistance?

Generally, you must have actually and lawfully occupied the dwelling being acquired by LACMTA for at least 90 days immediately prior to the date LACMTA makes its offer to the owner to purchase the property. You will receive a written notice from LACMTA explaining your eligibility for relocation assistance. You should not move before receiving that notice. If you do, you may not receive relocation assistance.

How Will LACMTA Know How Much Help I Need?

You will be contacted at an early date and personally interviewed by a Relocation Consultant to determine your relocation needs and preferences for replacement housing and advisory services. The relocation counselor will ask certain questions about you and other members of your household, including questions about your income. It is to your advantage to provide the information so that LACMTA can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

How Soon Will I Have to Move?

If possible, a mutually agreeable date for the move will be worked out. You will be given enough time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without at least 90 days advance written notice of (1) at least one comparable replacement home that is available to you, and (2) the earliest date by which you must move.

What is a Comparable Replacement Home?

A comparable replacement home is:

- Decent, safe and sanitary
- Functionally equivalent to (and equal or better than) your present home
- Actually available for you to rent
- Within your financial means
- Reasonably accessible to your place of employment
- Generally as well located with respect to public and commercial facilities, such as schools and shopping, as your present home
- Not subject to unreasonable adverse environmental conditions
- Available to all persons regardless of race, color, religion, sex or national origin.

What is Decent, Safe and Sanitary Housing?

Decent, safe and sanitary housing is housing that:

- Meets applicable housing and occupancy requirements
- Is structurally sound, weather tight, and in good repair
- Contains a safe, adequate electrical wiring system
- Has adequate living space for the occupants
- Has a kitchen with a sink, hot and cold running water, and connections for a stove and refrigerator (if you were displaced from a housekeeping unit).
- Has a separate, complete bathroom with hot and cold running water
- Has heating as required by climatic conditions
- Has an unobstructed exit to safe, open space at ground level
- Meets standards protecting occupants from lead-based paint hazards

- If you are physically handicapped, is free of any barriers which would preclude your reasonable use of the unit.

Will LACMTA Help Me Find a Replacement Home?

YES. Your Relocation Consultant will provide you with referrals to housing that has been inspected to ensure that it meets established standards. If possible, you will be referred to at least three comparable replacement homes. The maximum financial assistance for which you may qualify will be based on the cost of the most representative comparable replacement home that is available to you. Promptly after you become eligible for relocation assistance, LACMTA will inform you of such unit and the maximum payment available.

Once your Relocation Consultant has a clear understanding of your needs and preferences, he or she will work with you to assure that you are given the best possible choice of housing. LACMTA will offer you appropriate transportation to inspect these units.

What If I Find My Own Replacement Housing?

You have every right to find your own replacement housing. However, before you rent or buy, ask your relocation counselor to inspect the unit to make sure that it is decent, safe and sanitary. If the housing unit is not decent, safe and sanitary, you may not receive a replacement housing payment.

What If I Encounter a Problem in Obtaining Housing of My Choice?

If you encounter a problem in buying or renting housing of your choice, notify LACMTA immediately. LACMTA will look into the matter and try to resolve it. You will receive this help whether you were referred to the housing unit or found it yourself.

What Other Services Will I Receive?

In addition to help in obtaining a comparable replacement home, other assistance, as necessary, will be provided in order to minimize the impact of your move. This assistance may include referrals to appropriate public and private agencies that provide services concerning housing financing, employment, health, welfare, or legal assistance. The range of services depends on the needs of the person being displaced. You should ask your relocation counselor to tell you about the specific services that will be available to help you and your family.

What Is a Payment for Actual Reasonable Moving and Related Expenses?

If you choose a Payment for Actual Reasonable Moving and Related Expenses, you may include in your claim the reasonable and necessary costs for:

- Transportation for you and your household goods up to a distance of 50 miles
- Packing and unpacking your household goods
- Disconnecting and reconnecting household appliances and other personal property (telephone and cable TV).
- Storage of household goods, as may be necessary
- Insurance for the replacement value of your property during the move and necessary storage
- The replacement value of property lost, stolen or damaged in the move (but not through your neglect) if
- Insurance is not readily available.



LACMTA will explain all eligible moving costs, as well as those which are not eligible. You must be able to account for any costs that you incur, so keep all your receipts. Select your mover with care. LACMTA can help you select a reliable and reputable mover.

You may elect to pay your moving costs yourself and be repaid by LACMTA or, if you prefer, you may have LACMTA pay the mover. In either case, let LACMTA know before you move.

What is a Fixed Moving Expense and Dislocation Allowance?

If you choose a Fixed Moving Expense and Dislocation Allowance, you will receive an allowance which is based on the number of rooms in your home or the number of rooms of furniture you will be moving, as shown on a schedule. LACMTA has a copy of the schedule and will help you decide whether choosing this allowance is in your best interest.

If you do not have a large amount of personal property to move, this payment should be more advantageous. No special documentation is required to support your claim. You need only move your personal property and complete the appropriate claim form in order to receive your payment.

How Much Rental Assistance Will I Receive?

You may be eligible to receive Rental Assistance for a 42-month period. The assistance is computed in the following manner:

The assistance needed for one month is determined by subtracting the “base monthly rent” for your present home from the cost of rent and utilities for your new home (or a comparable replacement home, if that cost is lower). That monthly need, if any, is multiplied by 42, to determine the total amount that you will receive. This amount will be paid directly to you. You may choose to receive your payments in monthly installments, other periodic payments, or in a lump sum.

Generally, the “base monthly rent” for your present home is the ***lesser of***:

IV. The monthly rent and average monthly cost for utilities,

OR

(2) thirty percent (30%) of your average monthly gross household income.

Examples: Let’s say that the monthly rent and average cost for utilities for your present home amount to \$1,100; the monthly rent and estimated average utility costs for a comparable replacement home are \$1,200; and your monthly gross income is \$3,000. In this case your “base monthly rent” would be \$900 because that amount (30% of your income) is less than the monthly cost of rent and utilities at your present home (\$1,100).

- If comparable replacement dwelling is available to you for \$1,250 per month, including estimated average monthly utility charges, you will be eligible for a *maximum* rental assistance payment of \$14,700. That amount is 42 times \$350 (the difference between the “base monthly rent” for your present home, \$900, and the cost of a comparable replacement home, \$1,250).
- If you rent an actual replacement dwelling for \$1,150 per month, including estimated average monthly utility charges, you will receive \$10,500. That amount is 42 times \$250 (the difference between the “base monthly rent” for your present home, \$900, and the actual monthly housing cost of your replacement dwelling, \$1,150).

To qualify for rental assistance, you must rent and occupy a decent, safe and sanitary dwelling within one year after the date you move. LACMTA may extend this period for good cause.



If I Decide to Buy, Rather Than Rent, How Much Assistance Will I Receive?

If you elect to buy a replacement home, instead of renting, you may be eligible for assistance to make a down payment equal to the amount you would receive if you rented a comparable replacement home. The full amount of the payment must be applied to the purchase of your replacement dwelling. Your Relocation Consultant will assist you in determining whether you can qualify for a down payment assistance payment.

Must I File a Claim to Obtain a Relocation Payment?

Yes. You must file a claim for each relocation payment. LACMTA will provide you with the required claim form, help you to complete it, and explain the type of documentation, if any, that you must submit in order to receive the payment.

Remember, your Relocation Consultant must inspect your replacement housing to assure it meets decent, safe and sanitary standards before a claim for payment can be approved.

If you must pay any relocation expenses before you move (e.g., a security deposit when you sign a lease for your new home), discuss your financial needs with your Relocation Consultant. You may be able to obtain an advance payment to meet these costs.

You must file your claim within 18 months after the date you move. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask LACMTA to extend this period.

Will I Have to Pay Rent to LACMTA Before I Move?

If LACMTA purchases the property in which you live, you will be required to pay a fair rent to LACMTA for the period between the acquisition of the property and the date that you move. Such rent will not exceed the market rent for comparable properties in the area.

Do I Have to Pay Federal Income Taxes on My Relocation Payments?

No. Section 216 of the URA states that you need not report relocation payments as part of your gross income for Federal Tax purposes. For information on State income taxes, you should check with the California Franchise Tax Board or with your personal tax advisor.

If I Don't Receive the Required Assistance, Can I Appeal?

Yes. If you disagree with LACMTA's decision as to your right to relocation assistance or the amount of a payment, you may appeal the decision to METRO. Your Relocation Consultant will inform you of the appeal procedures. At a minimum, you will have 60 days to file your appeal with LACMTA after you receive written notification of LACMTA's determination of your claim. Your appeal must be in writing. If you need help, your relocation counselor will assist you in preparing your appeal.

You can expect a fair decision on any appeal. However, if you are not satisfied with the final administrative decision on your appeal, you may seek review of the matter by the courts.

I have More Questions. Who Will Answer Them?

If you have further questions after reading this brochure, contact LACMTA and discuss your concerns with a LACMTA Relocation Consultant.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY



This booklet was prepared for you as the owner of property to be appraised in connection with a possible purchase by the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO). This information will help explain our acquisition procedures and also the rights and options available to you as the owner of the property. A representative from the LACMTA **Real Estate Department** will be assigned to work with you throughout the acquisition process.

If you have any questions about the transit project or the acquisition procedures that are discussed here, please contact the assigned Real Estate Officer.

We hope this booklet will answer some of your questions and present a better picture of LACMTA's overall procedures.

WHY DOES A PUBLIC AGENCY HAVE THE RIGHT TO BUY MY PROPERTY?

Our State and Federal Constitutions recognize the need for public agencies to purchase private property for public use, and provide appropriate safeguards to accomplish this purpose. State and Federal Constitutions and the Uniform Relocation Assistance and Real Property Acquisition Policies Act authorize purchase of private property for public use and assure full protection of the rights of each citizen.

From time to time, the Los Angeles County Metropolitan Transportation Authority (“METRO”) must acquire property in order to provide new or expanded transit facilities. This brochure has been prepared to inform property owners and other affected persons as to the acquisition policies and procedures followed by METRO. It is the intent of this brochure to address commonly asked questions and discuss the various steps involved when property is acquired for public purposes.

The information included is provided pursuant to the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, the Federal Transit Administration implementing guidelines, as well as the State of California land acquisition laws.

It is the policy of LACMTA that all services and/or benefits to be derived from any real property acquisition activity will be administered without regard to race, color, national origin or sex, in accordance with Section 601 of Title VI, Civil Rights Act of 1964, which states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

WHO WILL CONTACT ME?

Appraisal and purchase of properties needed for the transit project is the responsibility of the Real Estate Department of METRO. A Real estate professional from LACMTA will be assigned to work with you throughout the acquisition process and will assist you and give you general information about the project.

HOW WILL MY PROPERTY BE VALUED?

LACMTA will determine the value of your property based on an appraisal of your property. The appraisal may be prepared by an independent fee appraiser or a LACMTA staff appraiser. The appraiser will analyze your property and examine all of the features that contribute to its value. Information about improvements you have made and any other special features that you believe may affect the value of your property should be given to the appraiser to ensure a fair value is assigned to your property. You or your representative is encouraged to accompany the appraiser during the inspection of your property. Every effort will be made to schedule a mutually agreeable time. The appraiser will welcome any information that you believe may increase the value of your property. In a situation where the area to be acquired is very small and the value determination is nominal, an appraisal may not be prepared.

If the property is a commercial site, a fixtures and equipment appraiser will also be retained to determine the value of machinery and fixtures and equipment used in connection with your business.

It is the duty of LACMTA to ensure that you receive the “fair market value” of your property. LACMTA will not ask an owner to sell his or her property for less than the fair market value as determined by a qualified appraiser. If the property is an owner-occupied residential property containing no more than four residential units, California law provides that the owner, upon request, may review a copy of the appraisal upon which the offer is based.



Pursuant to Code of Civil Procedure Section 1263.025, should you elect to obtain an independent appraisal of your property, LACMTA will pay for actual, reasonable appraisal costs up to Five Thousand Dollars (\$5,000), subject to the following conditions:

- a. You, not METRO, must order the appraisal. Should you enter into a contract with the selected appraiser, LACMTA will not be a party to the contract;
- b. The selected appraiser must be licensed with the Office of Real Estate Appraisers (OREA) in California;
- c. Your request for appraisal cost reimbursement must be made in writing and submitted to LACMTA at the address shown on this letter within ninety (90) days of the earliest of the following dates:
 - 1.) The date the selected appraiser requests payment from you for the appraisal;
 - 2.) The date upon which you, or someone on your behalf, remitted full payment to the selected appraiser for the appraisal.

Upon receipt of the written request as specified above, payment of actual, reasonable appraisal costs up to \$5,000 will be made.

WHAT HAPPENS AFTER I ACCEPT LACMTA’s OFFER?

Real estate purchased by LACMTA is handled in generally the same way as any private sale of property. Once agreement is reached on the purchase price and a Purchase and Sale Agreement is executed, LACMTA will prepare and process the necessary transactional documents and payment to the property owner for the real property rights acquired. LACMTA may use the services of an escrow or title company to process the purchase, and you will receive a check from the escrow company for any proceeds of the sale.

LACMTA will pay all escrow, title expenses and closing costs. Nothing will be deducted for title costs, preparation of documents, title policy, or recording fees required in closing the sale. LACMTA will pay these expenses.

WILL I RECEIVE RELOCATION BENEFITS?

If you are an owner-occupant, you may be eligible for relocation benefits and assistance if LACMTA’s acquisition requires that you relocate. (These benefits are described in supplemental booklets which will be provided to you.) Tenants may also be eligible for relocation benefits and assistance. The Relocation Assistance Program will be described in detail to all eligible persons at the time an offer is made to purchase the property, or shortly thereafter.

WHAT IF I DO NOT ACCEPT LACMTA’s OFFER?

Every effort will be made to reach an agreeable settlement for the acquisition of your property. However, if agreement cannot be reached after a reasonable time, LACMTA will follow the State of California eminent domain laws, and initiate a formal condemnation process to acquire your property. This process is meant to protect you, by allowing a court to determine the fair market value of your property. However, even after a condemnation action has been filed, the parties may continue to negotiate in an attempt to reach agreement before the condemnation action goes to trial. For more information on the Eminent Domain Process in California, please refer to the attached **Appendix A – Eminent Domain Information Pamphlet**.



WILL I HAVE TIME TO SELECT ANOTHER HOME OR BUSINESS LOCATION AFTER LACMTA MAKES ITS PURCHASE?

You will not be required to move until reasonable, comparable replacement housing is available or you have been given referrals to replacement sites for your business. LACMTA will retain a Relocation Consultant to provide assistance to you in finding a place to live or conduct your business. All lawful occupants of the property will be given at least 90 days written notice before being required to move.

WHAT HAPPENS TO THE LOAN ON MY PROPERTY?

After you and LACMTA have agreed upon a price, a LACMTA representative will contact all other parties having an interest in the property. Payment toward any outstanding loans or liens will be deducted from the purchase price and will be made directly or through an escrow as in a typical real estate transaction.

WHAT WILL HAPPEN TO MY G1 OR CAL-VET LOAN?

The Veterans Administration and the California Department of Veterans Affairs allow your veteran loan privileges to be transferred and to become available for coverage on another property.

Your Real Estate Officer will assist you; however, it is to your benefit and it is your responsibility to check with the Veterans Administration or the California Department of Veterans Affairs for procedural instructions.

IF THE VALUE OF MY PROPERTY IS HIGHER TODAY THAN WHEN I PURCHASED IT, DO I HAVE TO PAY INCOME TAX ON THIS DIFFERENCE WHEN I CONVEY TO METRO?

According to the Internal Revenue Service, the sale of property to a governmental agency for public purposes comes under the definition of an “involuntary conversion.” In these cases, it is not necessary to pay income tax or capital gains tax if the money you receive is used to buy a similar property within a limited period of time. In every case, however, you should check with your local Internal Revenue Service Office and/or your tax or financial advisor.

HOW LONG CAN I REMAIN ON THE PROPERTY?

You will not be required to move until LACMTA has either acquired title to the property as a result of a purchase agreement or the court has issued an Order of Possession in a condemnation action. Depending on the needs of the Project and the construction, you may be permitted to stay on the property and pay rent to METRO. Fair market rent will be charged.

The LACMTA Real Estate officer assigned to work with you throughout the acquisition process will be available to answer any questions and provide whatever assistance you may need along the way.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

**Real Estate Department
One Gateway Plaza
MAIL STOP 99-22-8
Los Angeles, California 90012-2952
(213) 922-2404**

Property Owner's Information Pamphlet
On the Use of Eminent Domain in California
(A Summary of the Process and Owner's rights)

V. Introduction

Eminent domain is the power of the government to purchase private property for a “public use” so long as the property owner is paid “just compensation.” Whenever possible, the Los Angeles County Metropolitan Transportation Authority (“METRO”) tries to avoid use of the eminent domain power, exercising it only when it is necessary for a public project. The decision to acquire private property for a public project is made by LACMTA only after a thorough review of the project, which often includes public hearings.

This pamphlet provides general information about the eminent domain process and the rights of the property owner in that process.¹

- **What is a “public use”?**

A “public use” is a use that confers public benefits, like the provision of public services or the promotion of public health, safety, and welfare. Public uses include a wide variety of projects such as street improvements, construction of water pipelines or storage facilities, construction of civic buildings, redevelopment of blighted areas, and levee improvements to increase flood protection. Some public uses are for private entities, such as universities, hospitals and public utilities, which serve the public.

- **What is “just compensation”?**

Just compensation is the **fair market value** of the property being acquired by the government. The state law definition of fair market value is “the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.”

II. The Eminent Domain Process and the Property Owner’s Rights

The eminent domain process begins with a public use project. When selecting a project location, the goal is to render the greatest public good and the least private injury or inconvenience. If it is determined that all or a portion of your property may be necessary for a public use project, LACMTA will begin the appraisal process to determine the property’s fair market value.

- **How is the fair market value of my property determined?**

LACMTA will retain an independent, licensed appraiser familiar with local property values to appraise your property. The appraiser will invite you to accompany him or her during an inspection of your property. You may give the appraiser any information about improvements and any special features that you believe may affect the value of your property. It is in your best interest to provide the appraiser with all the useful information you can in order to ensure that nothing of value will be overlooked. If you are unable to meet with the appraiser, you may wish to have a person who is familiar with your property meet with the appraiser instead.

After the inspection, the appraiser will complete an appraisal that will include the appraiser’s determination of your property’s fair market value and the information upon which the fair market value is based. The

¹ This pamphlet reflects the current law as of January 1, 2008. However, the information in this pamphlet is not, nor should it be construed as, legal advice. You should consult with qualified legal counsel regarding your specific situation rather than relying on this pamphlet as legal advice.

appraiser will provide LACMTA with the appraisal. LACMTA will then make a written offer to purchase the property which will include a summary of the appraisal. The offer will be for no less than the amount of the appraisal.

- **What factors does the appraiser consider in determining fair market value?**

Each parcel of real property is different and, therefore, no single formula can be used to appraise all properties. Among the factors an appraiser typically considers in estimating fair market value are:

- The location of the property;
- The age and condition of improvements on the property;
- How the property has been used;
- Whether there are any lease agreements relating to the property;
- Whether there are any environmental issues, such as contaminated soil;
- Applicable current and potential future zoning and land use requirements;
- How the property compares with similar properties in the area that have been sold recently;
- How much it would cost to reproduce the buildings and other structures, less any depreciation; and
- How much rental income the property produces, or could produce if put to its highest and best use.

- **Will I receive a copy of the appraisal?**

LACMTA is required to provide you with its purchase offer, a summary of the appraiser's opinion, and the basis for LACMTA's offer. Among other things, this summary must include:

- A general statement of LACMTA's proposed use for the property;
- An accurate description of the property to be acquired;
- A list of the improvements covered by the offer;
- The amount of the offer; and
- The amount considered to be just compensation for each improvement which is owned by a tenant and the basis for determining that amount.

However, LACMTA is only required to show you a copy of the full appraisal if your property is an owner-occupied residential property with four or fewer residential units. Otherwise, LACMTA may, but is not required to, disclose its full appraisal during negotiations (though different disclosure requirements apply during the litigation process if the issue of fair market value goes to court).

- **Can I have my own appraisal done?**

Yes. You may decide to obtain your own appraisal of the property in negotiating the fair market value with METRO. At the time of making its initial offer to you, LACMTA must offer to reimburse you the reasonable costs, not to exceed \$5,000, of an independent appraisal of your property. To be eligible for reimbursement, the independent appraisal must be conducted by an appraiser licensed by the State Office of Real Estate Appraisers.

- **What advantages are there in selling my property to METRO?**

A real estate transaction with LACMTA is typically handled in the same way as the sale of private property. However, there may be a financial advantage to selling to METRO.

- You will not be required to pay for real estate commissions, title costs, preparation of documents, title policy, or recording fees required in closing the sale. LACMTA will pay all these costs.
- Although LACMTA cannot give you tax advice or direction, you might also be eligible for certain property and income tax advantages. You should check with the Internal Revenue Service (IRS) for details or consult your personal tax advisor.
- **If only a portion of my property is taken, will I be paid for the loss to my remaining property?**

In general, when only a part of your property is needed, every reasonable effort is made to ensure you do not suffer a financial loss to the “remainder” property. LACMTA will pay you the fair market value of the property being taken as well as compensation for any loss in value to your remaining property that is not offset by the benefits conferred by the project. The compensation for the loss in value to your remaining property is often referred to as “severance damages.”

Also, if any remaining part is of such a size, shape, or condition as to be of little market value, LACMTA will offer to acquire that remaining part (or remnant) from you, if you so desire.

- **Will I be compensated for loss of goodwill to my business?**

If you are the owner of a business that is conducted on the property being acquired, you may have a right to compensation for lost business goodwill if the loss is caused by the acquisition of the property. “Goodwill” consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage.

- **What will happen to the loan on my property?**

Where LACMTA is acquiring the entire property, generally the compensation payable to the owner is first used to satisfy outstanding loans or liens as in a typical real estate transaction. Where less than the entire property is being acquired, whether outstanding loans or liens are paid from the compensation will depend on the particular facts and circumstances.

- **Do I have to sell at the price offered?**

No. If you and LACMTA are unable to reach an agreement on a mutually satisfactory price, you are not obligated to sign an offer to sell or enter into a purchase agreement.

- **If I agree to accept LACMTA’s offer, how soon will I be paid?**

If you reach a voluntary agreement to sell your property or an interest in the property to METRO, payment will be made at a mutually acceptable time. Generally, this should be possible within 30 to 60 days after a purchase/sale contract is signed by all parties.

- **What happens if we are unable to reach an agreement on the property’s fair market value?**

METRO, to the greatest extent practicable, will make every reasonable effort to acquire your property by negotiated purchase. If, however, the negotiations are unsuccessful, LACMTA may either file an eminent domain action in a court located within the same county where your property is located or it may decide to abandon its intention to acquire the property. If LACMTA abandons its intention to acquire, it will promptly notify you.

If LACMTA proceeds with eminent domain, the first step is for LACMTA staff to request authority from the LACMTA Board of Directors (“Board”) to file a condemnation action. The approval from the Board is called a “Resolution of Necessity.” In considering whether condemnation is necessary, the Board must determine whether the public interest and necessity require the project, whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury, and whether your property is necessary for the project. You will be given notice and an opportunity to appear before the Board when it considers whether to adopt the Resolution of Necessity. You may want to call an attorney or contact an attorney referral service right away. You or your representatives can raise any objections to the Resolution of Necessity and the condemnation either orally before the Board or in writing to the Board.

If the Board adopts the Resolution of Necessity, LACMTA can file a complaint in court to acquire title to the property upon payment of the property’s fair market value. LACMTA is the plaintiff. Anyone with a legal interest in the property, generally determined from a title report on the property (including tenants or mortgage holders), are named as defendants. Often, LACMTA will also deposit the amount LACMTA believes is the “probable amount of compensation” with the State Treasurer where the complaint is filed. A deposit must be made if LACMTA is seeking to acquire possession of the property before agreement is reached on the fair market value.

- **Can LACMTA acquire possession of my property before the property’s fair market value is determined in the eminent domain lawsuit?**

In some cases, LACMTA may decide it needs possession of the property before the property’s fair market value is finally determined. In such a case, LACMTA must apply to the court for an “order for possession” to allow it to take possession and control of the property prior to resolution of the property’s fair market value. LACMTA is required to schedule a hearing with the court on the proposed order for possession and to give you notice of the hearing. Notice must generally be sent at least 90 days before the hearing date if the property is occupied and 60 days before the hearing date if the property is unoccupied. A judge will decide whether the order for possession should be granted. As noted above, LACMTA must deposit with the State Treasurer the probable amount of just compensation in order to obtain possession of the property.

- **Can I oppose the motion for an order for possession?**

Yes. You may oppose the motion in writing by serving LACMTA and the court with your written opposition within the period of time set forth in the notice from METRO.

- **Can I rent the property from METRO?**

If LACMTA agrees to allow you or your tenants to remain on the property after LACMTA acquires possession, you or the tenants will be required to pay a fair rent to METRO. Generally, such rent will not be more than that charged as rent for the use of a property similar to yours in a similar area.

- **Can I withdraw the amount deposited with the State Treasurer before the eminent domain action is completed, even if I don’t agree that the amount reflects the fair market value of my property?**

Yes. Subject to the rights of any other persons having a property interest (such as a lender, tenant, or co-owner), you may withdraw the amount deposited with the State Treasurer before the eminent domain action is completed. If you withdraw the amount on deposit, you may still seek a higher fair market value during the eminent domain proceedings, but you may not contest the right of LACMTA to acquire the property, meaning you cannot contest that the acquisition of your property is for a public purpose or is otherwise improper.

You also have the right to ask the court to require LACMTA to increase the amount deposited with the State Treasurer if you believe the amount LACMTA has deposited less than the “probable amount of compensation.”

- **Can I contest the condemning agency’s acquisition of the property?**

Yes. Provided you have not withdrawn the amount deposited, you can challenge in court LACMTA’s right to acquire or condemn the property.

- **What happens in an eminent domain trial?**

The main purpose of an eminent domain trial is to determine the fair market value of your property, including compensable interests such as lost business goodwill caused by the taking or severance damages. The trial is usually conducted before a judge and jury. You (and any others with interests in the property) and LACMTA will have the opportunity to present evidence of value, and the jury will determine the property’s fair market value. In cases where the parties choose not to have a jury, the judge will decide the property’s fair market value. Generally, each party to the litigation must disclose its respective appraisals to the other parties prior to trial.

If you challenge LACMTA’s right to acquire the property, the eminent domain trial will also determine whether or not LACMTA has the legal right to acquire the property. In such cases, the judge (not the jury) will make this determination before any evidence is presented concerning the property’s fair market value.

At the end of the trial, the judge will enter a judgment requiring LACMTA to pay fair market value. Once LACMTA pays the amount listed in the judgment, the judge will enter a final order of condemnation. LACMTA will record the final order with the County Recorder, and title to the property will then pass to METRO.

- **Am I entitled to interest?**

Anyone receiving compensation in an eminent domain action is generally entitled to interest on that compensation from the date the condemning agency takes possession of the property until the person receiving the compensation has been fully paid. The rate and calculation of the interest is determined under formulas in State law.

- **Will LACMTA pay my attorneys’ fees and costs?**

In an eminent domain action, you are entitled to be reimbursed by the condemning agency for your court costs such as court filing fees. In some circumstances, you may also be entitled to be reimbursed by the condemning agency for your attorneys’ fees in the lawsuit. Whether you will be entitled to receive reimbursement for your attorneys’ fees will depend on the particular facts and circumstances of the case and the offers and demand for compensation made in the action.

- **Will I receive assistance with relocation?**

Any person, business, or farm operation displaced as a result of the property acquisition is typically entitled to relocation advisory and financial assistance for eligible relocation expenses, such as moving expenses. The amount of relocation compensation is determined on a case-by-case basis in accordance with prescribed law. Relocation benefits are handled separate and apart from the determination of the property’s fair market value and are not part of the eminent domain process.

III. Contact Information



We are available to answer your questions and to assist you in understanding the acquisition program and the eminent domain process. Should you desire further information, please contact the LACMTA Real Estate Services Department at **(213) 922-2404**.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
Real Estate Department
One Gateway Plaza
MAIL STOP 99-22-8
Los Angeles, California 90012-2952



APPENDIX K

RELOCATION ASSISTANCE APPEAL

INSTRUCTIONS TO APPELLANTS: State nature of your complaint and reasons for this appeal in space at bottom. Attach extra pages if need, sign and date this form and mail to address shown.	Spaces Below To Be Completed By Los Angeles County Metropolitan Transportation Authority		
	Project _____ Parcel No. _____		
Print or Type Your Full Name(s) _____	Address of Subject Parcel _____		
Present Mailing Address _____	Appellant Is	Owner-Occupant _____	
		Non-Resident Owner _____	
		Tenant or Lessee _____	
	This Appeal Is Based On	Eligibility Only _____	
Amount of Payment Only _____			
Eligibility and Amount _____			

MAIL TO: Real Estate Office
 Los Angeles County Metropolitan Transportation Authority
 818 West Seventh Street, Suite 300
 Los Angeles, CA 90017

Attention: _____

This is an appeal of a determination made by the Los Angeles County Metropolitan Transportation Authority under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Uniform Act). The nature of my complaint and the reasons why I believe the determination is improper are stated below and/or on the attached pages.

 Signature of Appellant Signature of Appellant Date Signed

APPELLANTS' STATEMENT



LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
RELOCATION APPEALS PROCEDURES

All displaced persons will be informed of their right to appeal the Los Angeles County Metropolitan Transportation Authority's (LACMTA) determination as to eligibility for payment or to the amount of the relocation payment. The right of appeal will be described in all brochures and other informational material distributed to the public.

Procedures have been established which assure each appellant that his/her grievance will be heard. The procedures insure that:

- Each appellant has the opportunity for oral presentation.
- Each appeal will be decided promptly and the appellant informed of the decision in writing.
- Each appeal decision will include a statement of the reasons upon which it is based.
- Each appellant will have a right of final appeal to a higher authority.

These Appeal Procedures only apply to LACMTA's Relocation Assistance Program. Judicial appeal also may be pursued if an appellant is not satisfied with LACMTA's administrative determination.

LACMTA APPEALS PROCEDURE SUMMARY

LEVEL I - CONFERENCE REVIEW

1. The appellant's appeal must be in writing to the Manager of Real Estate Services within one year from the date of receipt of the decision from the LACMTA on eligibility for or amounts of relocation payments.
2. The Real Estate Services Manager will schedule a conference review within ten working days from receipt of the appellant's statement requesting an appeal. The conference review will be scheduled as soon as practicable after receipt of the appellant's statement and preferably not later than thirty days.
3. The conference review will be conducted by the Manager of Real Estate Services with the appellant, the appellant's attorney, if desired, and the Relocation Agent.



4. The Manager of Real Estate Services will furnish the appellant a written decision on the appeal, stating the reason for the decision, within ten working days after the submission of all materials pertaining to the appeal.

LEVEL II - APPEALS HEARING PROCEDURES

1. Hearing Officer. The appellant may appeal the Level I conference review decision by submitting a written request for a Level II hearing to the Director of Real Estate within ten working days from receipt of the Level I appeal decision. The hearing will be scheduled within thirty working days from the date of receipt of the appellant's request. The Director of Real Estate may assign the hearing to a Hearing Officer. Said Hearing Officer may be either (1) a Manager of the MTA who has not participated in any earlier decisions affecting appellant's claim, or (2) an independent person.
2. Appearance of Appellant. The appearance of the appellant shall be required at all hearings, however, the Hearing Officer shall have discretion to consent to the absence upon a showing of good cause therefor.
3. Closing briefs. If closing briefs are to be submitted in connection with a hearing, they must be submitted within 20 business days from the last session of the hearing. Late submission shall not be accepted or considered by the Hearing Officer.
4. Evidence. The hearing shall be formal, but need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence will be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence or objection in civil actions.

Hearsay evidence may be admitted for any purpose, but will not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege and of official or judicial notice will be effective to the same extent as in civil actions. Irrelevant and repetitious evidence shall be excluded. Oral evidence shall be taken only under oath or affirmation.



5. Burden of proof. The burden of proof shall be on the appellant.

6. Findings and decision. The Hearing Officer shall within 30 calendar days from the receipt of the last materials, submit a written report to the Director of Real Estate. If the Director of Real Estate accepts the findings of fact contained in such report, he/she need not review the record of the hearing. If the Director of Real Estate declines to accept such findings, he/she must review the record or hold a hearing de novo.
 - a. When the Director of Real Estate has reached a proposed decision, he/she will notify the appellant and the Manager of Real Estate Services of that decision. Either the appellant or the Manager of Real Estate Services may then request findings of fact and conclusions of law by filing a written request with the Director of Real Estate. If no such request is filed within 10 business days after notification of the proposed decision, the right to findings of fact and conclusions of law will be deemed to have been waived.

 - b. If findings of fact and conclusions of law are requested, the Director of Real Estate may either adopt the report of the Hearing Officer as its proposed findings and conclusions, direct the appellant to prepare proposed findings and conclusions, or draft his/her own findings and conclusions. Copies of the proposed findings or conclusions shall be served personally or by mail on the Director of Real Estate, appellant, and Manager of Real Estate Services.

 - c. If the appellant or Manager of Real Estate Services files objections to the proposed findings and conclusions within the time specified above and the Director of Real Estate Services believes that the objections or parts thereof have validity, the Director of Real Estate shall amend the proposed findings and conclusions accordingly, and shall notify the appellant and Manager of Real Estate Services that the amended findings and conclusions are a new proposed decision.



The participant (either the appellant or Manager of Real Estate Services) who has not previously filed objections, shall have 10 business days from the date of the notice of the new proposed decision to file objections to that decision. The Director of Real Estate shall then consider those objections, and notify the appellant and Manager of Real Estate Services of the final decision.

- d. If no objections to the proposed findings and conclusions are filed within 10 business days after service, they shall constitute the final decision of the panel.
7. Report of hearings. Hearings shall be recorded by use of a tape recorder or equivalent. The Director of Real Estate may order that hearings be reported by a stenographic reporter when it deems it necessary or when some person interested in the hearing requests, at least 5 full business days before the day set for the hearing, that such hearing be reported and pays the actual cost or fee for such reporting.
8. Transcripts of hearing. Transcripts of hearings shall be furnished to any person on payment of the cost of preparing such transcripts. If prepared, the transcript of the hearing shall be the official record of the hearing.
9. Pre-hearing conference. With respect to any matters set for hearing, the appellant and Manager of Real Estate Services shall confer no later than 10 business days prior to the date for the hearing for the purpose of agreeing to a statement in writing setting forth the specific facts or contentions in issue. The applicant shall initiate the contact. The statement must be filed with the Director of Real Estate not later than 5 business days prior to the hearing, and shall include an estimate of the time required for the hearing and a list of all witnesses intended to be called.
10. The Director of Real Estate may, from time to time, implement modifications to these hearing procedures to carry out the intent to provide a fair and expeditious review of appellant's claim.



Metro

All appeals must be submitted to LACMTA on the Relocation Assistance Appeal form attached hereto and addressed to the appropriate LACMTA staff member for each level, at the following address:

Real Estate Department
Los Angeles County Metropolitan Transportation Authority
P. O. Box 194
Los Angeles, California 90053

The request by an appellant for an appeal at any level must be received within the stated time limits, otherwise, the previous decision becomes final.

Non-Residential Relocation Survey/ Interview

PLEASE PRINT LEGIBLY

Project Name:	
Property Owner:	
Displacee:	
Case Number:	

Owner Tenant Owner/Occupant

INTERVIEWER: _____

Date of Interview: _____

Street Address: _____ **Unit:** _____

City: _____ **Zip:** _____

Check if this address is only being used for parking and/or storage only, i.e., the actual business is not located on this site. (If box is checked, not all of the following questions will necessarily apply)

Business Occupancy Survey

1. Respondent: _____

2. Primary Language Spoken in business: English Spanish Korean Other: _____

2a. In what language, other than English, do you request written material be submitted to you?
Spanish Korean Other: _____

3. Position with Business (Check all that apply): Owner Business Manager Employee Other: _____

General Information

4. Legal Business Name _____

IMPORTANT: This name will be used for case files & will appear on checks (as “payee”) – i.e., checks will be made out to the name appearing on this line (4) – so make sure it is linked to a checking account and can be cashed!

5. Doing Business As (DBA): _____ DBA registered? Yes No

6. Mailing Address (if different from street address, above): _____

_____ City: _____ Zip: _____

7. Phone No: _____ Cell: _____ Fax No: _____ Email _____

8. Type of Business (Check all that apply): Retail Manufacturing Service Wholesale Other: _____

9. What is the business structure of your company?

9a. Sole Proprietorship Partnership Corp Franchise Non-Profit LLC

9b. Do you have any of the following?

Federal Tax Identification Number

Business License

Non-Profit Tax Exempt Status If so, what is the #? _____

9c. Federal Taxpayer Identification Number -

10. Who are the owners(s) of the business and how can they be reached? (Write down names of all owners beginning with the primary contact person):

Name	Phone Number

11. Business Manager Name: _____

11a. Business Manager Phone No: _____ Fax No: _____ Email: _____

Operations _____

12. Describe your business and the goods and/or services that you provide: _____

13. How long have you been operating this business? Years _____ Months _____

14. How long have you been at this location? Years _____ Months _____

15. Where were you previously located? _____ How long? _____

16. Do you have any additional locations for this business? Yes No

17. Do you have another or other business(s) located elsewhere? Yes No

17a. If so, where? _____

18. What are your normal business hours and days of operation?



Day	Open	Close
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

19. How many employees do you have? Full Time _____ Part Time _____

20. How do most of your customers get to your business? (Fill in estimated %) Car _____ % Bus _____ %
Walk _____ % Other (specify) _____ %

21. Where do most your customers come from (neighborhood, community, area)? _____

21a. What percentage of your business, if any, is from the internet? _____ %

22. Additional comments: _____

Current Facility (Physical Features) _____

23. Site

23a. Total land area square footage _____ sf

23b. Parking square footage _____ sf or approximate number of parking spaces: _____

24. Buildings/Outside Work Areas

24a. Sales _____ sf

24b. Office _____ sf

24c. Warehouse _____ sf

24d. Manufacturing _____ sf
(workshop)

24e. Yard _____ sf

24f. Other (specify) _____ sf for _____

24g. TOTAL _____ sf

25. How many parking spaces does the business have? (write in number) _____

26. Does your business have special zoning requirements, e.g. a conditional use permit? Yes No

26a. Does your business have a valid liquor license? Yes No

26b. If yes to either (a) or (b) above, please explain: _____

Financial Information

27. Do you Lease or Own the land/building? (Check appropriate column)

	Own	Lease	No. Years	No. Months
Land				
Building (s)				

28. Ownership

28a. Are you the sole owner of the property? Yes No

28b. Are there lien holder(s) on this property? Yes No

28c. If so, please identify lien holder(s):

Name of Lien Holder	Address	Phone No.

28d. Do you lease a portion of the property? Yes No

28e. If so, attach tenant information (e.g. Tenant Roll)

29. Leasing (Tenants)

29a. If you lease the land, what is your current monthly lease payment \$ _____

29b. If you lease the building, what is your current monthly lease payment \$ _____

29c. Total monthly lease? \$ _____

29d. Do you have a Lease Agreement: Yes No Can you provide a copy: Yes No

30. What type of lease do you have? Percentage Sales Triple Net Gross Lease

Other (specify): _____

30a. When does your lease end? (write in month/day/year) _____

30b. Do you have any option to extend the lease? Yes No

30c. Are there residents living on the premises? Yes No

30d. Do you sublease to others? Yes No

30e. If you do sublease, provide additional information:

Tenant	Location	Approx. Sq. Ft.	Lease Termination Date

additional sheets or documentation is attached

Equipment & Inventory

31. Do you know the replacement value of your personal property, which includes both inventory and equipment?

No Yes Value: \$ _____

32. Equipment - What equipment do you own and/or lease; are there liens on any of this equipment; what equipment do you intend to move? *Use additional paper if necessary. Ownership of equipment must be verified.*

ITEM (Movable Fixtures, Equipment, Inventory, Other Personal Property) <i>(First 2 lines are examples only, start with Item #1 on line 3 – Use additional pages as needed)</i> Page 1 of _____	Quantity	Item Verification (Check all that apply and are applicable)			Item Status (check one)		Move Intention (check one)	
		Own	Lease	Lien	Item Operable/ in use	Item Inoperable - retrieved from offsite storage	To be moved	Not to be moved
1. Self –contained 2 door cooler (51" x 30" x 79" – F & E list does not mention that THIS UNIT NEEDS A DRAIN	1		x	x	x		x	
2. Three drawer file cabinets – Mover's list only showed one	2	x			x		x	

This list is continued on next page 

ITEM (Movable Fixtures, Equipment, Inventory, Other Personal Property – continued from previous page)	Quantity	Item Verification (Check all that apply and are applicable)			Item Status (check one)		Move Intention (check one)	
		Own	Lease	Lien	Item Operable/ in use	Item Inoperable - retrieved from offsite storage	To be	Not to
							moved	be moved

33. Do you have documentation showing you own the F & E and/or Trade Fixture? Yes No

Copies available Not Available I will prepare copies by (date) _____

34. Did you install any of the fixtures that are attached to the building: Yes No

34a. If so, do you have documentation showing you paid for the work: Yes No

34b. Can you provide a replacement value (supporting by receipts) of the fixtures that are attached to the building? No Yes Value: \$ _____

34c. What fixtures that are attached to the building did you install? Are there liens on any of these fixtures? Which of these fixtures that can be detached and moved do you intend to move? *Use additional paper if necessary. Ownership of fixtures must be verified.*

ITEM Fixtures that are attached to the building <i>(First 2 lines are examples only, start with Item #1 on line 3 – Use additional pages as needed)</i> Page 1 of ____	Quantity	Item Verification (Check all that apply and are applicable)			Move Intention (if fixtures can be moved)	
		Own	Lien	Operable	Yes	No
1. Walk-in cooler – with floor (if it can be moved)	1		x	x	x	
2. Built – in hood over stove (if it can be moved)	2	x		x	x	

35. Inventory - What months of the year do you have the least inventory and the most inventory? *(Check all that apply)*

Month	Least Inventory	Most Inventory	Month	Least Inventory	Most Inventory
January			July		
February			August		
March			September		
April			October		
May			November		
June			December		

36. Hazardous Materials – Are you aware of any hazardous material such as dry cleaning fluids, coolants, motor oil, etc.? Yes No

36a. If you have hazardous material, how do you deal with the following?

Disposal: _____

Emissions: _____

Handling: _____

Storage: _____

Replacement Site Requirements

37. Do you plan to relocate and continue your business at a new site? Yes No

38. Do you plan to enter new market, i.e., expand your product line after the move? Yes No
Undecided

39. Are you currently working with a real estate consultant or attorney? Yes No

39a. If yes, what is the name of the consultant/attorney; his/her phone number and the company for whom they

work: _____

40. Have you identified and/or obtained a replacement site? Yes No

40a. If yes, please provide the owners name and address of site: _____

40b. If yes, what is the square footage? _____ sf.

41. Do you have a preferred area or site where you would like to relocate to? Yes No

41a. If yes, where is the area and/or site? _____

42. Do you have an alternate choice for a preferred area and/or site if your first is not available? Yes No

43. If you have an alternate site, why did you choose that site? _____

44. Which of the following location/access requirements are important? (check all that apply) Near airport

Near public transportation Near railroad line Near major truck route Sidewalk access
 High visibility site Other: _____

45. At the replacement site, how much square footage do you anticipate will be required for the various components of your business:

45a. Sales _____ sf
 45b. Office _____ sf
 45c. Warehouse _____ sf
 45d. Manufacturing _____ sf
 (workshop)
 45d. Yard _____ sf
 45e. Other (specify) _____ sf for _____
 45f. TOTAL _____ sf

46. What type of shipping and receiving accommodation do you need? Docks RR Spur
 Designated Load/Unload Other (specify) _____

47. Do you depend on trucks for your business? Yes No

47b. What is the size of your largest truck? Length _____ ft width _____ ft

47b. Do your trucks need special turn-around space? Yes No

47c. Do you need space for semi-trailer/trucks? Yes No

47d. Where do you need access: Front of business Rear of Business Both

Other (specify): _____

48. What are your current/expected future electrical power needs? (please be as specific as possible)

49. What are your current/expected future HVAC needs? (please be specific) _____

50. How much parking will you need? (please be specific) _____

51. What additional needs will your business require in the new location (e.g., utility needs, equipment, etc)?

Referrals

52. Have you thought about how long it will take you to vacate this location? No Yes Time required: _____

52a. What specialist(s) will be required to execute the move? _____

52b. Would you care to share some of those ideas or concerns with us? _____

53. Do you need assistance with permits and/or license? Yes No Maybe

53a. Can you provide the Agency with copies of any licenses or permits: Yes No

54. The relocation program *reimburses for certain expenses*. What financial sources will you use to pay for relocation expenses, subject to reimbursement?

Cash Bank Other: _____

55. Do you have any special needs and/or disability? Yes No

55a. If yes, please explain: _____

56. What is your most immediate concern at this moment? _____

Permits, Insurance, Advertising

57. What types of permits do you have?

Type of Permit	Required for: (type of equipment or nature of material stored, used or sold)	Issued by [what agency]:	Current?	
			Y	N

Hazmat Permits

58. What types of insurance do you have (ex: fire, liability, workers compensation, business interruption, etc.)? _____

Expiration dates: _____

59. Advertising: Yellow Page Ad Cable TV Other _____

60. Obsolete Stationery: Letterhead approx. number _____ Business cards approx. number _____
 Ads (brochures/fliers) approx. number _____ (provide samples of each)

Tax Credits/Enterprise Zones

61. Describe any tax credits or Business Enterprise Zone benefits you are currently receiving: _____

Interviewer/Relocation Consulting consultant (please print)

Date

Signature

ADDITIONAL PAGES ATTACHED Yes No .

APPENDIX M

RELOCATION INTERVIEW/SURVEY - Residential

 Name (HOH): _____
 Phone/Home: _____

Tenant / Owner / Other (circle one)

 Project Address: _____
 Work: _____

 EMAIL: _____

Move-in Date: _____

Emergency Contact Person: _____

Phone No: _____

 Head of Household: Male Female Elderly Handicapped/Disabled
 Household Ethnicity: White Black Latino Asian/Pac. Isl. Am. Indian/Alaskan Native Other ____

 Names of all household members and all sources of household income:
 (Include all AFDC, work, pension, social security, general relief, child support, daily cash)

Name	Legal Status	Sex	Age	Relation to HOH	Disability/Handicap	Monthly Income	Source
1. (HOH)							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							

HOUSING CHARACTERISTICS

Current Monthly Rent / Mortg. _____ Terms _____ # of Bdrm _____

Location preference _____

What utilities do you pay? _____ Number of Rooms Occupied _____ Are you looking to buy or rent? _____

Total Monthly Housing Cost _____ Number of Bedrooms Needed _____

What type of unit would you prefer:

 Rooms in the dwelling: _____

 Dwelling Type: House Apt. 1-4 units Other _____



HOUSEHOLD INFORMATION

Schools children are currently attending: _____

What is the primary language spoken in your household: _____

Number of vehicle parked on site: ____

What public transportation do you rely on: _____

Pets: Yes No Additional Info about pets: _____

Do you or any household member attend a church or other civic organizations that require regular attendance: Yes No

If so, which, where and when: _____

EMPLOYMENT INFORMATION

Name of employer, type of employment & whether it is full or part -time for each working members of the household: Distance traveled to work: _____

SPECIAL NEEDS

Does any household member with special medical needs, if so what?: _____

Do you have/use medical equipment (wheelchair, oxygen): Yes No If yes, list type of medical equipment: _____

Other needs you want to make us aware of?: _____

SPECIAL CIRCUMSTANCES

Is any household member temporarily out of your home? (Vacation, Military, School, Jail, Etc.): Yes No If Yes, reason for leave & when do you expect them back: _____

Is any household member on probation/parole: Yes No If so, state the nature, name, and phone # of consultant: _____

Are there any gang affiliations: Yes No If so, please explain: _____

Comments: _____

TENANT SIGNATURE: _____

DATE: _____

Interviewer: _____

Interview Date: _____

APPENDIX N

Recordkeeping and Reports General Provisions

LACMTA requires, routine monitoring and evaluation of relocation files and records.

It is not the intent of LACMTA to increase administrative burdens, however in order to obtain more accurate information and to more effectively monitor implementation of the URA, it is necessary to standardize relocation program reports and required documentation.

All relocation files must be maintained for at least three years after the latest of:

- the date by which all payments to persons displaced for the project and all payments for the acquisition of the real property have been issues;
- The date the project has been completed; or
- The date by which all issues resulting from litigation, negotiation, audit, or other action (i.e. civil rights compliance) have been resolved.

Confidentiality:

Documents are confidential unless required by law to be made available to the public. Only authorized staff of LACMTA or funding agencies will have access to them. The affected person can request (in writing) access to his or her own documents and will be allowed to inspect and copy such. LACMTA has a right to determine that certain documents should not be disclosed to the person for reasons of confidentiality.

General Relocation File Recordkeeping Requirements:

An accurate relocation record for each case must be maintained based on information obtained during initial and follow-up interviews with displace(s) and information obtained from other sources pertinent to the residential or business displacement.

Individual relocation files must be maintained for all site occupants from initial contact through final payment.

Each relocation file must contain a photo identification of the person(s) receiving payment.

Monthly status reports must be submitted to LACMTA Real Estate Services no later than the 10th of each month. Such status reports must contain at a minimum:

1. Name, address, phone number of each unit occupied
2. Household characteristics (i.e. # of male adults, female adults, male children, female children)
3. Business type and square footage
4. Number of current bedrooms occupied, number of required bedrooms
5. Business – current zoning and required zoning
6. Gross monthly household income and source of income
7. For businesses
8. Legal Status in the United States
9. Current rent/lease amount/terms
10. Date and method of Delivery of:
 - a. General Information Notice (GIN)
 - b. Move-in Notice to Perspective Tenants

- c. Notice of Non-Displacement
- d. Temporary Move Notice (if applicable)
- e. Notice of Eligibility
- f. Vacate Notice
- g. Advisory Services

11. Relocation Payments made - type and amounts
12. Vacate Date
13. Replacement site address
14. Other pertinent comments to indicate progress or complaint

Acquisition and Relocation staff will review these procedures for a list of records that must be maintained for projects involving acquisition and relocation. Staff will ensure that the following documents are placed in the file.

Acquisition Files

- Notices
- For voluntary acquisition the “voluntary” letter to the seller.

For involuntary acquisition:

- Notice to Appraise.
- Offer of Just Compensation and Summary Statement.
- Any other correspondence related to the purchase.
- Documents related to the purchase, i.e., purchase agreement, escrow settlement papers
- Documents related to the property’s value. An appraisal or other estimate of value for voluntary acquisitions and an appraisal and review appraisal for involuntary acquisitions. If three months has passed a second appraisal may be necessary.

Relocation Files

Record Retention

Acquisition and relocation records will be retained until three years after a project is completed and closed out. A project may be closed out when all the funds have been spent, program objectives met, displaced persons relocated and audits completed.

Availability and Confidentiality of Records

Records are considered confidential information, and the contents should only be available to authorized LACMTA staff, funding agency personnel or other audit staff. Upon written request, information may be released to affected persons or their designated representative.

Project Relocation File

- Summary List of Occupants on site as the following dates: Application, Approval, Contract Execution and Project Completion.
- Record of any meetings held and information covered at the meeting.
- Summary List of Occupants who were paid and how amount determined that they were paid, if not paid, the reason why.
- Summary list of occupants not paid and reason why not paid.
- Fixed Payment Schedule used to compute moving expense.
- Section 8 income limits used in Section 104(d) eligibility or URA RHP calculations.

Relocation Files for Individual Residential Tenants (Minimum Requirements for tenant Files)

- Site Occupant Record (HUD Handbook 1378) Appendix 8 for residential and Appendix 9 for business occupants or similar interview/ survey form.
- Notices and proof of delivery.
- Claim Form
- Supporting documentation of replacement housing payment claim i.e., intake form, lease or rent receipt, utility receipts or property completed utility schedule.
- Comparable Dwelling Analysis form
- Evidence of income, if part of the housing payment calculation: wages, self-employment, government and private pensions (i.e., SSA, SSI, VA), rental income, etc.
- Low income calculations—evidence of exclusions.
- Explanation of any special circumstances (calculation or otherwise).
- Evidence of Section 8 transfer, if applicable.
- Evidence of comparability of designated comparable replacement dwelling
- Proof of payment of moving expense (fixed schedule or receipts).
- Proof of payment of relocation housing payment/ receipt by claimant.
- Record of Inspection (In town and out of town moves).
- Legal Certification Form or sign off on claim form
- Appeals, exceptions to legal residency requirement if any, explanations, correspondence.
- Advisory services provided.

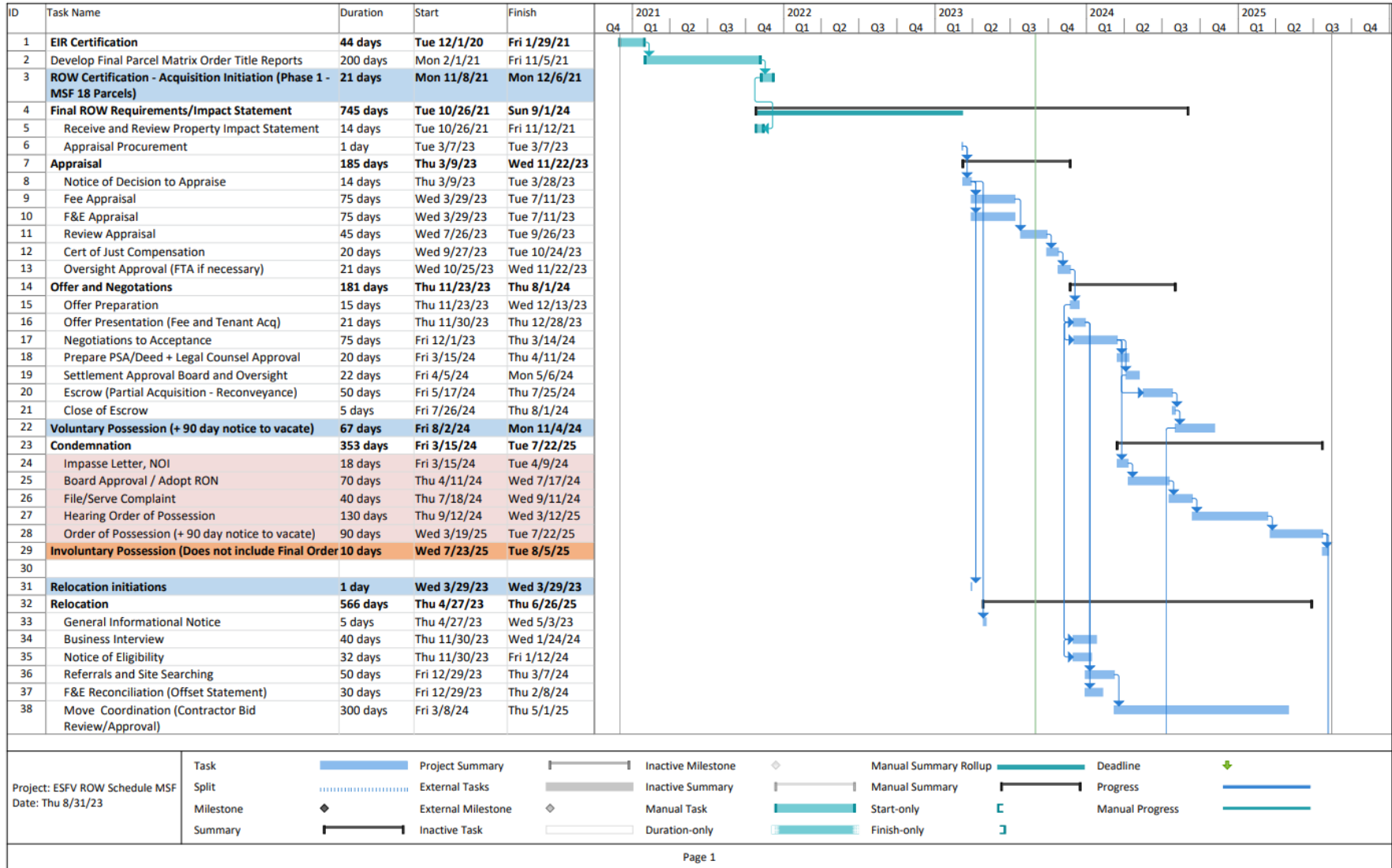
Individual Homeowner Files (Minimum Requirements for homeowner files)

- Notices and proof of delivery.
- Claim forms.
- Appraisal of displacement home.
- List of comparable homes (HUD Comparability Form).
- Legal Certification Form or sign off on claim form.
- Purchase price of new home and other incidentals per the purchase agreement and final escrow settlement), and proof of payment- wire transfer.
- Inspection of replacement home
- Log of advisory services provided and all contacts with displacee.

Businesses Tenant Files (Minimum Requirements for Businesses)

- Notices and proof of delivery.
- Minimum Requirements for
- Business Claim Form.
- Appraisal or other documentation of fixtures, furniture and equipment and leasehold interest, if any. (Provide an explanation for any furniture, furniture, equipment that is not moved.
- Receipts, estimates or bids for all moving expenses and proof of payment.
- Receipts, estimates or bids for re-establishment and proof of payment.
- Log of advisory services provided and all contacts with displacee

APPENDIX O





Project: ESFV ROW Schedule TPSS Date: Thu 8/31/23	Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
	Split		External Tasks		Inactive Summary		Manual Summary		Progress	
	Milestone		External Milestone		Manual Task		Start-only		Manual Progress	
	Summary		Inactive Task		Duration-only		Finish-only			

ID	Task Name	Duration	Start	Finish																				
					2021	2022				2023				2024				2025				2026		
					Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1		
39	90 Day Notice to Vacate	75 days	Thu 10/17/24	Wed 1/29/25																				
40	Claim and Payment Processing	160 days	Thu 1/30/25	Wed 9/10/25																				
41	File Closure	5 days	Thu 9/11/25	Wed 9/17/25																				
42	Involuntary Physical Possession (Does not include UD)	1 day	Tue 10/21/25	Tue 10/21/25																				
43	ROW Completion	5 days	Wed 10/22/25	Tue 10/28/25																				

Project: ESFV ROW Schedule TPSS
Date: Thu 8/31/23

Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
Split		External Tasks		Inactive Summary		Manual Summary		Progress	
Milestone		External Milestone		Manual Task		Start-only		Manual Progress	
Summary		Inactive Task		Duration-only		Finish-only			

Page 2

TEAM ORGANIZATION

EAST SAN FERNANDO VALLEY TRANSIT CORRIDOR PROJECT

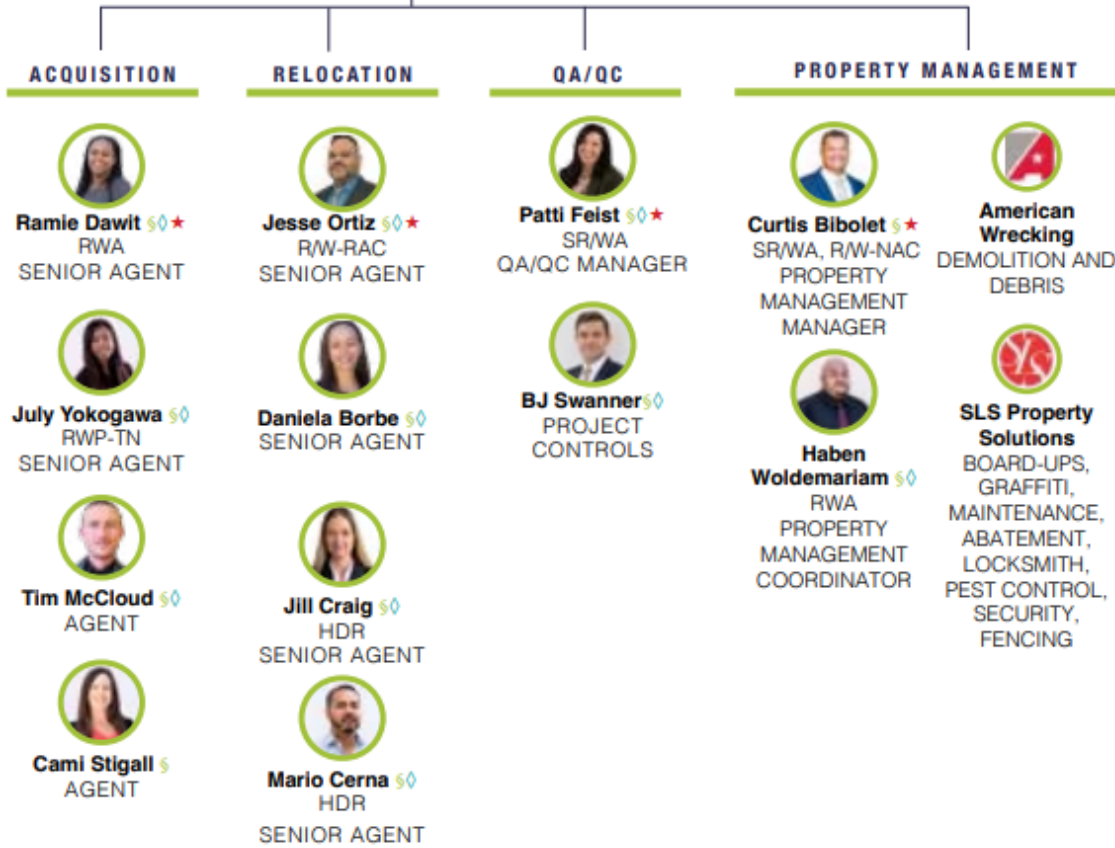


KIM BIBOLET,
SR/WA, R/W-NAC § ★

PROJECT MANAGER



JOEY MENDOZA ★
PRINCIPAL IN CHARGE



Legend:

- ★ KEY PERSONNEL
- § REAL ESTATE LICENSE

KIM BIBOLET, SR/WA, R/W-NAC

PROJECT MANAGER



Kim Bibolet is a tenured right-of-way professional with over 15 years of experience. She has worked closely with numerous local governments, public agencies, and private companies on transit, transportation, housing, and utility infrastructure projects. She has been involved in all aspects of right-of-way work, including business and residential relocations, acquisition, appraisal valuations, curative title, environmental assessments, escrow coordination, encroachment mitigation and permitting, eminent domain support, and property management services.

15 YEARS EXPERIENCE



EDUCATION

BACHELORS DEGREE
Sports Science, University
of Idaho



LICENSES

SENIOR RIGHT-OF-WAY AGENT
International Right-of-Way Association

**RIGHT-OF-WAY NEGOTIATION
AND ACQUISITION**
International Right-of-Way Association

REAL ESTATE SALESPERSON
State of California
CA#01883565



AFFILIATIONS

IRWA
International Right-of-Way
Association

WTS
Women's Transportation
Seminar



FUN FACT!

Kim is obsessed with ice cream and spends her free time on the soccer field coaching her kid's teams. She prefers to be outdoors whether she's boating, camping, hiking or golfing. Speaking of golf... she's pretty good and has the coveted title of having a hole in one!

PROJECT EXPERIENCE

PORT OF LOS ANGELES / PORT OF LONG BEACH LAND EXCHANGE

Port of Los Angeles | San Pedro, CA

This project will improve the interchange to the major corridor leading from the 710 freeway into the Port of Los Angeles and the Port of Long Beach. Monument is responsible for the property acquisition, utility coordination and right-of-way certification. Kim Bibolet is responsible for managing the right-of-way and working with Caltrans to secure certification by Fall of 2022.

SEPULVEDA PASS PDA

Los Angeles County Metropolitan Transportation Agency | San Fernando Valley, CA

This project consists of a transit system of over 18 miles of aerial guideway and subterranean tunneling which will connect Westwood in Los Angeles to the San Fernando Valley. Monument is working with the design engineers to evaluate the right-of-way impacts with various alignment options being considered. Our role is to provide right-of-way solutions that will minimize overall project footprint. There will be approximately 600 acquisitions over 400 residential relocations and over 120 business displacements.

FOOTHILL GOLD LINE EXTENSION

Foothill Gold line Construction Authority | Glendora to Montclair, CA | 2021-Ongoing

The Foothill Gold Line is a design-build project running from Glendora to Montclair and will extend the Metro Gold Line over 12 miles. This project includes new stations in the cities of Glendora, San Dimas, La Verne, Pomona, Claremont, and Montclair. Monument was hired to replace the original relocation consultant that fell behind schedule. Kim is part of Monument's Team of Agents who delivered 5 residential relocations, 30 businesses and relocated over 120 RVs and personal property moves at three station sites. Monument was able to quickly deliver and get the project back on schedule.

SR-55 IMPROVEMENT PROJECT, FROM I-405 TO I-5

Orange County Transportation Authority | Orange, CA

The SR-55 between I-405 and I-5 has four general purpose lanes, one carpool lane and some auxiliary lanes in each direction. The heavy congestion on SR-55 is expected to increase with future demand. This project adds one general purpose lane, one carpool lane and auxiliary lanes in each direction of this stretch of the freeway to reduce congestion and increase capacity. Kim is the Project Manager overseeing the delivery of 20 property acquisition negotiations and agreements and relocation assistance advisory services for several non-residential tenants, including industrial business tenants (a shower door manufacturer and a deep cleaning operation) and a general contracting business.

KIM'S PROJECT EXPERIENCE CONTINUED

ORANGETHORPE AVENUE GRADE SEPARATION

Orange County Transportation Authority | Orange, CA

Kim provided right-of-way acquisition support for this Caltrans oversight project to acquire interests in over 20 parcels, two of which were commercial centers. She worked with over 25 business owners in these centers on furniture, fixtures and equipment issues, along with loss of business goodwill claims. Other responsibilities included acquiring permits to enter, obtaining Phase I and II environmental site assessments, escrow coordination, and eminent domain support to the Authority and its attorneys.

LAUREL STREET GRADE SEPARATION AND I-10 TIPPECANOE AVENUE INTERCHANGE IMPROVEMENT PROJECT

San Bernardino County Transportation Authority | Loma Linda, CA

Kim assisted SBCTA with interim property management, marketing, and sale of 24 excess remnant parcels that were originally acquired for both the Laurel Street Grade Separation Project and the I-10 Tippecanoe Avenue Interchange Improvement Project in Loma Linda. As part of this effort, Kim notified public agencies of the offer to sell, alerts adjacent property owners and has developed a comprehensive marketing program to get the most exposure for the properties. Kim handled the escrow process as well as the property management until sold.

WEST VALLEY CONNECTOR BUS RAPID TRANSIT CORRIDOR

San Bernardino County Transportation Authority | San Bernardino, CA

This is a 35 mile long street widening to accommodate a bus travel lane including 60 station platforms and 33 intersection improvements. Kim is responsible for preparation of the RAMP, bid documents for appraisal, right-of-way engineering and right-of-way services. She drives the schedule and works collaboratively with the client to deliver the project.

FOOTHILL BOULEVARD IMPROVEMENTS, HEMLOCK AVE TO ALMERIA AVE

City of Fontana | Fontana, CA

The City of Fontana is widening Foothill Boulevard, adds Class II bike lanes, and replaces the existing historic Malaga Bridge, which is a pedestrian bridge spanning over Foothill Boulevard that connects the Pacific Electric Trail through Fontana. Kim provided cost estimates, Caltrans Right of Way Data Sheets, title clearance, and negotiations to acquire partial rights and TCEs from 29 total private property owners.

JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL EXTENSION

City of Moreno Valley | Moreno Valley, CA

Kim performed title examination services, real estate appraisal and appraisal review, right of way acquisition and negotiation services, escrow coordination, utility relocation coordination, and Request for Authorization to Proceed and Caltrans Certification support.

INTERSTATE 5 AND OSO PARKWAY INTERCHANGE IMPROVEMENTS

Orange County Transportation Authority | Mission Viejo, CA

This project improves traffic flow and safety through one of the most congested interchanges along the I-5 freeway in South Orange County. The project adds a southbound auxiliary lane in advance of the southbound off-ramp at Oso Parkway, widens the southbound off-ramp to Oso Parkway from one to two lanes, and widens the ramp lanes from three to four lanes. OCTA acquired previously acquired occupied properties and their leases terminate in January 2022. As the Advisory Manager and Contract Manager, Kim provided quality control and overseeing the delivery of relocation assistance services for three (3) non-residential tenants being displaced. They include two gas stations and one rug liquidator business. All displacees were relocated by the end of 2021.

KIM AT A GLANCE



ABILITY TO BRING
PARTIES TOGETHER FOR
RESOLUTION



SUCCESSFULLY MANAGES
COMPLEX PROJECT
MATTERS



EXPERIENCED WITH
UNIFORM ACT, FHWA, FTA
AND CALTRANS



HAS DELIVERED
THOUSANDS OF PART AND
FULL TAKE PARCELS



A DRIVEN PROJECT
MANAGER ON A
DELIVERY MISSION!

JESSE ORTIZ, R/W-RAC

RELOCATION LEAD



Jesse is experienced in acquisition and relocation services for residential, industrial, and commercial urban areas. He has provided acquisition and relocation assistance for various projects, many of which have featured a significant commitment to relocation, goodwill, and fixture & equipment appraisals. While also excelling in real property negotiation and commercial relocations, Jesse has also provided expert testimony for relocation and goodwill settlements. He has worked on projects throughout Southern California and is fluent in Spanish.

17 YEARS EXPERIENCE

EDUCATION

COURSEWORK
California State Polytechnic University, Pomona, CA

COURSEWORK
California State University, Los Angeles, CA

LICENSES

RIGHT-OF-WAY, RELOCATION ASSISTANCE
International Right-of-Way Association

REAL ESTATE SALESMAN
State of California
CA#02138220

NOTARY PUBLIC
State of California

AFFILIATIONS

IRWA
International Right-of-Way Association

WTS
Women's Transportation Seminar

FUN FACT!

Skilled in the areas of drawing, face painting and lasagna making (Yum!), Jesse's finest skill is his ability to work as a handyman for his best customer, his wife! If he was given \$1000 to spend at a store he'd buy new tools at Home Depot. Jesse gets brownie points.

PROJECT EXPERIENCE

INGLEWOOD TRANSIT CONNECTOR

City of Inglewood | Inglewood, CA

The ITC Project is a 1.6 mile long elevated automated people mover that will provide direct connections between the LA Metro Crenshaw/LAX Line and Inglewood's major employment, commercial, housing, sports and entertainment centers. The Project will have three stations including one at Market Street/Florence Avenue, Manchester Blvd/Prairie Avenue, and Hardy Street/Prairie Avenue with the maintenance and storage facility (MSF) located at Manchester Blvd and E. Spruce Avenue. Monument is responsible for project management, business relocation and property acquisition. Monument is assisting the City of Inglewood with strategic planning and implementation. This includes 60 business relocations and 70 acquisitions. As a Senior Agent, Jesse is providing relocation services, focusing on relocation assistance for the most challenging businesses affected by the real estate and right-of-way needs for this Project.

FOOTHILL GOLD LINE EXTENSION

Foothill Gold line Construction Authority | Glendora to Montclair, CA

The Foothill Gold Line is a design-build project running from Glendora to Montclair and will extend the Metro Gold Line over 12 miles. This project includes new stations in the cities of Glendora, San Dimas, La Verne, Pomona, Claremont, and Montclair. Monument was hired to replace the original relocation consultant that fell behind schedule. Jesse is part of Monument's Team of Agents who delivered 5 residential relocations, 30 businesses and relocated over 120 RVs and personal property moves at three station sites. Due to the efforts of Jesse, Monument was able to quickly deliver and get the project back on schedule.

STATE COLLEGE BOULEVARD GRADE SEPARATION PROJECT

City of Fullerton | Fullerton, CA

This project impacted over 23 parcels and required permanent easements, utility easements (underground easements and pump station easement), retaining wall & tieback easements, access easements, and temporary construction easements. Jesse provided acquisition services to 7 parcels, two of which were multi-tenant commercial condominium units.

NOGALES STREET SOUTH GRADE SEPARATION PROJECT

Alameda Corridor East Construction Authority | City of Industry, CA

Jesse provided acquisition and relocation services for this Caltrans oversight project. The project impacts over 40 parcels and required fee acquisitions, permanent easements, utility easements (underground easements and underground storm drains), aerial easements, footing easements, access easements, slope easements and temporary construction easements. Jesse negotiated the acquisition on 9 parcels and provided relocation assistance for 3 businesses (including a gas station), signboards and personal property.

JESSE'S PROJECT EXPERIENCE CONTINUED

MAGNOLIA & COLUMBIA AVENUE GRADE SEPARATION

City of Riverside | Riverside, CA

This project included the acquisition and relocation of single family residences and businesses for the Columbia Avenue and Magnolia Center Grade Separation Projects. Jesse provided fixture and equipment negotiations to successfully complete the project.

SIXTH STREET VIADUCT REPLACEMENT PROJECT

City of Los Angeles | Los Angeles, CA

Jesse provided acquisition and relocation services for this Caltrans oversight project. The project requires the relocation of 15 business, some of which have been in operation for over 60 years. The relocations ranged from Kosher foods manufacturer, Kosher food distributor, fire retardant insulation manufacturer, vegetable wholesaler, beauty product distributor, furniture manufacturer, seed distributor, clothing manufacturer, furniture retailer, movie set creator, and textile warehouse.

BRISTOL STREET WIDENING PHASE IV BETWEEN WARNER AVENUE AND ST. ANDREWS PLACE

City of Santa Ana | Santa Ana, CA

Jesse provided acquisition services for 17 properties and relocation of 6 businesses and 11 residences while providing Spanish speaking services to those in need. Relocations included a variety of businesses: 2 real estate businesses, restaurant, and 3 dental offices. Jesse performed negotiations for fixture and equipment.

FIRESTONE BLVD. STREET WIDENING

City of South Gate | South Gate, CA

Right-of-way services were provided for a commercial area that required the acquisition of 12 properties and relocation of 12 businesses. Relocations included a variety of businesses: a furniture store, used car lots, sheet metal/fabrication, printing company, meat distributor, silk screen company, orthopedic office, printing company, automotive stores, ambulance company, and retail stores. Jesse performed negotiations for fixture and equipment, provided mediation support for relocation settlements, and testified as an expert witness for goodwill settlements. He also provided assistance to the City's environmental consultant.

I-710 EARLY ACTION SOUND WALL PROJECT

Los Angeles County Metro Transportation Authority | Los Angeles, CA

Jesse obtained temporary construction easements (TCEs) for 120 parcels. He provided oversight for the project, and personally negotiated the acquisition of 32 TCEs.

NORTHSIDE INDUSTRIAL PROJECT

Redevelopment Agency of the City of Long Beach | Long Beach, CA

This project included acquisition services for 3 parcels and relocation services for a complex negotiation involving property owners, tenants and developers. Jesse procured a fixture and equipment appraisal, a goodwill appraisal and made an assessment of potential relocation costs. He also assisted the agency in purchasing property, negotiating settlement and performing a bulk sale.

CRENSHAW/LAX TRANSIT CORRIDOR LIGHT RAIL PROJECT

Los Angeles Metropolitan Transportation Authority | Los Angeles, CA

This project provides rail transportation to and from the LAX airport. Jesse was responsible for the relocation of 10 businesses.

NEW SCHOOLS PROGRAM

Los Angeles Unified School District | Los Angeles, CA

This project established new school sites in Los Angeles. Jesse provided acquisition services for 85 parcels and relocation services for 185 residences and 8 businesses while providing Spanish speaking services to those in need.

JESSE AT A GLANCE



EXPERT IN BUSINESS
RELOCATION



SPANISH SPEAKING



FLUENT IN BOTH STATE AND
FEDERAL REGULATIONS



ACQUIRED AND
RELOCATED THOUSANDS
OF PARCELS



THE KIND OF GUY YOU
WANT TO WORK WITH!

RAMIE DAWIT, RWA

ACQUISITION LEAD



Ramie is experienced in all aspects of real estate and right-of-way management including property negotiations, relocation assistance, title and escrow, appraisal methodologies, utility relocations, property management and certification. She has successfully managed the acquisition and relocation of over 5,000 cases spanning her 15 year career and is well versed in the application of all state and federal laws, including implementation of the Caltrans Manual and FTA guidelines.

15 YEARS EXPERIENCE

 **EDUCATION**
BACHELORS DEGREE
Communications, California
State Polytechnic University

 **LICENSES**
REAL ESTATE SALESPERSON
State of California
CA#01829708

NOTARY PUBLIC
State of California

 **AFFILIATIONS**
IRWA
International Right-of-Way
Association

WTS
Women's Transportation
Seminar



FUN FACT!

Ramie is originally from Eritrea, a small country in East Africa. She was born during the Eritrean War of Independence and both of her parents were freedom fighters. The Eritreans fought for independence from Ethiopia for over 20 years. Ramie, her sister and parents moved to the United States when she was a young child. Ramie speaks three languages and remains active within the Eritrean community.

PROJECT EXPERIENCE

CALIFORNIA HIGH SPEED-RAIL PROJECT

California High-Speed Rail Authority | Fresno, CA | 2016 - Ongoing

The California High-Speed Rail Authority is responsible for planning, designing, building, and the operation of the first high-speed rail system in the nation. Ramie was part of the consultant team providing right-of-way support on Construction Package 1, a 23-mile segment between Avenue 19 in Madera County to East American Avenue in Fresno County. She organized and managed an intense conveyance and permit process for the Authority preparing and tracking over 1000 conveyance packages including coordination with owners, utilities and stakeholders.

WEST VALLEY CONNECTOR BUS RAPID TRANSIT PROJECT

San Bernardino County Transportation Authority | San Bernardino, CA | 2020 - Ongoing

This is a 35 mile long street widening to accommodate a bus travel lane including 60 station platforms and 33 intersection improvements. Ramie is the Project Manager responsible for the oversight and management of the program and four Consultant teams. She is responsible for preparation of the RAMP, bid documents for appraisal, right-of-way engineering and right-of-way services. Ramie drives the schedule and works collaboratively with the client to deliver the project.

HOLLAND ROAD OVERPASS PROJECT

City of Menifee | Menifee, CA | 2016 - 2018

The Holland Overpass Project will include a four-lane overpass that will span the length of Interstate-215 at Holland Road, opening up some room for traffic on the city's widely traveled east-west routes, Newport Road and Scott Road. The goal is to improve safety and mobility for the City of Menifee by providing an additional east-west I-215 overcrossing. Ramie was the Project Manager responsible for overseeing the right-of-way effort, including ordering appraisals and title reports, acquisition and negotiations of over 10 parcels, and coordinating escrow.

I-15 @ FRENCH VALLEY PARKWAY INTERCHANGE PROJECT

City of Temecula | Temecula, CA | 2011 - 2014

As Project Manager, Ramie managed the right-of-way acquisition process with TY Lin which involved over 20 partial acquisitions of commercial, industrial and vacant land properties. Her responsibilities including oversight of the appraisal, acquisition, escrow and right-of-way certification process.

CENTENNIAL CORRIDOR IMPROVEMENT PROJECT

City of Bakersfield | Bakersfield, CA | 2013 - 2016

The City of Bakersfield, in cooperation with Caltrans, built a new east-west transportation corridor for SR-58. Ramie took on a unique roll to manage an intense amount of data and document

RAMIE'S PROJECT EXPERIENCE CONTINUED

needs in a compressed time frame. Ramie provided coordination and preparation of over 100 acquisition and relocation documents through management of the project controls department that managed the project schedule, budget, quality controls procedures and production of real estate documents. Ramie also provided escrow coordination assistance, for both real property and business interests.

STATE ROUTE 91 CORRIDOR IMPROVEMENT

Riverside County Transportation Commission | Riverside, CA | 2012 - 2017

This was a high-profile, politically sensitive design-build project involved over 450 partial and full acquisitions with varying degree of difficulty, and approximately 250 residential and business relocations. This project widened approximately 16 miles of active highway through the urbanized area of Corona and the County of Riverside. Ramie was responsible for project coordination and assisted with management of all elements of the right of way acquisition for this project.

I-10 EXPRESS LANES PROJECT

San Bernardino County Transportation Authority | San Bernardino, CA | 2017 - 2019

Ramie was the Project Manager and managed the acquisition services to over 200 properties affected by this design-build freeway widening project. She was responsible for the coordination with acquisition and relocation teams, escrow, title, and appraisal firms. Ramie maintained a monthly project schedule and controlled right of way capital costs.

OMNITRANS sbX E STREET RAPID BUS TRANSIT PROJECT

Cities of San Bernardino/Loma Linda/SBCTA | San Bernardino, CA | 2010 - 2013

Ramie worked as the Omnitrans Right-of-Way Manager supporting Federal Transit Administration (FTA) oversight of the acquisition process. The project involved approximately 152 permanent and temporary takes and included transit planning, public relations, architectural/engineering, environmental clearance, preliminary engineering, and final design. The enhanced rapid transit service enhances bus transit from California State University, San Bernardino, to the Loma Linda Medical Center/Veterans Hospital along the E Street, Hospitality Lane corridor.

SR-91 HOV IMPROVEMENT PROJECT

Riverside County Transportation Commission Riverside | Riverside, CA | 2010 - 2013

Ramie served as a Senior Acquisition Agent and obtained Right of Entry Grants for over 30 properties and acquisition services to over 80 properties affected by this highway widening project. This included coordination with escrow, title, appraisal, and environmental firms. She maintained a monthly project schedule and obtained various temporary permits from commercial landowners, public agencies, BNSF and Union Pacific Railroad Companies. Ramie partook in the preparation of certification forms for various parcel groups which requires coordination with project managers and staff and utility and demolition staff.

HWY 86 TRANSMISSION PIPELINE PROJECT - AVE 74 TO AVE 86

Coachella Valley Water District | Coachella Valley, CA | 2010 - 2012

This unique project required acquisition of tribal land to support the burial of transmission lines. Ramie acquired 3 parcels of Indian Land which required coordination with both Indian tribes and Bureau of Indian Affairs (BIA). She provided all acquisition services including escrow coordination and title clearance for the acquired properties.

RAMIE AT A GLANCE



STRONG MANAGEMENT
SKILLS AND EXPERIENCE



WELL VERSED IN
UNIFORM ACT



EXTENSIVE CALTRANS
EXPERIENCE



CONFIDENT LEADER OF
LARGE TEAMS



SKILLED IN BRINGING
ADVERSARIES
TOGETHER

PATTI FEIST, SR/WA



QA/QC MANAGER



Patti has been in the right-of-way and real estate services industry for over 25 years. She oversees the planning, management, and the achievement of project objectives within scope and budget. Patti provides coordination and oversight for complex and non-complex projects involving Caltrans certification, acquisition and relocation. Patti is knowledgeable in Federal, State and local laws, regulations, and policies related to eminent domain, easements, rights of entry, and other right-of-way technical and legal activities involved with the formal process of acquiring right-of-way.

25 YEARS EXPERIENCE

EDUCATION

COURSEWORK
Business, Bismarck State
College and College of the
Desert

LICENSES

SENIOR RIGHT-OF-WAY AGENT
International Right-of-Way Association

REAL ESTATE SALESMAN
State of California
CA#01810975

NOTARY PUBLIC
State of California

AFFILIATIONS

IRWA
International Right-of-Way
Association

WTS
Women's Transportation
Seminar

FUN FACT!

Patti is an outdoor enthusiast and has spent years fly fishing, riding and caring for horses, and hunting in Montana. She tends a large garden and spends a lot of time keeping the wildlife away from the fruits of her labor. Patti enjoys spending time with her large family and is secretly a tech wiz!

PROJECT EXPERIENCE

METRO GOLD LINE

Foothill Extension Construction | Monrovia, CA | 2020 - Ongoing

As the Relocation and Quality Control Manager, Patti is responsible for the relocation services to residences and businesses affected by the Gold Line extension project in the cities of Arcadia, Monrovia and Glendora. Patti is the liaison between the client and owners and tenant's attorneys and responsible for identification of qualifying compensable items, negotiation of goodwill as applicable, the preparation and review of claims and status reports, relocation claims, and working with contractors to obtain accurate estimates to successfully resolve all relocation issues.

CALIFORNIA HIGH SPEED-RAIL PROJECT

California High-Speed Rail Authority | Fresno, CA | 2016 - Ongoing

The California High-Speed Rail Authority is responsible for planning, designing, building, and the operation of the first high-speed rail system in the nation. Patti is a key member of the consultant team providing right-of-way support on Construction Package 1, a 23-mile segment between Avenue 19 in Madera County to East American Avenue in Fresno County. She is responsible for the organization and management of an intense utility conveyance and permit process for the Authority preparing and tracking known and unknown utilities and coordination with owners, utilities and stakeholders.

I-10 EXPRESS LANES PROJECT – DESIGN BUILD

San Bernardino County Transportation Authority | San Bernardino, CA | 2018 - 2021

The I-10 Express Lanes project is a design-build project widening 10 miles of I-10 from I-15 to the Los Angeles/San Bernardino County border. The project includes two tolled lanes in each direct and auxiliary lanes between existing on and off ramps. As a Project Manager, Patti was responsible for many of the complex property acquisitions involving severance damage analysis and mitigation to commercial and industrial properties.

I-10/CHERRY VALLEY BLVD INTERCHANGE PROJECT

Riverside Transportation Department | Riverside, CA | 2019 - 2021

This project involved the reconstruction of I-10 at Cherry Avenue Interchange by realigning the on and off ramps, replacing the existing Cherry Avenue Overcrossing, widening of Cherry Avenue from 5 lanes to 7 lanes with sidewalks on both sides of the street. Patti led the team of acquisition agents to acquire the necessary right-of-way for the project and obtain right-of-way certification from Caltrans. She also provided cost estimating services of probable costs for right-of-way acquisition and service costs during the environmental planning phase.

PATTI'S PROJECT EXPERIENCE CONTINUED

STATE ROUTE 60 AT WORLD LOGISTICS CENTER PARKWAY (WLC PKWY) INTERSECTION

City of Moreno Valley | Moreno Valley, CA | 2018 - 2020

Patti was the Project Manager responsible for providing project cost estimating services in order to develop an estimate of probable costs for right-of-way acquisition and service costs necessary to complete the project. This included the preparation of various project alternative cost estimates, data sheet preparation, final update to include an estimate abstract.

ETIWANDA AVENUE GRADE SEPARATION PROJECT

City of Rancho Cucamonga | Rancho Cucamonga, CA | 2018 - 2020

Patti was responsible for the right-of-way acquisition, tenant acquisitions, relocation of commercial and residential properties for the grade separation project. The project consists of 18 properties with 2 full takes and 16 permanent and or temporary construction easements and complex business relocations.

AVENUE 44 ALL-WEATHER BRIDGE

City of Indio | Indio, CA | 2018 - 2020

Patti was the Project Manager responsible for completing the acquisition and relocation services required for the project. The project requires the full acquisition and relocation activities for single family residences and partial permanent and temporary acquisitions from properties owned by utilities, tribal ownerships, and private ownerships that are either undeveloped or developed with multi-family improvements. The project involves a total of 8 parcel acquisitions.

HIGHWAY 111, RANCHO MIRAGE PHASE 1, 2, 3, AND 4

City of Rancho Mirage | Rancho Mirage, CA | 2016 - 2020

The project involved right-of-way acquisition for over 110 property owners. Acquisition services, relocation assistance and appraisal for the widening of State Highway 111 within the city limits of the City of Rancho Mirage including the area known locally as "Restaurant Row". This highway widening project involved an interesting mix of vacant development sites, existing commercial and retail uses, and residential, golf course/country club, and office. The project team encountered several mobile home parks, some trailer courts, service stations, car washes, automobile dealers, and shopping centers.

DUNE PALMS ROAD BRIDGE PROJECT

City of La Quinta | La Quinta, CA | 2018 - 2019

Patti was the Project Manager responsible for the acquisition and relocation services of mobile homeowners, a residential tenant and relocation plan. The project removed a low-water crossing and installed a bridge with sidewalk on both side and bike/golf cart lanes connecting this bridge with the widening of Dune Palms Road.

SR-91 HOV IMPROVEMENT PROJECT

Riverside County Transportation Commission | Riverside, CA | 2010 - 2013

Patti served as a Senior Acquisition Agent and obtained Right of Entry Grants for over 30 properties and acquisition services to over 80 properties affected by this highway widening project. This included coordination with escrow, title, appraisal, and environmental firms. She maintained a monthly project schedule and obtained various temporary permits from commercial landowners, public agencies, BNSF and Union Pacific Railroad Companies. Preparation of certification forms for various parcel groups which requires coordination with project managers and staff and utility and demolition staff.

PATTI AT A GLANCE



BUSINESS RELOCATION
EXPERT



EXPERIENCED WITH
BOTH LARGE AND SMALL
PROJECTS



FLUENT IN BOTH ENGLISH
AND SPANISH



A HANDS ON MANAGER



MASTER OF FEDERAL
AND STATE LAW

CURTIS BIBOLET, SR/WA, R/W-AMC

PROPERTY MANAGEMENT MANAGER



As a certified right of way professional, Curtis possesses an abundance of real estate transaction, property management, and utility coordination expertise. He has over 13 years of experience managing best practices, regulatory procedures, and logistics for property management and utility coordination projects on behalf of public agencies. With his friendly demeanor, Curtis provides oversight and quality review for Monument agents. He is focused on maximizing revenue, clearing encroachments, and mitigating utility conflicts for his clients.

13 YEARS EXPERIENCE



EDUCATION

BACHELORS DEGREE
Communications Studies,
Minor in Business, University
of Idaho



LICENSES

SENIOR RIGHT-OF-WAY AGENT
International Right-of-Way Association

**RIGHT-OF-WAY ASSET
MANAGEMENT**
International Right-of-Way Association

REAL ESTATE SALESMAN
State of California
CA#02008725



AFFILIATIONS

IRWA
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Association

WTS
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Seminar



FUN FACT!

Curtis is a boating enthusiast even though his acronym for BOAT means "Bust Out Another Thousand." He is exceptional at producing large crawfish boils and his favorite food is creole. He played football in college and married his college sweetheart.

PROJECT EXPERIENCE

AVENUE N IMPROVEMENT PROJECT, 18TH STREET WEST TO 10TH STREET WEST

City of Palmdale | Palmdale, CA

Curtis provided comprehensive utility research and coordination oversight services to relocate up to seven utility facilities in conflict with the Avenue N improvements. Curtis contacted utility companies to obtain as-builts and perform on-site utility verification. He also coordinated potholing activities, as necessary, to confirm utility locations. Curtis worked with the right-of-way team to finalize project documents and obtain Caltrans Certification for all right-of-way and utilities clearances.

ROSECRANS AVENUE BRIDGE REPLACEMENT OVER THE LOS ANGELES RIVER CHANNEL PROJECT,

City of Paramount | Paramount, CA

Curtis provided utility clearance for this bridge replacement project. He engaged with multiple utility owners including AT&T, Charter, Chevron, Los Angeles County Sanitation District, Metropolitan Water District of Southern California, Park Water Company, Plains All American, Southern California Edison, and SoCal Gas.

HIGUERA STREET BRIDGE REPLACEMENT

City of Culver City | Culver City, CA

Curtis coordinated and relocated three utility companies' facilities in this bridge replacement project. He prepared a draft utility certification binder and provided it to Caltrans District 7 for early quality review. When it passed, he prepared the utility documentation for the final Caltrans Certification binder and provided it to the design engineer team to include with their right-of-way certification package.

OCEAN BOULEVARD BIKE TRAIL CONNECTOR

Port of Long Beach, Long Beach, CA

Curtis worked as Utility Manager for this ATP-funded bike trail connector project for the Port of Long Beach. Curtis obtained as-builts from the 25 potentially impacted utility companies, coordinated pothole investigations at 8 locations, and coordinated the relocation of 3 facilities.

MT. VERNON VIADUCT OVER BNSF INTERMODAL YARD REPLACEMENT DESIGN-BUILD

San Bernardino County Transportation Authority (SCBTA) | San Bernardino, CA

The Mt. Vernon Viaduct over BNSF Intermodal Yard Replacement is a \$140 million Design-Build project owned by San Bernardino County Transportation Authority involving the demolition of the existing viaduct over the BNSF Intermodal Yard in the City of San Bernardino and construction

CURTIS' PROJECT EXPERIENCE CONTINUED

of a new bridge over 1,000' in length. Funding sources and stakeholders include Federal Highway Administration, Federal Highway Bridge Program, Caltrans, and BNSF Railway. Curtis doing Property Management and Demolition. Board-ups, fencing, engaging law enforcement to remove trespassers and homeless, about 30 properties—47 structures. All residential. Coordinating testing for hazmat for lead paint.

LENWOOD ROAD GRADE SEPARATION PROJECT

San Bernardino County Transportation Authority | Barstow, CA

For this grade separation project, Curtis worked on a full spectrum of right-of-way services for both the Preliminary Engineering/ Environmental Document and Final Design phases. The Project's purpose was to construct an overpass over the BNSF railroad. This impacted over 25 properties. Curtis provided oversight for demolition, clearance, and hazardous abatement for 15 structures.

UTILITY & FILE REVIEW, PROPERTY MANAGEMENT ON-CALL CONTRACT

Riverside County Transportation Commission (RCTC) | Riverside, CA

As Property Management Lead, Curtis managed all activities and vendors performing weed abatement, hazardous material abatement, trash abatement, and homeless encampment abatement. He also provided a full detailed review of over 600 licenses, leases, and easements in existence along a 38-mile railroad corridor for the Commission. The process included reviewing the documents, performing site visits to verify facilities, identifying contractual deficiencies, identifying unauthorized encroachments, and recommending and implementing resolutions while monitoring and updating project databases. Other tasks involved creating new licenses for private-use owners and developing master license agreements or utility companies.

SR-55 IMPROVEMENT PROJECT

Orange County Transportation Authority | Orange, CA

This project adds one general purpose lane, one carpool lane, and auxiliary lanes in each direction of SR-55 between I-405 and I-5 in order to reduce congestion and increase capacity. The project is funded through OC Go (formerly Measure M) in cooperation with Caltrans District 12 and federal funds. Curtis was the Utility Coordination Manager on this project involving 52 utility conflicts. Some of the utility relocations were highly complex, including Southern California Edison high-voltage transmission lines spanning overhead the freeway.

PLANS, SPECIFICATIONS & ESTIMATES (PS&E) FOR BUNDY CANYON ROAD/SCOTT ROAD WIDENING

City of Menifee | Menifee, CA

Bundy Canyon/Scott Road is a two-lane rural corridor in southwest Riverside County between Interstate 15 and Interstate 215. With partial funding from the Western Riverside Council of Governments (WRCOG), the City of Menifee in partnership with the City of Wildomar is widening this three-mile corridor to six lanes from Haun Road to city limits at Sunset Avenue to improve safety and traffic flow. Curtis was the Utility Manager on this project and provided 25 pothole investigations and coordination for over 100 utility facility relocations.

STATE ROUTE 60/CENTRAL AVENUE INTERCHANGE PROJECT

San Bernardino County Transportation Authority | Chino, CA

In cooperation with Caltrans and the City of Chino, SBCTA began the SR-60 Central Avenue Interchange Project to ease area traffic congestion. As the Senior Utility Manager, Curtis provided utility relocation coordination tasks and successfully certified this project with Caltrans District 8.

CURTIS AT A GLANCE



PROPERTY MANAGEMENT
EXPERT



DEDICATED MANAGER
WHO ENSURES PROJECT
SUCCESS



EXPERIENCED IN MAJOR
TRANSPORTATION
PROJECTS



STRONG RELATIONSHIPS
WITH ALL STATE UTILITY
COMPANIES



A CONSENSUS BUILDER

DANIELA BORBE

ACQUISITION LEAD



Daniela has over 20 years of industry experience and possesses an extensive knowledge of all aspects of the real estate and right-of-way process. Over the span of her career she has managed numerous projects and successfully completed over 5,000 acquisitions and relocations for public improvement projects. She is responsible for the management of her acquisition and relocation staff and the budget and critical paths for each of her team's projects. Daniela is knowledgeable in Federal, State and local laws, regulations, and policies related to eminent domain, easements, rights of entry, and other right-of-way technical and legal activities involved with the formal process of acquiring right-of-way.

20 YEARS EXPERIENCE

EDUCATION

BACHELORS DEGREE
Public Administration, Babes
Bolyai University, Romania

LICENSES

REAL ESTATE SALESPERSON
State of California
CA#01511932

NOTARY PUBLIC
State of California

AFFILIATIONS

IRWA
International Right-of-Way
Association

WTS
Women's Transportation
Seminar

FUN FACT!

Daniela came to America from her native country Romania and jumped right into the world of right-of-way. After a brief stint selling corduroys at JCPenney, she took a job at a local right-of-way company answering phones even though she barely spoke English. Through hard work and perseverance, she grew into the fierce professional that she is today.

PROJECT EXPERIENCE

SOUTH LAGUNA TUNNEL STABILIZATION AND SEWER REPLACEMENT PROJECT

South Coast Water District | South Laguna Beach, CA

Daniela has been working with South Coast Water District for ten years. This project widened and improved an underground sewer tunnel spanning two miles of Pacific Coast Highway. This project involved acquiring upgraded easements, new easements, and fee interest from over 214 properties. Daniela continues to provide acquisition services in additional phases of the project to date.

BASTANCHURY WIDENING

City of Yorba Linda | Yorba Linda, CA

Daniela is the Project Manager for this project constructing road improvements along Bastanchury Road between Casa Loma Avenue & Eureka Avenue. The project improvements are constructed entirely within the public right of way with local funds. As a result, the need for voluntary right of entries over 8 properties is desired to complete the project. Right-of-way services provided include negotiations with property owners for voluntary right of entries, optional minimum value estimates to determine value of land and landscaping items located in conflict with the project, and project management services.

CITY OF SANTA ANA PROJECTS

City of Santa Ana | Santa Ana, CA

Warner Avenue Widening, Phase II. This project expands Warner Avenue from Oak Street to Grand Avenue by adding an additional lane of traffic and medians. This project will improve the flow of traffic and greatly improve commuter safety. Daniela is responsible for the acquisition of 20 full and partial take residential and commercial properties and over 17 residential relocations

Grand Avenue Widening Project. As Acquisition Project Manager, Daniela provided oversight of overall project coordination. She worked with her staff to analyze acquisition impacts, prepare acquisition documents, negotiate with property owners, and compile project reports. She coordinated escrow and cleared encumbrances from titles to close out the project.

Bristol Street Widening Project, Phases 3A & B. As Project Manager, Daniela provided oversight of overall project coordination and managed all elements of the right of way acquisition for this project, which entailed 28 partial and full acquisitions and relocation of 15 businesses and 23 residential occupants.

DANIELA'S PROJECT EXPERIENCE CONTINUED

INTERSTATE 405 IMPROVEMENT PROJECT

Orange County Transportation Authority | Orange, CA

Daniela was the Senior Project Manager providing project management oversight for the implementation of acquisition and relocation for this design-build project that will widen approximately 16 miles of active freeway between the SR-73 freeway in Costa Mesa and I-605 near the LA County line. She provided project management and acquisition services for the partial acquisition of 288 parcels. Daniela was also responsible for oversight and management of cost controls (including document control/budgets), schedules, and risk assessment.

VARIOUS PROJECTS

City of Mission Viejo | Mission Viejo, CA

Daniela has been the go-to Project Manager for the City of Mission Viejo for over ten years. She provides advisory services for all right-of-way issues and provides all acquisition and relocation services for the City. She is currently managing the Oso Park On-Ramp Project on the I-5 Freeway.

NORTH SPRING STREET VIADUCT PROJECT

City of Tustin | Tustin, CA

As the Project Manager for this street extension project, Daniela provided oversight and overall project coordination of applicable right-of-way services, including both acquisition and relocation. She worked with staff to analyze acquisition impacts, prepare acquisition and relocation documents, negotiate with one business owner, and compile reports.

INTERSTATE 5 HOV IMPROVEMENT PROJECT

Orange County Transportation Authority | Orange County, CA

As Project Manager, Daniela provided oversight of overall project coordination of applicable right-of-way services. She developed and prepared acquisition formats and provided recommendation summaries of the impacts for OCTA. Daniela prepared acquisition documents, negotiated with property owners, provided escrow coordination, and compiled reports. She worked with OCTA to permanently relocate two commercial tenants.

NASON STREET WIDENING PROJECT

City of Moreno Valley | Moreno Valley, CA

Daniela was the Project Manager for this street widening of Nason Street from Fir (SR-60 Freeway) to Cactus to support the new County hospital. She was responsible for acquiring thirty parcels and relocated one residence.

WHITTIER AT BEACH INTERSECTION IMPROVEMENT PROJECTS

City of La Habra | La Habra, CA

As Project Manager, Daniela provided oversight of overall project coordination of applicable right-of-way services. She worked with staff to analyze acquisition impacts on six properties in the project area. Daniela developed and prepared acquisition formats and provided recommendation summaries of the impacts for the City. Prepared acquisition documents, negotiated with property owners, and compiled reports.

ANAHEIM CANYON METROLINK PEDESTRIAN IMPROVEMENT PROJECT

City of Anaheim | Anaheim, CA

Daniela was the Project Manager and provided oversight of overall project coordination of applicable right-of-way services. She was responsible for the right of entry documents for over 20 property owners, negotiated with property owners, and compiled right-of-way reports. She developed and prepared acquisition formats for two parcels and recommendation regarding the impacts to the City.

DANIELA AT A GLANCE



TAKES CHARGE AND LEADS
BOTH BIG AND SMALL
PROJECTS



EXPERT IN RESIDENTIAL
AND COMMERCIAL
ACQUISITION



ODDLY FOND OF
RELOCATION



MANAGES LARGE
TRANSPORTATION
PROJECTS



SKILLED AT IDENTIFYING
AND MANAGING RISK

JULY YOKOGAWA, RWP

SENIOR AGENT



July, pronounced "Julie", is a high-performance and results-driven acquisition and relocation agent with 8 years of experience in the industry. She has exceptional interpersonal skills working with property owners, and residential and commercial tenants. July is well versed in state and federal laws and regulations and is proficient at property negotiations, relocation assistance, title complication and clearance, permitting, feasibility studies, utility coordination and document processing. She has successfully completed over 1,000 transactions for public improvement projects.

8 YEARS EXPERIENCE



EDUCATION

BACHELORS DEGREE
Administration, Finance,
California State Polytechnic
University, Pomona, CA



LICENSES

**RIGHT-OF-WAY AGENT-
TRANSPORTATION**
International Right-of-Way Association

REAL ESTATE SALESMAN
State of California
CA#01988927

NOTARY PUBLIC
State of California



AFFILIATIONS

IRWA
International Right-of-Way
Association

WTS
Women's Transportation
Seminar



FUN FACT!

July is constantly brainstorming her next travel adventure or small business idea. She recently started a baking business which she runs on the side of her day job. She makes and sells homemade cream puffs in radical and tasty flavors. Check it out on Instagram at Crackle N Puff.

PROJECT EXPERIENCE

CALIFORNIA HIGH SPEED RAIL PROJECT

California High Speed Rail Authority | Fresno, CA

July is part of the consultant team providing right-of-way support on Construction Package 1, a 23-mile segment between Avenue 19 in Madera County to East American Avenue in Fresno County. She manages an intense conveyance and permit process for the Authority preparing and tracking over 1000 conveyance packages including coordination with owners, utilities and stakeholders.

BASTANCHURY WIDENING

City of Yorba Linda | Yorba Linda, CA

July is a Senior Agent for this project constructing road improvements along Bastanchury Road between Casa Loma Avenue & Eureka Avenue. The project improvements are constructed entirely within the public right of way with local funds. As a result, the need for voluntary right of entries over 8 properties is desired to complete the project. Right-of-way services provided include negotiations with property owners for voluntary right of entries, optional minimum value estimates to determine value of land and landscaping items located in conflict with the project, and project management services.

SOUTH LAGUNA TUNNEL STABILIZATION AND SEWER REPLACEMENT PROJECT

South Coast Water District | South Laguna Beach, CA

This project widened and improved an underground sewer tunnel spanning two miles of Pacific Coast Highway. This project involved acquiring upgraded easements, new easements, and fee interest from over 214 properties. July assists in providing acquisition services in continuing phases of the project.

INTERSTATE 405 IMPROVEMENT PROJECT

Orange County Transportation Authority | Santa Ana, CA

As a Senior Acquisition Agent, July oversaw and handled property negotiations, appraisal coordination and segmental right-of-way certification for this design-build project that will widen approximately 16 miles of active freeway between SR-73 in Costa Mesa and I-605 near the LA County line. The project involves more that 250 properties. As an agent, she successfully acquired 70 commercial and residential partial acquisition properties out of 74 case files. July prepared all notice of decision to appraisal packages, offer packages, and correspondence notices and attended management meetings with the Client.

JULY'S PROJECT EXPERIENCE CONTINUED

LOSSAN IMPROVEMENT PROJECT

The LOSSAN Rail Corridor Agency | Orange, CA

Monument is part of the program management team responsible for ongoing right-of-way and real estate support. The commuter passenger rail will connect San Luis Obispo to San Diego. This Project will add a second track parallel to the existing track, and the addition of multiple stations along the train route. July is an integral part of the Monument Team responsible for right-of-way project management, and acquisition support services including appraisal coordination, acquisition, relocation, condemnation support, cost estimating and development of the design build procurement documents.

ONTARIO TUNNEL PROJECT

San Bernardino County Transportation Authority | San Bernardino, CA

This design-build project includes the design and construction of a 3 mile tunnel transit modal connector which will connect the Metrolink station in Rancho Cucamonga to the Ontario Airport. July is instrumental in providing right-of-way project management, acquisition support services including appraisal coordination, acquisition, relocation, condemnation support, cost estimating and development of the design build procurement documents.

I-15 EXPRESS LANES PROJECT

Riverside County Transportation Commission | Riverside, CA

As an agent, July successfully acquired and closed all 9 partial acquisition case files. The Project constructs tolled express lanes in each direction between the I-15/Cajalco Road interchange in Corona and the I-15/SR-60 interchange just south of the Riverside/San Bernardino County line (approximately 14 miles).

I-215 PLACENTIA INTERCHANGE PROJECT

Riverside County Transportation Commission | Riverside, CA

July assisted the Project Manager with the acquisition of 2 full takes in this interchange project. She was responsible for all case work notices, offer packages and closing documents.

MID COUNTY PARKWAY-PLACENTIA INTERCHANGE PROJECT

Riverside County Transportation Commission | Riverside, CA

As an agent, July assisted the Project Manager with acquisition and relocation tasks. She was responsible for preparation of offer letters and required notices. She assisted with schedule and document management.

BRISTOL STREET WIDENING PROJECT, PHASES 3A AND 3B

City of Santa Ana | Santa Ana, CA | 2014 - 2017

As an agent, July transmitted documents to client, prepared relocation claim documents, and delivered funds to property owners and tenants. She prepared cost estimates, acquisition, relocation, and property management services associated with different phases of this project. As an agent, she successfully acquired 12 residential full acquisition properties and 4 residential partial acquisition properties out of 18 case files. July prepared all offer packages, notices and successfully permanently relocated 5 owner-occupied residential properties, 1 permanent business property (gas station), 5 permanent tenant-occupied residential properties, and 3 permanent owner-occupied residential properties.

JULY AT A GLANCE



WICKED FAST AND
ACCURATE



KEEPS THE PROJECT
MOVING



MASTER OF
SPREADSHEETS



MULTI-LIGUAL



EXCEPTIONAL
COMMUNICATOR

ALEX FLORES

AGENT

monument



Alex has over nine years of experience in the real estate industry. He is responsible for residential and commercial acquisitions for both public and private sector client. His experience includes real estate management, market analysis, budget administration, and negotiation. Alex is well versed in federal, state, and local rules and regulations as well as the Caltrans Right of Way Manual.

9 YEARS EXPERIENCE



LICENSES

REAL ESTATE SALESMAN

State of California
CA#01990255

NOTARY PUBLIC

State of California



AFFILIATIONS

IRWA

International Right-of-Way
Association

NAR

National Association of
Realtors



FUN FACT!

Alex grew up wanting to be an archaeologist, which sparked his love for traveling. He has spent time in Thailand and plans to check Antarctica off his bucket list someday. When Alex isn't working, you can find him playing basket ball, golfing, or DIY-ing home improvements!

EXPERIENCE

SOUTH LAGUNA TUNNEL STABILIZATION AND SEWER REPLACEMENT PROJECT

South Coast Water District | South Laguna Beach, CA

This project widened and improved an underground sewer tunnel spanning two miles of Pacific Coast Highway. Alex is part of the right-of-way team providing acquisition services for this project which involved acquiring upgraded easements, new easements, and fee interest from over 214 properties.

I-405 IMPROVEMENT PROJECT

OCTA | Orange, CA

This project is for the creation of new tolled express and general purpose lanes and miscellaneous widening improvements along the I-405 between SR-73 and I-605. As an agent, Alex was responsible for the coordination of cleanups and inspections for the closeout of the project. He also drafted closing documents for recording and obtaining TCE relinquishments.

AVE S-8 AND 40TH ST E ROUNDABOUT PROJECT

City of Palmdale | Palmdale, CA

As an Acquisition Agent for this road improvement project, Alex was responsible for preparing offer documents and presenting and negotiating offers to property owners. He worked with five property owners to acquire part takes on residential and vacant land.

PEDESTRIAN GAP CLOSURES

City of Lancaster | Lancaster, CA

Acquisition Agent. Alex was responsible for preparing offer documents and presenting and negotiating offers to property owners. Alex coordinated with four different property owners to acquire part takes on vacant and residential land.

Avenue J Interchange. Acquisition Agent. Alex was responsible for preparing offer documents and presenting and negotiating offers to property owners. He worked with two different property owners to acquire full takes for vacant land.

I-10 EXPRESS LANES PROJECT

San Bernardino County Transportation Authority | San Bernardino County, CA

San Bernardino County Transportation Agency (SBCTA) in coordination with Caltrans proposed adding tollway lanes along the 33-mile segment of I-10 between the Los Angeles/San Bernardino County border and Ford Street in San Bernardino County to reduce traffic congestion. This high profile, politically-sensitive project involves over 450 partial acquisitions and complex partial acquisitions. As an Agent, Alex was responsible for part-take acquisitions as well as complex acquisitions of residential, commercial, and industrial parcels.

ALEX'S EXPERIENCE CONTINUED

PARAMOUNT BLVD. AT IMPERIAL HIGHWAY IMPROVEMENT PROJECT

City of Downey | Downey, CA

Acquisition agent. Alex was responsible for preparing offer documents and presenting and negotiating offers to property owners. He worked with 8 different parcels to acquire part takes for commercial and residential land and coordinated appraisal services.

7673 HALL AVE RELOCATION

County of Orange | Orange, CA

As an Agent, Alex conducted interviews for residential tenant occupants. He created tenant notification letters, notices of eligibility, and comparable housing analysis along with housing referrals for the relocation of 10 tenants. Alex reviewed and explained Notices of eligibility with tenants and Coordinated with the appraisal company.

SR-91 CIP SURPLUS LAND SALE

Riverside County Transportation Commission | Riverside County, CA

Alex was the agent responsible for Public Agency notices, preparing offer packages consisting of analyzing appraisals and legal descriptions. He prepared marketing of parcels, offer submissions, and Purchase Agreements.

A.J. PADEFORD PARK EXPANSION PROJECT

City of Artesia | Artesia, CA

Acquisition Agent. Alex was responsible for preparing offer documents and presenting and negotiating offers to property owners. He worked with five different property owners to acquire part takes on residential and vacant land.

WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE IMPROVEMENT PROJECT

LA Metro | Los Angeles County, CA

Acquisition Agent. Alex was responsible for preparing offer documents and presenting and negotiating offers to property owners. He worked with two different property owners to acquire part takes on residential and vacant land.

ALEX AT A GLANCE



RESIDENTIAL &
COMMERCIAL ACQUISITION
EXPERT



RELOCATION WIZARD



A HANDS ON MANAGER



A GUY YOU LIKE TO WORK
WITH!



MASTER OF FEDERAL
AND STATE LAW

CAMI STIGALL, RWA

AGENT



Cami is experienced in relocation of both residential and commercial owners and tenants. She has assisted project teams with acquisition of full and part takes including easements, partial easement and permanent rights. Cami excels at managing large quantities of data and developing and maintaining project deliverables under the direction of the project manager and client. Cami's responsibilities have included coordination of project materials and research, generating schedules, reports, managing meeting minutes, and updating project information.

3 YEARS EXPERIENCE

PROJECT EXPERIENCE



EDUCATION

MASTERS DEGREE
Reading and Instruction and Administration, Loyola Marymount University, Los Angeles, CA

BACHELORS DEGREE
Psychology, Loyola Marymount University, Los Angeles, CA



LICENSES

REAL ESTATE SALESMAN
State of California
CA#02156107



AFFILIATIONS

IRWA
International Right-of-Way Association

WTS
Women's Transportation Seminar



FUN FACT!

Cami used to be a grade school teacher and has continued her passion for education in fitness. As a fitness instructor, she educates her clients about the importance of body movement and mental awareness. She helps clients find balance in their everyday life.

SOUTH LAGUNA TUNNEL STABILIZATION AND SEWER REPLACEMENT PROJECT

South Coast Water District | South Laguna Beach, CA | DATES? 2021-2022?

This project widened and improved an underground sewer tunnel spanning two miles of Pacific Coast Highway. Cami is part of the right-of-way team providing acquisition services for this project which involved acquiring upgraded easements, new easements, and fee interest from over 214 properties.

STATE ROUTE 49 BIKE AND SIDEWALK IMPROVEMENT

Placer County Transportation Planning Authority | Auburn, CA

This Project will close the gaps between sidewalks in the approximately 4.4-mile Highway 49 corridor between Interstate 80 and Dry Creek Road, creating a continuous sidewalk on at least one side of the highway. Cami is part of the Monument team providing acquisition services and waiver valuations. The right-of-way includes the acquisition of 50 parcels in support of the new sidewalks which include both residential and businesses. A few of the business relocations include a lawn maintenance equipment company, a commercial glass shop, a convenience store, and a car wash.

WEST VALLEY CONNECTOR BUS RAPID TRANSIT PROJECT

San Bernardino County Transportation Commission | San Bernardino, CA | 2020 - Ongoing

This is a 35 mile long street widening to accommodate a bus travel lane including 60 station platforms and 33 intersection improvements. Cami currently supports the Project Manager in oversight and management of the program and four consultant teams. She is responsible for preparation of the RAMP, bid documents for appraisal, right-of-way engineering and right-of-way services. Cami has completed the schedule, client approved documents and reporting structure.

CALIFORNIA HIGH-SPEED RAIL PROJECT

California High-Speed Rail Authority | Fresno, CA | 2019 - Ongoing

The California High-Speed Rail Authority is responsible for planning, designing, building, and the operation of the first high-speed rail system in the nation. Most recently, Cami is a part of the consultant team providing right-of-way support on Construction Package 1, a 23-mile segment between Avenue 19 in Madera County to East American Avenue in Fresno County. Cami assists in an intense conveyance and permit process for the Authority preparing and tracking over 1000 conveyance packages including coordination with owners, utilities and stakeholders.

SAFCA LEVEE IMPROVEMENT PROJECT

Sacramento Area Flood Control Agency | Sacramento Area, CA | 2019 - 2020

As part of SAFCA's levee improvement program, Cami assisted the Project Manager and acquisition team in preparing client status summaries, ordering and analyzing title reports, compiling parcel information, preparing acquisition documents and agreements.

JOEY MENDOZA

PRINCIPAL IN CHARGE



Joey has over 30 years of experience in program and project management in right-of-way and has delivered a broad spectrum of projects including grade separation, highway expansion, and interchange improvement. He has successfully managed and executed over 10,000 acquisitions, relocations and real estate related transactions for public projects throughout California. He is considered one of the industry leaders in right-of-way program management, preparation of detailed project management plans, cost estimates and budgetary reports for large public sector projects.

33 YEARS EXPERIENCE

EDUCATION

COURSEWORK
Business Administration,
California State University,
Long Beach

LICENSES

REAL ESTATE BROKER
State of California
CA#01144860

AFFILIATIONS

IRWA
International Right-of-Way
Association

WTS
Women's Transportation
Seminar

ACEC
American Council of
Engineering Companies

FUN FACT!

When he isn't strategizing about project delivery, Joey can be found in his man cave woodworking with his assistant, his English bulldog. He likes to build custom furniture and décor pieces for his family. Joey is a sports fanatic, avid golfer, and world traveler

PROJECT EXPERIENCE

METROLINK SCORE PMSS

Southern California Regional Rail Authority | Los Angeles, CA | 2020 - Ongoing

The Southern California Regional Rail Authority is upgrading several of Metrolink's current regional passenger rail services along the existing San Bernardino line with the objective of improving the safety and reliability of the existing rail system as well as increasing capacity along its existing rail corridor. As Right-of-Way Program Manager, Joey provides oversight and guidance for the coordination of fee and review appraisals for the Prime Contractor.

INGLEWOOD TRANSIT CONNECTOR

City of Inglewood | Inglewood, CA | 2022 - Ongoing

The ITC Project is a 1.6 mile long elevated automated people mover that will provide direct connections between the LA Metro Crenshaw/LAX Line and Inglewood's major employment, commercial, housing, sports and entertainment centers. The Project will have three stations including one at Market Street/Florence Avenue, Manchester Blvd/Prairie Avenue, and Hardy Street/Prairie Avenue with the maintenance and storage facility (MSF) located at Manchester Blvd and E. Spruce Avenue. Monument is assisting the City of Inglewood with strategic planning and implementation. This includes 60 business relocations and 70 acquisitions. Joey is Monument's Project Manager for this landmark Project and is responsible for overall Right-of-Way Project Management and the most challenging Business Relocations.

INTERSTATE 405 IMPROVEMENT PROJECT

Orange County Transportation Authority | Orange, CA | 2015 - Ongoing

Joey is responsible for the development, implementation, and overall delivery of the necessary right-of-way to construct this 16-mile design-build project of the I-405 between State Route 55 and the I-605. This project consisted of 288 partial acquisitions affecting residential, commercial, retail, motels, public facilities, federal lands, and a regional shopping mall, which required right-of-way certification and release to the design-build contractor in segmented parcel groups. Joey led the right-of-way program that includes real estate appraisals, appraisal reviews, parcel mitigation planning, property negotiations, title and escrow, relocation assistance, condemnation coordination, certification, scheduling, cost estimating, risk management, and project closeout. The project boasts 100% of right-of-way delivered on schedule with no delays to construction. The project involved minimal condemnation due to the high settlement rate. Joey was part of a think tank that developed new processes which saved OCTA millions of dollars and accelerated the delivery process. Project Cost: \$1.9 billion including \$145 million in right-of-way capital costs.

JOEY'S PROJECT EXPERIENCE CONTINUED

MOUNT VERNON AVENUE BRIDGE REPLACEMENT PROJECT

San Bernardino County Transportation Commission | San Bernardino County, CA | 2018 - 2020

Joey was responsible for managing the right-of-way acquisition program and oversight of the day-to-day activities of the consultant team for the design-build bridge replacement project. This included acquisition, relocation, title, appraisal, appraisal review, demolition, property management, right-of-way certification, eminent domain support, and construction oversight. Joey was instrumental in the development of the design-build procurement documents, analysis of proposed ATC's, preparation of cost estimates, federal funding authorization applications, and budget and schedule management. Built in 1934, the Mount Vernon bridge has been declared by Caltrans as structurally deficient and functionally obsolete and in desperate need of replacement. The project involves the demolition of the existing bridge and complete construction of a new bridge. The right-of-way associated with this project consisted of 32 full take acquisitions, 12 partial acquisitions and displacement of 45 residential homes. Project Cost: \$250 million including \$17 million of right-of-way capital costs.

CALIFORNIA HIGH SPEED-RAIL PROJECT

California High-Speed Rail Authority | Fresno, CA | 2016 - Ongoing

The California High-Speed Rail Authority is responsible for planning, designing, building, and the operation of the first high-speed rail system in the nation. Joey is a key member of the consultant team providing right-of-way support on Construction Package 1, a 23-mile segment between Avenue 19 in Madera County to East American Avenue in Fresno County. He is responsible for the organization and management of an intense utility conveyance and permit process for the Authority preparing and tracking known and unknown utilities and coordination with owners, utilities and stakeholders.

STATE ROUTE 91 CORRIDOR IMPROVEMENT

Riverside County Transportation Commission | Riverside, CA | 2012 - 2017

Joey was responsible for planning, managing, and implementing a wide array of right-of-way activities during the environmental phase including strategic planning, cost estimating, and market trend analysis; risk identification and management; public outreach; design-build procurement process; corridor analysis, and early and advance acquisition. Joey fully implemented and oversaw the entire right-of-way process, policy development, and coordination with state and federal regulatory agencies. This high-profile, politically sensitive design-build project involved over 450 partial and full acquisitions with varying degree of difficulty, and approximately 250 residential and business relocations. This project widened approximately 16 miles of active highway through the urbanized area of Corona and the County of Riverside. Project Cost: \$1.3 billion including \$250 million of right-of-way capital costs.

STATE ROUTE 91 HIGH OCCUPANCY VEHICLE GAP CLOSURE

Riverside County Transportation Commission | Riverside, CA | 2010 - 2014

Joey was responsible for this seven-mile freeway widening project through the developed corridor of Downtown Riverside. The right-of-way associated with this project consisted of significant partial acquisitions affecting commercial, retail, and public agency facilities, acquisition of railroad properties, and relocation of several complex businesses. Joey was responsible for overall management and implementation of the right-of-way delivery process, as well as coordination with the various disciplines for project design, right-of-way engineering, appraisal, environmental, Riverside County Transportation Commission (RCTC) counsel, and California Department of Transportation (Caltrans) functional leads. Project Cost: \$650 million including \$50 million in right-of-way costs.

JOEY AT A GLANCE



JOEY HAS SAVED CLIENTS
OVER 50 MILLION DOLLARS
IN 5 YEARS



EXPERT IN DESIGN-BUILD
AND DESIGN-BID-BUILD



SKILLED AT IDENTIFYING
AND MANAGING RISK



RESPECTED BY HIS
CLIENTS FOR HIS
KNOWLEDGE



ABLE TO BRING PARTIES
TOGETHER FOR
SUCCESS

"The company leadership includes Mr. Joey Mendoza who is extremely well versed in acquisition and relocation elements and second to none in understanding the industry. Knowledgeable clients already understand that having Joey on your team means delivering a successful acquisition program that will exceed your needs."

**- JOE TOOLSON
VICE PRESIDENT, MOTT
MACDONALD**

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
ACQUISITION INCENTIVE PROGRAM MEMORANDUM

EXHIBIT
8-EX-29 (1/2019)
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State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency


M e m o r a n d u m

*Serious drought
Help Save Water!*

To: DISTRICT DIRECTORS
DISTRICT REGION RIGHT OF WAY MANAGERS

Date: June 12, 2014

File: Acquisition

From: BRENT L. GREEN 
Chief
Division of Right of Way and Land Surveys

Subject: **ACQUISITION - INCENTIVE PAYMENT PROGRAM**

The Federal Highway Administration (FHWA), Office of Real Estate Services has determined that the FHWA may participate in right-of-way acquisition incentive payments made under an FHWA approved plan or program. Acquisition incentive payments (Payments) are payments that are over and above the just compensation offer provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). Recent studies on the use of incentive payments on transportation projects demonstrate that they can be effective in decreasing the time needed to acquire and clear needed rights-of-way.

The authority for the FHWA to participate in incentive payments is found in 23 CFR 710.203(b)(2)(ii) which allows Federal participation in relocation assistance and payments provided under the law of the State that may exceed the requirements of 49 CFR Part 24. The FHWA has the general authority to participate in the costs of construction that includes costs of right-of-way acquisition (See 23 U.S.C. § 101(a)(3)). The use of incentive payments for right-of-way acquisition is analogous to the use of incentive/disincentive provisions for early completion in contracts for construction of Federal aid projects (See 23 CFR 635.127(d)).

This policy is consistent with the intent of the Uniform Act in that it encourages the expeditious acquisition of real property. Language in the implementing regulation focuses on the assurance that property owners and displaced persons receive at least the level of benefits to which they are entitled.

Considering fluctuating costs and trends for real estate and construction labor and materials, as well as the negative public perception of the court expense and project delay costs associated with the application of eminent domain, it is clearly in the public interest to use any tool available to produce transportation projects quickly with as little reliance on condemnation as possible.

The California Department of Transportation (Caltrans) is authorized to make incentive payments under California Law. Although California statutes do not specifically address incentive payments, they do require that written offers to owners for the purchase of their property be based on the fair market value of the property (just compensation). Caltrans has long

*"Provide a safe, accessible, integrated and efficient transportation system
to enhance California's economy and livability"*

ACQUISITION INCENTIVE PROGRAM MEMORANDUM (CONT.)

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DISTRICT DIRECTORS
DISTRICT REGION ROW MANAGERS
June 12, 2014
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applied administrative settlements (justified offers above appraised amounts) during negotiations which have as their foundation the appraised value. Similarly, Payment amounts will be based on the appraised value. In fact, the use of Payments does not preclude the use of administrative settlements and each administrative settlement will require independent support.

The procedures on Payments incorporate the same level of safeguard against coercive negotiation practices as do standard Caltrans Right of Way procedures. Per Federal regulation, Caltrans is required to allow at least thirty (30) days for property owners to consider an offer prior to initiating the condemnation process (See 49 CFR 24.102(f) and Appendix A). Projects and parcels acquired using acquisition incentive offers will be subject to the same quality control and quality assurance processes that are used for all Caltrans Right of Way activities.

The Division of Right of Way and Land Surveys is implementing an acquisition incentive program to encourage property owners to sign Right of Way (ROW) contracts within sixty (60) days of the Initiation of Negotiations (ION) or any offer based on an approved appraisal revision. Payments will be offered for both permanent and temporary acquisitions.

The Payment for a permanent or temporary acquisition will be based on a lump sum payment of 10% of the appraised value of all parcels under the same ownership with a minimum payment of \$1,000 and a maximum payment of \$100,000.

Acquisition Type	Incentive Amount	Minimum Payment	Maximum Payment
Temporary or Permanent	10% of Appraisal	\$1,000	\$100,000

The Payment amount will be calculated on the final appraised value and will then be rounded separately from the final appraised value based on the rounding rules found in Section 7.02.11 of the Right of Way Manual.

Example 1:

Appraised Value	\$	22,400.00
Calculated at 10%	\$	2,240.00
Rounded (R/ W Manual 7.02.11)	\$	2,250.00
Incentive Payment for Acquisition	\$	2,250.00

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ACQUISITION INCENTIVE PROGRAM MEMORANDUM (CONT.)

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Example 2:

Appraised Value	\$	359,000
Calculated at 10%	\$	35,900
Rounded (R/ W Manual 7.02.11)	\$	35,900
Incentive Payment for Acquisition	\$	35,900

Example 3:

Appraised Value	\$	2,658,000
Calculated at 10%	\$	265,800
Maximum Incentive Payment = \$100,000.00	\$	100,000
Incentive Payment for Acquisition	\$	100,000

The Payment is a standing offer for sixty (60) days. The 60 days starts with the Initiation of Negotiations (ION) as day one (1). The 60 days includes weekends and holidays. For mailed offers it starts on the date the offer was received by certified mail.

If the 60th day falls on a weekend or holiday and the agent working with the grantor will not be available to conduct business with the grantor, the agent may end the incentive period on the first state working day after the 60 day period is complete. Personal leave of the agent working with the grantor will not be cause to extend the incentive period. An alternate agent should be identified to address the issue.

The Payment offer will end at the execution of the right of way contract or at 5:00 pm of the 60th day if a right of way contract has not been signed by the grantor. The 60 days will restart with a new offer based on an approved appraisal revision if one is deemed necessary by Caltrans. An appraisal revision may result in a change in the Payment amount.

The Payment is a standing offer for sixty days regardless of Caltrans initiating eminent domain proceedings. Additionally, this time period will be sufficient to allow the property owner the opportunity to obtain their own appraisal where Caltrans pays the reasonable cost of the appraisal up to \$5,000 as provided by California Code of Civil Procedure section 1263.025.

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The following clause will be used in Right of Way contracts when the Payment program is used on a project:

“In addition to the Fair Market Value, it is agreed by and between the parties hereto that the amount in clause ~~##~~ above includes the sum of \$ _____ as an incentive to the grantor for the timely signing of this Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE).”

The Payment program may be used on any project that will benefit a district or region. If the Payment program is used on a project it must be applied to all parcels in the project regardless of type, size, appraisal amount, or ownership including public agencies.

The Payment program has the potential to add significant costs to Right of Way capital expenses. Project estimates (i.e., ROW data sheets and/or related documents) may need to be updated to reflect additional costs of Payments. It is advisable to consult with the District/Regional Right of Way Planning and Management Office and the Project Manager to ensure the project has funds available to participate in the Payment program. In order to track these Payments, attached is a sample Federal Participation Memo with the appropriate coding to be used.

While this is the initial Caltrans Payment program, other similar incentive programs may be developed that have different formulae for determining the amounts and/or situations (i.e. Relocation Assistance Program incentives). Such other incentive programs will be established via separate memoranda.

cc: Suzette M. Musetti, Chief, Office of Appraisals and Local Programs, ROW/LS
Mark Turner, Chief, Office of Land Surveys, ROW/LS
Michael J. Rodrigues, Chief, Office of Real Property Services, ROW/LS
Rene Fletcher, Chief, Office of Project Delivery, ROW/LS
Ben Martin, Chief, Office of Railroads & Utility, ROW/LS
Lori Brownell, Chief, Office of Planning & Management, ROW/LS
Paul Pham, Senior Right of Way Agent, ROW/LS
Robert W. Dauffenbach, Senior Right of Way Agent, ROW/LS
Mark Zgombic, Senior Right of Way Agent, ROW/LS
Melani Millard, FHWA

This content is from the eCFR and is authoritative but unofficial.

Title 23 –Highways**Chapter I –Federal Highway Administration, Department of Transportation****Subchapter H –Right-of-Way and Environment****Part 710 –Right-of-Way and Real Estate****Subpart B –Program Administration**

Source: 81 FR 57729, Aug. 23, 2016, unless otherwise noted.

Authority: Secs.1302 and 1321, Pub. L. 112–141, 126 Stat. 405. Sec. 1307, Pub. L. 105–178, 112 Stat. 107; 23 U.S.C. 101(a), 107, 108, 111, 114, 133, 142(f), 156, 204, 210, 308, 315, 317, and 323; 42 U.S.C. 2000d et seq., 4633, 4651–4655; 2 CFR 200.311; 49 CFR 1.48(b) and (cc), parts 21 and 24; 23 CFR 1.32.

Source: 64 FR 71290, Dec. 21, 1999, unless otherwise noted.

§ 710.203 Title 23 funding and reimbursement.

- (a) **General conditions.** Except as otherwise provided in § 710.501 for early acquisition, a State agency only may acquire real property, including mitigation property, with title 23 grant funds if the following conditions are satisfied:
- (1) The project for which the real property is acquired is included in an approved Statewide Transportation Improvement Program (STIP);
 - (2) The grantee has executed a project agreement or other agreement recognized under title 23 reflecting the Federal funding terms and conditions for the project;
 - (3) Preliminary acquisition activities, including a title search, appraisal, appraisal review and waiver valuation preparation, preliminary property map preparation and preliminary relocation planning activities, limited to searching for comparable properties, identifying replacement neighborhoods and identifying available public services, can be advanced under preliminary engineering, as defined in § 646.204 of this chapter, prior to completion of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321, et seq.) review, while other work involving contact with affected property owners for purposes of negotiation and relocation assistance must normally be deferred until after NEPA approval, except as provided in § 710.501, early acquisition; and in § 710.503 for protective buying and hardship acquisition; and
 - (4) Costs have been incurred in conformance with State and Federal requirements.
- (b) **Direct eligible costs.** Federal funds may only participate in direct costs that are identified specifically as an authorized acquisition activity such as the costs of acquiring the real property incorporated into the final project and the associated direct costs of acquisition, except in the case of a State that has an approved indirect cost allocation plan as stated in § 710.203(d) or specifically provided by statute. Participation is provided for:
- (1) **Real property acquisition.** Usual costs and disbursements associated with real property acquisition as required under the laws of the State, including the following:
 - (i) The cost of contracting for private acquisition services or the cost associated with the use of local public agencies;

- (ii) Ordinary and reasonable costs of acquisition activities, such as, appraisal, waiver valuation development, appraisal review, cost estimates, relocation planning, ROW plan preparation, title work, and similar necessary ROW related work;
 - (iii) The compensation paid for the real property interest and costs normally associated with completing the purchase, such as document fees and document stamps. The costs of acquiring options and other contractual rights to acquire an interest in land, rights to control use or development, leases, ROWs, and any other similar action to acquire or preserve rights-of-way for a transportation facility are eligible costs when FHWA determines such costs are actual, reasonable and necessary costs. Costs under this paragraph do not include salary and related expenses for an acquiring agency's employees (see payroll-related expenses in paragraph (b)(5) of this section);
 - (iv) The cost of administrative settlements in accordance with 49 CFR 24.102(i), legal settlements, court awards, and costs incidental to the condemnation process. This includes reasonable acquiring agency attorney's fees, but excludes attorney's fees for other parties except where required by State law (including an order of a court of competent jurisdiction) or approved by FHWA;
 - (v) The cost of minimum payments and waiver valuation amounts included in the approved ROW manual or approved RAMP; and
 - (vi) Ordinary and reasonable costs associated with closing, and costs of finalizing the acquisition.
- (2) **Relocation assistance and payments.** Usual costs and disbursements associated with the following:
- (i) Relocation assistance and payments required under 49 CFR part 24; and
 - (ii) Relocation assistance and payments provided under the laws of the State that may exceed the requirements of 49 CFR part 24, except for relocation assistance and payments provided to aliens not lawfully present in the United States.
- (3) **Damages.** The cost of severance and/or consequential damages to remaining real property resulting from a partial acquisition, actual or constructive, of real property for a project based on elements compensable under State law.
- (4) **Property management.** The net cost of managing real property prior to and during construction to provide for maintenance, protection, and the clearance and disposal of improvements until final project acceptance.
- (5) **Payroll-related expenses.** Salary and related expenses (compensation for personal services) of employees of an acquiring agency for work on a project funded by a title 23 grant are eligible costs in accordance with 2 CFR part 225 (formerly OMB Circular A-87), as are salary and related expenses of a grantee's employees for work with an acquiring agency or a contractor to ensure compliance with Federal requirements on a title 23 project if the work is dedicated to a specific project and documented in accordance with 2 CFR part 225.
- (6) **Property not incorporated into a project funded under title 23, United States Code.** The cost of property not incorporated into a project may be eligible for reimbursement in the following circumstances:

- (i) **General.** Costs for construction material sites, property acquisitions to a logical boundary, eligible Transportation Alternatives (TA) projects, sites for disposal of hazardous materials, environmental mitigation, environmental banking activities, or last resort housing; and
 - (ii) **Easements and alternate access not incorporated into the ROW.** The cost of acquiring easements and alternate access points necessary for highway construction and maintenance outside the approved ROW limits for permanent or temporary use.
- (7) **Uneconomic remnants.** The cost of uneconomic remnants purchased in connection with the acquisition of a partial taking for the project as required by the Uniform Act.
- (8) **Access rights.** Payment for full or partial control of access on an existing road or highway (*i.e.*, one not on a new location), based on elements compensable under applicable State law. Participation does not depend on another real property interest being acquired or on further construction of the highway facility.
- (9) **Utility and railroad property.**
 - (i) The cost to replace operating real property owned by a displaced utility or railroad and conveyed to an acquiring agency for a project, as provided in 23 CFR part 140, subpart I, Reimbursement for Railroad Work, and 23 CFR part 645, subpart A, Utility Relocations, Adjustments and Reimbursement, and 23 CFR part 646, subpart B, Railroad-Highway Projects; and
 - (ii) Participation in the cost of acquiring non-operating utility or railroad real property shall be in the same manner as that used in the acquisition of other privately owned property.
- (c) **Withholding payment.** The FHWA may withhold payment under the conditions described in 23 CFR 1.36 for failure to comply with Federal law or regulation, State law, or under circumstances of waste, fraud, and abuse.
- (d) **Indirect costs.** Indirect costs may be claimed under the provisions of 2 CFR part 225 (formerly OMB Circular A-87). Indirect costs may be included on billings after the indirect cost allocation plan has been prepared in accordance with 2 CFR part 225 and approved by FHWA, other cognizant Federal agency, or, in the case of an SDOT subgrantee without a rate approved by a cognizant Federal agency, by the SDOT. Indirect costs for an SDOT may include costs of providing program-level guidance, consultation, and oversight to other acquiring agencies and contractors where ROW activities on title 23-funded projects are performed by non-SDOT personnel.

Section 24.11 Adjustments of Payments

The FHWA proposes to add a new section to the regulation to implement the new provision in MAP-21 at Section 1521(d)(2) which provides that if the head of the Lead Agency determines that the cost of living, inflation, or other factors indicate the relocation assistance benefits should be adjusted to meet the policy objectives of the Uniform Act, that the head of the Lead Agency may adjust: The amounts of relocation benefits for reestablishment expenses-nonresidential moves; fixed payment for moving expenses-nonresidential moves; replacement housing payment for 90-day homeowner-occupants; and replacement housing payment for 90-day tenants and certain others.

Prior to MAP-21, FHWA led research projects to examine whether inflation had an effect on relocation benefit levels. The research concluded that since publication of the final rule in 1989, the benefit levels were not able to meet the policy objectives of the Act due to inflation.

The FHWA's research focused primarily on the use of indexes as a tool to evaluate inflation's effects on Uniform Act benefits. In considering the most appropriate indexes, several Consumer Price Indexes appeared to provide a suite of goods and services that are related to housing and other costs associated with displacement.

The FHWA is proposing to evaluate inflation's effect on the benefits for reestablishment for nonresidential moves, fixed payment for non-residential moving expenses, replacement housing payments for 90-day owners, and rental assistance payments for 90-day tenants and certain others by using the Consumer Price Index for All Urban Consumers (CPI-U) Seasonally Adjusted.^[2] Guidelines FHWA used in choosing this index:

1. The CPI-U is a measure of the average change in consumer prices over time for a fixed market basket of goods and services, including food, clothing, shelter, fuels, transportation, and charges for medical and dental services and drugs. The all urban consumers group represents about 87 percent of the total U.S. population. It is based on the expenditures of almost all residents of urban or metropolitan areas, including professionals, the self-employed, the poor, the unemployed and retired persons as well as urban wage earners and clerical workers. Bureau of Labor Statistics (BLS) publishes a CPI-U report monthly and releases an Annual Report at the end of each fiscal year.
2. It is available on a monthly basis, free of charge and can be expected to be tabulated regularly into the future. The CPI-U is widely used by other Federal Agencies including FEMA and HUD.
3. The CPI-U is used by other Federal Agencies for inflation adjustment indexing. The CPI-U is produced by the BLS and is subject to verification and oversight.

Additional information on consumer price indexes can be found on the Bureau of Labor Statistics website.^[3] The FHWA is proposing that this determination of whether an increase in benefit amounts is necessary would be made no more frequently than every 5 years. If the FHWA determines that the cost of living, inflation, or other factors indicate the relocation assistance benefits should be adjusted to meet the policy objectives of the Uniform Act, FHWA

will issue a **Federal Register** notice of that determination and the specific adjustments of the relocation assistance benefits that are being made. The FHWA believes Federal and State partners will benefit from several years of stable and predictable regulatory benefit amounts.

The FHWA proposes a new item in appendix A, *Section 24.11*, which provides a sample calculation showing how FHWA will determine whether future adjustments to these benefit amounts should be proposed. In addition to a temporal limit on adjustments, FHWA attempted to identify an inflationary impact threshold or other regulatory condition indicating when an adjustment should be proposed. The FHWA recognizes that prior to MAP-21, relocation benefit amounts had not been adjusted for several decades. The FHWA welcomes comments on use of the CPI-U Seasonally Adjusted Index, and suggestions on the inflationary impact threshold that would warrant adjustments to the maximum benefit amounts.

- I. Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the agency.
- J. Physical changes to the real property at the replacement location of a business or farm operation except as provided as a reestablishment expense.
- K. Costs for storage of personal property on real property already owned or leased by the displaced person.
- L. Refundable security and utility deposits at the replacement location.

12-8.2.3 Reestablishment Expenses

49 CFR 24.304
RCW 8.26.035(1)(d)
WAC 466-100-305

In addition to actual move costs, a small business, farm, or nonprofit organization may be eligible to receive a payment, not to exceed \$50,000, for expenses incurred in reestablishing their operations at a replacement location.

Claims for reestablishment expenses must be considered by WSDOT to be "actual, reasonable, and necessary." In this context, reasonable means the costs are typical in the geographic area in which the displacement occurred for the type of goods or services being purchased. Necessary means that such goods or services are needed to carry out the reestablishment of the business in conformance with the requirements of the Uniform Act. The test for reestablishment expenses at times may deal with comparing or matching amenities or characteristics of the replacement site against the displacement site. Also, the test is one of necessity, i.e., is the expense necessary to reestablish the displaced business. This may be the main criteria when a business owner changes business use at the replacement site.

General guidelines for the region Relocation Specialist to follow:

- Market test – determine the availability of suitable replacement sites that are functional and similar to the subject site.
- Is the claim submitted typical of the area or nature of the business operation?
- Is it really needed in order to carry out the move of the business?
- Is the business reestablishing at a level greater than what they currently operate?
- What is the size of the building where they currently conduct business?
- When dealing with redecoration expenses, the region Relocation Specialist will need to determine if the items in question are serviceable or if it can be fixed

EXHIBIT 5



Date Adopted: May 20, 2019
Last Updated: December 19, 2018

The displacee may elect to claim a reimbursement using one or a combination of any of the above described methods.

The following non-residential moving related expenses are also reimbursable if the Agency determines that they are actual, reasonable and necessary.

Connections to available nearby utilities from the ROW to improvements at the replacement site.

Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displacee's business operation including, but not limited to, soil testing, feasibility, and marketing studies, excluding any fees or commissions directly related to the purchase or lease of such site.

Impact fees or one-time assessments for anticipated heavy utility usage, as determined to be necessary by the Agency.

Additionally, when the displacee settles on a replacement site, a subsequent scope of work should be developed that includes any anticipated treatments necessary to help reestablish the business at the replacement site. The costs of these treatments, commonly termed reestablishment expenses, are eligible for reimbursement in accordance with 24.304. Reimbursement of eligible reestablishment related expenses is limited by NH RSA 124: A: 3 (d),

to a maximum of one hundred thousand (\$100,000) dollars. Eligible reestablishment expenses include but are not limited to:

Repairs or improvements to the replacement real property as required by Federal, State or local code.

Modifications to the replacement property to accommodate the business or make the replacement structures suitable for conducting business

Construction and installation costs of exterior signing to advertise the business

Redecoration or replacement of soiled or worn surfaces at the replacements site such as paint, paneling or carpeting

Advertisement of the replacement location

Estimated increased costs of operation during the first two years at the replacement site for items such as:

Lease or rental charges;

Personal or real property taxes;

Insurance premiums;

Utility charges, excluding impact fees.

Other items that the Agency considers to be essential to the reestablishment of the business

24.304(b) identifies a non-exclusive list of expenses that are not considered to be reasonable, necessary or otherwise eligible for reestablishment reimbursement. They are:

Purchase of capital assets such as furniture, machinery, etc.

Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation

Interest on money borrowed to make the move or purchase the replacement property

Payments to a part-time business in the home which does not contribute materially (defined at 24.2(a) (7)) to the household income.

There is also a mechanism for a displaced non-residential person to be reimbursed for anticipated moving and reestablishment costs by requesting a fixed payment, in lieu of the other costs is

EXHIBIT 6

ADDENDUM

This Addendum contains copies of public comments received on this Relocation Plan and LACMTA's responses to those comments. Public comments on the Relocation Plan were solicited for 30 days from October 14, 2023 through November 15, 2023. Notice of the Plan's availability for review was distributed to the public in a variety of ways. Notice that hard copies of the Relocation Plan were available at 3 local libraries for public comment and that the plan was also posted on the Project's website was mailed to all impacted property owners and displacees. Notices of the plan's availability at the libraries and on the project website appeared in both English and Spanish in the El Sol newspaper's hard copy and electronic editions. Two separate email blasts were sent to prominent community stakeholders to solicit comment. In addition, notices of the plan's availability for comment was announced at two community meetings on October 25 and November 2, 2023. The plan's availability was also announced on the social media site "NextDoor". As a result of this outreach, two comments were received by LACMTA. Responses to both comments were prepared by LACMTA.

The two comments and their corresponding two responses appear on the following pages.

Tuesday, November 14, 2023

As an environmental justice organization in the Northeast San Fernando Valley, Pacoima Beautiful stands as a beacon of commitment to community improvement. Our dedicated team comprises leaders, planners, organizers, health promoters, and advocates striving for a healthier and safer San Fernando Valley (SFV) environment. Through collective action, we envision a community where children, families, and neighbors thrive as influential environmental justice leaders and stewards of our environment. As an integral part of the SFV community, we would like to raise concerns to Los Angeles County Metropolitan Transportation Authority (LACMTA) regarding the East San Fernando Light Rail (ESFV LR) Relocation Plan:

1. Transparent Guidelines for Resident Qualification:

Fully transparent and accountable guidelines for LACMTA Resident Qualification are essential for SFV residents. While collaboration with business owners is mentioned, specific criteria for extended lead time in complex cases require definition, addressing the community's consistent disadvantage. Unlike businesses, residents are restricted to a fixed payment option, which must justify potential patronage loss before relocation. Clarity on acceptable reasons is crucial; for example, businesses supplying local construction goods face unique challenges. Including such standards in guidelines would aid understanding and streamline the application process. LACMTA ensures benefit disbursement upon claim submission, yet concerns arise due to the limited number of relocation agents. The SFV community has repeatedly faced displacement challenges, underscoring the need for efficient submission processing strategies. Displaced individuals' access to legal support services is vital for understanding rights and fostering a fair and transparent relocation process.

2. Community Involvement in Surveys and Environmental Considerations:

As a community-focused organization in SFV, our priority is to elevate project tangible benefits and create a sense of balance with changes that will occur within the next decade as the project is built. We urge LACMTA to continue to do community surveys, and address both the real concerns that residents and local business owners are bringing up, and also address and share the tangible long-term benefits this project will bring. We urge assurance that all survey data collected is shared and all actions from the survey findings align with community demographics and interests in mind. Being environmental justice advocates, we also worry about air quality declines in non-residential areas post-relocation. We encourage LACMTA to set relocation thresholds to maintain air quality standards. If not, we propose a collaborative effort with environmental organizations for effective mitigation in Van Nuys City, where most displacement will occur.

3. Transparent Communication in the Relocation Process:

The relocation process involves a series of steps, and ensuring effective communication with all parties involved is paramount. A call for a transparent visual timeline (suggesting an online dashboard and resource page that is translated in multiple languages and also mailed to impacted tenants/owners) outlining when a tenant or property owner would receive a Notice of Intent to Acquire, a Notice of Eligibility, and a Notice of Vacate seeks to provide clarity and

understanding during this critical period. This visual aid would serve as a guide, reducing uncertainty and fostering a more informed community.

4. Addressing Business Owner Needs and Minimizing Miscommunications:

To boost communication transparency, creating a documented record of in-person discussions is vital, minimizing miscommunications. Encouraging consultants to send follow-up emails summarizing key meeting points enhances clarity and accountability, allowing both parties to confirm details. Ensuring translation services during the entire duration of the claim will ensure a diverse population served and reflect a commitment to inclusivity. This consideration prevents language barriers from compromising the accuracy of claims. Addressing these aspects proactively positions LACMTA to reduce miscommunications, elevate transparency, and underscore a commitment to supporting all business owners, irrespective of language or communication preferences.

5. Tackling Racial Bias in Appraisals and Real Estate Processes:

Addressing the pervasive issue of racial bias in property appraisals and real estate processes is crucial, with significant implications for marginalized communities. LACMTA must acknowledge the challenge and proactively outline concrete strategies to minimize racial bias during appraisals and real estate transactions. Numerous studies have highlighted the consistent devaluation of homes owned by people of color, impacting the community's ability to build wealth. The community seeks clarity on LACMTA's specific measures and accountability strategies, ensuring fair market value and minimizing racial bias at every step of the appraisal and real estate process.

In closing, Pacoima Beautiful emphasizes the importance of transparent guidelines for LACMTA resource qualification, ensuring fairness and equity for SFV residents. We call for community involvement in surveys and environmental considerations, emphasizing the need for tangible benefits. Transparent communication in the relocation process and proactive measures to address business owner needs and minimize miscommunications are crucial for fostering understanding and trust. Tackling racial bias in appraisals and real estate processes is a pressing concern, and we urge LACMTA to outline specific strategies to ensure fair market value and equity for all residents. As proud environmental justice advocates, we look forward to collaborative efforts that prioritize the well-being of our community and uphold the principles of transparency, inclusivity, and fairness.

November 15, 2023

Darryl Root, Real Estate
Los Angeles County Metropolitan Transit Authority (Metro)
sent via e-mail

RE: East San Fernando Valley (ESFV) Light Rail Project Draft Relocation Assistance Plan

The ESFV project is one of the most significant transportation investments the Valley has seen in a generation. Council District 6 (CD6) is expressly interested in seeing that the project provides economic benefits to existing businesses and residents within the Van Nuys Corridor, and conducts a just and transparent process for those in need of relocation. CD6 wants to see Metro and its contractor, Monument, work closely with affected owners and tenants as the project ramps up. CD6 looks forward to Metro being an active steward of its resources to address the negative impacts of ESFV on the affected parcels.

Notes for Consideration

- Funding source and schedule for relocation. The plan notes that Metro will not proceed with displacement until it has secured funds for disbursements. CD6 would like to know what sources of funding Metro will utilize and how they will align funding availability with the displacement/relocation in the timeframe of a complex, multi-year project.
- Availability of the Relocation Counselors and their temporary office: Each relocation counselor should be accessible as possible to displacees, as well as be fluent in additional languages or have access to multilingual support for displacees' preferred language. The Relocation Counselors should also have a regular monthly meeting with CD6 Planning and Field staff to review and address issues with the displacees. The temporary site office should have these counselors available through the life of the project, beyond the required timeframe of the claims process.
- Relocation Payments should be made as efficient and accessible as possible. For cases of hardship, CD6 wants more information on how Metro can authorize advance payments, and whether those can be determined by more than just income. CD6 would also like information on how Metro will consider citizenship status regarding eligibility for payments, as well as flexibility in the process for a displaced person to note if they want to choose the rental vs purchase option for a dwelling unit. Metro should also be able to accommodate and make payments to displacees who may be "unbanked" and eligible for programs such as CalAccount.



Metro

November 16, 2023

Pacoima Beautiful
12510 Van Nuys Blvd
Suite 302
Pacoima, California 91331

Subject: Comments on Draft Relocation Plan for the East San Fernando Valley Light Rail Transit Project

Dear Pacoima Beautiful:

Thank you for your recent comments on the Draft Relocation Plan for the East San Fernando Valley Light Rail Transit Project (ESFV Project). We appreciate your thoughts and have responded to them below.

1. Transparent Guidelines for Resident Qualification

The Los Angeles County Metropolitan Transportation Authority (LACMTA) shares your emphasis on the need for effective and transparent communication to displaced residents and businesses. LACMTA and its chosen relocation consultant, Monument Right of Way Services (Monument), will provide all displacees with the necessary information to qualify for eligible relocation benefits consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (URA) as amended. The information will be provided in a clear, transparent manner and displacees will be given opportunities to ask questions and receive advisory services throughout the relocation process.

To clarify, all residential displacees, whether tenant or owners, will be eligible to qualify for moving benefits for their personal property. Residential tenants can qualify for a rental supplement to lease another dwelling or they can use the rental supplement for a downpayment on the purchase of a replacement dwelling, if they choose. Residential owner-occupant displacees can qualify for a purchase price differential, closing costs on the purchase of a replacement dwelling, and a mortgage differential payment.

To further clarify, business displacees have two options. The first option is that they can qualify for moving benefits, re-establishment benefits and related non-residential benefits. The second option is that businesses can elect a fixed moving payment. One requirement to receive this fixed payment is that the business must have a "substantial loss of its existing patronage" as a result of the relocation, as per 49 CFR 24.305. However, the business is presumed to meet this requirement unless LACMTA determines that such a

loss of patronage would not occur. Such a determination would be extremely unlikely due to the types of the businesses being displaced by the ESFV Project.

As stated, LACMTA has augmented its relocation staff through the use of Monument and will ensure all displacees will have proper access to relocation resources for all relocation tasks, including claim submission. Monument is very well qualified to provide relocation services as it has decades of staff experience in helping business and residential displacees successfully relocate in the Los Angeles area.

2. Community Involvement in Surveys and Environmental Considerations:

LACMTA shares your emphasis on addressing resident concerns throughout the relocation process. LACMTA will leverage the expertise of our relocation agents and Community Relations staff to be sensitive to concerns raised by residents and respond accordingly. We also agree that the benefits of the ESFV Project need to be shared and explained to the community and will continue to do so. In addition, all displaced businesses will be required to observe air quality standards at their replacement sites and obtain all applicable permits under applicable regulations.

3. Transparent Communication in the Relocation Process:

LACMTA agrees that a transparent relocation process is important to all displacees. This transparency will include individualized advisory services tailored to the needs of each displacee. These advisory services will include developing an individualized move plan for each displacee. This moving plan will include discussing project milestones and schedule and the corresponding sequencing of necessary notices (Notice of Intent to Acquire, Notices of Eligibility, Notices to Vacate, ect.). Each business will have a relocation schedule tailored to its needs and the needs of the ESFV Project. Under no circumstances will a business be required to relocate with less than 90 days notice and we have allowed for at least 9 months of relocation support before those 90 day notices are sent.

4. Addressing Business Owner Needs and Minimizing Miscommunications:

LACMTA agrees that clear communications with displacees is essential. Relocation agents are required to keep a daily written diary of all communications and interactions with displacees. They are also required to timely follow up with all displacees throughout the relocation process. Part of that follow-up would include email summaries of points discussed and verbal communications as necessary. In addition, translation services, when requested, will be provided to the displacees for verbal discussions and written documents.

5. Tackling Racial Bias in Appraisals and Real Estate Processes:

Pacoima Beautiful Draft Relocation Plan Comment Response
East San Fernando Valley Light Rail Transit Project
November 16, 2023
Page 3

LACMTA will adhere to the guidelines detailed in Title VI of the Civil Rights Act of 1964. Every displacee receives a brochure at the beginning of the relocation process that details LACMTA's commitment to follow Title VI. This brochure clearly states that all activities related to the acquisition of real property will be provided without regard to race, color or national origin in compliance with Title VI. It also provides information to the displacee on how to contact LACMTA if they believe they have suffered discrimination as per Title VI and how to file a complaint. The brochure further states that discriminatory conduct by its employees, contractors, or consultants will not be tolerated. LACMTA will address any complaints about racial bias in compliance with Title VI and its brochure. It should also be noted that California law requires the highest price that a willing buyer and willing seller would have otherwise reached.

LACMTA appreciates your comments on its draft relocation plan and shares your commitment to transparency, inclusivity and fairness. We look forward to working with you on this very important transit project.

Sincerely,



Holly Rockwell
Senior Executive Officer
Countywide Planning and Development



Metro

November 16, 2023

Lamont B. Cobb
City Hall, Room 470
200 North Spring Street
Los Angeles, CA 90012

Subject: Comments on Draft Relocation Plan for the East San Fernando Valley Light Rail Transit Project

Dear Mr. Cobb:

Thank you for your recent comments on the Draft Relocation Plan for the East San Fernando Valley Light Rail Transit Project (ESFV Project). We appreciate your thoughts and would like to respond to them as discussed below.

The Los Angeles County Metropolitan Transportation Authority (LACMTA) will use a variety of state and federal funding sources for its relocation activities. LACMTA prepares annual budgets for the ESFV Project that take into account the funding needed to accomplish real estate activities on an annual basis to align with project objectives. This process has been followed on the ESFV Project and will continue to be followed during the duration of the project to ensure availability of funding for acquisition and relocation purposes.

Relocation agents, whether they be LACMTA staff or the chosen consultants from Monument Right of Way Services (Monument), will be engaged with and available to displacees for the duration of the project to ensure that appropriate relocation services are rendered. Various members of both Monument and LACMTA staffs are English/Spanish bilingual. However, they will also have access to multilingual translation services if needed to assist displacees. Monument is very well qualified to provide relocation services as it has decades of staff experience in helping business and residential displacees successfully relocate in the Los Angeles area.

We welcome a monthly meeting between relocation agents and CD6 planning and field staff to provide updates and progress reports. As more relocation activities begin occurring, LACMTA will continue to assess the need for such a temporary office and coordinate with other Metro programs including Business Interruption Fund, Eat/Shop/Play and Community Leadership Council.

LACMTA agrees that relocation benefit payments should be as efficient and accessible as possible. Relocation agents will advise displacees on how to file claims for benefits and process those claims efficiently. In regards to advance payments, LACMTA follows

the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (URA) as amended and its implementing regulations. Those regulations state in 49 CFR 24.207 that advance payments should be made to a displacee to avoid or reduce a hardship and that “the displacing Agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.” A displacee’s income is not a factor in issuing advance payments.

Concerning the citizenship of displacees, the URA requires displacees to be lawfully present in the U.S. in order to receive benefits. Displacees are asked to self-certify their lawful presence. The ESFV Project is receiving federal funding and must abide by URA guidelines.

LACMTA will assist any residential displacee in determining whether they would rather rent or purchase a replacement location and discuss how available relocation benefits affect that decision. LACMTA will give advisory services and describe the requirements and flexibilities within the URA in order to accomplish the displacee’s housing objectives. LACMTA and its relocation agents will also be sensitive to any “unbanked” displacees, however almost all displacees are businesses and likely have active bank accounts. If “unbanked” displacees are discovered, LACMTA will explore alternative options for payment including CalAccount.

LACMTA appreciates your comments on its relocation plan and looks forward to keeping you updated on this very important transit project.

Sincerely,



Holly Rockwell
Senior Executive Officer
Countywide Planning and Development



EAST SAN FERNANDO VALLEY LIGHT RAIL PROJECT RELOCATION PLAN AND ACQUISITION AND RELOCATION PILOT PROGRAM



**BOARD MEETING
NOVEMBER 30, 2023**

Recommendation

Consider:

- Approving a Pilot Program to reduce hardships for property owners by incorporating streamlined acquisition and relocation procedures for right-of-way delivery for the East San Fernando Valley Light Rail Project
- Approving the East San Fernando Valley Light Rail Project Relocation Plan

ESFV Relocation Plan

Relocations:

- ✓ Up to 80 displacements, including 3 residential displacements and 18 off-site landlords
- ✓ Displaced businesses include: Automotive Repair and Sales, Restaurants/Nightclubs, Retail Stores, Check Cashing, Marble and Granite Sales, Law Office, Veterinarian, and Recycling Center

Relocation Plan:

- ✓ Describes LACMTA's procedures for carrying out relocation activities.
- ✓ Outlines how to qualify for relocation benefits.
- ✓ Provides information on the time allowed to vacate impacted parcels.
- ✓ Guarantees that LACMTA will follow both State and Federal regulations.
- ✓ Includes pilot program for Acquisitions and Relocations.
- ✓ Relocation posted for public comment from October 14, 2023, to November 14, 2023.
- ✓ Requires 2/3 Board approval per California State regulations

Outreach

- ✓ Plan available for comment from October 14th – November 14th
- ✓ Posted on the Metro site, e-mail blasted to 1,979 ESFV stakeholders, newspaper ads, and direct notice in English and Spanish to 83 impacted owners and tenants in both English and Spanish
- ✓ Posted at three project area libraries for review
- ✓ Posted on the social media site “NextDoor”
- ✓ Announced on October 25 and November 2nd community meetings
- ✓ Two comments received and responded to in the addendum to the relocation plan

Acquisition Incentive Pilot Program

Acquisition Incentive:

- ✓ Compensation provided to the property owner above the appraised value if the owner signs the acquisition documents within a certain timeframe.

Recommendation:

- ✓ Institute an ESFV pilot program to pay **20% of the approved Just Compensation with a minimum of \$3,500 and a maximum of \$500,000.**
- ✓ Apply the program retroactively to any parcels currently under negotiation when the incentive program is approved.

Benefits:

- ✓ Increased number of voluntary settlements and delivery of right of way
- ✓ Development of good rapport with the property owners
- ✓ Schedule savings by expedited release of property for construction
- ✓ Reduced condemnation costs

Relocation Benefits Pilot Program

Recommendations:

- ✓ Searching costs (time and transportation while searching for a replacement location) - **raise the cap from \$2,500 to \$5k.**
- ✓ Re-establishment (repairs, modifications or improvements to replacement property) - **raise cap from \$25k to \$40k.**
- ✓ In-lieu fixed moving (based on tax returns rather than receipts) - **raised cap from \$40K to \$50k**
- ✓ Actual reasonable moving and related expenses –no Federal/State cap and no change recommended

Benefits:

- ✓ Faster relocations and fewer hardships to displacees, especially small businesses.
- ✓ Accelerated parcel vacancies and schedule savings.
- ✓ Potential lower loss of goodwill claims.

Next Steps

- ✓ Initiate relocation activities in accordance with Relocation Plan
- ✓ Commence implementation of Pilot Program
- ✓ Coordinate with Business Interruption Fund, Eat/Shop/Play, and Community Leadership Council
- ✓ Track metrics for determining effectiveness of pilot program



Thank you



Metro

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

Board Report

File #: 2023-0712, **File Type:** Minutes

Agenda Number: 2.

**REGULAR BOARD MEETING
NOVEMBER 30, 2023**

SUBJECT: MINUTES

RECOMMENDATION

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



COUNCILWOMAN MONICA RODRIGUEZ
SEVENTH DISTRICT

October 25, 2023

% Metro Board Administration
One Gateway Plaza
MS: 99-3-1
Los Angeles, CA 90012

RE: Item 20, East San Fernando Valley (ESFV) Light Rail Project

Honorable Chair Bass and Metro Board Members:

The East San Fernando Valley (ESFV) Light Rail Project (“Project”) is a significant light rail investment for the San Fernando Valley that should improve mobility for many transit dependent and underinvested communities in Los Angeles County. The Project was initially proposed as a singular, contiguous project from the Van Nuys “G” Line Station and terminating at the Metrolink station in Sylmar/San Fernando. However, the Project subsequently was split into two Interim Operating Segments (IOS) - Northern and Southern- when the Final EIR was released and the Record of Decision (ROD) certified. The bifurcation of the project has led to many questions about how the Project will connect to the Sylmar/San Fernando Metrolink station and serve the communities of Sylmar and Pacoima.

Metro is currently doing an additional Shared Right of Way Study (“Study”) that will evaluate how to connect the Northern segment of the project to the Southern segment and that is expected to be completed in Summer 2024. Additionally, the Board is now considering a CEQA Addendum that will allow for the construction of the Southern segment. We ask that as this project moves forward that the Board and Metro staff consider items detailed below.

Additional Pedestrian Crossings in Pacoima

The current project design has resulted in a center-running station platform at Van Nuys Boulevard and San Fernando Road however, a remaining challenge that has not been addressed are the limited pedestrian crossings across Van Nuys Boulevard between Laurel Canyon and San Fernando Road. Under the current proposed plan, pedestrians will have to walk anywhere from 4-6 long valley blocks to cross the tracks and access the station. We ask for the placement of three additional crossing points, potentially pedestrian only, to address the impacts to pedestrian access across Van Nuys Boulevard created by the project.

TPSS Locations

There are two TPSS locations in Pacoima at 13287 Van Nuys Blvd. and 13291 Van Nuys Blvd., and both properties are directly adjacent to single family homes and need to have strong mitigations and buffers. We would like to ensure the noise, vibration, and aesthetics of these structures are addressed and do not negatively impact the residential neighborhood. Mitigations should include but not be limited to, ensuring noise limitations are below 50 DBA within 50 feet of the unit, the inclusion of sound enclosures, distancing from sensitive receptors, and the implementation of landscaping and design elements to mask the structures. We ask that Metro work with a local artist(s) to provide an art element at the TPSS locations. We also need a maintenance plan for these locations to ensure they do not contribute to neighborhood blight.

Sidewalks & Bike Lanes

Negotiations between the city and Metro on how to allocate the limited space in the public ROW landed on accepting 10ft wide sidewalks (in lieu of Mobility Plan required 15ft). We need Metro's continued partnership to consult with the City on any widths that are less than 10ft. Sidewalks must be as wide as possible to support pedestrians and the small businesses who rely on foot traffic.

The project EIR committed to a replacement bike lane mitigation for the one being removed on Van Nuys Blvd. but left flexible where dependent on LADOT guidance. Since then, LADOT and relevant city departments agreed upon, and sent to Metro Terra Bella St. as the location for a replacement Class II bike lane. Metro attempted to get this paid for by the city through First/Last Mile investment, when it was clearly labeled as a mitigation measure. We need Metro commit to a like-for-like replacement of a Class II Bike Lane on Terra Bella Street.

Property Acquisition for Parking

As the originally proposed project has been significantly changed there are many questions about how Sylmar and Pacoima will be served. What was once the midpoint of the line is now the interim, or perhaps permanent, terminus. These areas are being directly impacted by the Southern segment but are not receiving the direct benefits of a station within walking distance. Metro needs to consider this and develop an acquisition or leasing strategy that supports the provision of parking through the construction of structures and leasing of lots so Sylmar and regional residents have the ability to park their vehicle and take the ESFV light rail like they would have been able to under the originally proposed plan that leveraged the Sylmar Metrolink Station Park & Ride. There also must be a plan for replacing the parking lost along Van Nuys Blvd. to support small businesses and allow their customers to patronize their establishments.

Business Interruption Fund/Outreach/Sequencing

We are also very concerned about how the Business Interruption Fund will be deployed to the businesses in Sylmar and Pacoima. They will be impacted by construction of the Southern segment yet it is unclear how they will be compensated for loss of business during construction. We ask that Metro consider at least a 2.5 mile capture area around the new station construction for mitigation measures including financial compensation, signage and direct marketing of businesses.

Additional Elements for Shared Right of Way (ROW) Study

It has come to our attention that there is an additional project alternative being studied, in addition to the completion of the Northern segment as proposed in the ESFV Light Rail Final EIR. It is our strong preference that the project be completed as originally proposed with stations being added at Paxton, Maclay and Sylmar/San Fernando however, we want to also deliver a connection to the Southern segment in a reasonable timeframe. This additional project considers abandoning the Northern segment of the ESFV Light Rail alignment, and instead relying on existing Metrolink service to connect the Southern segment and the Sylmar/San Fernando Metrolink Station by establishing a new Metrolink station at the Van Nuys Boulevard/ San Fernando Road intersection. The scope of work of the Shared Right of Way Study should be expanded to consider the following critical elements:

- **Headways and Travel Time:** Metrolink and Metro have very different headways at both peak and non peak hours of travel. Getting a detailed understanding of how these will interact for riders transferring from Metrolink to Metro and vice versa is important information to have in deciding on a project alternative. Requiring an additional transfer than what the original project proposed will impact the projected travel times riders can expect. The headways analysis should also inform an updated understanding of total travel time for riders who will be taking the originally proposed complete route (Southern and Northern) under the newly proposed alternative.
- **Cost and Subsidy Programs:** Metrolink fares can range from \$2.00 to \$4.25 for traveling between two stations, depending on the distance between the two points, whereas Metro light rail fares are a flat rate of \$1.75 and offer free transfers. A plan for how to ensure the cost does not increase from the Measure M committed version of the Project, should be documented in the study. Metrolink and Metro offer different subsidy and discount programs for students, seniors, and more. How these passes will work between these two systems should be included in the fare analysis.
- **Ticketing Systems:** Metrolink and Metro use different ticketing systems. Possible solutions for transferring between the train and light rail easily should be identified and included in the study.
- **Parking Impacts at Van Nuys Boulevard/ San Fernando Road:** In Pacoima there are many storefronts that do not have parking lots, alley access, or convenient adjacent street access. If this location is now being considered for two stations (Metrolink and Metro), it will likely significantly increase the traffic and impact on parking demand. Those with vehicles seeking to expedite their journey by cutting the new transfer might drive to the station. The study should identify mitigation measures Metro will undertake to address the parking impact, such as leasing parking facilities, constructing parking facilities, facilitating shared parking agreements, and establishing parking restrictions for segments of adjacent streets to encourage turnover.

Those of us elected to represent this corridor have been hard at work, in collaboration with Metro, to move the project forward in a way that centers around inclusivity for Sylmar and Pacoima residents and regional equity. We believe the connection to Sylmar/San Fernando Metrolink station represents a vital transportation link to the western edge of the northeast valley, enabling efficient and affordable access to-and-from local educational institutions such as the Los Angeles Mission College, and job centers around our valley civic centers, and Downtown Los Angeles. We stand committed to continue our partnership with Metro to ensure this project is delivered in a timely manner that benefits all communities including Sylmar and Pacoima.

Sincerely,



MONICA RODRIGUEZ
Los Angeles City Councilwoman, 7th District



IMELDA PADILLA
Los Angeles City Councilwoman, 6th District



CAROLINE MENJIVAR
CA State Senator, 20th District

cc: Stephanie Higgins, CEO, Metro
Gregory Gastelum, ESFV Light Rail Project Manager, Metro
Ivan Gonzales, Right of Way Study Project Manager, Metro



Raymond B. Whitmer
Secretary-Treasurer



CALIFORNIA TEAMSTERS LOCAL 911

PUBLIC, PROFESSIONAL & MEDICAL EMPLOYEES UNION, THE COUNTIES OF LOS ANGELES,
ORANGE, RIVERSIDE, SAN DIEGO, IMPERIAL, SAN LUIS OBISPO, SAN BERNARDINO, SANTA BARBARA AND VENTURA

9900 FLOWER STREET • BELLFLOWER • CALIFORNIA • 90706

(562) 595-4518 • Fax (562) 427-7298 • teamsters911.com

An Affiliate of the International Brotherhood of Teamsters

VIA EMAIL swiggins@metro.net

October 25, 2023

Stephanie N. Wiggins, CEO
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012

Re: Thursday, October 26, 2023, 10:00 AM – Metro Board Agenda – Item 41
METRO TRANSIT AMBASSADOR PILOT PROGRAM EVALUATION

Dear CEO Wiggins:

The purpose of this letter is to inform you that Teamsters Local 911 supports the Metro Board of Directors authorizing you to establish a permanent Transit Ambassador Program and transition the program in-house over the next 12 months.

As a labor union that represents in-house essential services for transit riders, Teamsters firmly stands with the Metro's mission and values that prioritize safeguarding the transit community.

It is a fact that most riders want more safety and, as the representatives of workers that help ensure the safety of the Metro transit community, Teamsters finds it appropriate to speak and advocate on this issue.

- We are committed to helping improve perception of safety and improving rider experience for the community we serve.
- We are committed to helping improve face-to-face rider interaction through essential workers who take pride in their careers and who adopt the Metro culture for the long run.
- We are committed to helping improve response times.
- We are committed to helping improve efficiency.
- We are committed to helping workers.
- We know that training, development, wages, benefits and overall improved terms and conditions of employment result in a higher retention rate in workers' careers, which impacts rider safety.
- We know most of the transit agencies in the United States have in-house ambassador programs as part of their public safety program.

Page two
Stephanie N. Wiggins, CEO
October 25, 2023

It is for these reasons above that we support the approval of establishing a permanent Transit Ambassador Program and transitioning the program in-house over the next 12 months.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a trailing flourish.

Carlos I. Rubio
President

c: Metro Board of Directors
Raymond B. Whitmer, Secretary-Treasurer

October 2023 RBM Public Comment – Item 41

From: [REDACTED]
Sent: Sunday, October 22, 2023 10:25 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: Item #41 - For - Oct 26 2023 - LA Metro BOD Meeting - Faraz Aqil

Hello LA Metro. My name is [REDACTED], and I support having the Transit Ambassadors become in-house LA Metro employees.

It's better to have their services In-Housed than outsourcing it to private companies. Reasons such as increasing the retention rate (currently at 73%), job protection, and encouraging career advancement within LA Metro will improve morale & allow for more transparency/control compared to a private company. Plus many people like me prefer Transit Ambassadors over armed security police officers and see this as a more cost efficient way of getting more eyes on the ground compared to police officers. I hope we can spend more on Transit Ambassadors and hire less Police Officers (saving LA Metro money since we currently pay over \$150 million for Law Enforcement Officers). And I hope to see more Transit Ambassadors in the future.

Also I noticed a typo in attachment C (Ambassador Evaluation Survey), slide #12. In column about Favor Armed, there's a quote someone says about, "I would feel safer with Ambassadors than with law enforcement officers who carry guns." **This clearly means they don't want armed officers and instead Favor Unarmed Ambassadors.**

Thank you.

Sincerely,

[REDACTED]

From: [REDACTED]

Sent: Tuesday, October 24, 2023 4:45 PM

Subject: Metro Board Meeting 10/26 Agenda Item 41 - Metro Transit Ambassador Pilot Program Evaluation

Importance: High

On behalf of Strive Well-Being Inc., I am writing to express deep concerns regarding [Consent Item 41](#) placed on the Metro Board Meeting Agenda for Thursday, October 26. This Item relates to Metro's Recommendation to establish a permanent Transit Ambassador program and transition the program in-house.

Here are our key concerns for further consideration by the Board:

1. **Lack of Financial Feasibility Analysis:** Metro's representation that in-house delivery can be executed for under \$20 Million a year authorized by the Board is not realistic when it's already cost Metro more than \$23 Million just in the first year of the program.
2. **Job Loss and Displacement of Vulnerable Workers:** The current Ambassador workforce includes mostly individuals from vulnerable backgrounds, such as [second-chancers](#), [minorities](#), [formerly unhoused](#), [veterans](#), and [people with disabilities](#) who may otherwise not be employed directly by Metro due to its stringent hiring criteria. Currently, ~500 ambassadors (348 FTEs) work for the contractors (Strive and RMI).
3. **Financial Impact on Small/Minority Businesses (SBE's) and CBOs:** Metro's recommendation ignores the severe financial impact of premature contract cancellation on multiple Metro-certified Small Business Enterprise (SBE), minority-owned companies, and CBO partners. Such an approach contradicts Metro's policy to support SBE's.
4. **Premature Cancellation of Vendor Contracts.** Metro is proposing to terminate 5-year contracts with Strive Well-Being and RMI International one year into the contract. Both companies and their CBO partners have invested heavily and are directly responsible for the initial success of the program.
5. **Legal Concerns:** Terminating contracts [without cause](#) for the sole purpose of absorbing the Contractors' workforce by Metro raises serious legal, policy, moral, and ethical issues that must be addressed.

Given these concerns, we urge the Metro Board to move Consent Agenda Item 41 for more consideration. Thank you for your attention to this critical matter that impacts so many people.

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

October 2023 RBM General Public Comment

From: [REDACTED]

Sent: Friday, October 6, 2023 12:34 PM

To: Communications <communications@bchd.org>

Cc: Board Clerk <BoardClerk@metro.net>; Jacki Bacharach <jacki@southbaycities.org>; Gorman, Karen <GORMANK@metro.net>

Subject: Public Comment Made at Metro Board Meeting

PUBLIC COMMENT TO ALL AGENCIES ON EMAIL

The hillside grading and retaining wall are deferred maintenance by BCHD. The District let the hill slide unimpeded for 70 years and now a bike path budget got stuck cleaning up the mess. This deferred maintenance is not properly funded by Measure M, and it was not properly represented to Metro by BCHD.

This action of funding BCHD with Measure M funds to repair BCHD's deferred maintenance is a dereliction of oversight by both SBCCOG and Metro's Measure M Oversight Committee.

[REDACTED]

[REDACTED]

[REDACTED]

LA County Taxpayer

From: [REDACTED]

Sent: Monday, October 23, 2023 11:05 PM

To: Board Clerk <BoardClerk@metro.net>; executiveoffice@bos.lacounty.gov

Cc: Eleanor Manzano <cityclerk@redondo.org>; cityclerk@hermosabeach.gov;
cityclerk@manhattanbeach.gov; CityClerk <CityClerk@torranceca.gov>; eharbison@lawndalecity.org;
Kevin Cody <kevin@easyreadernews.com>; Lisa Jacobs <lisa.jacobs@tbrnews.com>; tliu@scng.com;
Garth Meyer <gmeyer@easyreadernews.com>; Gorman, Karen <GORMANK@metro.net>

Subject: Public Comment - Green Line Extension Route Survey Bias

Public Comment - Metro Board and LA County Board of Supervisors
Public Comment - Mayor and Council of Hermosa, Manhattan, Redondo Beach, Lawndale and Torrance
Notification to Metro IG of Biased Business Activity by Metro

SUBJECT: Biased Metro Green Line Survey

I have attached the memo from the Metro CEO to the Board. As an expert witness with extensive experience in polling, surveys and data analysis, I am very concerned about 2 significant topics in the Metro Green Line survey that was fielded in Lawndale, Redondo Beach, and Torrance.

First, the survey is biased to provide a greater level of familiarity with the project than actually exists. It is a well know fact from data analysis that asking a respondent how much they know about a project results in an upward bias. Just as the natural psychological response is to be agreeable and answer yes to questions, the natural bias is represent greater knowledge levels. As such, the survey needed to ask one or more specific questions to reveal true familiarity rather than stated familiarity.

Second, the survey failed to even broach the most significant issue, that of the route. The most significant issue is clearly the significant and non-mitigable damages that Metro seeks to cause to generations of families by adding two 24/7/365 rail lines in the existing right-of-way through Lawndale and Torrance. Had Metro correctly represented the 24/7/365 2-track addition through family neighborhoods vs. an elevated line down Hawthorne Blvd through a commercial area, the results could have been useful.

METRO DELIBERATELY BIASED BOTH QUESTIONS.

The survey results are largely useless due to this deliberate bias. Metro fielded a survey and sought to gain support for its project, and so Metro biased the results. The survey must be re-fielded, this time with a fact-based knowledge question(s) and a full disclosure of the routes.

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



MINUTES

Thursday, October 26, 2023

10:00 AM

Board of Directors - Regular Board Meeting

DIRECTORS PRESENT:

Karen Bass, Chair

Janice Hahn, Vice Chair

Fernando Dutra, 2nd Vice Chair

Kathryn Barger

James Butts

Jacquelyn Dupont-Walker

Lindsey Horvath

Paul Krekorian

Holly J. Mitchell

Ara J. Najarian

Tim Sandoval

Hilda Solis

Katy Yaroslavsky

Gloria Roberts, non-voting member

Stephanie Wiggins, Chief Executive Officer

CALLED TO ORDER AT 10:05 a.m.

ROLL CALL

1. APPROVED Consent Calendar Items: 2, 5, 6, 7, 40, 11, 13, 14, 16**, 17, 18, 19, 20, 25, 26, 30, 31, 32, 33, 34, 35, 36, 37, and 44.

Consent Calendar items were approved by one motion except for Items 10 and 41 which were held by a Director for discussion and/or separate action.

**ITEM REQUIRED TWO-THIRDS VOTE OF THE FULL BOARD.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y

**Voting Deviations:*
 Item 6 – the following Directors were conflicted: JH, KB, KY, and KRB
 Item 25 – the following Director was conflicted: KRB
 Item 26 – the following Director was conflicted: KRB

2. SUBJECT: MINUTES 2023-0675

APPROVED ON CONSENT CALENDAR Minutes of the Regular Board Meeting held September 28, 2023.

3. SUBJECT: REMARKS BY THE CHAIR 2023-0672

RECEIVED remarks by the Chair.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
A	P	P	P	P	P	P	P	P	P	P	P	P

4. SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER 2023-0673

RECEIVED report by the Chief Executive Officer.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
P	P	P	P	P	P	P	P	P	P	P	P	P

KB = K. Barger	FD = F. Dutra	HJM = H.J. Mitchell	KY = K. Yaroslavsky
KRB = K.R. Bass	JH = J. Hahn	AJN = A.J. Najarian	
JB = J. Butts	LH = L. Horvath	TS = T. Sandoval	
JDW = J. Dupont Walker	PK = P. Krekorian	HS = H. Solis	

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

**5. SUBJECT: LEASE AMENDMENTS WITH PINNACLE TOWERS, LLC 2023-0427
FOR THREE MICROWAVE RADIO STATION LOCATIONS**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO), or designee, to execute ten (10)-year lease amendments commencing retroactive to January 1, 2023 with Pinnacle Towers, LLC, (“Lessor”) for microwave radio stations located at:

- 7625 Black Star Canyon Road in Riverside at a rate of approximately \$10,865.88 per month with 3.5% escalations annually for a total of \$1,482,344.53 over the term.
- Building 12, Mt. Lukens Road in Tujunga at a rate of approximately \$11,431.59 per month with 3.5% escalations annually for a total of \$1,559,519.80 over the term.
- 34 Sunset Ridge in Los Angeles at a rate of approximately \$11,431.59 per month with 3.5% escalations annually for a total of \$1,654,955.13 over the term.

6. SUBJECT: BANKING SERVICES 2023-0573

AUTHORIZED ON CONSENT CALENDAR:

- A. the Chief Executive Officer to execute a five-year, firm fixed unit rate Contract No. PS99982000 to Bank of America, N.A. for basic and specialized banking services, in an amount-not-to-exceed \$5,098,207 effective January 1, 2024, subject to resolution of protest(s), if any; and
- B. the payment of up to \$650,000 over the next five years for Federal Deposit Insurance Corporation (FDIC) for assessment fees as mandated by 12 C.F.R. § 327.9 to cover insurance premiums for Metro’s deposits. These pass-through FDIC assessment fees shall be payable under Contract No. PS9982000, for a total contract price not-to-exceed \$5,748,207.

7. SUBJECT: CALIFORNIA SB1 STATE OF GOOD REPAIR PROGRAM 2023-0597

APPROVED ON CONSENT CALENDAR the Resolution in Attachment A to:

- A. AUTHORIZING the Chief Executive Officer (CEO) or designee to claim \$34,650,803 in fiscal year (FY) 2023-24 State of Good Repair Program (SGR) grant funds as the Regional Entity for Los Angeles County for this program;

(Continued on next page)

(Item 7 – continued from previous page)

- B. APPROVING the regional SGR Project List for FY23-24; and
- C. CERTIFYING that Metro will comply with all conditions and requirements set forth in the SGR Certification and Assurances document and applicable statutes, regulations, and guidelines.

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

2023-0430

APPROVED:

- A. ADOPTING the Measure M Five Year Comprehensive Assessment and Equity Report; and
- B. RECEIVING AND FILING the Measure M Independent Taxpayer Oversight Committee (MMITOC) Findings and Recommendations to improve the Measure M program.

HORVATH AMENDMENT that the Metro CEO be instructed to report back to the Board in six months with an update on the implementation of the recommendations contained in the 5-Year Assessment, with particular attention paid to the financial and equity criteria mentioned previously.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

10. SUBJECT: THE IMPACT OF THE BUILD AMERICA BUY AMERICA ACT ON LA METRO'S MAJOR CAPITAL PROJECTS MOTION

2023-0657

APPROVED Motion by Directors Horvath, Bass, Butts, Yaroslavsky, Najarian, and Dutra that the Metro Board instruct the Chief Executive Officer to report to the Board in March 2024 with an evaluation of the applicable provisions of the Build America, Buy America Act, provisions contained in the Infrastructure Investment and Jobs Act and related federal guidance (49 U.S.C. § 5323(j)), and any impact the Act may have on the feasibility of transit projects seeking a Full-Funding Grant Agreement with the FTA.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y

11. SUBJECT: METRO'S ADOPT-A-BIKE PROGRAM

2023-0168

APPROVED ON CONSENT CALENDAR:

- A. AUTHORIZING the Chief Executive Officer (CEO) to transition the Adopt-A-Bike mini-grant program from a pilot to a permanent program; and
- B. the administration of the Adopt-A-Bike mini-grant program for a second, two-year term, and award grants of \$30,000 each to five selected community-based organizations for a total of \$150,000 starting November 1, 2023 through October 31, 2025.

**12. SUBJECT: COUNTYWIDE PLANNING AND DEVELOPMENT
PLANNING BENCH**

2023-0394

AUTHORIZED the Chief Executive Officer (CEO) to:

- A. AWARD 26 bench Contracts, Nos. PS95050000 through PS95050025 under the Countywide Planning & Development Bench for professional services with the contractors recommended below for a three-year base period in the funding amount of \$30 million, and two, one-year options, in the funding amount of \$10 million for each option year, for a not-to-exceed cumulative total funding amount of \$50 million, subject to resolution of any properly submitted protest(s) if any:

1. Discipline 1 - Transportation Planning:

- 1.1. AECOM Technical Services, Inc.
- 1.2. Cambridge Systematics, Inc.
- 1.3. CR Associates (SBE)
- 1.4. HNTB Corporation
- 1.5. Jacobs Engineering Group, Inc.
- 1.6. Kimley-Horn & Associates, Inc.
- 1.7. Michael Baker International
- 1.8. Mott MacDonald Group, LLC
- 1.9. Parsons Transportation Group Inc.
- 1.10. Steer Davies & Gleaves, Inc.
- 1.11. STV Incorporated
- 1.12. TransLink Consulting, LLC (SBE and DBE)
- 1.13. WSP USA

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2. Discipline 2 - Environmental Planning:

- 2.1 Jacobs Engineering Group, Inc.
- 2.2 HNTB Corporation
- 2.3 Impact Sciences, Inc. (SBE and DBE)

- 2.4 Kimley-Horn & Associates, Inc.
- 2.5 Michael Baker International
- 2.6 Parsons Transportation Group Inc.
- 2.7 STV Incorporated
- 2.8 Terry A. Hayes Associates, Inc. (SBE and DBE)

3. Discipline 3 - Economic & Financial Analysis:

- 3.1 AECOM Technical Services, Inc.
- 3.2 Cambridge Systematics, Inc.
- 3.3 ECONorthwest
- 3.4 Ernst & Young Infrastructure Advisors, LLC
- 3.5 Morgner Construction Management (SBE and DBE)

4. Discipline 4 - Sustainability/Active Transportation:

- 4.1 Alta Planning + Design, Inc.
- 4.2 CR Associates (SBE)
- 4.3 Michael Baker International
- 4.4 Toole Design Group Engineering, Inc.

5. Discipline 5 - Demand Modeling & Geographic:

- 5.1 AECOM Technical Services, Inc.
- 5.2 Parsons Transportation Group Inc.
- 5.3 Resource System Group, Inc.
- 5.4 WSP USA

6. Discipline 6 - Research & Surveying:

- 6.1 Resource System Group, Inc.

7. Discipline 7 - Parking Management:

- 7.1 Walker Consultants, Inc.

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8. Discipline 8 - Community Design & Land Use:

- 8.1 Anil Verma Associates, Inc. (SBE and DBE)
- 8.2 Gensler
- 8.3 Gruen Associates
- 8.4 Raimi & Associates, Inc. (SBE)

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
C	Y	C	Y	Y	C	Y	C	Y	Y	Y*	C	C

* name drawn to vote under Rule of Necessity

13. SUBJECT: MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM UPDATE - WESTSIDE CITIES SUBREGION **2023-0445**

APPROVED ON CONSENT CALENDAR:

- A. programming an additional \$2,137,325 within the capacity of Measure M Multi-Year Subregional Program (MSP) - Active Transportation 1st/Last Mile Connections Program (Expenditure Line 51), as shown in Attachment A; and
- B. AUTHORIZING the CEO or their designee to negotiate and execute all necessary agreements for approved projects.

14. SUBJECT: TAYLOR YARD SENIOR HOUSING - GROUND LEASE TERM EXTENSION **2023-0544**

APPROVED ON CONSENT CALENDAR:

- A. AUTHORIZING the Chief Executive Officer, or designee, to amend an existing ground lease with Taylor Yard Senior Housing, L.P. ("TYSH") to extend the 68-year term of the existing ground lease up to seven (7) additional years for a total term of up to 75 years to meet the lending requirements of the State of California Department of Housing and Community Development ("HCD").
- B. FINDING that the recommended amendment to the ground lease is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3); and
- C. AUTHORIZING the CEO or her designee to file a Notice of Exemption with the County Clerk and the State Clearinghouse.

16. SUBJECT: PROGRAMMING LOCAL FUNDS FOR EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT PROJECT

2023-0558

APPROVED ON CONSENT CALENDAR BY TWO-THIRDS VOTE:

- A. DETERMINING the Measure R projects San Fernando Valley North-South Rapidways (Canoga Corridor) and I-5 Capacity Enhancement from SR-134 to SR-170 are complete with surplus Measure R funds remaining in the amount of \$231,417,000;
- B. PROGRAMMING \$231,417,000 of surplus Measure R funds and \$201,312,900 of related Proposition C replacement credits to the San Fernando Valley East Light Rail Transit project; and
- C. PROGRAMMING \$128,549,218 of non-federal funds in the Long Range Transportation Plan in the third decade of Measure R for uses within the Arroyo Verdugo subregion.

17. SUBJECT: METRO EXPRESSLANES NET TOLL REVENUE REINVESTMENT EXPENDITURE PLAN - ROUND 3

2023-0490

APPROVED ON CONSENT CALENDAR the following actions for Round 3 of the Metro ExpressLanes Net Toll Revenue Reinvestment Grant Program, in the amount of \$124,800,000:

- A. A total of \$14,510,000 to Caltrans for improvements to the I-10 and I-110 freeway corridors;
- B. The I-10 recommended projects and funding awards totaling \$28,674,440 and program \$1,266,035 which includes \$920,475 from Round 2, in reserve for the corridor;
- C. The I-110 recommended projects and funding awards totaling \$36,284,255 and program \$8,328,355 which includes \$1,082,560 deobligated from Round 1, in reserve for the corridor;
- D. A total of \$6,000,000 to be deposited into Reserve Accounts - \$2,400,000 for the I-10 and \$3,600,000 for the I-110 to address unforeseeable operational issues;
- E. A total of \$31,740,000 for continued incremental Transit Service improvements;
- F. ADMINISTERING the grant awards and Transit funding with the requirement that funding recipients bear all responsibility for any cost increases;

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- G. AUTHORIZING the Chief Executive Officer (CEO) or their designee to enter into funding agreements with grantees and Transit service providers; and
- H. AUTHORIZING the Chief Executive Officer (CEO) or their designee to enter into the funding agreement with Caltrans for ongoing operations and maintenance (O&M) of the Metro ExpressLanes and other state highway system improvements within the I-10 and I-110 corridors as shown in Attachment E.

18. SUBJECT: PUBLIC PARTICIPATION IN THE SEPULVEDA TRANSIT CORRIDOR PROJECT MOTION **2023-0658**

APPROVED ON CONSENT CALENDAR Motion by Directors Horvath, Bass, Yaroslavsky, Butts, and Najarian that the Metro Board instruct the Chief Executive Officer to:

- A. Work with the PDA teams to publish reports of their community stakeholder meetings on a dedicated website or platform accessible to the public no later than December 1, 2023, to ensure that the information shared in the PDA teams' meetings is available to all interested parties, recognizing that because Metro has not completed an environmental review, the information contained does not constitute or evidence an approval by Metro of, or commitment of Metro to, any action for which prior environmental review is required;
- B. Report to the Board in January 2024 with an accounting of the amount of funds that have been budgeted and expended for both the Sepulveda Corridor Transit Corridor Project and the I-405 Express Lane Project; and
- C. Upon completion of the PDA process, report with an evaluation of the efficacy of the PDA model compared to other tried and tested project delivery methods as well as the development of a lessons learned assessment.

19. SUBJECT: LA RIVER PATH - AGREEMENTS **2023-0492**

APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer (CEO) or her designee to:

- A. EXECUTE a Master Cooperative Agreement (MCA) with the City of Vernon for the LA River Path Project; and
- B. NEGOTIATE and execute as-needed agreements with other responsible stakeholder agencies, including the railroads.

20. SUBJECT: CEQA ADDENDUM FOR THE EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT PROJECT **2023-0404**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to approve the Addendum and adopt its Findings.

25. SUBJECT: METRO LEADERSHIP ACADEMY **2023-0570**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a five-year, firm fixed price Contract No. PS87481000 to Southern Methodist University to serve as the academic partner for the Metro Leadership Academy Program, in the amount of \$1,002,750 for the three-year base term, and \$366,050 for the first one-year option and \$379,550 for the second one-year option, for a total Contract Value of \$1,748,350, subject to the resolution of any properly submitted protest(s), if any.

26. SUBJECT: MULTICULTURAL MARKETING AGENCY SUPPORT SERVICES **2023-0576**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award and execute a four-year firm fixed unit rate Contract No. PS93705000 to Acento Advertising, Inc. for Multicultural Marketing Agency Support Services, for a not-to-exceed amount (NTE) of \$4,295,160 for the two-year base term and \$4,504,680 for the two-year option term, for a total combined NTE amount of \$8,799,840, effective November 1, 2023, subject to the resolution of any properly submitted protest(s).

29. SUBJECT: MARKETING & COMMUNICATIONS QUARTERLY UPDATE **2023-0649**

RECEIVED oral report on marketing and public relations activities to tell the Metro story, with a focus on earned media, as well as social media and content partnerships.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
P	P	P	P	P	P	P	P	P	P	P	P	P

**30. SUBJECT: INTEGRATED DATA AND COMMUNICATION SYSTEM
(IDCS)**

2023-0488

APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer:

- A. to award a firm-fixed price Contract No. TS83056-2 Integrated Data and Communication System (IDCS) to Siemens Mobility, Inc., for the design, manufacture, test, installation, and commission of the IDCS system for the A650 heavy rail fleet as base contract and the P3010, P2000, and P2550 light rail fleets, and the HR4000 heavy rail fleet as Options. The base contract amount for the A650 fleet is \$5,043,855 inclusive of sales tax; Option 1 for the P3010 fleet is \$18,051,025 inclusive of sales tax; Option 2 for the P2000 fleet is \$4,415,668 inclusive of sales tax; Option 3 for the P2550 fleet is \$4,775,826 inclusive of sales tax; and Option 4 for the HR4000 fleet is \$6,417,348 inclusive of sales tax, for a total Not-to-Exceed (NTE) contract amount of \$38,703,722, subject to the resolution of all properly submitted protest(s), if any.
- B. to increase the Life of Project (LOP) by \$10,456,129 from \$33,971,532 to \$44,427,661.

**31. SUBJECT: ELEVATOR AND ESCALATOR - VERTICAL
TRANSPORTATION MONITORING SYSTEM**

2023-0537

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a sole source firm fixed price Contract No. PS87784000 to Integrated Display Systems LLC, to provide vertical transportation remote monitoring maintenance support software, hardware, design, and onsite installation oversight services for Elevators and Escalators throughout the Metro System, in the amount of \$3,471,433 for the five-year base period, and \$1,968,134 for a one, three-year option term, and \$367,641 for the five-year on-site maintenance support services, for a combined contract amount of \$5,807,208, subject to resolution of any properly submitted protest(s), if any.

32. SUBJECT: UNIFORM RENTAL SERVICES

2023-0557

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a firm fixed unit rate Contract No. OP44851-20008370 to Prudential Overall Supply, to provide uniform rental services, for a not-to-exceed (NTE) amount of \$3,256,271 for the three-year base period and \$3,575,446 for the one, three-year option, for a total combined NTE amount of \$6,831,717, effective December 1, 2023, subject to the resolution of all properly submitted protest(s), if any. Include an additional \$267,000 in contract authority for closeout activities from Prudential Overall Supply's existing contract.

33. SUBJECT: HIGH SPEED/VOLUME COPIERS & EQUIPMENT FOR METRO COPY CENTER **2023-0574**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Contract Modification No. 3 to Contract No. PS110638000 with Canon Solutions America, Inc., to continue to provide the lease and maintenance of high-speed copiers and document finishing equipment for the Metro Copy Center, in the amount of \$200,000, increasing the contract not-to-exceed amount from \$1,749,625 to \$1,949,625, and extend the period of performance from February 1, 2024, through April 30, 2024.

34. SUBJECT: CONTRACTED TRANSPORTATION SERVICES - NORTH REGION EXTENSION **2023-0642**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute:

- A. Contract Modification No. 10 to Contract No. OP52365000 with Transdev Services, Inc. (Transdev) in the amount of \$18,212,015 to continue to operate local transit lines in the North Region of Los Angeles County increasing the total not-to-exceed contract value from \$106,316,969 to \$124,528,984, and extend the period of performance from December 4, 2023, to June 30, 2024; and
- B. Individual contract modifications within the Board approved contract modification authority.

35. SUBJECT: BUS LANE ENFORCEMENT PILOT PROGRAM **2023-0458**

APPROVED ON CONSENT CALENDAR:

- A. implementation of a Bus Lane Enforcement Pilot Program on NextGen Tier One Network in partnership with the City of Los Angeles;
- B. the Life of Project (LOP) capital budget of \$11,000,000 for the Bus Lane Improvement Pilot Project;
- C. AUTHORIZING the Chief Executive Officer (CEO) to award a 63-month firm fixed unit price Contract No. OP48185000 to Hayden AI Technologies, Inc. for the purchase of equipment and implementation of a Bus Lane Enforcement System on NextGen Tier One Network in the City of Los Angeles in an amount not-to-exceed \$7,079,570 for the 39-month base term, and \$1,710,000 for the first one-year option and

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\$1,710,000 for the second one-year option, for a total not-to-exceed Contract Value of \$10,499,570, effective December 1, 2023, subject to resolution of properly submitted protest(s), if any; and

D. AUTHORIZING the CEO to execute a Memorandum of Understanding (MOU) with the City of Los Angeles on a project partnership of the Bus Lane Enforcement System Pilot Program.

36. SUBJECT: PROCESSING, ADJUDICATION AND COLLECTION OF TRANSIT AND PARKING CITATIONS **2023-0582**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a firm fixed unit rate Contract No. PS93508000 to Axiom xCell, Inc. to provide citation processing services for an amount not-to-exceed (“NTE”) \$1,193,892 for the five-year base period, \$316,106 for the first one-year option and \$332,430 for the second one-year option, for a total NTE amount of \$1,842,428, effective January 1, 2024, subject to resolution of protest(s), if any.

37. SUBJECT: MEMBERSHIP ON METRO'S WESTSIDE CENTRAL SERVICE COUNCIL **2023-0584**

APPROVED ON CONSENT CALENDAR nominee for membership on Metro’s Westside Central Service Council.

41. SUBJECT: METRO TRANSIT AMBASSADOR PILOT PROGRAM EVALUATION **2023-0433**

APPROVED AS AMENDED:

- A. RECEIVING AND FILING the Evaluation of the Pilot Transit Ambassador Program; and
- B. AUTHORIZING the Chief Executive Officer (CEO) to establish a permanent Transit Ambassador Program and transition the program in-house ~~over the next 12 months; and~~ and

(Continued on next page)

SANDOVAL AND DUTRA AMENDMENT:

C. REPORTING BACK at the April 2024 Board Meeting with a progress report on the transition of the Program, including (i) cost estimates of the in-house program as part of the Metro Fiscal Year 2024-2025 Budget, (ii) potential changes in program operations, and (iii) cost to provide an enhanced Ambassador program with coverage across the entire Metro transit system.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y

44. SUBJECT: RESPONSE TO HOMELESSNESS MOTION

2023-0683

APPROVED Motion by Directors Bass, Hahn, Horvath, Yaroslavsky, Dupont-Walker, and Solis that the Board direct the CEO to:

A. Develop a comprehensive Social Resources and Homelessness Action Plan (Plan) to address homelessness within the Metro transit system and connect people with social services and resources. At a minimum, the Plan should include the following:

- A data snapshot on the state of homelessness on the Metro system, including regional variations subject to confirmed Point-in-Time (PIT) count by LAHSA;
- Key partnerships and/or enhancements to existing County and local jurisdictions programs to provide support services to people experiencing homelessness on the Metro system with funding recommendations;
- Summarize the challenges and strategies for providing necessary services for people experiencing homelessness on the Metro system in the late evening and early morning hours; identify the necessary external partnerships needed to deliver services during these hours;
- Partner with Los Angeles County Departments, local jurisdictions, and/or service providers to enhance unarmed crisis response on Metro properties and stations;
- Key performance indicators and methods to track progress;

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- Include a progress update on these efforts as part of the regular, quarterly homeless services report; and
- B. Work with LAHSA and service providers to support homeless intervention by:
- Creating an emergency housing protocol for people experiencing homelessness on Metro to include but not be limited to a set aside for designated bus parking and interim beds at shelters during an emergency event;
 - Requesting inclusion on the LAHSA Coordinated Entry System (CES) Policy Council and the Los Angeles Continuum of Care (LA CoC) Board, a regional planning body that coordinates housing and services funding for homeless families and individuals; and
 - Incorporating the entire Metro System into the annual PIT Count and other relevant data systems and dashboards.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

45. SUBJECT: CLOSED SESSION

2023-0677

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

1. Pablo Cotzomi v. LACMTA, LASC Case No. 20STCV24802

APPROVED settlement in the amount of \$1.25 million.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

2. John Napolitano v. LACMTA, LASC Case No. BC692997

APPROVED settlement in the amount of \$1 million.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

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B. Conference with Real Property Negotiators - G.C. 54956.8

- 1. Property: 777 S. Figueroa Street, Los Angeles, CA
Agency Negotiator: John Beck, Manager, Real Estate and Asset Management
Negotiating Parties: Maguire Properties - 777 Tower LLC
Under Negotiations: Price and Terms

AUTHORIZED staff to negotiate price and terms.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	C	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

- 2. Property: 865 S. Figueroa Street, Los Angeles, CA
Agency Negotiator: John Beck, Manager, Real Estate and Asset Management
Negotiating Parties: Hancock S-REIT LA Corp.
Under Negotiations: Price and Terms

AUTHORIZED staff to negotiate price and terms,

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

ADJOURNED at 1:50 p.m.

Prepared by: Deanna Phillips
Deputy Board Clerk, Board Administration



Collette Langston, Board Clerk



Board Report

File #: 2023-0618, File Type: Program

Agenda Number: 5.

PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 15, 2023

SUBJECT: 2024 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

APPROVE the programming of up to \$216,817,000 in Regional Transportation Improvement Program funds to the proposed projects and the program amendments shown in Attachment A.

ISSUE

In August 2023, the California Transportation Commission (CTC) adopted the 2024 State Transportation Improvement Program (STIP) Fund Estimate (FE), which provides new formula funding capacity over the five-year STIP period from Fiscal Year (FY) 2025 through FY 2029. Metro is charged with preparing and managing the Regional Transportation Improvement Plan (RTIP) for Los Angeles County. The RTIP must be adopted by the Board prior to the December 15, 2023, RTIP submittal deadline to the CTC to program funds in the 2024 STIP.

BACKGROUND

The STIP is a five-year capital improvement program for transportation projects that is updated every two years. The CTC adopted the previous STIP in 2022. The STIP contains two portions:

- The Interregional Transportation Improvement Program (ITIP) accounts for 25% of the total STIP and is developed by Caltrans.
- The RTIP accounts for 75% of the total STIP and is developed by County Transportation Commissions, such as Metro.

The RTIP is the subject of the recommendations of this report.

DISCUSSION

Relationship to the 2022 STIP

The 2022 STIP FE identified a zero-funding share for the Los Angeles County RTIP but allowed Metro to advance up to \$57,061,000 from future Los Angeles County funding shares. The Metro

Board approved the 2022 RTIP in November 2021 and the CTC approved the 2022 RTIP in March 2022. The 2022 RTIP advanced a total of \$57,034,000 for planning, programming, and monitoring (PPM) and two State Route 710 Mobility Improvement Projects (MIPs) -- the LAC+USC Medical Center Mobility Improvements (Valley Blvd Improvements) and the Soto Street Widening Project from Multnomah Street to Mission Road. The funds that the CTC approved for the MIPs were slightly lower than Metro requested due to insufficient programming capacity statewide. The advanced funds are subtracted from Los Angeles County's 2024 STIP funding share.

Proposed 2024 RTIP

The 2024 STIP FE includes \$216,817,000 for Los Angeles County, of which \$12,900,000 may be programmed for PPM.

For the 2024 RTIP, Metro staff proposes to program up to \$216,817,000 and to amend existing programming. To develop the proposed RTIP, Metro staff applied the Evaluative Criteria Framework, which was reintroduced to the Board through a November 16, 2022, Board communication. The Framework is a tool to match appropriate state and federal fund sources to eligible and ready projects stemming from established Metro priorities, plans, and policies. The Framework's six parameters aim to direct grant funds to projects that are: Metro's highest and most critical priorities such as Measure M; responsive to grant program criteria such as expenditure deadlines; and consistent with plans and policies such as the Metro Equity Platform, Metro Long Range Transportation Plan, and Southern California Association of Governments Regional Transportation Plan.

Metro staff proposes programming funds for a new future zero-emission bus (ZEB) acquisition project and PPM. Metro staff also proposes amendments to the amounts and schedules of existing programming to support the delivery of previously programmed projects. This includes additional funding to restore the two MIP projects' original funding requests and later scheduling for the Multimodal Mobility Improvements (SR-138 Segment 4) project. The proposed 2024 RTIP is in Attachment A. The project descriptions for all projects in the RTIP are in Attachment B.

DETERMINATION OF SAFETY IMPACT

Approval of the 2024 RTIP will have no negative impact to the safety of Metro patrons or employees.

FINANCIAL IMPACT

Adoption of the 2024 RTIP would have no negative impact to the agency. The 2024 RTIP fulfills prior and anticipated funding commitments for transportation projects in Los Angeles County.

Impact to Budget

The 2024 RTIP includes funding for FY 2025 through FY 2029 and has no impact to the FY 2024

budget.

EQUITY PLATFORM

The majority of proposed new 2024 RTIP programming is for ZEB acquisition. Metro's transition to ZEB technology will be implemented systemwide to eliminate tailpipe emissions and significantly reduce noise that has significant negative environmental effects on people living and working near bus corridors and on people that depend on Metro's service for their travel needs. The Metro Zero Emission Bus Rollout Plan approved by the Board in March 2021 analyzed disadvantaged communities in Metro's service area using CalEnviroScreen 3.0, which identifies communities that are disproportionately burdened by multiple sources of pollution. The analysis shows that the majority of Metro bus routes traverse disadvantaged communities. The plan's Disadvantaged Communities Prioritization Strategy prioritizes the deployment of ZEBs to routes and service blocks that serve larger percentages of disadvantaged communities.

The proposed amendments are necessary to deliver projects that will provide multimodal improvements in communities that demonstrate high need in different ways. The two MIP projects were programmed in the 2022 RTIP and include active transportation and safety improvements. Both projects are in Metro Equity Focus Communities (EFCs) and are in the engagement, planning, and development stages led by the City and County of Los Angeles. The Multimodal Mobility Improvements (SR-138 Segment 4) project was originally conceived in 2001 and programmed in the 2018 RTIP as a highway widening project prior to the establishment of Metro's Equity Platform. Since then, Caltrans (the implementing agency) has conducted community engagement which resulted in converting the project from a highway widening project to a multimodal improvements project, including sidewalks, traffic calming measures, and bike lanes. While the project does not overlap with EFCs, it does overlap with the state's CalEnviroScreen and Low Income Communities (at or below 80 percent of the statewide median income) metrics and demonstrates a community engagement process that responds to community concerns and mitigates negative impacts.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports Strategic Plan Goal #1 to "provide high-quality mobility options that enable people to spend less time traveling" by obtaining funding to support the delivery of transportation improvements that support the safety and performance of the highway system and expand high-quality transit options.

ALTERNATIVES CONSIDERED

The Board could elect not to approve the staff recommendation for the 2024 RTIP. This option is not recommended as it would force Los Angeles County to surrender up to \$216,817,000 in formula funds available through the 2024 STIP period. Additionally, failure to adopt the 2024 RTIP could cause delay for the projects proposed.

NEXT STEPS

With Board approval, staff will proceed with and monitor the following steps to secure the 2024 LA

County RTIP:

- December 15, 2023 - Submit 2024 RTIP request to CTC
- February 1, 2024 - CTC holds Southern California 2024 STIP Hearing
- March 1, 2024 - CTC publishes staff recommendations
- March 21-22, 2024 - CTC adopts 2024 STIP

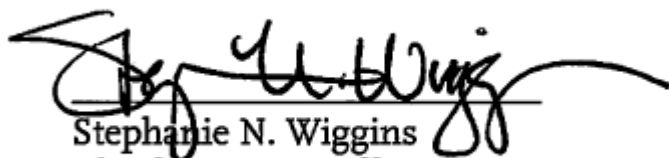
ATTACHMENTS

Attachment A - 2024 LA County RTIP

Attachment B - 2024 LA County RTIP Project Descriptions

Prepared by: Shelly Quan, Manager, Transportation Planning, (213) 547-4303
Patricia Chen, Senior Director, (213) 922-3041
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Stephanie N. Wiggins
Chief Executive Officer

2024 Los Angeles County Regional Transportation Improvement Program

(\$000s)

The table summarizes the projects programmed in the 2022 RTIP and the carryover, amendments, and new programming proposed for the 2024 RTIP which has new funding capacity in FY 25 through FY 29.

Existing Programming	Prior	FY 25	FY 26	FY 27	FY 28	FY 29	Total
Highway							
SR 71 (North Segment)	20,000						20,000
Multimodal Mobility Improvements (SR 138 Segment 4)	11,950	7,000					18,950
SR 138 Segment 13	75,100						75,100
LA City Soto St. Complete Streets, Multnomah-Mission				24,600			24,600
LA County USC Medical Center Mobility Improvements			8,895	16,855			25,750
Planning, Programming & Monitoring	2,836	3,425	3,342	3,342			12,945
Subtotal Highway	109,886	10,425	12,237	44,797			177,345
Transit							
Buses Project #2		40,749					40,749
East San Fernando Valley Transit Corridor Project	202,139						202,139
Subtotal Transit	202,139	40,749					242,888
TOTAL EXISTING	312,025	51,174	12,237	44,797			420,233
Proposed Programming	Prior	FY 25	FY 26	FY 27	FY 28	FY 29	Total
No Amendments							
SR 71 (North Segment)	20,000						20,000
SR 138 Segment 13	75,100						75,100
Planning, Programming & Monitoring	2,836	3,425	3,342	3,342			12,945
East San Fernando Valley Transit Corridor Project	202,139						202,139
Buses Project #2		40,749					40,749
Subtotal No Amendments	300,075	44,174	3,342	3,342			350,933
Amendments to Schedule/Funding							
Multimodal Mobility Improvements (SR 138 Segment 4)	11,950		7,000				18,950
LA City Soto St. Complete Streets, Multnomah-Mission			26,330				26,330
LA County USC Medical Center Mobility Improvements			9,432	17,872			27,304
Subtotal Amendments	11,950		42,762	17,872			72,584
Proposed New Projects							
Bus Acquisition #3					200,633		200,633
Planning, Programming & Monitoring					8,630	4,270	12,900
Subtotal New Projects					209,263	4,270	213,533
NET NEW PROGRAMMING			2,267	1,017	209,263	4,270	216,817

2024 LA County RTIP Project Descriptions

The following project descriptions are provided to give an overview of existing, amended, and new projects in the proposed 2024 RTIP. Additional project detail and performance information will be included in the 2024 RTIP submittal to the CTC.

- The SR-71 North Segment has funds programmed in FY 24 for construction to convert SR-71 between Mission Boulevard and the I-10 from a four-lane expressway to an eight-lane freeway, inclusive of two High Occupancy Vehicle lanes. Once complete, it will provide continuous improvements over 4 miles of the corridor.
- The Multimodal Mobility Improvements (SR-138 Segment 4) project currently has funds programmed in FY 25 which will be amended to FY 26 for construction of sidewalks, curb ramps, traffic calming measures, traffic signal, drainage improvements, and bike lanes on SR-138 in Littlerock from 70th Street East to 0.1 miles east of 77th Street East.
- The SR-138 Segment 13 has funds programmed in FY 24 for construction on SR-138 and SR-18 of two travel lanes in each direction and a direct connector from eastbound SR-138 to eastbound SR-18 on embankment. The completion of this segment will help complete approximately 17 miles of continuous improvements over the corridor.
- The LA City Soto Street Complete Streets, Multnomah-Mission project has funds programmed in FY 27 which will be amended to FY 26 to add one lane on Soto Street between Multnomah Street and North Mission Road; widen existing sidewalks; construct Class II bike lane in both directions; and install pedestrian lighting, a new striped median, and shoulders on both sides of the street. The 2024 RTIP proposes to amend programming to increase the funds to the original 2022 RTIP request amount.
- The LA County USC Medical Center Mobility Improvements project has funds programmed in FY 26 for design and FY 27 for construction of multimodal corridor improvements along Valley Boulevard which may include active transportation safety and accessibility enhancements as well as additional necessary infrastructure upgrades along Valley Boulevard. The 2024 RTIP proposes to amend programming to increase the funds to the original 2022 RTIP request amount.
- The East San Fernando Valley Transit Corridor – Southern Segment has funds programmed in FY 24 for construction of 6.7 miles of Light Rail Transit service in the eastern San Fernando Valley along Van Nuys Boulevard.

- The Buses Project #2 has funds programmed in FY 25 for a bus and bus infrastructure project. This project supports the ongoing fleet replacement and upgrading required to support Metro's bus operations and ensure Metro's fleet is in a state of good repair. The project scope includes 58 zero-emission buses (ZEBs), as well as possible bus chargers and charging infrastructure.
- Bus Acquisition #3 is a new project proposed for funding in FY 28. The project supports ongoing fleet replacement and transition to ZEBs. The project scope will include 100 ZEBs.
- Planning, Programming, and Monitoring (PPM) funds are currently programmed in FY 25 through FY 27 for Metro planning activities. The 2024 RTIP proposes programming new PPM funds in FY 28 and FY 29.



2024 Regional Transportation Improvement Program

Planning and Programming Committee

November 15, 2023

File No. 2023-0618

Agenda Item #



Metro

Recommendation

APPROVE the programming of up to \$216,817,000 in Regional Transportation Improvement Program funds to the proposed projects and the program amendments shown in Attachment A.

Background

County RTIPs are 75% of the State Transportation Improvement Program (STIP):

- Every two years, Metro prepares and approves the RTIP for LA County.
- The 2024 RTIP programs the county's RTIP formula shares for the period from FY 25 through FY 29.
- The California Transportation Commission (CTC) adopts the LA County RTIP through its 2024 STIP process.



Metro

2024 RTIP Programming Priorities

Consistent with Evaluative Criteria Framework:

- Funding Program Alignment/Readiness
- Low Risk Tolerance for Use of Formula Funds
- Transportation Equity and Geographic Balance
- Consistent with Board Policies and Directives, LRTP, and RTP

RTIP Capacity

Adopted 2020 RTIP	Adopted 2022 RTIP	Proposed 2024 RTIP
\$0 County Shares	\$0 County Shares	\$216,817,000 County Shares
\$46,340,000 Max Target Advance (from future shares)	\$57,034,000 Max Target Advance (from future shares)	\$0 Max Target Advance (from future shares)

Proposed 2024 RTIP

Proposed Programming	Prior	FY 25	FY 26	FY 27	FY 28	FY 29	Total
Prior Programming, No Amendments							
SR 71 (North Segment)	20,000						20,000
SR 138 Segment 13	75,100						75,100
Planning, Programming & Monitoring	2,836	3,425	3,342	3,342			12,945
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Proposed New Projects							
Bus Acquisition #3					200,633		200,633
Planning, Programming & Monitoring					8,630	4,270	12,900
Subtotal New Projects					209,263	4,270	213,533
NET NEW PROGRAMMING			2,267	1,017	209,263	4,270	216,817



Metro



Board Report

File #: 2023-0516, File Type: Program

Agenda Number: 7.

PLANNING AND PROGRAMMING COMMITTEE NOVEMBER 15, 2023

SUBJECT: METRO ACTIVE TRANSPORTATION STRATEGIC PLAN UPDATE

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. ADOPTING the Active Transportation Strategic Plan Update;
- B. AUTHORIZING the CEO to release the solicitation for Cycle 2 of the Metro Active Transport, Transit, and First/Last Mile Grant Program; and
- C. APPROVING Metro's policies for Cycle 7 of the State Active Transportation Program.

ISSUE

The [Active Transportation Strategic Plan \(ATSP\) Update](https://www.dropbox.com/sh/md1lj8rjkqy62s5/AAA6a0_IAFBki1C2jAjqDChWa/2023%20Active%20Transportation%20Strategic%20Plan%20(ATSP)?dl=0&subfolder_nav_tracking=1) ([https://www.dropbox.com/sh/md1lj8rjkqy62s5/AAA6a0_IAFBki1C2jAjqDChWa/2023%20Active%20Transportation%20Strategic%20Plan%20\(ATSP\)?dl=0&subfolder_nav_tracking=1](https://www.dropbox.com/sh/md1lj8rjkqy62s5/AAA6a0_IAFBki1C2jAjqDChWa/2023%20Active%20Transportation%20Strategic%20Plan%20(ATSP)?dl=0&subfolder_nav_tracking=1)) (see Attachment A for Executive Summary) will serve as Metro's overall strategy for planning and funding active transportation infrastructure and programs in Los Angeles County. The ATSP Update demonstrates Metro's ongoing commitment to improving mobility in the region for people who walk, bike, roll, and take transit and creating safer streets that benefit all roadway users. This ATSP Update reflects new agencywide policies, programs, and plans adopted since the 2016 plan and is an opportunity to better address challenges and barriers for the most vulnerable roadway users.

BACKGROUND

Metro's first ATSP was adopted in 2016. The ATSP is aligned to the 5-year funding cycle of the Metro Active Transport, Transit, and First/Last Mile (MAT) Grant Program, which is a key mechanism for the agency to fund and implement the regional active transportation network identified in the ATSP. Cycle 1 of the MAT Program funded improvements in 11 First/Last Mile (FLM) areas and 24 miles of bikeways that are consistent with the 2016 ATSP network (see Attachment B). Cycle 2 of the MAT Program will advance the implementation of projects that are consistent with the updated network identified in the ATSP Update.

In addition to renewing goals and objectives, the ATSP Update develops countywide performance measures and calculates baseline conditions for future assessment. The ATSP Update also refines the regional active transportation network identified in the 2016 ATSP, with the updated network consisting of 602 first/last mile (FLM) areas, over 1,400 miles of regional bikeways, as well as 81 newly identified pedestrian districts. Further, the ATSP Update prioritizes the regional active transportation network to identify areas that should be the focus of early implementation. In addition to the updated plan, three online tools, consisting of the [Interactive StoryMap <https://storymaps.arcgis.com/stories/cd9f96af92f84ab3920b9bdfbe3fd7d8>](https://storymaps.arcgis.com/stories/cd9f96af92f84ab3920b9bdfbe3fd7d8), [First/Last Mile Existing Conditions Dashboard <https://lametro.maps.arcgis.com/apps/webappviewer/index.html?id=31d2b87453ee4b46bd50b66a21b3341e>](https://lametro.maps.arcgis.com/apps/webappviewer/index.html?id=31d2b87453ee4b46bd50b66a21b3341e), and [Bikeway Benefits Dashboard <https://public.tableau.com/app/profile/lametro/viz/MetroATSPDashboard/ATSPBenefits>](https://public.tableau.com/app/profile/lametro/viz/MetroATSPDashboard/ATSPBenefits), were developed to support community members and agency staff on grant proposals and other implementation activities.

DISCUSSION

Effective walking, bicycling, and rolling infrastructure are critical elements to facilitate first/last mile connectivity to Metro's extensive transit network. A high-quality, safe, low-stress regional active transportation network also provides more transportation options and improves mobility. However, Metro often does not own or operate key elements of the public right-of-way associated with pedestrian and bicycle facilities. The ATSP Update develops a cohesive active transportation strategy for Los Angeles County and identifies opportunities for Metro to support local jurisdictions as they build out a high-quality, safe, and well-connected network of regional bikeways, along with active transportation improvements near priority transit facilities that support safe access to the regional transit system. The ATSP Update adds a new designation of pedestrian districts across the county to support projects that will make walking safer and more comfortable for those accessing key destinations.

The ATSP Update emphasizes the efficient management of Measure M resources, which provides Metro's first dedicated, ongoing funding source for active transportation. The ATSP Update also reflects Metro's Equity Platform, which aims to address disparities in access to opportunity. Further, the updated plan improves competitiveness at the local and regional level for grant funding sources such as the state Active Transportation Program.

Implementation Strategy

A significant addition to this updated ATSP is an implementation strategy intended to manage and align Metro activities and resources in support of achieving the overall ATSP vision, while continuously monitoring and adapting activities in response to lessons learned from prior and ongoing active transportation efforts. Of note, the strategy acknowledges and addresses that the 2016 plan predated Measure M, which provided for Metro's first dedicated active transportation funding stream. Key strategy points include:

- Goal setting to measure progress and course-correct, if necessary;

- Emphasis on efficiency; and
- Better alignment with partners, especially municipalities.

The strategy further describes that Metro is most effective in supporting delivery of active transportation infrastructure as a funder and in leading planning and early concept design work. Partner agencies that own and maintain the public right-of-way are better suited to lead project delivery, operations and maintenance. Finally, the strategy describes actions and next steps, including integrating project delivery and partnership models in the upcoming Cycle 2 solicitation for the Metro Active Transport, Transit, and First/Last Mile (MAT) Grant Program.

MAT Program Cycle 2

The recommended action includes authorization for staff to develop and release a solicitation for the second cycle of the MAT Program. The solicitation seeks project proposals for consideration to receive funds from \$75 million in Measure M funds available for programming in fiscal years 2026 to 2030. Staff anticipates releasing the solicitation in mid-2024. Staff will return to the Board to approve and program projects selected for funding.

As with the first funding cycle (fiscal years 2021 to 2025), the ATSP Update guides project eligibility and priorities for Cycle 2 of the MAT Program. Prospective project leads will be invited to submit Letters of Interest based on locations identified as part of the regional network and will be evaluated based on the prioritization in the ATSP. Other factors and selection criteria, including strength of project partnerships and support and alignment with other Metro plans and policies (such as the Street Safety Policy or adopted FLM plans) will be developed in a collaborative process with stakeholders including local agencies, advocacy groups, and others.

ATP Cycle 7 Policies

The recommended action includes approval of Metro's policies for Cycle 7 of the State Active Transportation Program (ATP) (see Attachment C). ATP is a competitive state funding program to encourage increased bicycling and walking. The State will award \$555 million over fiscal years 2026 to 2029 for ATP Cycle 7. The Board's approval of ATP policies for the past six cycles has allowed Metro to provide grant writing services to Metro project managers and local agencies to support the development of strong applications that increase the likelihood of LA County's collective success. In coordination with the Southern California Association of Governments, Metro has selected projects for funding from the Regional MPO Competition. ATP Cycle 7 represents an opportunity to update Metro's grant assistance and regional project selection policies to incentivize the delivery of projects that align with ATP criteria and priorities, as well as Metro plans and priorities adopted since the last ATP cycle, including the ATSP Update.

Community and Stakeholder Engagement

Community engagement was an essential input to defining the active transportation network and ensuring projects were prioritized according to community needs. Community-based organizations (CBOs), elected officials, Metro committee staff and key stakeholders provided an on-the-ground perspective of needed improvements to

walking, biking, and rolling in their community. Community engagement for the development of the ATSP Update began in March 2022 and concluded in August 2023. Subregional agencies and cities were engaged through a Technical Working Group to capture their insight on the unique transportation issues and challenges facing each subregion. The Technical Working Group guided Metro's overall planning approach and reviewed draft plan components at each stage of the process. In alignment with Metro's CBO Partnering Strategy, the outreach program included a robust CBO component to supplement community engagement in regions with higher concentrations of Equity Focus Communities (EFCs) and higher rates of bicycle and pedestrian collisions. The project team developed partnerships with three CBOs, including Streets Are For Everyone, Active SGV, and Healthy Active Streets, to host events and solicit input from community members who are historically underserved and underrepresented. Streets Are For Everyone led two engagement partnerships with churches in South LA, connecting the ATSP Update to an older demographic that is often overlooked in the planning and discussion of active transportation and mobility. Active SGV led two community bike rides in the cities of El Monte and Pomona in which community members rode along the routes on the ATSP Update's regional bike network. These rides allowed community members to give first-hand accounts and feedback on what would help them feel safer at precise points of the route. Healthy Active Streets led mobility visioning workshops in the cities of Paramount and Long Beach. Workshop participants were primarily high school and college-age students who often do not have a driver's license and rely on public transit and active transportation to get to school and other activities.

More than 2,600 residents and stakeholders were engaged through 33 in-person community events across all nine county subregions and more than 10 virtual community meetings. Printed factsheets, surveys, and informational poster boards were available in English and Spanish at the in-person events to inform community members and solicit feedback. The surveys were also distributed virtually via Metro's social media, The Source blog, emailed to the project mailing list, and shared with local agency partners. Community members also identified approximately 100 locations in need of active transportation investments through a virtual mapping tool. To address potential barriers to participation, Spanish speakers were on-site at all events to assist community members and comment cards were available for community members who preferred a non-digital medium to submit comments. Each virtual meeting provided an opportunity for a break-out session organized by subregion to allow for detailed discussion of local concerns. In addition, surveys on prioritization and network development resulted in over 1,800 responses.

DETERMINATION OF SAFETY IMPACT

The ATSP will not have adverse safety impacts on employees and patrons. A key element of the ATSP is to promote a transportation network that improves safety for all travelers. Local jurisdictions are solely responsible for the design and implementation of projects.

FINANCIAL IMPACT

The approval of these recommendations will have a future financial impact once the future MAT Cycle 2 solicitation and project evaluation process is complete. Following the future MAT Cycle 2 solicitation and project evaluation process, staff will bring a recommendation to the Board to program

\$75 million in Measure M funds to projects that are consistent with the 2023 ATSP.

Impact to Budget

Adopting the ATSP Update will have no impact to the budget.

Authorizing the CEO to release the solicitation for Cycle 2 of the MAT Program will have no impact to the budget. The Cycle 2 grants and programming years will be approved by the Board at a later date.

Approving the ATP Cycle 7 policies will have no impact to the budget. Funds for grant assistance have already been budgeted in the FY 2024 budget for Cost Center 4420 under Project 405510, Task 05.05.01. Since this is a multi-year program, the Cost Center Manager and Chief Planning Officer will be responsible for budgeting in future years.

EQUITY PLATFORM

The ATSP Update elevated equity considerations at all stages of development. The goals and objectives of the ATSP Update reflect Metro's recently adopted and relevant plans, as well as input from the Technical Working Group and community outreach. Metro's Equity Platform, adopted after the 2016 ATSP, articulates the agency's commitment to incorporate equity into all facets of its work, while Metro's equity assessment tools, including the pilot Equity Planning and Evaluation Tool (EPET), offer specific guidance on methods and considerations for evaluating impacts on equity. The ATSP Update's goals are centered on Equity, Safety and Comfort, Accessibility, Connectivity and Sustainability, with each goal being supported by two to three objectives. The purpose of the Equity goal is for low-income populations, communities of color and other vulnerable and underserved people to have equitable access to safe and convenient active transportation options. A key objective is to prioritize active transportation interventions in EFCs. As such, Equity is a key criterion for the prioritization of the regional network to target future active transportation investments towards those with the greatest needs in communities that have historically lacked investment.

Metro will advance the implementation of the regional network through discretionary funding dedicated to active transportation, including the MAT Program, and through grant writing assistance for the ATP. Cycle 2 of the MAT Program will continue to include an application process intended to reduce barriers to entry, with targeted outreach and technical assistance planned for EFC areas and small or low-resourced cities. Metro's ATP Cycle 7 policies build upon and refine the ways the existing policies prioritize equity in the selection of projects for technical assistance and ATP funds from the MPO competition. The policies explicitly prioritize projects that will improve safety for people walking, rolling, and riding transit; improve and create alternatives to driving; and support improved health outcomes in EFCs..

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended action furthers Strategic Plan Goal #2: Outstanding trip experiences for all. Active transportation projects facilitated by the ATSP will improve customers' experiences by walking, biking, or other rolling modes.

ALTERNATIVES CONSIDERED

The Board could decide to delay or forgo the adoption of the ATSP Update. This alternative is not recommended as it may result in the implementation of active transportation projects that are inconsistent with Metro's latest policies, programs, and plans, as well as jeopardize next steps for grant programs that reference the ATSP Update.

The Board could elect not to adopt Metro's policies for ATP Cycle 7. This alternative is not recommended as it may impact the competitiveness of projects or result in the use of Metro's Cycle 6 policies, which do not prioritize projects that overlap with EFC areas.

NEXT STEPS

Upon approval, staff will seek to advance the buildout of the regional active transportation network in partnership with local jurisdictions through Metro's limited but influential roles in funding and planning. Funding sources for projects identified in the ATSP Update may include Measure M subregional or highway funds, MAT Program, or ATP. Staff will develop a solicitation for Cycle 2 of the MAT Program based on the network and prioritization in the ATSP Update. Staff will bring to the Board a recommended program of projects to be funded through MAT Cycle 2 at the conclusion of that process.

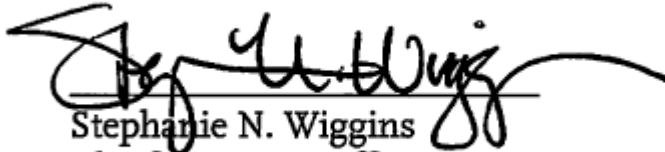
Staff will also release a solicitation for Letters of Interest for grant writing assistance for State ATP Cycle 7 funding. Metro staff will evaluate and select grant assistance recipients on a rolling basis up until February 2024. Grant writing will take place between March and June 2024.

ATTACHMENTS

Attachment A - ATSP Update Executive Summary
Attachment B - MAT Program Cycle 1 Project List
Attachment C - ATP Cycle 7 Policies

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Stephanie N. Wiggins
Chief Executive Officer

Attachment A - ATSP Update Executive Summary



We're planning ways to make it easier to walk, bike and roll in LA County.



Metro®

2023 Active Transportation Strategic Plan

Executive Summary

Metro is excited to present its updated 2023 Active Transportation Strategic Plan (ATSP) to support the development of a world-class transportation system in LA County. The 2023 ATSP includes proposals for First/Last Mile (FLM) improvement areas, regional bikeways and pedestrian districts. The first ATSP was adopted in 2016 and was prefaced by several Metro Board motions calling for the agency's proactive role in countywide active transportation. This update of the ATSP is an opportunity to advance Metro's and other agencies' policies related to climate, social equity and sustainability that have been adopted in the years since the 2016 ATSP.

The planning process included four key phases – *Goals and Objectives, Network Development, Implementation Strategies, and Draft and Final Plan* – each supported by rich community engagement programs that included a total of seven Zoom webinars and workshops attended by 336 participants, 33 in-person events across the nine LA County subregions, and a community survey that garnered over 1,800 responses. In addition, a Technical Working Group (TWG) was convened to guide Metro's overall planning approach and to review draft plan components at each stage of the process.

Goals and Objectives (Chapter 3): The 2023 ATSP goals and objectives reflect recently adopted and relevant plans, as well as TWG input and outreach to the community. The 2023 ATSP goals are centered on Equity, Safety and Comfort, Accessibility, Connectivity and Sustainability, with each goal being supported by two to three objectives. Finally, a comprehensive set of performance measures is presented and will be tracked periodically to assess the level of plan implementation over time.

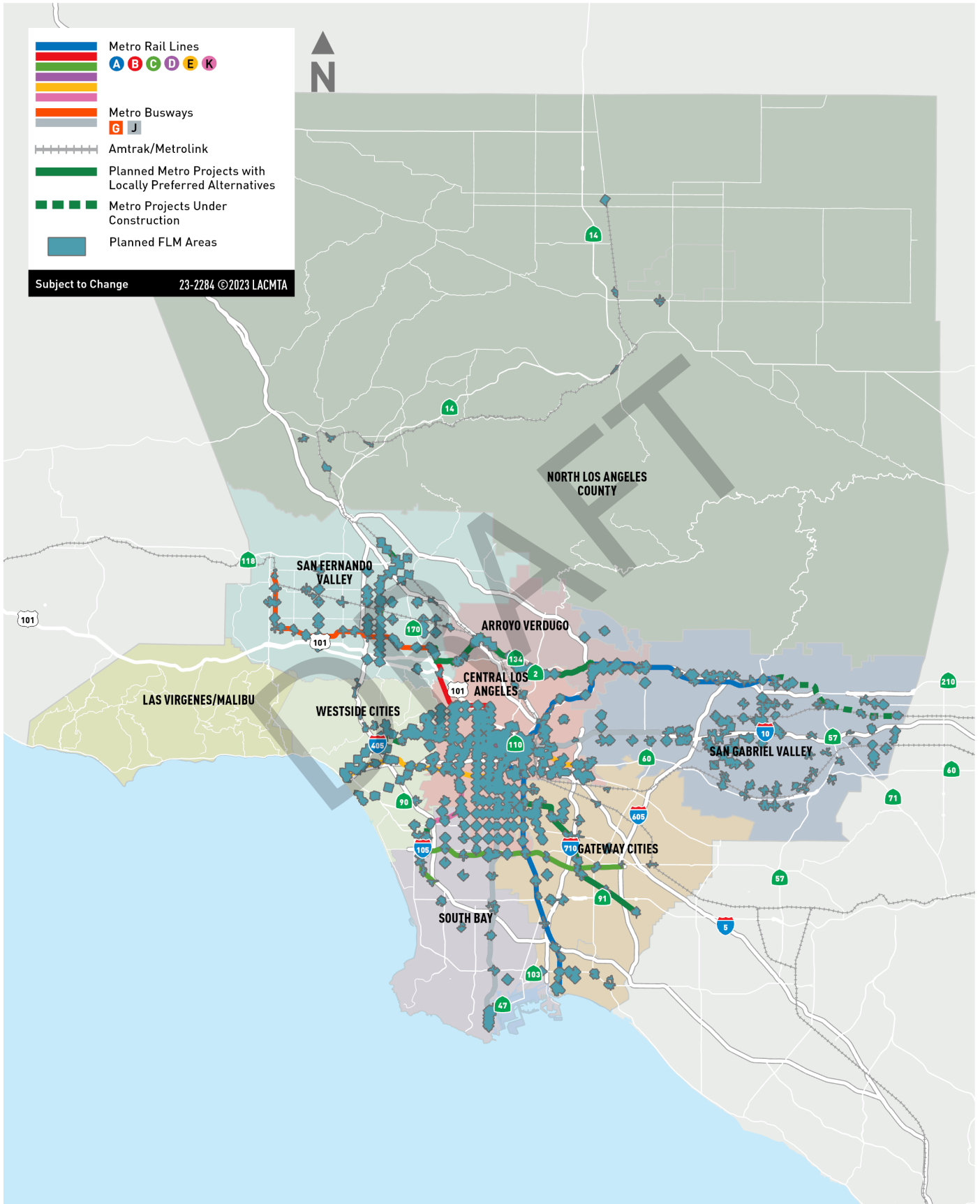
Network Development (Chapter 4): Three pillars of a comprehensive, planned active transportation network for LA County are presented in the 2023 ATSP. The three pillars consist of first/last mile areas, pedestrian districts and regional bikeways. See **Figures E-1** through **E-3** on the following pages.

Implementation Strategies (Chapters 5 - 7): Several important implementation strategies were developed as part of the 2023 ATSP, including prioritizing and phasing each of the three networks, costing the networks, and inventorying grant funding sources available for building the three networks.





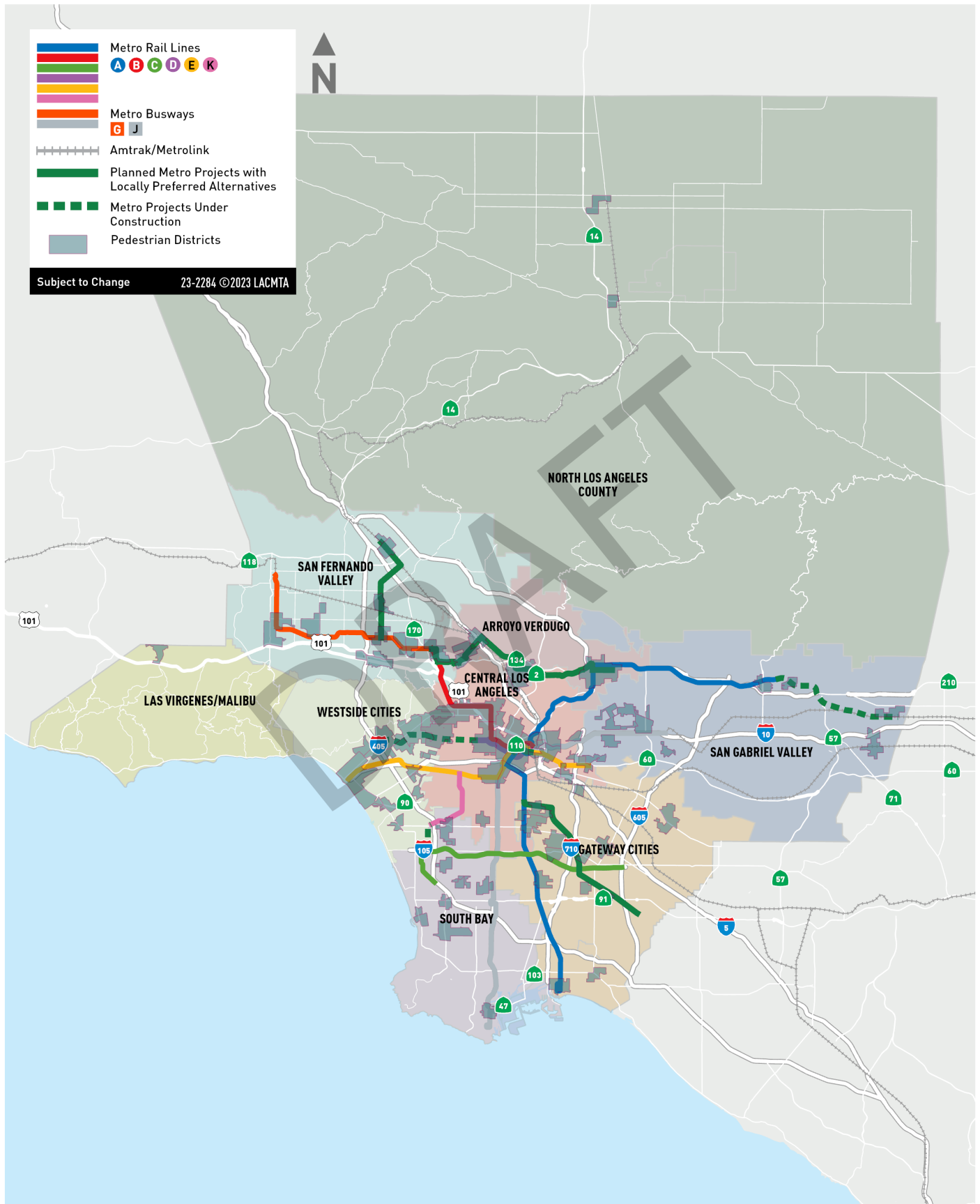
2023 ATSP FLM AREAS



Source: CK Associates, 2023

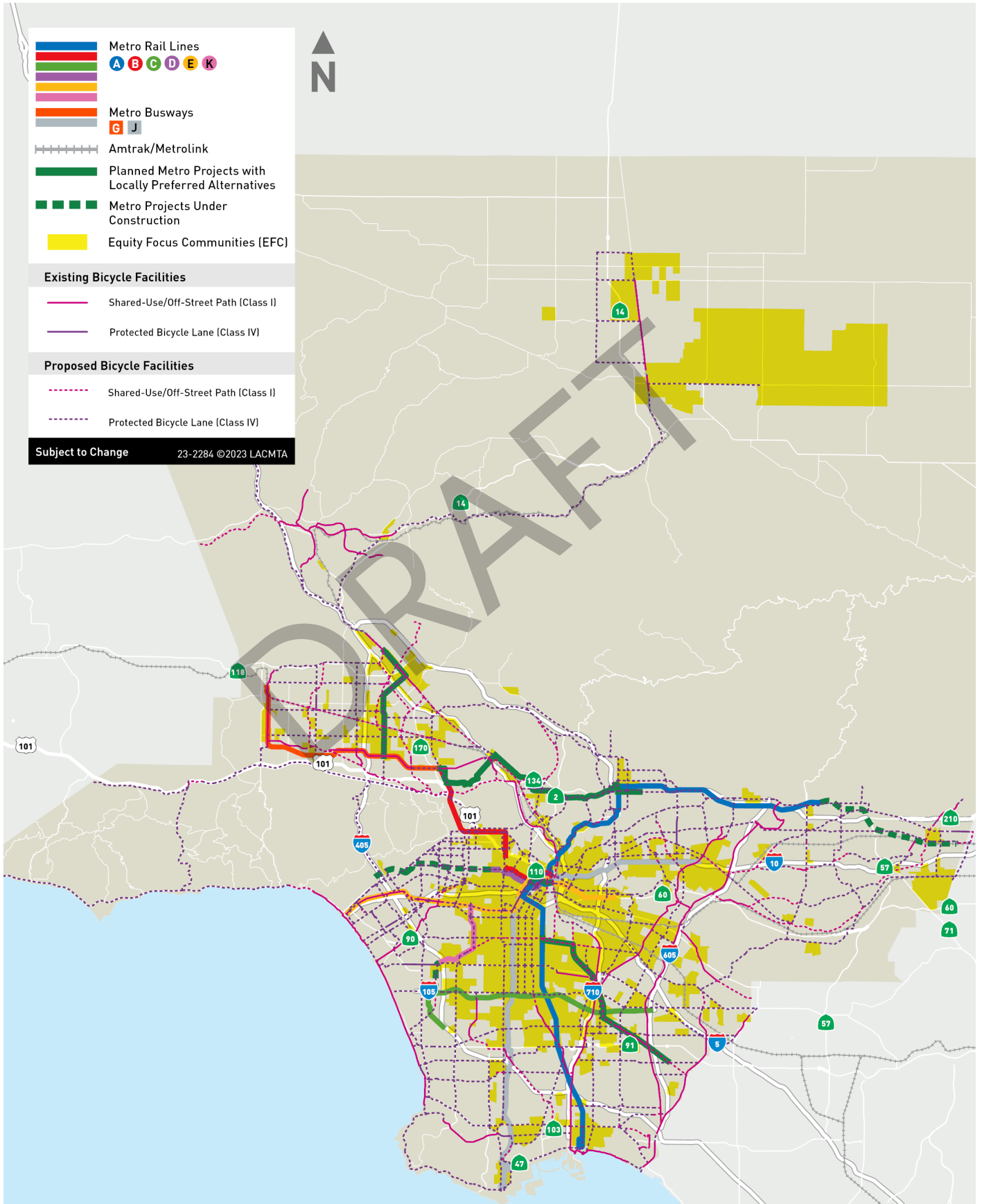
Figure E-2

2023 ATSP PEDESTRIAN DISTRICTS



Source: CR Associates, 2023

2023 ATSP REGIONAL BIKEWAYS



Source: CR Associates, 2023

Although 2022 EFCs are shown in this map, all analyses in this plan used 2019 EFCs, as this was the most recent data available at the time.

The three active transportation networks were prioritized using criteria reflecting the ATSP goals. The table below shows the eight prioritization criteria used to rank the FLM areas, bikeway project segments and pedestrian districts. The prioritized ordering of projects was used to categorize the networks into tier 1, 2 and 3 projects with the first tier projects being recommended for phase one implementation by Metro.

Table E-1

GENERAL DESCRIPTION OF PRIORITIZATION CRITERIA

PRIORITIZATION CRITERIA	GENERAL DESCRIPTION
Equity	Targeting future active transportation investments towards those with the greatest needs in communities that have historically lacked investment
Safety and Comfort	Addressing high-injury locations by creating low-stress, high-quality facilities for safe walking, biking and rolling
Connectivity	Prioritizing projects that close gaps in the existing active transportation networks or that enhance the number of connections between key origins and destinations
Accessibility	Ensuring that future active transportation improvements connect to transit, job centers and recreation spaces
Sustainability	Addressing climate change by improving active transportation options and transit access to lessen transportation emissions in the most polluted communities
Demand	Propensity for existing walking, biking or rolling trips
Community Support	Implementing bikeways and pedestrian improvements that are supported by local stakeholders
Project Readiness	Advancing implementation of bikeway projects that are part of an approved or adopted local plan

Source: CR Associates, 2023

Table E-2

FLM COST ESTIMATES BY PHASED BUILDOUT

PHASE	FLM COST (EXCLUDING PRIOR FLM PLANS)	FLM COST (PRIOR FLM PLANS ONLY)	FLM TOTAL COST BY TIER
Tier I	\$603,985,442	\$120,037,142	\$ 724,022,584
Tier II	\$1,532,261,027	\$307,984,837	\$1,840,245,864
Tier III	\$17,584,925,983	\$1,626,032,160	\$19,210,958,143
Total	\$19,721,172,453	\$2,054,054,139	\$21,775,226,592

Source: CR Associates, 2023

Table E-3

PEDESTRIAN DISTRICT COST ESTIMATES BY PHASED BUILDOUT

PHASE	PED DISTRICT COST (EXCLUDING OVERLAP WITH FLM)	PEDESTRIAN DISTRICT COST (INCLUDING OVERLAP WITH FLM)
Tier I	\$962,383,977	\$1,716,301,771
Tier II	\$655,380,745	\$1,321,877,905
Tier III	\$4,619,313,791	\$7,933,124,252
Total	\$6,237,078,513	\$10,971,303,927

Source: CR Associates, 2023

Table E-4

BIKEWAY COST ESTIMATES BY PHASED BUILDOUT

PHASE	BIKEWAY PROJECT COST (EXCLUDING OVERLAP WITH FLM)	BIKEWAY TOTAL COST BY TIER (INCLUDING OVERLAP WITH FLM)
Tier I	\$86,071,803 - \$170,299,748	\$193,358,527 - \$383,151,156
Tier II	\$224,112,175 - \$445,205,140	\$467,977,790 - \$928,121,303
Tier III	\$3,643,294,421 - \$7,229,078,552	\$5,094,406,749 - \$10,099,810,134
Total	\$3,953,478,399 - \$7,844,583,439	\$5,755,743,066 - \$11,411,082,593

Source: CR Associates, 2023

The total cost to build the entire network of FLM areas across LA County is estimated at roughly \$22 billion, while the total cost to build out the network of roughly 89,000 acres of pedestrian districts is estimated at roughly \$11 billion. Finally, the total cost to build out the complete network of 2023 ATSP regional bikeways is estimated to range from roughly \$3.8 billion to \$7.5 billion.

Chapter 5 concludes with a summary of local, regional and state grants that could be pursued by agencies in LA County to assist with funding the implementation of the 2023 ATSP networks.

In addition to the active transportation network recommendations, two convenient online tools are being made available to community members and agency staff in support of grant proposals and other implementation activities. The tools are 1) the First/Last Mile Dashboard which displays existing condition characteristics for all 602 FLM areas across LA County, and 2) the Active Transportation Benefits Dashboard which calculates important indicators for inclusion in grant proposals like bikeway project VMT reduction potential, induced bike trips, and project related safety improvements.

Chapter 6 of the 2023 ATSP presents programmatic initiatives for consideration by Metro and local agencies in LA County. This chapter concludes with a summary of the estimated benefits of implementing the complete ATSP regional bikeway network.

Finally, *Chapter 7* concludes with a discussion of an overarching strategy for implementing the active transportation networks proposed in this plan, with a particular focus on implementation of the highest priority Tier 1 projects in the near-terms which are estimated to cost about \$1.9 billion.

Table E-5

COUNTYWIDE BENEFITS OF 2023 ATSP REGIONAL BIKEWAY IMPLEMENTATION

BENEFIT	DAILY BENEFIT	ANNUAL BENEFIT ESTIMATE
<i>Travel and Safety Benefits</i>		
Bicycle Trips	+123,393	+45,038,493
Bicycle Miles Traveled	+293,676	+107,191,613
Vehicle Miles Travelled	-138,028	-50,380,613
Change in Bicycle Collisions	52%	52%
<i>Environmental Benefits</i>		
Greenhouse Gas Emissions (metric tons CO ₂ e)	-46.71	-17,051
Gallons of Fuel Consumed	-5,250	-1,916,109
Air Pollution Costs	-\$1,932	-\$705,321
<i>Household and Health Benefits</i>		
Total Vehicle Operating Costs	-\$76,396	-\$27,884,457
Health care and Mortality Costs	-\$23,494	-\$8,747,329

Source: Cambridge Systematic, 2023



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Los Angeles County
Metropolitan Transportation Authority

Recommended Program of Projects

MAT Program Cycle 1

Program Category	Number of Submitted	Applications Funded	Total Project Requests	AMOUNT RECOMMENDED
Active Transportation Corridors	9	5	\$ 53,604,075	\$ 31,550,000
First/Last Mile Locations	19	11	\$ 49,126,131	\$ 31,549,999
Total Funding Mark			\$ 102,730,206	\$ 63,099,999

Recommended Program of Projects - Active Transportation Corridors

MAT Program Cycle 1

Award List

Rank	Sponsor	Co-Sponsor	Corridor							
1	Los Angeles	-	Avalon/MLK/Gage							
<p>The proposed project would connect South LA residents to jobs and transit through the implementation of safe walking and biking infrastructure on Gage Ave, MLK Blvd, and Avalon Blvd. This pedestrian and bicycle-friendly network of streets would connect one of the City's largest employment hubs, the Goodyear Tract, with Metro's E and J Lines near USC.</p>										
2	Commerce	Huntington Park, Bell, LACPW	Randolph							
<p>The Randolph Corridor AT Project provides high quality mobility improvements to the residents and businesses of disadvantaged communities within unincorporated Florence-Firestone and the Cities of Commerce, Bell, Huntington Park (HP) and Maywood. The project provides a health benefit via the bicycle lane/trail for 7.03 miles, connecting to the LA River and other destinations. This project will provide improvements via an equitable planning process. The features that are technically & politically feasible, which will be prioritized, and quantified to design and construct, via this funding request.</p>										
3	Redondo Beach	LACPW, Lawndale	Redondo Beach Blvd							
<p>The Cities of Redondo Beach and Lawndale along with the Los Angeles County Public Works propose to install improved and new Bike and Pedestrian Facilities along Redondo Beach Boulevard/Ripley Avenue from Flagler Lane on the west to the Dominguez Channel Greenway on the east. The total length of this segment is 3.3 miles. The improvements will include a series of access, safety, and infrastructure enhancements for walking and biking. This project will provide a cohesive network that will encourage active transportation modes and allow users to connect to transit facilities, educational facilities, parks, retail stores, job centers and residential neighborhoods. The project supports the goals of the Active Transportation Strategic Plan and will enhance safety by implementing pedestrian improvements by removing barriers to access and correct unsafe conditions by reconstructing curb ramps and sidewalks to meet ADA requirements.</p>										
4	Monterey Park	Montebello, LACPW, Rosemead	1st-Riggin-Portrero Grande							
<p>The proposed project proposes to expand alternative modes of travel by increasing existing bicycle transportation network and enhancing pedestrian facilities. These measures will increase connectivity between homes, jobs, public transit, schools and recreational resources for a variety of road users in unincorporated South San Gabriel, Cities of Monterey Park, Montebello, and Rosemead. The proposed bike facilities will extend and provide continuity and a connection to the existing bicycle facilities along Riggin St and to the future bicycle lanes along 1st St in East Los Angeles part of the Metro Gold Line Eastside Access Phase II project. This project will provide greater accessibility and mobility for pedestrians, cyclists, and transit users providing safe, productive alternative modes of travel.</p>										
5	South Pasadena	-	Huntington-Main/Fremont							
<p>The proposed project will improve overall circulation for vehicle, pedestrian, bus, and bicycle traffic along two major, high volume corridors, within the City. It will focus efforts on a broad range of individuals, thereby impacting the most diverse array of user groups, to improve overall equity, safety, and mobility, in City transportation solutions. The Huntington-Main Corridor is the focus of this project to improve 1.5 miles of this corridor, along with the connecting, Fremont corridor from Alhambra Road to Columbia Street. The proposed project seeks to upgrade both corridors to better serve the community and eliminate existing and potential conflict areas by; upgrading ADA paths of travel, implementing master-plan bicycle concepts, improving intersection functionality, and providing a safe transition between corridors.</p>										
TOTAL										\$ 31,550,000

Waitlist

6	Los Angeles	-	Slauson							
<p>The Slauson Corridor Project will address crucial gaps in infrastructure not currently met by existing projects. Funding the Slauson Corridor Project will leverage improvements from the R2R project that will enhance safety, mobility, and connectivity for jobs, transit, schools, retail and parks providing opportunities for upward mobility in a historically underserved community.</p>										
TOTAL										\$ 8,000,000

Ineligible Projects

-	Lancaster	-	Sierra Highway
-	Los Angeles	-	Broadway/Manchester/Vermont
-	Paramount	-	WSAB Phase 3

NOTES:

All projects will be led by local sponsors; any changes in project roles will require written concurrence from all project partners.

Annual programmed amounts for projects are estimated and may be revised depending upon individual project needs and Measure M funding availability, without changing total programmed amounts for projects.

Recommended Program of Projects - First/Last Mile

MAT Program Cycle 1

Award List

Rank	Sponsor	Co-Sponsor	Project Location						
1	City of Los Angeles	-	Hollywood/Highland						
<p>This project aims to improve pedestrian and bicycling connections to the Hollywood/Highland B Line Stations in Hollywood. The project proposes improvements to the Hollywood Walk of Fame, one of the world's most well-known and frequented destinations, into a more vibrant, pleasant, and pedestrian-friendly boulevard that provides for better connectivity and a safer experience for all users. Potential treatments include bus shelters, wayfinding, raised crosswalks, streets furniture, and more near the Highland station. The project will also fund design development for a larger portion of the Hollywood Walk of Fame Concept Plan.</p>									
2	City of Los Angeles	-	Hollywood/Vine						
<p>Same project description as above, for the Hollywood/Vine B Line station area.</p>									
3	Los Angeles County	-	East LA Civic Center						
<p>This project will improve access for pedestrians and cyclists to the L Line East Los Angeles Civic Center station. The project includes designing and implementing pedestrian and bicycle facility enhancements within a half mile of the station.</p>									
4	City of Los Angeles	-	LAX-Aviation						
<p>LAX/Aviation MAT projects will improve pedestrian and wheeled access to the C Line (Green) and future LAX/Crenshaw Line transfer station. These improvements will include possible projects such as enhanced crosswalks, bulb-outs, wayfinding, and bicycle facilities.</p>									
5	Santa Monica	-	Olympic/26th						
<p>This project, located at the intersection adjacent to and the blocks immediately north of the 26th St/Bergamot Station on the E Line (Expo), will improve missing crosswalk facilities for riders traveling to and from the station. In addition, the project will add and enhance a partial bike route to the station that will connect to a key east-west bicycling corridor.</p>									
6	City of Los Angeles	-	Sepulveda OL						
<p>This project will improve safety, access, and mobility to the Sepulveda station on the G Line (Orange). Potential improvements may include but are not limited to, the sidewalk, crosswalks, curb ramps, curb extensions, street trees, bike facility, bike signal, bike parking, bus shelter, safety lighting, and wayfinding.</p>									
7	Los Angeles County	-	Slauson						
<p>This project will construct access, safety, and infrastructure enhancements for pedestrians within a half mile of the A Line Slauson Station based on Metro's Blue Line First/Last Mile Plan: A Community-Based Process and Plan (March 2018). The goal of this project is to improve pedestrian access to and from the station and to encourage active modes of transportation and the use of public transit.</p>									
8	City of Los Angeles	-	Western/Slauson						
<p>This project will improve safety and access to bus stops at the intersection of Western Ave. and Slauson Ave. Improvements may include, but are not limited to, crosswalks, curb ramps, sidewalk extensions and bulbouts, street trees, lighting, wayfinding, and bicycle facilities. The project site overlaps with part of the Active Transportation Rail to River Corridor, providing an opportunity to also safely connect more riders to active transportation options.</p>									
9	Culver City	Los Angeles	Culver City						
<p>This project, jointly developed with Culver City and the City of Los Angeles, will improve pedestrian and bicycle access to the Culver City E line station. Elements include a physically separated cycle track and pedestrian improvements along Washington Blvd, and other facilities along Venice, Robertson, and National Blvds.</p>									
10	Long Beach	-	Downtown LB (6th Street)						
<p>The 6 St project will reconfigure an existing through street to add a protected bike lane and pedestrian safety features, such as cross walks and bulb-outs. The project extent leads directly to the 5th Street Station on the A Line (Blue), and is blocks from the nearby Pacific Station.</p>									
11	West Hollywood	-	Santa Monica/La Brea						
<p>This project will improve pedestrian safety and access to bus stops near the intersection of Santa Monica Blvd and La Brea Avenue. Some elements include pedestrian-level lighting, bulbouts, median islands, crosswalk enhancements, and in-road warning lights.</p>									
									\$ 31,549,999

Recommended Program of Projects - First/Last Mile

MAT Program Cycle 1

Waitlist

12	Los Angeles County	-	Florence						
This project would improve pedestrian access and safety within a half mile of the A Line Florence Station, implemeting improvements based on Metro's Blue Line First/Last Mile Plan: A Community-Based Process and Plan (March 2018).									
13	Los Angeles		Van Nuys/Vanowen						
The project proposes first/last mile improvements such as crosswalks, curb ramps, curb extensions, and bicycle facilities to enhance connections to bus stops at Van Nuys and Vanowen Blvds, as well as the Van Nuys Metrolink rail station. The project would also look to improve safety for riders connecting to the G Line (Orange) at Van Nuys Blvd.									
14	West Hollywood		Fountain (Hayworth-Harper)						
This project would improve pedestrian safety on Fountain Ave. between Hayworth Ave. and Harper Ave. Treatments include bulb-outs, medians, and crosswalks with in-road warning lights.									
15	West Hollywood		Santa Monica Bl-Greenacre						
This project would improve pedestrian safety by installing in-road warning lights at the intersection of Santa Monica Bl and Greenacre Ave.									
16	West Hollywood		Fairfax						
The project would address safety by implementing pedestrian-scale lighting, leading pedestrian intervals at intersections, in-road warning lights, crosswalks, and improved bicycle amenities.									
17	West Hollywood		Santa Monica Bl-Poinsettia						
This project would improve pedestrian safety by installing in-road warning lights at the intersection of Santa Monica Bl and Poinsettia Place.									
18	West Hollywood		Santa Monica Bl-Hayworth						
This project would improve pedestrian safety by installing in-road warning lights at the intersection of Santa Monica Bl and Hayworth Ave.									

TOTAL

\$ 8,000,000

Ineligible Projects

-	Los Angeles	-	Lincoln/Cypress
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NOTES:

Annual programmed amounts for projects are estimated and may be revised depending upon individual project needs and Measure M funding availability, without changing total programmed amounts for projects. Phase Lead as indicated are tentative and subject to change. Any change from what is shown requires written concurrence from all project partners.

Attachment B - ATP Cycle 7 Policies

ATP Grant Assistance Priorities

Metro has provided grant writing services to Metro project managers and local agencies for the past six cycles to support the development of strong applications that increase the likelihood of LA County's collective success. To date, the California Transportation Commission (CTC) has awarded LA County projects approximately \$1 billion. Almost 50% of the awarded funds are for projects that received Metro grant assistance. In October 2021, the Metro Board adopted the ATP Cycle 6 Priorities Framework to guide the allocation of Metro's grant-writing assistance (File ID 2021-0587). Table 1 shows the existing framework.

Table 1. ATP Cycle 6 Grant Assistance Priorities
Requirement: Project sponsor must have an adopted Complete Streets Policy or other qualifying document
Percentage Set-asides: <ul style="list-style-type: none">• 75% of overall grant assistance directed to first/last mile projects sponsored by Metro and other local jurisdictions• 25% of overall grant assistance to other state ATP-eligible projects that help implement the Metro Active Transportation Strategic Plan
Priorities if requests for grant assistance exceed available resources: <ul style="list-style-type: none">• Priority will first be assigned to projects located within Metro Equity Focus Communities (EFCs)• Second priority to projects that are sponsored by agencies that can clearly demonstrate resource/technical limitations that would hinder submission of a complete and competitive grant application

For ATP Cycle 7 Metro staff proposes a new framework to help implement active transportation-related policies and plans adopted by the Metro Board in the past couple years – including the 2023 Active Transportation Strategic Plan (ATSP) requesting consideration in this board report – while also ensuring selected projects are competitive against state ATP criteria. The proposed framework is shown in Table 2. Major changes between the ATP Cycle 6 and 7 frameworks include:

- Elimination of percentage set-asides for first/last mile projects and other projects that implement the Metro ATSP. Eliminating the percentage set-asides will

simplify the project selection process and provide flexibility to serve broader range of ATP-eligible projects that may not strictly fit into those two set-aside categories. The framework upholds priority for first/last mile projects and projects that implement the ATSP.

- Prioritization for projects that overlap with Metro EFCs. The proposed Cycle 7 framework would evaluate a projects' overlap with EFCs as part of the regular evaluation process, rather than only in the situation that requests for grant assistance exceed capacity.
- Prioritization for projects that overlap with one of the ATP's definitions for disadvantaged communities. This formalizes an evaluation criterion Metro staff has always applied to assess a project's competitiveness for the ATP. The ATP defines disadvantaged communities in the following ways:
 - Median Household Income: less than 80% of the statewide median
 - CalEnviroScreen: top 25% of California communities
 - National School Lunch Program: at least 75% of public-school students in the project area eligible to receive free or reduced-price meals
 - Healthy Places Index: the 25th percentile or less of California communities
 - Native American Tribal Lands: located within Federally Recognized Tribal Lands or submitted by a Federally Recognized Tribal Government
 - Regional Definition: Communities of Concern identified in SCAG's 2020 Regional Transportation Plan/Sustainable Communities Strategies
- Prioritization for projects that improve a location identified in an adopted safety plan, policy, or framework such as Vision Zero, High Injury Network, or Local Roadway Safety Plan. The intent is for projects to be informed by safety data and analysis of where death and serious injuries are occurring within the local jurisdiction. This priority is consistent with the objectives of Metro's Street Safety, Data Sharing, and Collaboration Policy adopted by the Board in June 2022 (File #: 2022-0340).
- Addition of ineligible projects. Projects that include Conventional Class III bike routes as the main bike component are not competitive in the ATP and were ineligible in Metro's Call for Projects program.

Table 2. ATP Cycle 7 Grant Assistance Priorities
Requirement: Project sponsor must have an adopted Complete Streets Policy or other qualifying document
Priorities:
<ul style="list-style-type: none"> • Projects from a Metro Board-adopted First/Last Mile plan • Projects that are within a first/last mile area, pedestrian district*, or regional bikeway identified in the 2023 ATSP • Projects that improve a location identified in an adopted safety plan, policy, or framework such as Vision Zero, High Injury Network, or Local Roadway Safety Plan • Projects overlapping with Metro EFCs • Projects overlapping with ATP-defined disadvantaged communities • Projects that have completed environmental and final design phases <p>*Projects within a pedestrian district must also overlap with Metro EFCs or ATP-defined disadvantaged communities</p>
Ineligible:
<ul style="list-style-type: none"> • Projects with bike components that are primarily conventional Class III Bike Routes (sharrows and “bike route” signs)

Regional Competition Scoring Method

The CTC administers the ATP in sequential competitions. All LA County candidate projects not awarded funding through the initial Statewide Competition are next considered in the Regional MPO Competition. ATP statute requires the Southern California Association of Governments (SCAG) to select projects in consultation with its member counties, and to select projects that are consistent with local and regional plans. SCAG accomplishes this by combining points assigned by counties through their county-level project selection methods with points from the Statewide Competition score for each ATP project application. The project selection scoring method must outline how a county will augment each project’s Statewide Competition score by up to 20 additional points based on consistency with regional/local plans.

Table 3 shows the ATP Cycle 6 scoring method (File #: 2019-0671).

Table 3. ATP Cycle 6 Scoring Method	Points
Project sponsor must have an adopted Complete Streets Policy or other qualifying document in order to be considered for any points.	
A. Equity Focus Communities	3
B. Consistency with Local/Regional Plans – Regional Plans <ul style="list-style-type: none"> • Leverages Measure M • Implements the Active Transportation Strategic Plan Consistency with Local/Regional Plans – project has robust community support	1 and/or 1
C. Bonus for First/Last Mile	5
Total (Up to)	10

For ATP Cycle 7, Metro staff proposes modifications to the scoring method to clarify criteria for consistency with local and regional plans, including adding active transportation-related policies and plans adopted by the Metro Board in the past couple years – including the 2023 Active Transportation Strategic Plan (ATSP).

The proposed scoring method for ATP Cycle 7 is shown in Table 4.

Table 4. ATP Cycle 7 Scoring Method	Points
Requirement: Project sponsor must have an adopted Complete Streets Policy or other qualifying document in order to be considered for any points.	
A. Project overlaps with Metro Equity Focus Communities	3
B. Consistency with Local/Regional Plans and Policies <ul style="list-style-type: none"> • Project is within a first/last mile area, pedestrian district*, or regional bikeway identified in the 2023 ATSP • Project improves a location identified in an adopted safety plan, policy, or framework such as Vision Zero, High Injury Network, or Local Roadway Safety Plan • Project leverages Measure M Expenditure Plan dollars from a Major Project or Multi-Year Subregional Program 	Up to 3
C. Project has completed or describes a plan for project-specific community engagement	2
D. Project is from a Metro Board-adopted first/last mile plan	2
Total (Up to)	10



Active Transportation Strategic Plan Update

Planning & Programming Committee

File 2023-0516

November 15, 2023

Recommendation

Consider:

- A. Adopting the Active Transportation Strategic Plan Update.
- B. Authorizing the CEO to release the solicitation for Cycle 2 of the Metro Active Transport, Transit, and First/Last Mile Grant Program.
- C. Approving Metro's policies for Cycle 7 of the State Active Transportation Program.



Plan Overview

> **First update of 2016 plan**

- Reflect Metro's latest policies, programs, and plans, including Equity Platform
- Introduce and efficiently manage Measure M resources
- Improve competitiveness for external grant funding



> **Defines and prioritizes regional active transportation network**

- 602 First/Last Mile Areas
- 81 Pedestrian Districts (new element)
- 1,433 mi of Regional Bikeways



> **Defines roles/responsibilities and guides implementation**

- Metro provides technical and planning support
- Local jurisdictions to design, implement, operate, and maintain facilities



Key Plan Elements

- > Goals and Objectives
- > Regional Active Transportation Network
- > Network Prioritization
- > Cost Estimates and Funding
- > Best Practices and Plan Benefits
- > Implementation Strategy



New Content

- > **Pedestrian Districts** for targeted pedestrian improvements near opportunity centers and key destinations
- > **Network Prioritization** to identify highest need areas for near-term implementation of projects
- > **Implementation Strategy** for efficient regional network buildout
- > **Interactive Platforms** to enhance access to plan resources for planning, communications, and grant assistance
 - [StoryMap](#)
 - [First/Last Mile Existing Conditions Dashboard](#)
 - [Bikeway Benefits Dashboard](#)



Next Steps

- > Develop and release Cycle 2 grant solicitation for Metro Active Transport, Transit, and First/Last Mile (MAT) Program
 - Facilitate implementation of ATSP regional network
 - \$75 million to be awarded for programming from FY26-29
- > Administer grant assistance for Cycle 7 of State's Active Transportation Program (ATP)
 - Improve competitiveness in securing funding from \$555 million to be available from FY26-29





Board Report

File #: 2023-0415, File Type: Budget

Agenda Number: 9.

CONSTRUCTION COMMITTEE NOVEMBER 16, 2023

SUBJECT: RAIL TO RAIL ACTIVE TRANSPORTATION CORRIDOR PROJECT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. INCREASING the Life of Project Budget for the Rail-to-Rail Active Transportation Project (Project) by \$23,100,000, from \$143,284,000 to \$166,384,000; and
- B. AUTHORIZING the Chief Executive Officer to execute agreements, including Contract Modifications, within the Board Approved Life of Project Budget.

ISSUE

The Life of Project (LOP) budget for the Rail-to-Rail Active Project requires an increase of \$23,100,000 for additional costs related to the remediation and disposal of unanticipated hazardous soils, differing site conditions within the public intersections, additional professional services, and third-party costs to provide oversight of the Project through completion.

BACKGROUND

The Rail-to-Rail Active Transportation Project is a dedicated walkway and bikeway approximately 5.6 miles in length that begins at the Metro K Line Florence/West Station and stretches east along the Harbor Subdivision rail right-of-way following Slauson Avenue from Inglewood through South Los Angeles, terminating at the Metro A Line Slauson station. This new east-west pedestrian and bicycle corridor will connect travelers to three major Metro transit lines - the A (Blue) Line, K (Crenshaw) Line, and J (Silver) Line - and multiple bus lines. As of this report, the Project is approximately 35% complete and remains on schedule for a Winter 2024 opening.

In January 2022, the Board approved a Life of Project budget of \$115,989,000. The budget assumed that the City of Los Angeles (City) would complete all construction work within the public right-of-way and that Metro and the City would execute a Memorandum of Understanding memorializing this arrangement. However, after approval of the LOP, Metro and the City mutually agreed to pursue a

direct financial contribution from the City in the amount of \$27,295,000 over three fiscal years, whereby the City would transfer responsibility for all construction within the public right-of-way, including 23 intersections, to Metro. Accordingly, in April 2022, the Metro Board adopted a new LOP of \$143,284,172. On May 2, 2022, the City Council approved a financial commitment of \$27,295,000 to the Project, and in July 2022, Metro and the City executed a Financial Contribution Agreement.

DISCUSSION

As previously reported to the Board in April 2023, as part of the FY2024 Annual Program Evaluation, the Rail to Rail project requires an increase in Life of Project budget to account for unforeseen conditions and hazardous soils that have been encountered to date during construction of the project. There are three main categories described in greater detail below in which forecasted costs exceed the budgeted costs approved in the LOP:

Hazardous soil in the Metro right-of-way: Metro has encountered and performed remediation and disposal of unanticipated hazardous soil along the entire Project alignment. In 2017, Metro entered into a Voluntary Cleanup Agreement with the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC). Based on the soil chemical analysis, elevated concentrations of regulated metals were expected in soils near the track centerline. However, the amount of soil exceeding non-Resource Conservation and Recovery Act (RCRA)/Cal-Haz waste thresholds was unknown. Contract C1166 contemplated the removal, transport, and disposal of contaminated soils but did not account for unquantified hazardous soils. As hazardous soils were encountered, Metro issued Modification 13 to excavate to a depth of 2 feet, remediate, and dispose of roughly 35,000 cubic yards of hazardous soils along the Metro right-of-way. The totality of this work was \$8 million in additional costs and time impact delays to the Project.

Despite this effort, the discovery of unanticipated hazardous soil at depths beyond 2 feet in the Metro right-of-way has also impacted the Project budget and schedule. After experiencing unprecedented rain events and a wetter-than-normal winter causing flooding throughout the Metro ROW, the Project encountered oversaturated soil in the Metro ROW, preventing compaction and adding to the amount of soil that needed to be removed and treated. To treat the hazardous soil material below the original 2 feet of contaminated soil, roughly 8,500 cubic yards of soil will be treated and removed to allow work to continue and mitigate the oversaturated conditions. The estimated additional cost for this work is \$1.6 million.

Hazardous soil in the public right-of-way: In addition to unanticipated hazardous soil within Metro's right-of-way, hazardous soil has also been discovered in the public right-of-way intersections. The Project consists of public right-of-way improvements at the 23 intersections the Project crosses and extensive intersection reconfigurations including, but not limited to, curb and gutter, storm drains, utility relocations, soil contaminated mitigation, and track removal. However, during the course of construction, the Project has encountered hazardous soil at each public intersection encountered

thus far. As a result, the Project anticipates encountering hazardous soil at each of the remaining intersections. The cost to treat and remove the hazardous soil within the 23 intersections is estimated at \$1 million in additional costs to the Project.

Differing site conditions in the public intersections: Unexpected costs due to differing site conditions and third-party expenses have been higher than initially anticipated. The Project has encountered several differing site conditions of impact to civil, utility, traffic signal, and street light work at every public intersection encountered thus far, and these conditions are expected to occur at all remaining intersections. These conditions will result in additional direct costs of \$5.3 million as well as delays to the schedule, affecting professional services contracts and third-party expenses. Thus, Metro needs to increase the professional services contracts in the amount of \$2.9 million and enter into work order agreements with various City departments and third parties for work within the public right-of-way totaling \$4.3 million to relocate existing utilities and resolve differing site conditions. The total forecast of the costs associated with differing site conditions, professional services contracts, and third-party agreements providing oversight for the Project until completion is \$12.5 million.

Given the impacts outlined above, an increase to the Rail-to-Rail Project budget is requested based on the following:

• Hazardous Soil in the Metro ROW	\$9,600,000
• Hazardous Soil in the Public ROW	\$1,000,000
• Differing Site Conditions in the Public Intersections	\$5,300,000
• Professional Services	\$2,900,000
• 3 rd Party Costs	\$4,300,000
TOTAL LOP INCREASE	\$23,100,000

DETERMINATION OF SAFETY IMPACT

Staff noted when it established the original LOP that this Project will significantly improve pedestrian and bicycle safety along the Slauson corridor. The Slauson corridor currently provides very limited bicycle and pedestrian facilities; sidewalks are used where possible but are discontinuous, and traffic volumes on the roadways are significant. Bicyclists weave between sidewalks and roadways, and in some areas of the corridor, pedestrians walk on existing railroad facilities which flood during winter rains and remain ponded for days afterward. Pedestrian and bicycle crossings are unsafe in some parts of the corridor as well. The Project scope addresses these safety concerns and strives to lower interactions between vehicles and pedestrians/bicyclists.

FINANCIAL IMPACT

The LOP budget increase is to be partially funded using a portion of the omnibus spending bill President Biden signed into law in December 2022 that specifically earmarks \$4 million for the Rail-to-Rail project. The Project has also been awarded/earmarked \$17 million in funding from the ExpressLanes Net Toll Revenue Reinvestment Grant Program last month. The remaining \$2.1 million will be funded by Measure M 2%. None of these three fund sources are eligible for bus and rail operations. Metro staff will continue to seek and apply for funding opportunities that will backfill the local funding with other funding sources. Metro staff will also continue to pursue additional funding sources including Metro Active Transportation (MAT) Measure M funds.

This is a multi-year project with substantial completion in the second quarter of Fiscal Year 2025. Upon approval of the revised LOP budget, staff will manage the Project within the Board approved budget. It is the responsibility of the Chief Program Management Officer and Project Manager to budget for the Project in future fiscal years.

Impact to Budget

There is no impact to the FY24 budget at this time. However, although the additional LOP would not be spent in FY24, staff do need additional LOP in FY24 to enter requisitions for new change orders and modifications to the construction contract, consultant task orders, and Third-Party Work Order Agreements for FY24.

EQUITY PLATFORM

The benefits of this action are to ensure that the Project establishes a strong active transportation system within Equity Focus Communities for connectivity between residential areas, schools, recreational facilities, medical facilities, community services, employment areas, and shopping centers. By enhancing links to existing multimodal connections and developing a new, safer route for pedestrians and bicyclists, the Project will address existing transportation barriers and connect residents to key social and employment hubs. This improved connectivity for various transportation modes will provide ladders of opportunity to area residents and support existing businesses in the corridor. This action will ensure that hazardous soil within the Metro and Public ROW is removed from the site, which may decrease the exposure of people or the environment to hazardous materials.

In addition, the contract has a Disadvantaged Business Enterprise (DBE) commitment of 20.27%, and the contract modification requested in this report does not change the level of commitment. The current level of participation is 45.65% DBE. The majority of the DBE scope is underground civil and utility work which is the primary focus of the current phase of construction. There is more than a year left in the contract to achieve the 20.27% DBE commitment.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project promotes goals outlined in Metro's Bicycle Transportation Strategic Plan (2006 Bike Plan) and First Last Mile Strategic Plan (2014) by creating safe connections to surrounding neighborhoods, expanding the reach of transit through infrastructure improvements and maximizing multi-modal benefits. Metro plays an important role in bicycling planning across Los Angeles County, facilitating first-mile/last-mile connections to transit and supporting bicycle transportation through various policies and programs. Metro's 2006 Bike Plan established policies and priorities for bicycle transportation, improving access to transit, and encouraging and promoting bicycling-specific activities and events.

Additionally, this recommendation supports Metro's strategic goal #1 by providing high-quality mobility options that enable people to spend less time traveling. Metro acknowledges the need for partnerships with local, regional, and state authorities to leverage funding to maintain streets, highways, and shared freight rail corridors in a state of good repair for all users.

ALTERNATIVES CONSIDERED

The Board may choose not to move forward with adopting the proposed increase to the LOP. This would not be recommended because without the additional funds, Metro could not complete the project and meet our grant obligations. The Board may also elect to increase the LOP by a smaller amount than what is proposed by staff. This is not recommended because the LOP increase has been calculated from a bottom-up estimate given what the project has encountered in the field to date. Approximately \$60 million remains on the construction contract, with much of it in the public right-of-way where staff anticipates encountering utilities and additional contamination or hazardous soil. An LOP increase in the full amount proposed ensures staff can continue to execute upcoming contract modifications and future work order agreements with the various City of Los Angeles departments supporting the project.

NEXT STEPS

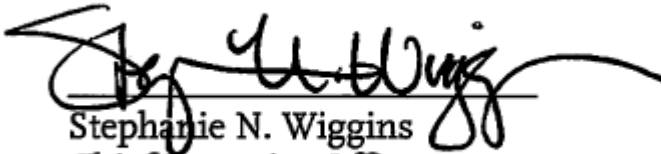
Upon approval, staff will revise the LOP budget and execute necessary modifications to the construction contract and any necessary task orders in support of the Project. Staff will also work with the City to develop FY24 agreements in the first quarter of FY24.

ATTACHMENTS

Attachment A - R2R Funding and Expenditure Plan

Prepared by: Rafie Zamani, Deputy Executive Officer, Project Management, (213) 418-3140
Tim Lindholm, Deputy Chief Program Management Officer, (213) 922-2797

Reviewed by: Darcy Buryniuk Chief Program Management Officer (213) 922-2250
Sharon Gookin, Deputy Chief Executive Officer, (213) 418-3101



Stephanie N. Wiggins
Chief Executive Officer

Rail to Rail (R2R)							
Use of Funds	Prior LOP April 2022	Current LOP Forecast	Inception- FY23	FY24	FY25	FY26+	Total Capital Costs
Design Phase							
3rd Party Agreements (City/County/UPRR/DTSC)	3,843,000	2,904,000	2,904,000	-	-	-	2,904,000
Environmental Clearance and Outreach	2,749,000	2,749,000	2,749,000	-	-	-	2,749,000
Legal/Four Corners/Title Reports	267,000	362,000	362,000	-	-	-	362,000
Design and related Support (HDR) inc initial traffic control	6,741,000	7,162,000	7,162,000	-	-	-	7,162,000
Hazardous Materials Clean-up	416,000	416,000	416,000	-	-	-	416,000
Agency Costs	4,932,000	4,660,000	4,660,000	-	-	-	4,660,000
Design Phase Total	18,948,000	18,253,000	18,253,000	-	-	-	18,253,000
Construction Phase							
TRC Hazardous Materials Clean-up/Taxes Early Work	8,000,000	8,000,000	8,000,000	-	-	-	8,000,000
Construction Contract C1166	88,100,000	104,549,000	42,299,000	36,500,000	25,750,000	-	104,549,000
City Infrastructure Coordination (incl traffic control)	2,280,000	1,744,000	647,000	647,000	450,000	-	1,744,000
3rd Party Agreements - City/DWP/County/Others	3,080,000	7,464,000	2,596,000	2,971,000	1,897,000	-	7,464,000
Tree Grant Administration	-	-	-	-	-	-	-
Design Support During Construction	2,900,000	4,297,000	934,000	1,722,000	1,641,000	-	4,297,000
CMSS and Program Mgmt Consultants	5,900,000	7,211,000	2,829,000	3,000,000	1,382,000	-	7,211,000
Environmental (Geotech/Env Comp/Archeo/DTSC)	1,600,000	1,265,000	478,000	387,000	400,000	-	1,265,000
Other Professional Services (Quality/DEOD)	471,000	608,000	9,000	349,000	250,000	-	608,000
Outreach	425,000	397,000	11,000	200,000	186,000	-	397,000
Artwork/Signage (Fabrication/Installation/Staff)	300,000	300,000	-	150,000	150,000	-	300,000
Agency Costs: Project Control, V/CM, Safety, Communications, Quality, Sustainability., etc.	5,180,000	5,720,000	2,300,000	1,920,000	1,500,000	-	5,720,000
Unallocated Project Contingency	6,100,000	6,576,000	-	-	-	6,576,000	6,576,000
Construction Phase Total	124,336,000	148,131,000	60,103,000	47,846,000	33,606,000	6,576,000	148,131,000
Total Project Cost	143,284,000	166,384,000	78,356,000	47,846,000	33,606,000	6,576,000	166,384,000
Source of Funds	Prior LOP April 2022	Current LOP Forecast	Inception- FY23	FY24	FY25	FY26+	Totals
Federal – TIGER VI (Grant CA-2017-103)	15,000,000	15,000,000	12,000,000	3,000,000	-	-	15,000,000
SB 848 (Grant CalSTA18)	8,000,000	8,000,000	8,000,000	-	-	-	8,000,000
Measure R - Admin (1.5%)	16,458,000	16,458,000	16,458,000	-	-	-	16,458,000
Measure M 2%	-	2,105,000	1,464,000	641,000	-	-	2,105,000
LA County Measure W Grant	8,000,000	8,000,000	7,500,000	500,000	-	-	8,000,000
LA County Repurposed Earmark	2,200,000	2,200,000	2,200,000	-	-	-	2,200,000
Repurposed LA County ARP Funds	15,000,000	15,000,000	-	7,500,000	7,500,000	-	15,000,000
State (CALTRANS)							
Active Transportation Program (ATP)	8,170,000	8,170,000	5,970,000	2,200,000	-	-	8,170,000
City Contribution/Funding Agreement	27,300,000	27,295,000	15,800,000	11,495,000	-	-	27,295,000
USDOT Earmark for R2R December 2022	-	4,000,000	-	2,000,000	2,000,000	-	4,000,000
Other Federal, State, Local Fund*	43,156,000	43,156,000	8,964,000	20,510,000	7,106,000	6,576,000	43,156,000
ExpressLanes Net Toll Revenue	-	17,000,000	-	-	17,000,000	-	17,000,000
Total Project Funding	143,284,000	166,384,000	78,356,000	47,846,000	33,606,000	6,576,000	166,384,000
* Metro will continue to seek eligible federal, state and local funds for Active Transportation							

Rail to Rail ATP Project

RECOMMENDATION:

- A. INCREASING the Life of Project Budget for the Rail-to-Rail Active Transportation Project (Project) by \$23,100,000 from \$143,284,000 to \$166,384,000; and
- B. AUTHORIZING the Chief Executive Officer to execute agreements, including Contract Modifications, within the Board Approved Life of Project Budget.

Rail to Rail ATP Project

REASONS FOR LOP INCREASE	
Hazardous Soil in the Metro ROW	\$9,600,000
Hazardous Soil in the Public ROW	\$1,000,000
Differing Site Conditions in the Public Intersections	\$2,900,000
Professional Services	\$2,900,000
3 rd Party Costs	\$4,300,000
TOTAL LOP INCREASE	\$23,100,000

Rail to Rail ATP - Photos



Processing Hazardous Soil



Differing Site Conditions



Site flooding



Rail to Rail ATP Project

SOURCE OF FUNDS:

- I. President Biden's Omnibus Spending Bill: **\$4,000,000.**
- II. ExpressLanes Net Toll Revenue Grant Program: **\$17,000,000.**
- III. Measure M 2%: **\$2,100,000**

Total Project Funding: \$23,100,000

Rail to Rail ATP Project

NEXT STEPS:

- I. Revise the LOP Budget and execute necessary modifications to the construction contract and task orders.
- II. Work with the City to develop FY2024 agreements.
- III. Reach Substantial Completion in 2nd Quarter of FY2025.

**Board Report**

File #: 2023-0565, **File Type:** Project**Agenda Number:** 10.

**CONSTRUCTION COMMITTEE
NOVEMBER 16, 2023****SUBJECT: TRACK AND TUNNEL INTRUSION PROJECT****ACTION: APPROVE RECOMMENDATIONS****RECOMMENDATION**

INCREASE the Life of Project (LOP) Budget on the Track and Tunnel Intrusion Project by \$550,224, from \$10,821,772 to \$11,371,996.

ISSUE

Metro Headquarters (USG), which is located at Union Station in Downtown Los Angeles, is a key hub to the B (Red) and D (Purple) lines, and the 7th Street and Metro Center Station is a key hub to the B (Red), A (Blue), D (Purple) and E (Expo) lines, all which have been determined by the Department of Homeland Security (DHS) to be part of the Top Transit Asset List (TTAL). A Track and Tunnel Intrusion Detection System is crucial for the safety and protection of the Metro system, its ancillary areas and train tunnels.

Due to supply chain issues, inflation, and a tight current labor market the project budget is impacted. According to the U.S. Bureau of Labor Statistics, construction material prices jumped 28.7% from 2021 to 2022.

BACKGROUND

The TTIDS project for underground rail stations proposes to install track intrusion systems at Metro rail underground stations. Metro Headquarters (USG), which is located at Union Station in Downtown Los Angeles, is a key hub to the B (Red) and D (Purple) lines, and the 7th Street and Metro Center Station is a key hub to the B (Red), A (Blue), D (Purple) and E (Expo) lines, all which have been determined by the Department of Homeland Security (DHS) to be part of the Top Transit Asset List (TTAL).

Variables such as poor lighting and train headlights create moving shadows, heat, and a lack of accurate depth perception in dark confined spaces have posed a challenging environment for our existing system. For example, the increasing number of the unhoused population seeking shelter on various parts of the Metro system, specifically in underground stations and ancillary areas has resulted in reoccurring intrusions. The environment also makes it difficult to detect unauthorized intrusion related to criminal activity. The improvements will include additional digital video recorders,

cabling, and the engineering to facilitate Track and Tunnel Intrusion technology. With this improvement, DHS' FY20 evaluation of the national risk profile, priority of; 1) Enhancing the Protection of Soft Targets/Crowded Places, will be addressed.

Therefore, this protection may be accomplished by positioning TTIDS equipment on the tunnel's walls to detect intruders. All required labor, material, equipment, and installation of the system will be performed by the vendor in collaboration with Metro staff.

In response to Invitation for Bid (IFB) No. C76536C1214-2, Metro received one bid from L.K. Comstock National Transit LLC (LKCNT) for \$9,837,975. During construction, LKCNT has encountered cumulative delays, resulting in impacts that have prolonged the project. The notice to proceed (NTP) date for the TTIDS project is July 18, 2022, and has a tentative substantial completion date of January 26, 2024.

DISCUSSION

From February 2023 to the present, LKCNT has informed Metro that they and their subcontractor KPA Constructors, Inc. (KPA) have been experiencing work delays due to limited access support to existing facilities. The reason for the lack of access to existing facilities was due to the availability of Metro resources as other ongoing projects required the same resource support. Metro resources are required as escorts to support contract work. Due to the work taking place on an active rail line, the number of escorts necessary can vary depending on the location and type of work being performed by the contractor.

Throughout the project, there have been many other active Metro construction projects that require the same resources needed to escort/support the contract team assigned to this project. During the spring and fall of 2023, competing priorities caused resources to be shifted from one project to another adversely impacting the contractor and subcontractor supporting TTIDS. As the project schedule extends, that amounts to additional time that LKCNT and KPA are required to compensate their staff, which ultimately increased costs to the contractor resulting in claims for compensable delays.

To address the compensable delays that have occurred during the project and to ensure that costs until the project completion date are properly accounted for, the amount negotiated and agreed upon is \$405,097. In addition, the project is requesting \$145,126 to address past and projected Metro labor costs being charged to the project until its tentative completion in December 2023. These two amounts combined result in the requested LOP increase of \$550,224.

DETERMINATION OF SAFETY IMPACT

This capital improvement project will provide a positive safety impact to Metro employees, contractors, and the public by providing enhanced safety and security against unauthorized entries to our rail system tunnels. Not only will this limit access to critical infrastructure, but it will also help prevent loss of life because of train on passenger incidents. The TTIDS works by detecting unauthorized persons on the tracks while eliminating false positives from trains. It tracks intruders in real-time to show: 1) where the intruder is on a station map, 2) did the intruder return back to the

platform (non-emergency) or 3) continue deeper into the tunnel (potential emergency). This project will also increase situational awareness and promote better behaviors from all.

FINANCIAL IMPACT

Upon approval of the Life of Project budget amendment, staff will manage the project within the FY24 Budget which includes \$3.9 million in Cost Center 2613, Physical Security, under Project 212123, Track and Tunnel Intrusion Detection.

Impact to Budget

The additional effort of \$550,224 beyond the current LOP will be funded by Measure M Metro State of Good Repair 2%. This funding source is not eligible for Bus and Rail Operating expenses.

EQUITY PLATFORM

The proposed LOP budget increase is expected to support the TTIDS project benefits of addressing unauthorized entry to Metro underground tunnels. Unauthorized entry onto our tracks poses a safety and security risk to transit riders and members of the public, including unhoused individuals seeking shelter in Metro underground stations, which can cause service delays or great personal harm. This project will protect customers, track, and tunnel areas which is crucial to keeping our trains operating in a safe and reliable manner for the entire system. There are no equity impacts anticipated as a result of this increase.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports strategic plan goal # 1. Approval of this recommendation supports Metro Strategic Plan Goal 1: Deliver an outstanding experience for all users of the transportation system by providing superior customer service while preventing terrorism and reducing crime on our system. This project will protect our customers, track, and tunnel areas, which is crucial to keeping our trains operating in a safe and secure manner.

ALTERNATIVES CONSIDERED

Any incapacitation or destruction to Metro's system would severely affect the continuity of operations as well as safety to public health, security, and economic impact to the Los Angeles County area. This capital improvement project will support the Track and Tunnel Intrusion Detection for underground rail stations would add to Metro's continued improvement to its physical security posture in critical locations, which have been identified as 'soft targets'. If the increase in LOP budget is declined, there is risk of losing future grant money, the system not being installed, and Metro being unable to compensate the contractor.

NEXT STEPS

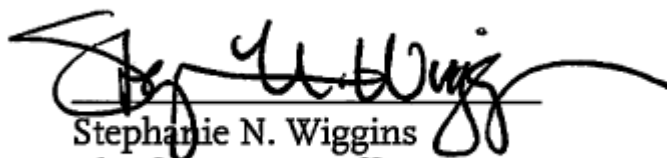
If an increase in LOP is approved, the contractor can continue with completing the project.

ATTACHMENTS

Attachment A - Funding and Expenditure Plan

Prepared by: Nicholas Kappos, Manager, Physical Security Programs, System Security and Law Enforcement, (213) 922-2590
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Reviewed by: Gina Osborn, Chief Safety Officer, (213) 922-3055
Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

TTIDS Funding and Expenditure Plan

Capital Project No. 212123			
Use of Funds	FY23 & Prior Actual Spent	FY24 Projected Actual	Total Life of Project Budget (upon Board Approval)
Design Costs	\$353,892		\$353,892
Construction Costs	\$7,700,000	\$2,137,975	\$9,837,975
Project Management Costs	\$163,331	\$43,321	\$206,652
Labor Costs	\$161,841	\$7,013	\$168,854
Miscellaneous Costs	\$4,613	\$249,787	\$254,400
Compensable Delay Cost*		\$405,097	\$405,097
Labor Contingency*		\$145,126	\$145,126
Total Life of Project Cost	\$8,383,677	\$2,988,319	\$11,371,996
Source of Funds	FY23 & Prior Actual Spent	FY24 Actual/Projected Spending	Total Life of Project Budget (upon Board Approval)
Transit Security Grant	\$5,803,588		\$5,803,588
Measure M 2%	\$2,580,089	\$2,988,319	\$5,568,408
Total Project Funding	\$8,383,677	\$2,988,319	\$11,371,996

*Indicates amount covered by requested LOP increase.



Board Report

File #: 2023-0639, File Type: Contract

Agenda Number: 11.

CONSTRUCTION COMMITTEE NOVEMBER 16, 2023

SUBJECT: SYSTEMS ENGINEERING AND SUPPORT SERVICES CONTRACT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. APPROVING an increase in total authorized funding for Contract No. AE47810E0128 with SECOTrans (Joint Venture of Hatch LTK Engineering Services, NBA Engineering Inc., Pacific Railway Enterprises Inc., and Ramos Consulting Services, Inc), for pending and future Task Orders to provide systems engineering and support services for Metro Rail and Bus Transit projects, in the amount of \$19,500,000, increasing the total contract authorized funding from a not-to-exceed (NTE) amount of \$95,282,000 to a not-to-exceed amount of \$114,782,000 through April, 2025; and
- B. AUTHORIZING the Chief Executive Officer (CEO) or designee to execute individual Task Orders and Contract Modifications within the Board approved contract funding amount.

ISSUE

In April 2018, the Board approved awarding a seven-year cost reimbursable fixed fee, Task Order (TO) based Contract No. AE47810E0128, plus three (3) one-year options, to SECOTrans, a Joint Venture for Systems Engineering and Support Services (SESS) consultant. The approval requires staff to return to the Board on a biennial basis as projects progressed and new project requirements were identified to update contract expenditure authorization. Previous Board actions provided a total authorization of \$95,282,000, of which \$15,000,000 was included to support the future Rail Operations Center and Bus Operations Center (ROC/BOC) Project. Additionally, as a result of the ongoing requirements of the agency's Measure M and R programs, staff is seeking an additional \$19,500,000 in total contract authority. Board approval of the staff recommendation will increase contract value by \$19,500,000 to a new NTE amount of \$114,782,000 through Fiscal Year 2024-2025 (FY25).

The seven (7) year base contract ends on April 26, 2025. A determination to exercise the options or initiate a new procurement will be made before that time.

BACKGROUND

To date, staff has awarded TO's and Contract Modifications (MODS) totaling \$75,446,445 with \$19,835,555 in authorized funding remaining. The SESS Consultant has been exceeding their DBE commitment by nearly double the goal set by the contract based on the TOs executed to date. The actual DBE participation is 28.81% which exceeds the contractual goal of 15%. Examples of projects supported by this contract include Metro Operational Simulation Analyses, Metro G Line BRT Improvements, Westside D Line 1/2/3, East San Fernando Valley Light Rail Transit, Eastside Phase 2 and West Santa Ana Branch Transit. Attachment B includes a complete listing of the TO's and MODS executed since the beginning of the SESS contract. As indicated during initial approval, staff is now seeking an additional two-year funding authorization to support Systems Engineering, Measure R, and Measure M projects.

DISCUSSION

With the approval of Measure M, the ongoing implementation of the Measure R Program, and required State of Good Repair initiatives, , staff has engaged a SESS to provide a broad range of systems engineering design and related support services to supplement current Systems Engineering Department resources. Metro's capital program requires extensive resources with the ability to react quickly to a wide range of complex technical issues. With a strong core staff located in Los Angeles County, the SESS is capable of applying and withdrawing resources as project workloads fluctuate over time. The SESS has the extensive experience and capability to support the complete project lifecycle; from the conceptual phase to final design and construction.

Due to the intensive system integration requirements and length of time needed to deliver major capital improvement projects, this contract has allowed Metro to efficiently and effectively augment Program Management staff where appropriate to ensure the proper project resources are available to Metro in terms of additional staff and technical expertise.

The SESS provides a single systems engineering team, and associated sub-specialties, with the necessary resources to assist in the planning, development, and delivery of Metro's aggressive schedule of projects for the next decade. Examples of systems engineering disciplines include traction electrification, overhead contact systems (OCS), train control, communications, supervisory control and data acquisition (SCADA), rail simulations, corrosion control, systemwide electrical and other specialized disciplines.

Other Considerations

The challenge presented by the simultaneous implementation of numerous projects is to ensure the integration and standardization of the systems elements within and across the current Metro system. Consistent development and design are necessary to ensure that the required integration is achieved with respect to civil and electrical infrastructure, vehicles, control systems, communications, operations, maintenance, security, training, etc.

Prior to the procurement of the SESS, each project would use a different consultant for this work, resulting in inconsistent applications. This approach was no longer feasible or advisable with the

large volume of projects now underway. With a single SESS design team on staff, the standardization of design, construction, and functionality of systems elements will keep Metro's long-term interest in system interoperability, maintainability, and safety at the forefront. A fully integrated network requires consistency of systems design and not a collection of potentially incompatible independent designs arising from separate projects. This approach has been implemented successfully in other transit agencies nationwide, and the benefits of full systems standardization include:

- Interoperability and efficient maintainability
- Improved commercial viability
- Reduced spares requirements
- Reduced training requirements
- Flexibility to adapt to changing circumstances

In addition to the projects listed above and in Attachment B, staff expects the SESS to provide systems engineering services for current and future rail and bus transit projects, and other capital improvement projects, including, but not limited to, the following:

- East San Fernando Valley Transit Corridor
- Eastside Phase 2 Extension
- C Line South Bay Rail Extension
- West Santa Ana Transit Corridor
- Sepulveda Pass Transit Corridor
- Vermont Transit Corridor
- G Line BRT Improvements
- Westside D Line Extension Section 1/2/3

DETERMINATION OF SAFETY IMPACT

The use of a consistent systems design process has a positive safety benefit during the construction and subsequent operations of Metro's Bus and Rail transit network.

FINANCIAL IMPACT

The requested not-to-exceed contract funding is based on the anticipated level of services that will be required through FY25. Funding for the individual TOs is included in the Board approved life-of-project (LOP) budgets; therefore, this work is within the various project budgets.

Since this is a multi-year contract, project managers, cost managers, and the Chief Program Management Officer will be responsible for budgeting costs in future years.

Impact to Budget

Funding for TOs issued under this contract is provided by the specific project(s) utilizing the services. These projects are typically funded by a mix of federal, state, and local funds, including Measure R and Measure M. Where appropriate, certain Operations projects are funded with operating eligible funds.

EQUITY PLATFORM

The Systems Engineering and Support Services funds Conceptual Engineering, Preliminary Design and Specifications, Final Design, including Design Services During Construction of Transit Rail and Bus Projects for various Metro projects including West Santa Ana Branch, East San Fernando Valley transit projects and other Metro Transit projects throughout the County of Los Angeles, including in Equity Focus Communities (EFCs). These services are essential for support and on time delivery of Metro projects across the greater Los Angeles area. All services supported by this contract are centered on avoiding project delays and promoting cost saving measures to effectively deliver the projects with minimal impacts on the communities and provide benefits of enhanced mobility and regional access to underserved populations within the respective project areas.

SECOTrans Joint Venture made a 15% DBE overall commitment for this contract and based on payments reported, is exceeding its commitment by 13.81% with a total DBE participation of 28.81%.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Systems Engineering Support Services contract supports the following strategic goals. Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. Through this contract, the systems engineering consultant team will continue to implement innovative and state of the art engineering solutions to provide efficient mobility options throughout the LA County area. Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system. The contract ensures the timely delivery and implementation of systems that provide essential communications, security, comfort, and reliability to all users. These factors are important areas of concern identified by Metro management and annual customer surveys. Strategic Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization. With a regular 2-year authorization update to the Board, Metro staff will offer transparency and accountability of Systems related work involved in the Measure M program and other major capital projects.

ALTERNATIVES CONSIDERED

The Board may choose to reject the recommendation and request staff to re-procure these services through an RFP, choose to authorize an alternative amount, or approve an alternative term of financial authorization. Staff does not recommend these alternatives. The use of a qualified SESS consultant has allowed the agency to secure highly technical expertise without the necessary increase in Metro's long-term labor costs. Further, by providing for an extended term contract, the Board has afforded staff the resources that seek to provide an integrated and consistent network design that serves Metro's interests. Finally, by limiting the funding authorization to two years, greater accuracy of project scope and cost requirements are provided to the Board on a biennial basis.

NEXT STEPS

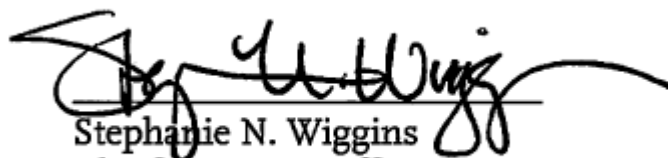
Upon Board approval, specific task orders will be issued on an as needed basis.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Proposed Task Order Work List
Attachment C - DEOD Summary

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Reviewed by: Darcy Buryniuk, Chief Program Management Officer, (213) 922-2250
Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

SYSTEMS ENGINEERING SUPPORT SERVICES/ CONTRACT NO. AE47810E0128

1.	Contract Number: AE47810E0128		
2.	Contractor: SECOTrans (Joint Venture of LTK Engineering Services, NBA Engineering Inc., Pacific Railway Enterprises Inc., and Ramos Consulting Services, Inc.).		
3.	Mod. Work Description: Increase the Contract not-to-exceed funding amount.		
4.	Work Description: Systems Engineering Support Services		
5.	The following data is current as of: October 30, 2023		
6.	Contract Completion Status:		Financial Status:
	Award Date:	April 26 2018	Board Approved NTE Amount: \$95,282,000
	Notice to Proceed (NTP):	June 14, 2018	Total Contract Modification Authority (CMA): N/A
	Original Completion Date:	June 14, 2025	Value of Task Orders and Mods. Issued to Date: \$75,446,445
	Current Est. Complete Date:	June 14, 2025	Remaining Board Approved Amount: \$19,835,555
7.	Contract Administrator: Chelsea Bajorunas		Telephone Number: (213) 922-7243
8.	Project Manager: Ron Tien		Telephone Number: ((213) 418-3445

A. Contract Action Summary

On April 26, 2018, the Board of Directors approved award of Contract No. AE47810E0128 Systems Engineering and Support Services to SECOTrans (Joint Venture), in the amount not-to-exceed (NTE) \$28,932,000, to supplement Metro's Engineering Department resources in providing engineering services for projects in varying stages of conceptual design, preliminary engineering, final design, bidding for construction, and design support during construction (DSDC), including the following: program management, quality, and computer aided design and drafting (CADD); design services concerning train control, communications systems, traction power, and overhead catenary systems (OCS); operational runtime simulation and modeling, corrosion control, system integration, facilities and system-wide electrical, facilities mechanical, facilities plumbing, and facilities fire protection. The Period of Performance for the Contract is seven (7) years from NTP plus three (3) one-year options to be exercised at Metro's sole discretion. This action is to increase the authorized funding for this Contract in the amount of \$19,500,000, increasing the total authorized funding from \$95,282,000 to \$114,782,000.

Thirty- One (31) Task Orders and One Hundred Forty- Three (143) Task Order Modifications have been executed to date. Furthermore, Nine (9) Administrative Contract Modifications for zero dollars have also been executed to date. Additional level of effort and cost may not be incurred under the closed-out Task Orders and their associated Task Order Modifications.

Since this is a multi-year contract, the Chief Program Management Officer and the Project Managers are responsible for budgeting costs in future years, including the exercise of any options. Consequently, funding for the award of the Supplemental Engineering and Support Services Contract was initially requested for the first two years and must be requested every two years subsequent to that for future work, contingent upon an updated annual work program and schedule.

The total contract amount will be the aggregate value of all task orders issued to the SESS Consultant through the term of the contract.

Contract No. AE47810E0128 is a cost plus fixed fee (CPFF) Contract.

B. Cost/Price Analysis

The negotiated cost and fixed fee or lump sum price for future Task Orders will be determined to be fair and reasonable based upon fact finding, technical evaluation, cost analysis, and negotiations, before issuing the task order authorizing the work to the SESS Consultant. Task Orders will be processed in accordance with Metro's Acquisition Policy and Procedures. A cost analysis will be performed for each Task Order, considering the Independent Cost Estimate, technical analysis utilizing labor, and indirect cost rates established in the contract.

The Systems Engineering Services estimated level of effort for the additional NTE amount of \$19,500,000 was developed using the current master schedule, construction estimates, and completed work to date from the Program Management Project Controls Department. An estimated level of effort cost was determined for each project using past project costs, systems to civil project percentages along with historical rates. Depending on the type of transit project and the complexity, the percentages were derived from the overall construction costs to determine the systems construction and engineering costs. Systems engineering level of effort costs were distributed across each fiscal year according to the master schedule.

ATTACHMENT B

PROPOSED TASK ORDER WORK

SYSTEMS ENGINEERING SUPPORT SERVICES / CONTRACT NO. AE47810E0128

Mod./Task Order (TO) No.	Description	Status (Approved or Pending)	Date	Task Order Issued Including Mods	Adjustments Pending TO Close-Out¹	TO Mods in Approval (Current FY)²
N/A	Initial Authorized NTE Funding \$28,932,000	Approved	4/26/18	---	---	---
E0128-TO-016	Board of Directors Authorized NTE \$15,000,000 for TO-016	Approved	2/27/20	---	---	---
N/A	Board of Directors Authorized NTE \$22,500,000 for FY 2021	Approved	5/28/20	---	---	---
N/A	Board of Directors Authorized NTE \$28,850,000 for FY 2023 / 2024	Approved	6/23/22	---	---	---
Approved Task Orders and Task Order Modifications						
E0128-TO-001	Systems Engineering Support for Crenshaw Project	Approved	7/9/18	\$14,085,003.40	\$(31,227.00)	---
E0128-TO-002	Program-wide System Engineering Support Services for Systems Engineering Group	Approved	7/27/18	\$9,561,606.43	\$(42,512.65)	---
E0128-TO-003	Overhead Contact Systems (OCS) Support for Maintenance of Wayside Engineering	Approved	9/11/18	\$603,041.25	\$(69,847.00)	---

E0128-TO-004	System-wide Electrical Support for Rail and Bus Projects	Approved	9/11/18	\$145,244.00	---	---
E0128-TO-005	Crenshaw Project Design Services During Construction	Approved	9/12/18	\$161,992.00	---	---
E0128-TO-006	Rail Systems Engineering Support for New Blue	Approved	10/3/18	\$4,688,560.70	---	---
E0128-TO-007	West Santa Ana Branch Systems Support	Approved	10/1/18	\$120,666.74	---	---
E0128-TO-008	System-wide Operations and Maintenance Plan	Approved	10/10/18	\$798,543.25	\$(77,672.00)	---
E0128-TO-009	Division 20 Portal Widening Turnback Project Systems Engineering Support	Approved	10/30/18	\$11,804,039.35	\$(40,017.00)	---
E0128-TO-010	West Santa Ana Branch (WSAB) Project Conceptual Engineering	Approved	11/16/18	\$2,889,788.57	---	---
E0128-TO-011	East San Fernando Valley (ESFV) Conceptual Engineering	Approved	12/3/18	\$8,153,971.55	\$(58,686.00)	---
E0128-TO-012	Metro Blue Line Track and OCS Refurbishment	Approved	3/21/19	\$1,528,845.32	---	---
E0128-TO-013	Metro Systems Support for Green Line/Crenshaw Operations	Approved	4/10/19	\$262,675.00	\$(13,605.14)	---
E0128-TO-014	Metro Red/Purple Line and Regional Connector Operational Simulation Support	Approved	4/25/19	\$770,059.00	\$(15,763.15)	---

E0128-TO-015	Airport Metro Connector Engineering Support	Approved	9/12/19	\$5,074,304.00	---	---
E0128-TO-016	Rail Operations Center (ROC) / Bus Operations Center (BOC) Architectural and Engineering Systems Design Services	Approved	4/9/20	\$46,957.87	---	---
E0128-TO-017	Centinela Grade Separation Conceptual Engineering	Approved	11/4/19	\$1,671,189.00	\$(685,000.00)	---
E0128-TO-018	Metro Gold Line Foothills 2B Extension Systems Engineering Support	Approved	4/16/20	\$545,479.00	---	---
E0128-TO-019	Metro Gold Line Eastside Phase 2 Conceptual Engineering	Approved	4/24/20	\$602,538.00	---	---
E0128-TO-021	Systems Engineering DSDC Support for Purple Line Extension Sec. 1	Approved	1/29/20	\$2,961,361.00	---	---
E0128-TO-022	Systems Engineering DSDC Support for Regional Connector Project	Approved	4/24/20	\$2,738,388.00	---	---
E0128-TO-023	Metro C Line (Formerly Green Line) Extension to Torrance Conceptual Engineering	Approved	12/08/20	\$325,586.00	---	---
E0128-TO-024	Purple Line Extension Section 3 Systems Engineering Support Services	Approved	12/29/20	\$861,265.81	---	---

E0128-TO-025	Systems Engineering Design Services During Construction Support for Metro Center Project - FY21 Level of Effort	Approved	3/18/21	\$292,399.02	---	---
E0128-TO-026	Purple Line Extension Section 2 Systems Engineering Support Services	Approved	9/17/21	\$631,989.00	---	---
E0128-TO-027	Metro G Line (formerly Orange Line) Systems Engineering Support	Approved	7/20/21	\$640,366.00	---	---
E0128-TO-028	Sepulveda Transit Corridor Projects Systems Engineering Support	Approved	8/10/22	\$633,009.00	---	---
E0128-TO-029	West Santa Ana Branch Systems Engineering Support	Approved	11/9/22	\$499,986.00	---	---
E0128-TO-030	Rail Operations Control Center (ROC) / Bus Operations Control Center (BOC) Feasibility Study	Approved	10/3/22	\$1,497,591.00	---	---
E0128-TO-031	Metro Bungalow A Replacement Project	Approved	9/5/23	\$850,000.00	---	---
Approved Contract Modifications						
E0128-00-MOD-00001	Update to Advanced Cost Agreement (LTK, DE, GF and IC)	Approved	9/6/18	\$0.00	---	---

EO128-00-MOD-00002	Updates to Advanced Cost Agreement (Home Office Rates 2019: Atkins, FN, GF, IEI, ICI, RCS)	Approved	12/14/18	\$0.00	---	---
EO128-00-MOD-00003	Revise Spec. Section CP-04 Payment & Invoicing Part C.1 - Invoicing	Approved	1/11/19	\$0.00	---	---
EO128-00-MOD-00004	Direct Hourly Labor Rates Adjusted for 2019	Approved	2/6/19	\$0.00	---	---
EO128-00-MOD-00005	Updates to Contract: Form of Contract, ACA Rates, Add/Delete Subconsultants and Corrections	Approved	4/20/21	\$0.00	---	---
EO128-00-MOD-00006	Updates to Contract: Form of Contract, ACA Rates, New Positions and Delete Subconsultant FNC	Approved	3/14/22	\$0.00	---	---
EO128-00-MOD-00007	Updates to Form of Contract and Special Provisions Section	Approved	11/10/22	\$0.00	---	---
EO128-00-MOD-00008	Updates to Contract: Administrative Modification, Updates to Exhibit 1 – Advanced Const Agreement	Approved	5/4/23	\$0.00	---	---
EO128-00-MOD-00009	Extend Period of Performance for Multiple TOs	Approved	6/2/23	\$0.00	---	---
	Subtotal Approved TOs			\$75,446,445.26		

	and Contract Mods					
Pending Task Orders and Task Order Mods						
TBD	Future Anticipated Task Orders for FY24	Pending	TBD	---	---	\$5,869,884.68
TBD	Future Anticipated Task Orders for FY25	Pending	TBD	---	---	\$19,500,000
	Subtotal Pending TOs and TO Mods					\$25,369,884.68
	Task Orders Approved	---	---	\$75,446,445.26	---	---
	Adjustments Pending TO Close-Out	---	---	---	(\$1,034,329.94)	
	Pending TOs and TO Mods	---	---	---	---	\$25,369,884.68
	Future Anticipated Task Orders for FY25	---	---	---	---	\$19,500,000
	Total Contract NTE Amount Plus Funding Needed for Future Anticipated Task Orders for FY25	---	---	---	---	\$114,782,000

NOTES:

¹ Task Orders and Task Order Modifications will be closed-out and unused Not-To-Exceed (NTE) authorized amount will be credited back to the Project. The Authorized NTE for the Task Order will be adjusted to actuals expended.

² Task Orders and Task Order Modifications with Cost Schedule Price (CSP) received and pending approval for FY 2024.

BOARD ACTIONS	
Board Approved Funding – Current Contract Value	\$95,282,000.00
This Board Action	\$19,500,000
New Contract Value	\$114,782,000

DEOD SUMMARY

SYSTEMS ENGINEERING AND SUPPORT SERVICES/AE47810E0128000

A. Small Business Participation

SECOTrans, a Joint Venture of LTK Engineering Services and three (3) DBE Joint Venture (JV) partners, NBA Engineering, Inc., Pacific Railway Enterprises, Inc., and Ramos Consulting Services, Inc. made a 15% DBE overall commitment for the Task Order contract. The overall DBE participation is based on the cumulative value of all Task Orders issued.

To date, thirty-one (31) Task Orders have been awarded. Based on payments reported, the contract is 77% complete and the cumulative DBE participation of all Task Orders awarded is 28.81%. SECOTrans is exceeding their DBE commitment by 13.81%.

SECOTrans stated that DBE Arakelyan Drafting Services, Inc. started work on September 1, 2023, and acknowledges that two (2) DBE firms listed on the team have not been utilized, explaining that Task Orders issued to-date have not contained scopes of work provided by those firms. SECOTrans remains committed to utilizing all listed DBE firms as Metro issues new Task Orders applicable to their respective scopes. DEOD will continue to monitor SECTOTrans' efforts in meeting its commitment and will continue to work with Project Management to review TO small business utilization.

Small Business Commitment	15% DBE	Small Business Participation	28.81% DBE
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	DBE Subcontractors	Ethnicity	Current Participation¹
1.	NBA Engineering, Inc. (JV Partner / DBE Prime)	Caucasian Female	5.05%
2.	Pacific Railway Enterprises, Inc. (JV Partner / DBE Prime)	Caucasian Female	1.61%
3.	Ramos Consulting Services (JV Partner / DBE Prime)	Hispanic American	8.81%
4.	Arakelyan Drafting Services	Caucasian Female	0.00%
5.	Destination Enterprises	Caucasian Female	2.68%
6.	Enabled Enterprise LLC	Asian-Pacific American	0.00%

7.	Fariba Nation Consulting (Substituted)	Caucasian Female	0.47%
8.	Intueor Consulting, Inc.	Subcontinent Asian American	2.37%
9.	PK Electrical, Inc. (Substituted)	Caucasian Female	0.00%
10.	ROMAR7, LLC	Asian-Pacific American	0.13%
11.	Triunity Engineering and Management, Inc.	Black American	7.21%
12.	Birdi Systems, Inc. (Added)	Subcontinent Asian American	0.00%
13.	Interactive Elements Incorporated (Added)	Caucasian Female	0.39%
14.	UNICO Engineering, Inc.	Hispanic American	0.09%
	Total	15.00%	28.81%

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

B. Prevailing Wage Applicability

Prevailing wage is not applicable to this modification.

C. Living Wage 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.

D. Project Labor Agreement/Construction Careers Policy

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

Board Item 2023-0639

Systems Engineering and Support Services Contract

Program Management



Board Item 2023-0639

Systems Engineering Support Services (SESS) Contract

Consultant SECOTrans JV team comprised of:

- Hatch/LTK – Rail Systems and Operational Planning/Simulations
- NBA Engineering (DBE) – Mechanical, Electrical and Plumbing (MEP)
- Pacific Railway Enterprises (DBE) – Rail Systems
- Ramos Consulting (DBE) – Various systems and controls
- 19 other subconsultants with varying systems specializations

Scope:

The consultant provides a single systems engineering team with the necessary resources to support the planning, development, engineering and delivery of Metro's Measure R and M programs for rail and bus systems. With a single SESS team, the standardization of design, construction and functionality of systems elements will keep Metro's long-term interest in system interoperability, maintainability, and safety at the forefront for all projects.

Board Item 2023-0639

Board Authorization Status:

FY23/24 Board Authorization:	\$ 28,850,000
Executed Task Orders:	\$ 22,980,115
Pending Task Orders:	\$ 5,869,885
FY24/25 Current Board Authorization Request:	\$ 19,500,000

The authorization request of \$19.5M is within the existing and/or planned project budgets. Separate Task Orders are written on a Fiscal Year basis and is coordinated with the respective project management.

The FY24/25 authorization will support the following projects e.g., East San Fernando Valley LRT, West Santa Ana Branch Transit Corridor, Eastside Transit Corridor Phase 2, C Line Extension to Torrance, Sepulveda Transit Corridor, G Line BRT Improvements, D Line Extension 1/2/3, Division 20 Project, Airport Metro Connector Project



Board Report

File #: 2023-0641, File Type: Project

Agenda Number: 12.

REVISED
CONSTRUCTION COMMITTEE
NOVEMBER 16, 2023

SUBJECT: EB SR-91 ATLANTIC TO CHERRY IMPROVEMENTS

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. ESTABLISHING a Life-of-Project budget for the EB SR-91 Atlantic to Cherry Improvements in the amount of \$174,187,000; and
- B. AUTHORIZING the Chief Executive Officer to negotiate and execute project-related agreements, including contract modifications, up to the authorized Life-of-Project budget.

ISSUE

An LOP budget for the Project is required to execute contracts and pursue completion of the Project. Establishing the LOP budget after bids are received is based on lessons learned and best management practices regarding establishing final budgets, when adequate information (such as the receipt and validation of responsiveness of hard bids) is available. Approval of the LOP at this time is required to meet funding deadlines set by external grant partners and will maintain the Project schedule. Specifically, award of the construction contract by end of year 2023 will secure \$48.332 million in Trade Corridor Enhancement Program funding for the Project.

BACKGROUND

This 1.4-mile Project will improve the operations and safety of the corridor by elimination of the lane reduction at the gore of the SB I-710 to eastbound SR-91 connector and the reconfiguration of the eastbound on-ramp from Atlantic Avenue and the eastbound off-ramp to Cherry Avenue. The improvements also include the additional eastbound auxiliary lane from Atlantic Avenue to Cherry Avenue by reconfiguring Atlantic Avenue Undercrossing, Myrtle Avenue Undercrossing, Orange Avenue Undercrossing, and Walnut Avenue Undercrossing. All of these improvements provide operational and safety improvements that would reduce truck congestion and increase safety on the heavily used freight corridor. The specific improvements chosen were informed by an analysis of

mainline and ramp collision history, performed by Caltrans Traffic Accident Surveillance and Analysis System. For the area within this Project, total accident rates range from 30% to 73% higher than the total statewide average accident rate, depending on category. Fatal plus Injury are also higher than statewide average rates. Data associated with these accidents show that accidents were indicative of ramp and auxiliary lane congestion due to weaving patterns and/or existing ramp and intersection geometry. The safety improvements to the SR-91 Corridor are expected to avoid one fatality, 366 injuries, and 646 crashes resulting in property damage over the 20-year study period. The project improves throughput while reducing travel times for freight and passenger travel utilizing the corridor.

The Project is consistent with Metro's Objectives for Multimodal Highway Investment (June 2022), given that: 1) the project supports traffic mobility, enhanced safety, economic vitality and access to opportunity, and; 2) multi-modal features were incorporated in the scope of the project (on local arterials) through an integrated planning approach to address the needs of local communities and create a safer transportation system. Such elements include:

- Increasing the depth of proposed retaining walls to facilitate the implementation of the Hamilton Loop Park Project. This Project is being led by the City of Long Beach Parks and Recreation Department for the purpose of creating more green space for the Hamilton Neighborhood, which neighbors the proposed Project area.
- The Project includes additional provisions to add more lighting and irrigation lines for landscaping to facilitate the improvements being proposed as part of the Hamilton Loop Project.
- The Project includes the replacement of 900' of sidewalk with widening to maintain ADA compliance.
- Based on Metro Tree Policy, the project will provide for tree replacement from a 1:1 ratio to a 1:2 ratio. In addition, the project provides air filtration systems and filter replacements to residents and businesses within 750 feet of the Project. Metro staff are coordinating with the City of Long Beach for the implementation of these items.

Further, no residential or business displacements or property acquisitions are necessary for this project.

A Negative Declaration/Finding of No Significant Impact was approved on May 24th, 2021, with a re-validation approved on April 28th, 2022. Environmental certification right of way certification was approved on May 2nd, 2022.

DISCUSSION

The Project is being delivered through a contractual partnership between Caltrans and Metro in the form of cooperative agreements for design and construction. Metro, defined as a Local Agency within

these agreements, is responsible for advertising, awarding, and administering the contract. The Project is funded through a combination of federal and Metro local funding, as shown in Attachment A Funding and Expenditure Plan. Metro will be responsible for managing the Project budget and identifying any future funding, if required.

Partnering sessions with Caltrans have been ongoing to ensure a high level of collaboration and issue resolution during the Project planning, design, and procurement phase. Metro staff, supported by County Counsel, performed an extensive contract review and revision process to ensure that the highway contract reflected the technical and commercial requirements of both parties. In parallel to this contract review/revision process, a detailed low-bid style cost estimate and constructability analysis was performed. Caltrans-assigned oversight personnel have provided support to Metro throughout these processes.

To date, the Project has been funded yearly on a fiscal basis. The proposed LOP budget for this project is based on total project costs incurred (\$8.51M) including Metro labor and non-labor costs for Project Approval and Environmental Document (PA&ED), Plans, Specifications, and Engineering (PS&E), Utilities, Right-of-Way (ROW) support, the forecasted construction cost and support, and required contingencies. The proposed LOP budget utilizes lessons learned on past local agency delivered highway projects and the Project specific risk profile developed and approved through an FHWA risk assessment based process. This Project is being constructed wholly within Caltrans ROW; therefore, there are no property takes required, and no third-party utilities have been identified during the design process.

At its September 2023 meeting, the Board authorized a construction management support services (CMSS) contract for construction management and Project oversight support. Key personnel from that contract are being onboarded to assist Metro staff in the procurement and pre-construction activities required for the Project. The Construction Contract Invitation for Bid was released on August 24th, 2023, and 2 bids were received on October 9th, 2023. See Attachment B for Bid Opening and Bid Summary.

The Independent Cost Estimate (ICE) was approximately 30% lower than the apparent low bidder. The ICE for Caltrans work is based upon historical unit pricing. Due to unprecedented inflation and saturated construction market, bid pricing for Caltrans work has been trending 20% to 30% over historical. The ICE did not take into account this excessive increase, and only reflected unit pricing for projects that were bid in the previous 5 years. Additionally, construction of the Project requires a complex temporary shoring system and the Contractor pricing for this shoring system was significantly higher than traditional Caltrans unit pricing for shoring utilized in the ICE. Design-bid-build projects typically carry a 10% to 12% contingency on construction because the design is carried out to 100%. For this Project, staff has allocated a 10% contingency in the amount of \$9,963,712 for construction, which is carried in the construction line item, due to the following risk factors identified in the risk assessment process:

- Due to the Project location within a sensitive paleontological area, paleontological impacts are expected during construction of Cast-in-Drilled-Hole pile installation, sound wall and retaining wall foundation construction, and the bridge foundation construction.

- Latent sub-surface features, including buried human-made objects, unknown utilities, and differing site conditions.
- Unanticipated presence of protected special-status species in active construction areas resulting in construction delays, specifically within the existing bridges near the LA River.
- Complex temporary shoring system that requires specialized contractors and has a high probability of changing conditions.

Staff have also included a \$6,000,000 contingency on non-construction related items, such as engineering and consultant support, Metro labor, and other Project soft cost items. This represents an approximate 9% contingency on non-construction related items. Consequently, the requested LOP amount includes a total contingency of \$15,963,712.

Project Schedule & Community Outreach

Notice of Award is anticipated in December 2023 with a start of construction in Spring of 2024. The contract duration is 56 months, which is inclusive of 73 adverse weather days anticipated during the Project. Construction completion is slated for Summer 2028. The schedule for construction contract award is developed to coincide with current budgetary considerations and to ensure contractor mobilization and construction expenditures meet the TCEP funding requirement to issue Notice of Award by December 31, 2023.

Staff have begun the Project communication, notification, and outreach program to the local jurisdictions, stakeholders, residents, businesses, and the public. Metro has developed and continues to build valuable partnerships with local and regional jurisdictions and stakeholders including California Department of Transportation, City of Long Beach, City of Paramount, and Gateway Cities Council of Governments.

DETERMINATION OF SAFETY IMPACT

Approval of these recommendations will have no detrimental safety impact.

FINANCIAL IMPACT

This is a multi-year Project. Upon approval of the Life of Project budget, staff will manage the Project within the Board approved fiscal year budgets. It is the responsibility of the Project Manager and Chief Program Management Officer to budget for this project in future fiscal years.

Impact to Budget

The Project is funded with the Trade Corridor Enhancement Program (TCEP) (\$48,332,000) funds and Metro local funds from the Measure R - Highway 20%, Interstate 605 Corridor "Hot Spot" Interchanges program (\$125,855,000), subject to approval by the Gateway Cities Council of

Governments and subsequent Metro Board action to formally program these funds. These funds are not eligible for bus or rail operations. Metro is also seeking to program approximately \$24,000,000 of federal Surface Transportation Block Grant Program (STBG), which would reduce the amount of Measure R 20% needed. For FY24, Metro budgeted \$15,000,000 for this work in Cost Center 8510, Project 460351. There will be no impact on the FY24 budget.

EQUITY PLATFORM

The SR-91 EB from Atlantic Avenue to Cherry Avenue Improvement, is located within an Equity Focus Community (EFC) of the City of Long Beach and adjacent to the EFCs of Cities of Compton and Paramount. The Project will implement Complete Streets elements and ADA features and enhance traffic safety for the surrounding communities. The term “Complete Streets” describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, users and operators of public transit, bicyclists, persons with disabilities, seniors, children, motorists, users of green modes, and movers of commercial goods. The California Department of Transportation defines a Complete Street as “a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit riders, and motorists appropriate to the function and context of the facility.” This project adheres to the high level policy direction that helps redefine how transportation agencies approach streets and highways so that the default outcome is a transportation system that balances the needs of all users, regardless of age, ability, or mode of transportation. Through continued and incremental changes in capital projects, the street network gradually becomes safer and more accessible for travelers of all ages and abilities.

DEOD established a 22% Disadvantaged Business Enterprise goal for the construction of the Project. The Project is also subject to Project Labor Agreement/Construction Careers Policy Local Targeted Worker provisions. For the professional services CMSS contract, , Arcadis made a 28.05% Small Business Enterprise and 3.02% Disabled Veteran Enterprise commitment.

The Project will employ a robust community engagement program including Public Information/Public Awareness Campaign (PAC) with the goals of building awareness, sharing project information, identifying key issues and concerns important to the public, elected officials, and government agencies and integrating public feedback into the project during the construction phase: The Project area has a meaningfully greater racial minority population than that of Los Angeles County. The Project area has a Hispanic or Latino population greater than 50 percent of the total population, and the percentage of total minority populations ranges between 76 and 97 percent. Based on the demographic data, outreach materials (i.e., fact sheets, letters, flyers, newspaper ads) will be translated into Spanish as needed.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project is consistent with the following Metro 2028 Goals and Objectives:

Goal 1: Providing high-quality mobility options that enable people to spend less time traveling.

Goal 2: Enhance Communities and lives through mobility and access to opportunity.

Goal 3: Transform LA County through regional collaboration and national leadership.

ALTERNATIVES CONSIDERED

The Board may choose not to move forward with the establishment of an LOP budget. This is not recommended as this would risk expiration of Contractor submitted low bids, and delays to schedule could jeopardize Metro's obligations to TCEP to award a construction contract by end of year 2023.

NEXT STEPS


Upon Board approval of the recommendations, staff will move the Project forward into construction.

ATTACHMENTS

Attachment A - Funding and Expenditure Plan
Attachment B - Bid Opening and Bid Summary

Prepared by: Paul Sullivan, Deputy Executive Officer, Program Management
Brad Owen, Senior Executive Officer, Program Management (Interim)
Debra Avila, Deputy Chief Vendor/Contract Management Officer 213 418-3051

Reviewed by: Darcy Buryniuk, Chief Program Management Officer



Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT "A"
EXPENDITURE and FUNDING PLAN
91EB ATLANTIC TO CHERRY PROJECT Cash Flow and Sources of Funds

Uses of Funds

Work Package	Thru FY24	Remainder FY24	FY25	FY26	FY27	FY28	FY29	Total
PA&ED	\$ 5,331,000	\$	\$	\$	\$	\$	\$	\$ 5,331,000
PS&E	\$ 3,117,000	\$ 100,000	\$	\$	\$	\$	\$	\$ 3,217,000
ROW	\$-	\$-	\$-	\$ -	\$-	\$-	\$-	\$ -
Utilities	\$	\$	\$	\$	\$	\$	\$	\$ -
ROW Support	\$	\$	\$	\$	\$	\$	\$	\$ -
Construction Capital	\$	\$ 10,000,000	\$ 21,000,000	\$ 35,000,000	\$ 30,000,000	\$ 13,594,000	\$	\$ 109,594,000
Construction Support	\$ 17,000	\$ 4,900,000	\$ 13,600,000	\$ 13,000,000	\$ 13,000,000	\$ 5,528,000	\$	\$ 50,045,000
Unallocated Contingency	\$ -	\$ -	\$ 750,000	\$ 1,500,000	\$ 2,000,000	\$ 1,750,000	\$	\$ 6,000,000
Program Reserve	\$	\$	\$	\$	\$	\$	\$	\$ -
Total Project Estimate	\$ 8,465,000	\$ 15,000,000	\$ 35,350,000	\$ 49,500,000	\$ 45,000,000	\$ 20,872,000	\$ -	\$ 174,187,000

Source of Funds

Federal Revenue

Surface Transportation (STBGP)	\$	\$	\$	\$	\$	\$	\$	\$ -
TCSPPP	\$	\$	\$	\$	\$	\$	\$	\$ -
Fastlane/Infra	\$	\$	\$	\$	\$	\$	\$	\$ -
TCEP		\$ -	\$ 20,000,000	\$ 20,000,000	\$ 8,332,000	\$ -	\$ -	\$ 48,332,000
Federal Revenue Subtotal	\$ -	\$ -	\$ 20,000,000	\$ 20,000,000	\$ 8,332,000	\$ -	\$ -	\$ 48,332,000

Local Revenue

Measure M - Highway	\$	\$	\$	\$	\$	\$	\$	\$ -
Measure R - Highway	\$ 8,465,000	\$ 15,000,000	\$ 15,350,000	\$ 29,500,000	\$ 36,668,000	\$ 20,872,000	\$	\$ 125,855,000
Private Funding	\$	\$	\$	\$		\$	\$	\$ -
Prop C 25%	\$	\$	\$	\$	\$	\$	\$	\$ -
Local Revenue Subtotal	\$ 8,465,000	\$ 15,000,000	\$ 15,350,000	\$ 29,500,000	\$ 36,668,000	\$ 20,872,000	\$ -	\$ 125,855,000

State Revenue

SB1 Trade Corridors (Federal)	\$	\$	\$	\$	\$	\$	\$	\$ -
SB1 Trade Corridors (State)	\$	\$	\$	\$	\$	\$	\$	\$ -
State Revenue Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL SOURCES	\$ 8,465,000	\$ 15,000,000	\$ 35,350,000	\$ 49,500,000	\$ 45,000,000	\$ 20,872,000	\$ -	\$ 174,187,000
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ATTACHMENT "B"

Bid Opening and Bid Summary

SR-91 EB ATLANTIC TO CHERRY IMPROVEMENTS CT

The Contract Invitation for Bid was released on August 24th, 2023, and 2 bids were received on October 9th, 2023. The bids are currently being evaluated for responsiveness and responsibility.

Flatiron West Inc.	\$ 99,630,712.00
C.A. Rasmussen, Inc.	\$117,085,425.10
Metro Independent Cost Estimate	\$ 69,042,002.05

SR-91 Eastbound – Atlantic to Cherry

RECOMMENDATION:

- A. ESTABLISHING a Life-of-Project budget for the EB SR-91 Atlantic to Cherry Improvements in the amount of \$174,187,000; and
- B. AUTHORIZING the Chief Executive Officer to negotiate and execute project-related agreements, including contract modifications, up to the authorized Life-of-Project budget.

SR-91 Eastbound – Atlantic to Cherry

LIFE OF PROJECT (LOP) SUMMARY	
Construction Capital Cost	\$109,594,000
Construction Support/Professional Services	\$46,045,000
PA&ED & PS&E	\$8,548,000
3 rd Party Costs	\$4,000,000
Program Reserve	\$6,000,000
TOTAL LOP	\$174,187,000

SR-91 Eastbound – Atlantic to Cherry

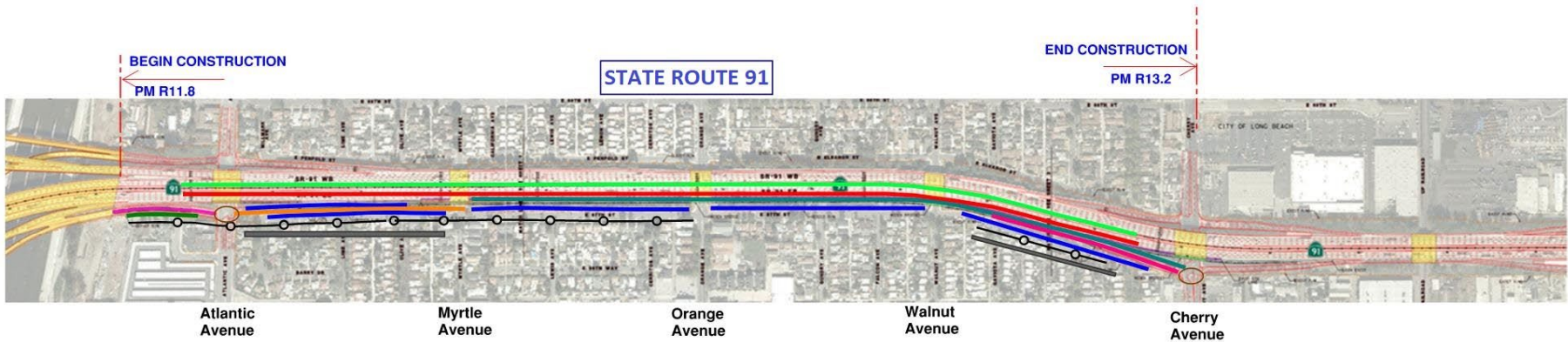
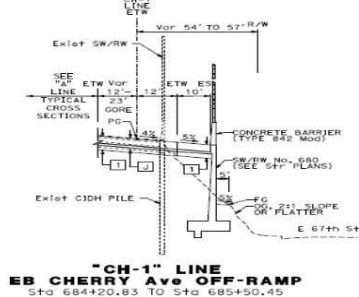
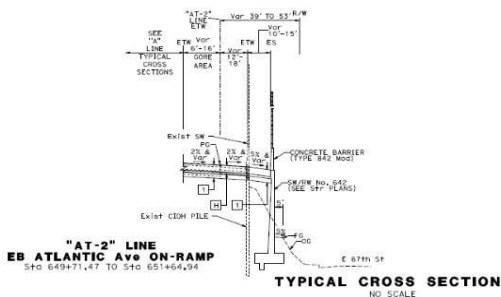
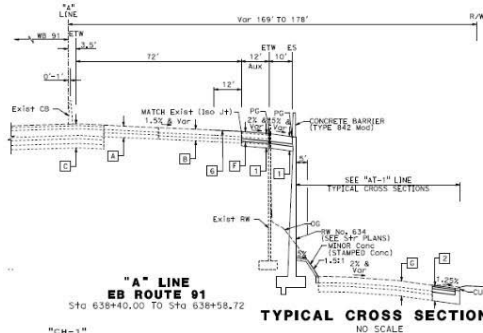
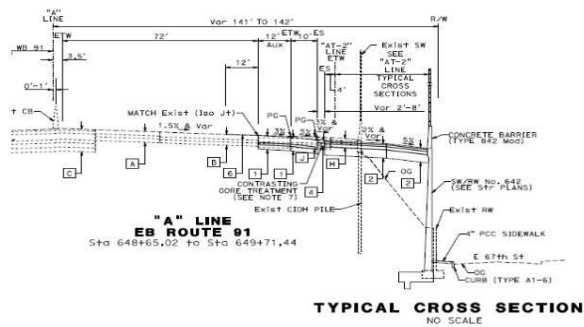
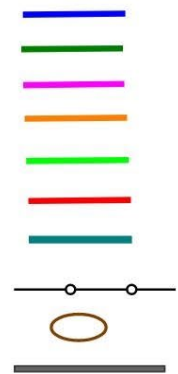


Figure 2: Atlantic Ave. to Cherry Ave. Aerial Map



LEGEND:

- RETAINING WALL WITH SOUND WALL
- RETAINING WALL ONLY
- OFF-RAMP WIDENING
- ON-RAMP WIDENING
- EB ROUTE 91 WIDENING
- EB ROUTE 91 RETAINING WALL
- PLANTING ADJACENT TO E 67TH ST.
- LIGHTING MODIFICATION
- TRAFFIC SIGNAL MODIFICATION
- RAMP SIGNAL MODIFICATION



SR-91 Eastbound – Atlantic to Cherry

SOURCE OF FUNDS:

- I. Trade Corridor Enhancement Program (TCEP): **\$48,322,000**
- II. Measure R – Highway: **\$125,855,000**

Total Project Funding: \$174,187,000

MULTIMODAL HIGHWAY INVESTMENT:

The Project is consistent with Metro's Objectives for Multimodal Highway Investment (June 2022), given that: 1) the project supports traffic mobility, enhanced safety, economic vitality and access to opportunity, and; 2) multi-modal features were incorporated in the scope of the project (on local arterials) through an integrated planning approach with a meaningful public engagement process to address the needs of local communities, improve regional mobility of people and goods, and create a safer transportation system. **Further, no residential or business displacements or property acquisitions are necessary for this project.**

SR-91 Eastbound – Atlantic to Cherry

NEXT STEPS:

- I. Establish LOP budget and award construction contract.
- II. Engage Construction Management Support Services (CMSS) team and coordinate with Caltrans.
- III. Coordinate with the City of Long Beach and surrounding communities.
- IV. Start construction in March 2024.



Board Report

File #: 2023-0640, File Type: Project

Agenda Number: 13.

REVISED
CONSTRUCTION COMMITTEE
NOVEMBER 16, 2023

SUBJECT: I-605 SOUTH STREET IMPROVEMENTS PROJECT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. ESTABLISH a Life of Project Budget (LOP) for the I-605 Southbound South Street Improvements Project in the amount of \$33,222,000; and
- B. AUTHORIZE the Chief Executive Officer to negotiate and execute project related agreements, including contract modifications, up to the authorized Life-of-Project Budget.

ISSUE

An LOP budget for the Project is required to execute contracts and pursue completion of the Project. Establishing the LOP budget after bids are received is based on lessons learned and best practices regarding establishing final budgets, when adequate information (such as the receipt and validation of responsiveness of hard bids) is available. Approval of the LOP at this time is required to maintain the Project schedule.

BACKGROUND

The I-605 South Street improvements project will add a right turn lane and improve safety of the South Street off ramp by providing a standard deceleration distance from the off ramp to the intersection. A retaining wall with an approximate length of 1,570 feet will be constructed along the west shoulder/embankment of the ramp, and traffic signs and signals will be constructed to accommodate the new configuration.

By reconfiguring the South Street southbound off ramp, the Project will improve public safety, enhance mobility, and improve regional traffic flow. The actual total accident rate was 1.58, which is higher than the statewide average of 1.01 for similar facilities. The proposed project will simplify the off-ramp geometry, meet the standard deceleration distance, add a right turn lane, and prevent

vehicle queuing from blocking turning movements at the intersection.

The Project is consistent with Metro's Objectives for Multimodal Highway Investment (June 2022), given that: 1) the project supports traffic mobility, enhanced safety, economic vitality and access to opportunity, and; 2) multi-modal features were incorporated in the scope of the project (on local arterials) through an integrated planning approach to address the needs of local communities, and create a safer transportation system. Such elements include:

- A new ADA compliant curb ramp at the ramp intersection with South Street, and high visibility crosswalks will be striped on the pavement with safety lighting for nighttime pedestrian movements across the ramp.
- Pavement striping will be enhanced as well, with the existing 4" wide stripes improved to the current Caltrans standard 6" wide stripes to enhance visibility and improve safety.
- The signal timing has also been optimized to improve traffic circulation for both the off-ramp and South Street, and the new signals will have yellow borders around the backplates to improve visibility and enhance safety.

Further, no residential or business displacements or property acquisitions are necessary for the project.

The Project is being delivered through a contractual partnership between Caltrans and Metro in the form of cooperative agreements for design and construction. Metro, defined as a Local Agency within these agreements, is responsible for advertising, awarding, and administering the contract. The Project is funded through a combination of federal and Metro local funding, as shown in Attachment A Funding and Expenditure Plan. Metro will be responsible for managing the Project budget and identifying any future funding, if required.

Partnering sessions with Caltrans have been ongoing to ensure a high level of collaboration and issue resolution during the Project planning, design, and procurement phase. Metro staff from Vendor/Contract Management and Program Management, supported by County Counsel, performed an extensive contract review and revision process to ensure that the highway contract reflected the technical and commercial requirements of both parties. In parallel to this contract review/revision process, a detailed low-bid style cost estimate and constructability analysis was performed. Caltrans -assigned oversight personnel have provided support to Metro throughout these processes.

DISCUSSION

The proposed LOP budget for this Project is based on total project costs consisting of Metro labor and non-labor costs for Project Approval & Environmental Documents (PA&ED), Plans, Specifications and Engineering (PS&E), Utilities, Right-of-Way (ROW) support, the forecasted construction cost and support, and required contingency. This Project is being constructed wholly within Caltrans ROW; therefore, there are no property takes required, and no third-party utilities have been identified during the design process.

The Project Invitation for Bid was released on June 23, 2023, and four bids were received on August 28, 2023, and a public bid opening was held that same day. See Attachment B for Bid Opening and Bid Summary. The Independent Cost Estimate (ICE) was 27% lower than the apparent low bidder. The ICE for Caltrans work is based upon historical unit pricing. Due to unprecedented inflation and saturated construction market, bid pricing for Caltrans work has been trending 20% to 30% over historical. The ICE did not take into account this excessive increase, and only reflected unit pricing for projects that were bid in the previous 5 years

Design-bid-build projects typically carry a 10% to 12% contingency because the design is carried out to 100%. For this Project, staff has allocated a 10% contingency, which is \$1,562,100, which is included within the construction capital cost included in Attachment A. This is due to the following risk factors that could result in cost increases and schedule delays:

- Due to the nature of sub-surface construction, potential for unidentified buried objects can hinder the progress of construction.
- Unidentified utilities or differing site conditions may impact the project causing impacts to the schedule and budget.
- Unforeseen environmental impacts including but not limited to bird nesting may impact the project schedule and budget.

The construction support cost for this Project is calculated at a higher percentage of the overall project cost due to several factors. First, the Project schedule is short, with the entire \$17M Project constructed within 12 months of Notice to Proceed. Additionally, the location of the Project in the City of Cerritos and in close proximity to the Cerritos Auto Mall and the Cerritos Mall, warrants a robust community and business engagement plan. The construction support cost includes approximately: \$1.1 million for California Highway Patrol support through COZEEP, which will support traffic control and heavy traffic influx in the area, \$2.7 million Construction Support Services Contract (consultant Ghirardelli) which includes robust community engagement and outreach support and a Caltrans approved quality control and acceptance program, \$1.1 million for Design Support During Construction, \$0.6 million for environmental consultant Support, \$1.4 million in project controls, quality, and DEOD consultant support, and \$3.2 million in Metro Staff Support. The Project LOP also includes a \$1,477,000 contingency on non-construction related items, such as engineering and consultant support, Metro labor, and other Project soft costs items. This represents an approximate 10% contingency on non-construction related items.

Staff have begun the Project communication, notification, and outreach to the local jurisdictions, stakeholders, residents, businesses, and the public, including outreach to two major stakeholders in the area, the Cerritos Auto Square auto mall, and Los Cerritos Center shopping mall. Metro has developed and continues to build valuable partnerships with local and regional jurisdictions and stakeholders including the California Department of Transportation, City of Cerritos, Gateway Cities Council of Governments.

DETERMINATION OF SAFETY IMPACT

The recommended Board action will have no detrimental safety impact.

FINANCIAL IMPACT

This is a multi-year Project. Upon approval of the Life of Project (LOP) budget staff will manage the Project within the approved fiscal year budgets. It is the responsibility of the Chief Program Management Officer and Project Manager to budget for this Project in future fiscal years.

Funding Sources

The Project is funded through the Highway Infrastructure Program (HIP) in the amount of \$15,791,000 and a Metro local funds match from tax measure, Measure R - Highway, Interstate 605 Corridor "Hot Spot" Interchanges program (\$17,431,000). These funds are not eligible for bus or rail operations. Staff budgeted \$10,500,000 under Cost Center 8510, Project 460346 for the I-605 South Street Improvements in FY24. There will be no impact to the FY24 budget. The funding and expenditure plan is included as Attachment A.

EQUITY PLATFORM

The Project is designed to help ease congestion, enhance mobility, improve public safety, and improve regional traffic flow affecting communities adjacent to the 605 freeway. South Street is on the Southbound I-605 Freeway in the City of Cerritos. The term "Complete Streets" describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, users and operators of public transit, bicyclists, persons with disabilities, seniors, children, motorists, users of green modes, and movers of commercial goods. The California Department of Transportation defines a Complete Street as "a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit riders, and motorists appropriate to the function and context of the facility." This project adheres to the high level policy direction that helps redefine how transportation agencies approach streets and highways so that the default outcome is a transportation system that balances the needs of all users, regardless of age, ability, or mode of transportation. Through continued and incremental changes in capital projects, the street network gradually becomes safer and more accessible for travelers of all ages and abilities.

The construction of the Project has a Disadvantaged Business Enterprise (DBE) goal of 22% and Targeted Worker in Local Zip Codes goal of 40%. These aggressive goals ensure that minority, women, disadvantaged, and disabled veteran owned business enterprises directly benefit from the Project. Metro awarded a Construction Support Services Contract (CSSC) in 2022 for projects included in the 605 Hot Spots programs.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project supports the following strategic goals:

Goal 1: Providing high-quality mobility options and improve transit efficiency.

Goals 4 and 5: Transforming LA County through regional collaboration with Caltrans and the corridor cities by contributing funds and providing resources to assist Caltrans in completion of these projects.

ALTERNATIVES CONSIDERED

The Board may choose not to approve this staff recommendation. This alternative is not recommended as Metro would risk expiration of Contractor submitted low bids, and delays to schedule.

NEXT STEPS

Upon Board approval, the LOP budget will be implemented accordingly, per the Recommendation.

ATTACHMENTS

Attachment A - Funding and Expenditure Plan

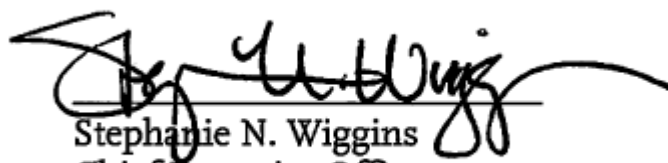
Attachment B - Bid Opening and Bid Summary

Prepared by:

Paul Sullivan, Deputy Executive Officer, Program Management
Brad Owen, Senior Executive Officer, Program Management (Interim)
Debra Avila, Deputy Chief Vendor/Contract Management Officer (213) 418-3051

Reviewed by:

Darcy Buryniuk, Chief Program Management Officer



Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT "A"
EXPENDITURE and FUNDING PLAN
1605 SOUTH STREET IMPROVEMENTS PROJECT Cash Flow and Sources of Funds

Uses of Funds

Work Package	Thru FY24	Remainder FY24	FY25	FY26	FY27	Total
PA&ED	\$ 4,141,000	-	-	-	\$ -	\$ 4,141,000
PS&E	\$ 229,000	-	-	-	-	\$ 229,000
ROW	\$-	-	-	-	-	
Utilities					\$	
ROW Support	-	-	-	-	-	
Construction Capital	\$	\$ 7,000,000	\$ 8,621,000	\$ 1,562,000		\$ 17,183,000
Construction Support	\$ 1,101,000	\$ 2,500,000	\$ 5,243,000	\$ 1,348,000		\$ 10,192,000
Unallocated Contingency	\$ -	\$ 344,000	\$ 900,000	\$ 233,000		\$ 1,477,000
Program Reserve	\$	\$	\$	\$	\$	
Total Project Estimate	\$ 5,471,000	\$ 9,844,000	\$ 14,764,000	\$ 3,143,000		\$ 33,222,000

Source of Funds

Federal Revenue

Surface Transportation (STBGP)	\$	\$	\$	\$	\$	\$ -
TCSPPP	\$	\$	\$	\$	\$	\$ -
Fastlane/Infra	\$	\$	\$	\$	\$	\$ -
Highway Infrastructure Program (HIP)	-	\$ 7,000,000	\$ 8,621,000	\$ 170,000		\$ 15,791,000
Federal Revenue Subtotal	\$ -	\$ 7,000,000	\$ 8,621,000	\$ 170,000	\$ -	\$ 15,791,000

Local Revenue

Measure M - Highway	\$	\$	\$	\$	\$	\$ -
Measure R - Highway	\$ 5,471,000	\$ 2,844,000	\$ 6,143,000	\$ 2,973,000		\$ 17,431,000
Private Funding	\$	\$	\$	\$		\$ -
Prop C 25%	\$	\$	\$	\$	\$	\$ -
Local Revenue Subtotal	\$ 5,471,000	\$ 2,844,000	\$ 6,143,000	\$ 2,973,000	\$ -	\$ 17,431,000

State Revenue

SB1 Trade Corridors (Federal)	\$	\$	\$	\$	\$	\$ -
SB1 Trade Corridors (State)	\$	\$	\$	\$	\$	\$ -
State Revenue Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

TOTAL SOURCES	\$ 5,471,000	\$ 9,844,000	\$ 14,764,000	\$ 3,143,000	\$ -	\$ 33,222,000
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ATTACHMENT "B"

Bid Opening and Bid Summary

I-605 SOUTH STREET IMPROVEMENTS PROJECT

The Project Invitation for Bid was released on June 23, 2023, and 4 bids were received on August 28, 2023. The bids are currently being validated for responsiveness.

Powell Constructors *	\$ 15,621,096.50
CA Rasmusen	\$ 16,366,991.23
Granite Construction Company	\$ 19,066,462.00
Griffith Company	\$ 20,219,184.60
Metro Independent Cost Estimate	\$ 11,439,423.28

* Apparent Low Bidder

SB I-605 South Street Improvements

RECOMMENDATION:

- A. ESTABLISH a Life of Project Budget (LOP) for the I-605 Southbound South Street Improvements Project in the amount of \$33,222,000; and
- B. AUTHORIZE the Chief Executive Officer to negotiate and execute project-related agreements, including contract modifications, up to the Life-of-Project Budget.

SB I-605 South Street Improvements

LIFE OF PROJECT (LOP) SUMMARY	
Construction Capital Cost	\$17,200,000
Construction Support/Professional Services	\$10,100,000
PA&ED & PS&E	\$4,400,000
Program Reserve	\$1,500,000
TOTAL LOP	\$33,200,000

SB I-605 South Street Improvements



PROPOSED OFF-RAMP IMPROVEMENTS

PROPOSED RETAINING WALL

SB OFF-RAMP

SB I-605 South Street Improvements

SOURCE OF FUNDS:

- I. Highway Infrastructure Program (HIP): **\$15,791,000**
- II. Measure R – Highway: **\$17,431,000**

Total Project Funding: \$33,222,000

MULTIMODAL HIGHWAY INVESTMENT:

The Project is consistent with Metro's Objectives for Multimodal Highway Investment (June 2022), given that: 1) the project supports traffic mobility, enhanced safety, economic vitality and access to opportunity, and; 2) multi-modal features were incorporated in the scope of the project (on local arterials) through an integrated planning approach with a meaningful public engagement process to address the needs of local communities, improve regional mobility of people and goods, and create a safer transportation system. **Further, no residential or business displacements or property acquisitions are necessary for this project.**

SB I-605 South Street Improvements

NEXT STEPS:

- I. Establish LOP budget and award construction contract.
- II. Closely coordinate with the City of Cerritos and local businesses:
 - a. Cerritos Auto Center
 - b. Los Cerritos Mall.
- III. Start construction in January 2024 to minimize impacts on 2024 holiday season.

**Board Report**

File #: 2023-0605, **File Type:** Contract**Agenda Number:** 14.

**CONSTRUCTION COMMITTEE
NOVEMBER 16, 2023****SUBJECT: WEST SANTA ANA BRANCH TRANSIT CORRIDOR****ACTION: AWARD PROFESSIONAL SERVICES CONTRACT****RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to award a cost plus fixed fee contract, Contract No. AE104903000, to HDR Engineering, Inc., for advanced engineering and final design services of utility adjustments, freight relocation, and grade crossings for the Slauson/A Line to Pioneer segment of the West Santa Ana Branch (WSAB) Transit Corridor Project in the amount of \$75,407,476, subject to the resolution of protest(s), if any; and
- B. APPROVING Contract Modification Authority (CMA) specific to Contract No. AE104903000 in the amount of \$7,540,748, or 10% of the not-to-exceed contract award value authorize the CEO to execute individual Contract Modifications within the Board-approved Contract Modification Authority.

ISSUE

Staff is seeking the Board's approval of contract award to provide advanced engineering and final design of high-risk items such as utility adjustments, freight realignment, and grade crossings. The contract also includes design support services during the construction of these scope items. Due to the size and complexity of the 14.5-mile long corridor with numerous critical third-party stakeholders (including but not limited to, the railroad, Port of Long Beach, Port of Los Angeles, 41 utility entities, and various corridor cities), staff is seeking 10% CMA to allow for flexibility and timely responsiveness necessary to maintain the project schedule.

BACKGROUND

To meet the Board's expectation of completing the LPA segment for service by 2035, staff must implement parallel workstreams to meet that schedule. One of those workstreams is to address risks early in the project development phase, as staff continues concurrently to complete the Final EIS/EIR. Successful negotiations with stakeholders such as Union Pacific Railroad (UPRR), Port of Long Beach, and Port of Los Angeles will rely on the advancement of the design packages as they

inform the terms of the final agreements.

Relocation and adjustment of utilities and reaching agreement with key stakeholders, such as the railroad, are critical risks on any project and historically drive schedule and cost. For WSAB, existing utilities and freight tracks conflict with the future light rail alignment and must be realigned to their future configuration before the light rail can be constructed.

DISCUSSION

The roadmap comprises of the following parallel workstreams:

- Planning - completing final environmental clearance,
- Early Due Diligence - addressing high risk items such as utilities, unknown soils conditions, and third-party agreements, and
- LRT Project Delivery - continuing to evaluate various contract delivery methods most beneficial to Metro.

A component of the Early Due Diligence workstream includes the award of several contracts to deliver the utility adjustments, freight realignment, and grade crossings as a precursor to the light rail construction. The first of those contracts is the Advanced Engineering which if approved, will enable the project to advance seamlessly and maintain the current schedule. Successful negotiations with key stakeholders such as utility owners, Union Pacific Railroad (UPRR), Port of Long Beach, and Port of Los Angeles will rely on the advancement of the design packages as they inform the terms of the final agreements.

The other upcoming contracts requiring future Board approval include Program Management Support Services (PMSS), anticipated for Board action in January 2024, followed by two separate Construction Manager/General Contractor (CM/GC) contracts - one for utility adjustment and the other for freight realignment, both anticipated for Board action by fall/winter of 2024.

DETERMINATION OF SAFETY IMPACT

There is no impact to safety.

FINANCIAL IMPACT

The FY24 budget contains \$19.5M in Cost Center 8510 (Program Management), Project 460201 for professional services. Since this is a multi-year contract, the Project Manager and Chief Program Management Officer will be responsible for budgeting in future years.

Impact to Budget

Currently, the funds for this project are provided by the Measure R 35%, Measure M 35% and State Grant SB1. No other funding sources are considered for this effort. These funds are not eligible for operating charges.

EQUITY PLATFORM

This Project will benefit communities through the addition of a new high-quality reliable light rail transit which will increase mobility and connectivity for the historically under-served and transit-dependent communities along the corridor. Approval of the contract will allow staff to advance the project and maintain the schedule to complete the line for service by 2035. The Disadvantaged Business Enterprise (DBE) goal for this procurement is 28% of the contract value; the recommended firm exceeded this goal by making a 28.03% commitment.

The WSAB Transit Corridor is comprised largely of Environmental Justice (EJ) communities. In 2017 (the first year of environmental analysis), minority residents comprised 65 percent of the total Study Area population, with Hispanic/Latino groups alone accounting for 51 percent of the total population. In addition, 44 percent of Study Area residents live below the poverty level, which is higher than the county average of 33 percent. The entire LPA qualifies as an EJ corridor and the corridor cities of Bellflower, Paramount, South Gate, Cudahy, Bell, and Huntington Park are also identified as LA Metro's Equity Focus Communities. Since initiating the Project study, staff has conducted extensive outreach efforts for corridor communities, and has continued to engage project stakeholders through a variety of forums, platforms, languages, and access methods, including special outreach efforts to people of color, low-income, and limited English proficiency populations, and persons with disabilities. Project development has been directly influenced by this engagement, as discussed above. Metro staff will continue to reengage communities as a part of the completion of the final environmental document, as well as the Slauson/A Line to LAUS Study, to help define the project, including alignment profile, station locations, and design.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project supports the following strategic plan goals identified in Vision 2028: Goal 1: Provide high-quality mobility options that enable people to spend less time traveling, Goal 3: Enhance communities and lives through mobility and access to opportunity and Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the contract award. Delaying this contract award to a future date would pose significant delays to the overall project schedule and risk that the project would be unable to meet its Measure M schedule.

NEXT STEPS

Upon Board approval, staff will execute Contract No. AE104903000 with XXX for engineering and design services for utilities, freight, and grade crossings. These activities are needed to continue advancing the Project per Board direction.

ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by:

June Susilo, Deputy Executive Officer, Program Management, (562) 524-0532

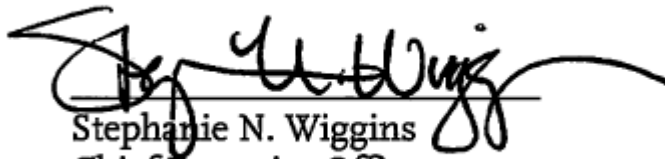
Mat Antonelli, Deputy Chief Program Management Officer, (213)893 -7114

Tashia Smith, Executive Officer, Diversity & Economic Opportunity Department, (922)-2128

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

Reviewed by:

Darcy Buryniuk, Chief Program Management Officer, (213) 922-2250



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

**WEST SANTA ANA BRANCH (WSAB) TRANSIT CORRIDOR
ADVANCED ENGINEERING CONTRACT NO. AE104903000**

1.	Contract Number: AE104903000	
2.	Recommended Vendor: HDR ENGINEERING, INC.	
3.	Type of Procurement (check one) : <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued April 21, 2023	
	B. Advertised/Publicized: April 27, 2023, May 1, 2023, and May 11, 2023	
	C. Pre-Proposal Conferences: May 4, 2023 and May 10, 2023	
	D. Proposals Due: June 20, 2023	
	E. Pre-Qualification Completed: September 27, 2023	
	F. Ethics Declaration Forms Review Completed by Ethics: August 14, 2023	
	G. Protest Period End Date: November 21, 2023 (Est.)	
5.	Solicitations Picked up/Downloaded: 160	Proposals Received: 1
6.	Contract Administrator: Robert Romanowski	Telephone Number: 213-922-2633
7.	Project Manager: June Susilo	Telephone Number: 562-524-0532

A. Procurement Background

This Board Action is to approve the award of Contract No. AE104903000 to provide Advanced Engineering services for the West Santa Ana Branch (WSAB) Transit Corridor Project. Scope includes Plans, Specifications, and Estimates (PS&E), design management, surveys and geotechnical investigations, support to Metro during evaluation of future Construction Manager/General Contractor (CM/GC) pricing proposals, support for project management and administration, and design services during construction. Board approval of contract awards are subject to resolution of any properly submitted protest.

The Request for Proposals (RFP) was an Architectural and Engineering (A & E) services qualifications-based procurement process performed in accordance with Metro Procurement Policies and Procedures and California Government Code §4525-4529.5. The contract type is a Cost-Plus Fixed Fee (CPFF) for a term of seven (7) years for the advanced engineering and final design services of utility adjustments, freight relocation, and grade crossings with one option to be negotiated in the future after the delivery model of the construction of the light rail system has been selected and executed. Virtual pre-proposal conferences were held on May 4, 2023 and May 10, 2023. There were 160 firms who downloaded the RFP and were included on the list of Planholders.

Two (2) Amendments were issued during the Solicitation phase of this RFP:

- Amendment No. 1, issued on May 2, 2023, added the second pre-proposal conference.
- Amendment No. 2, issued on May 24, 2023, clarified the due date for the proposal volumes containing Cost and Fee Proposal and DBE forms; revised the Scope of Services regarding preparation of property impact statements, and issued the then-current versions of two Metro policies.

One (1) proposal was received on June 20, 2023, from HDR Engineering, Inc.

The Proposal was determined to be responsive to the requirements of the RFP, including acknowledging both amendments.

Since only one proposal was received, staff conducted a market survey of the Planholders to determine why they did not submit a proposal. Staff received responses from 39 firms that fell into four general categories:

1. Respondent plans to pursue the separate and upcoming Program Management Support Services (PMSS) RFP for West Santa Ana Branch instead of this RFP and knows they would be conflicted and prohibited from receiving this Contract;
2. Respondent chose not to pursue the Advanced Engineering contract for their own business reasons (including insufficient resources, or insufficient Subcontractors, not being ready, or deciding this was not the right scope for their firm);
3. Respondent downloaded the RFP only for general information on the overall Transit Corridor project in preparation for submitting a Proposal on a future RFP; or
4. Respondent knew it has an actual, potential, or apparent conflict of interest and therefore, did not submit a Proposal.

Based on these responses, Vendor/Contract Management determined: (1) that the RFP and Scope of Services were not restrictive to competition; and (2) that all outreach procedures had been followed. Accordingly, the evaluation of the single proposal and remaining steps towards recommendation of Contract award could continue, subject to review of the Ethics Declarations to verify that there were no conflicts of interest for the proposer and any proposed subcontractors on any existing contracts.

B. Evaluation of Proposals

The Proposal Evaluation Team (PET) was comprised of representatives from the following departments: Countywide Planning, Operations, Project Management, and

Metro Engineering. The PET conducted a comprehensive evaluation of the proposal.

The proposal was evaluated based on the following evaluation criteria and associated weighting of maximum points:

- Degree of the Skill and Experience of the Proposer Team 45 points
- Effectiveness of Project Management Plan 20 points
- Project Understanding and Approach to Scope of Services 30 points
- Approach to Cultural Competency 5 points

Total 100 points

The evaluation criteria are appropriate and consistent with criteria developed for other similar A & E procurements. Several factors were considered when developing the weightings, giving the greatest importance to the Degree of the Skill and Experience of the Proposer Team.

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

Qualifications Summary of Recommended Contractor:

The evaluation performed by the PET determined, in accordance with the evaluation criteria established in the RFP, that the proposal from HDR Engineering, Inc. demonstrated competence and professional qualifications for successful performance of the services required.

The scoring was based on evaluation of the written proposal received from the proposer, and oral presentations which were conducted on August 30, 2023. The results of the final scoring are shown below:

Firm	Maximum Points	Earned Points	Total Points	Rank
HDR ENGINEERING, INC.				
Degree of the Skill and Experience of the Proposer Team	45.00	39.50		
Effectiveness of Project Management Plan	20.00	16.81		
Project Understanding and Approach to Scope of Services	30.00	26.18		
Approach to Cultural Competency	5.00	3.38		

Total			85.87	1
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C. Cost Analysis

A cost analysis of the elements of cost including direct labor rates, indirect cost rates and other direct costs was completed in accordance with Metro’s Procurement Policies and Procedures. Indirect cost rates for the Contractor and proposed Subcontractors were established based on currently available and applicable audits.

A fixed fee factor was negotiated to establish a fixed fee amount based on the total estimated cost of performance of the Scope of Services, for the contract term.

Proposer: HDR ENGINEERING, INC.			
Contract Duration	Cost Proposal	Metro ICE	NTE Funding Amount
Base Period – 7 Years	\$88,853,799	\$71,877,808	\$75,407,476 ⁽¹⁾⁽²⁾

Notes:

- (1) Direct labor hourly rates are supported by payroll data; overhead rates for the Contractor and Subcontractors are based on current FAR Part 31 compliant audits submitted by the Proposer during negotiations or established as a provisional rate as discussed above; and other direct costs and fixed fee amount were negotiated and determined to be fair and reasonable.
- (2) The final amount of **\$75,407,476** is the requested NTE for the total cost of the agreed estimated level of effort required to perform the Scope of Services.

Staff successfully negotiated a cost savings of \$13,446,323 from the submitted Cost Proposal as a result of correcting assumptions regarding level of effort, negotiating and agreeing to estimated level of effort for personnel and all Subcontractors, refining the expectations and confirming deliverables of cost estimates and environmental site assessments, reducing annual economic price adjustments of direct labor costs (“escalation”), and reducing the fixed fee factor from 10% to 8.5%.

D. Background on Recommended Contractor

HDR Engineering was founded in 1917 and has offices in Southern California, which currently support a staff of 484. HDR currently has an office in the city of Los Angeles. Their current team has extensive experience with rail design, transit architecture, civil design, bridge design, and utility relocation.

DEOD SUMMARY

ADVANCED PRELIMINARY ENGINEERING FOR WEST SANTA ANA BRANCH /
AE104903000**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 28% Disadvantaged Business Enterprise (DBE) participation goal for this procurement. HDR Engineering, Inc. made 28.03% DBE commitment.

Small Business Goal	28% DBE	Small Business Commitment	28.03% DBE
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	DBE Subcontractors	Ethnicity	% Committed
1.	CR Associates	Subcontinent Asian American	1.31%
2.	Earth Mechanics, Inc	Subcontinent Asian American	4.81%
3.	Environmental Treatment and Technology, Inc.	Hispanic American	0.62%
4.	InterPhase Environmental, Inc.	Asian Pacific American	0.30%
5.	Lenax Construction Services, Inc.	Caucasian Female	0.31%
6.	LIN Consulting, Inc.	Asian Pacific American	1.08%
7.	RSE Corporation	Asian Pacific American	4.49%
8.	SKA Design	Hispanic American	0.58%
9.	Soteria Company, LLC	Hispanic American	0.91%
10.	Steiner Consulting, Inc.	Hispanic American	3.13%
11.	Suenram & Associates, Inc.	Caucasian Female	3.34%
12.	T&T Public Relations	Hispanic American	0.21%
13.	Tatsumi and Partners, Inc.	Asian Pacific American	0.41%
14.	V&A, Inc	Hispanic American	4.35%
15.	VN Tunnel and Underground, Inc	Asian Pacific American	2.07%
16.	Yunsoo Kim Design, Inc	Asian Pacific American	0.11%
Total Commitment			28.03%

B. Local Small Business Enterprise (LSBE) Preference

LSBE preference is not applicable to federally funded procurements. Federal law (49 CFR § 661.21) prohibits the use of local procurement preferences on FTA-funded projects.

C. Living Wage and Service Contract Worker Retention Policy Applicability

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

Next stop: new rail to southeast LA County.

WEST SANTA ANA BRANCH TRANSIT CORRIDOR



Metro

Design Contract Award
Construction Committee

NOVEMBER 16, 2023

RECOMMENDATIONS

- A. Authorize the Chief Executive Officer (CEO) to award a cost plus fixed fee contract, Contract No. AE104903000, to HDR Engineering, Inc., for advanced engineering and final design services of utility adjustments, freight relocation, and grade crossings for the Slauson/A Line to Pioneer segment of the West Santa Ana Branch (WSAB) Transit Corridor Project in the amount of \$75,407,476, subject to the resolution of protest(s), if any; and

- B. Approve Contract Modification Authority (CMA) specific to Contract No. AE104903000 in the amount of \$7,540,748, or 10% of the not-to-exceed contract award value authorize the CEO to execute individual Contract Modifications within the Board-approved Contract Modification Authority.

Why Approve Recommendations?

Metro is using parallel workstreams to streamline and expedite delivery of the WSAB LPA Segment.

- Seamless transition from environmental clearance to implementation
- Allows for continued coordination and successful negotiations with critical stakeholders
- These efforts are critical for a successful New Starts process and construction of the project
- Maintains project delivery schedule



Board Report

File #: 2023-0650, File Type: Contract

Agenda Number: 17.

EXECUTIVE MANAGEMENT COMMITTEE NOVEMBER 16, 2023

SUBJECT: LONG-TERM ADVERTISING - MARIACHI PLAZA STATION

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

APPROVE a long-term advertising purchase agreement with Adventist Health White Memorial Hospital (Adventist Health), of up to 12 months, for advertising at Mariachi Plaza Station generating \$97,500 estimated gross sale for Metro. This agreement is not a title sponsorship and will not affect Mariachi Plaza Station's title/name.

ISSUE

In compliance with the Commercial Sponsorship and Adoption Policy (Attachment A), staff is requesting Board approval for a long-term advertising with Adventist Health White Memorial Hospital (Adventist Health) at Mariachi Plaza Station on the Metro A Line. Any proposed advertising purchase agreement in excess of 90 days requires Board approval.

BACKGROUND

In the spring of 2021, Metro adopted the Commercial Sponsorship and Adoption Policy. The policy plays a crucial role in providing Metro with a structured framework to engage in commercial sponsorships as an extension of revenue advertising. It provides a well-defined process and guidance for conducting business in this context. This encompasses the definition of sponsorship models, terms and durations, the identification of eligible agency assets, sponsor eligibility and responsibilities, the proposal process, and the criteria used for evaluation.

In January 2022, the Metro Board approved the first sale of long-term advertising campaigns (lasting beyond 90 consecutive days) with Home Box Office (HBO) for 12-month station takeover of the Culver City Station on the E Line for \$750,000. A station takeover is defined as a campaign/technique in which an advertiser displays messages on 100% of the media space within a single station; thus creating a full brand environment. Feedback on the station takeover has been positive from the business community. Following their initial purchase, HBO chose to extend their station takeover for an additional year (also approved by the Board in January 2023) and increased the value to \$880,000, highlighting the continued success and effectiveness of their long-term advertising

strategy. These long-term advertising commitments provide a reliable stream of income for Metro and yield substantial revenue benefits owing to their extended duration. Furthermore, they transform a station into a dynamic media space representing a single brand.

Adventist Health is 0.2 miles away, a brief 5-minute walk from Mariachi Plaza Station. Throughout its storied journey, White Memorial has maintained its steadfast commitment as a cornerstone community hospital for the Boyle Heights and East Los Angeles neighborhoods. White Memorial's legacy extends beyond medical practice. It has a rich history of collaborating closely with community-based organizations, working in unison to deliver essential health, safety, and wellness initiatives. These efforts have significantly impacted individuals and families who otherwise would have limited access to such vital care and support.

DISCUSSION

Station Advertising

The long-term advertising agreement includes a diverse range of large-format media placements on various station elements, including wallscapes, floor graphics, and 2-sheet advertisements directly applied as decals to station surfaces. Additionally, a station audio advertisement is part of this comprehensive campaign package. It's important to note that all campaign activities will take place within the underground sections of the station.

Throughout the 12-month campaign duration, updates to creative content will be made at the discretion of Adventist Health, ensuring that the advertising remains fresh and engaging. All creative content will fully adhere to Metro's System Advertising Policy and undergo approval by the Content Advertising Committee, as detailed in Attachment B - System Advertising Policy. Acknowledging the predominantly Latino-Hispanic population within Boyle Heights and East Los Angeles and transit riders at Mariachi Plaza Station, a significant portion of this campaign will be delivered in Spanish, encompassing both printed and audio media components.

LIFE Limited Agency Partner

Adventist Health is a recently approved LIFE Limited agency partner - this status allows them to provide transportation subsidies, such as taxi vouchers to individuals with short-term and immediate need for transit services who are otherwise unable to use fixed route transit. Participating in Metro's LIFE program further helps low-income patients overcome mobility barriers to receiving essential health, safety, and wellness initiatives provided by Adventist Health. In alignment with Adventist Health's role as a community hospital, Metro will collaborate closely with the hospital to orchestrate station pop-ups and activations during the campaign. These activations may manifest as on-site healthcare services, checkups, or registration opportunities, further emphasizing the hospital's commitment to serving the local community.

DETERMINATION OF SAFETY IMPACT

The contractor will install advertising following the Rail Safety Policy and Guidelines to ensure the safety of Metro's riders and employees.

FINANCIAL IMPACT

There is no negative financial impact with the approval of this item. Commercial Advertising is a revenue-generating program. Metro will receive 60% revenue share, approximately \$58,500, and the contractor will receive 40% revenue share, approximately \$39,000, from the total gross sale of \$97,500. The contractor is responsible for material costs and maintenance of Adventist Health advertising for the duration of the sale. No operating or capital costs will be incurred by Metro.

The Customer Experience Office and the accounting department will be responsible for monitoring performance, compliance, and payments in support of this task over two fiscal years into FY25.

EQUITY PLATFORM

The revenue generated from advertising is distributed across bus and rail operations, including those in Equity Focus Communities (EFC), ensuring Metro can continue to provide essential services to customers who depend on our system.

The acquisition of media space at a station located within an Equity Focus Community (EFC) underscores advertisers' keen interest in the diverse communities that Metro serves. Moreover, this campaign will serve to highlight a local healthcare facility and a community resource conveniently accessible from the station. Notably, a significant portion of this advertising campaign will prominently feature Spanish-language advertisements. This commitment to inclusivity aligns with Metro's diverse customers and takes into account the linguistic needs of the Mariachi Plaza station community. s

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The revenue advertising program supports the Strategic Plan by fulfilling Goal 5 in providing responsive, accountable, and trustworthy governance within the LA Metro organization, exercising good public policy judgment and fiscal stewardship by monetizing Metro's capital assets to generate non-tax revenues.

ALTERNATIVES CONSIDERED

The Board may choose not to approve this long-term advertising request; however, this is not recommended - Metro would be declining revenue earnings from a single buyer.

NEXT STEPS

Upon Board approval, staff will authorize the advertising broker to complete the advertising sale and begin executing the long-term media placement with Adventist Health at Mariachi Plaza Station on the A Line.

ATTACHMENTS

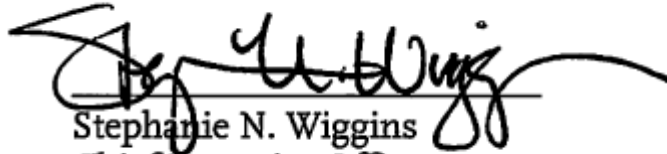
Attachment A - Commercial Sponsorship and Adoption Policy
Attachment B - System Advertising Policy

Prepared by: Lan-Chi Lam, Director of Communications, (213) 922-2349

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Reviewed by:

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Stephanie N. Wiggins
Chief Executive Officer

Commercial Sponsorship and Adoption Policy

POLICY STATEMENT

Commercial Sponsorship and Adoption is a form of advertising in which entities will compensate Metro in order to be associated with certain Metro facilities, services, programs, or events. Compensation to Metro can include, but is not limited to: monetary payments; resources and finance; payment-in-kind; value-in-kind to develop new facilities, services, programs, or events; or, funding to operate and enhance existing facilities, services, programs, or events.

Through implementation of the Commercial Sponsorship and Adoption Policy (“Policy”), Metro seeks to establish guidelines to execute a responsible and consistent process regarding Sponsorship and Adoption business activities. Metro’s Communications department administers the Commercial Sponsorship and Adoption Program (“Program”) as part of its overall responsibility of revenue-generating advertising and Metro’s overarching goal of partnering with businesses on activities that can increase mobility and brand awareness for customers in the Los Angeles region.

As sponsorship is a form of advertising, the Program will adhere to Metro’s System Advertising Policy (COM 6) and apply the same content restrictions in considering sponsors’ core business, brand, and services. Commercial Sponsorship and Adoption may impact Metro facilities, services, programs, amenities, or events. As Metro facilities, services, programs, and events have already been named, the program will also adhere to Metro’s Property Naming Policy (COM 11) and apply the same public outreach processes and principles pertaining to area location, neighborhood identity and system legibility in considering sponsors’ core business, brand, and services.

PURPOSE

Through implementation of this Policy, Metro seeks to establish guidelines regarding Commercial Sponsorship and Adoption of Metro services, facilities, amenities, programs, and events.

Goals and Principles

This Policy will set direction for how Metro plans and implements Commercial Sponsorship and Adoptions on the Metro system. Specific Program goals include, but are not limited to:

- Generate long-term revenues to support agency programs and initiatives**
 Metro has the fiscal responsibility to maximize the utilization of available resources effectively and efficiently to create long-term, agency-generated revenues. Furthermore, diversifying Metro's revenue sources prepares the agency for future economic shortfalls and unexpected agency impacts.
- Enhance service and/or amenities that improve customer experience**
 Partnerships with local businesses and entities may offset costs of desired customer amenities, such as technology (Wi-Fi, mobile charging stations), commerce (vending kiosks, retail), and convenience (food trucks, parcel pickup). These partnerships allow Metro to focus on operating a world-class transit system while specialist(s) provide amenities enhancing the customer experience.
- Position corporate social responsibilities towards equity-focused communities**
 Metro can create more opportunities to promote small, disadvantaged, and disabled veteran business enterprises through commercial programs by allowing them involvement in the system. Concurrently, corporate entities may provide equity opportunities to communities through Metro's program.

PROCESS AND PROCEDURE

Eligible Agency Assets

Metro is the transportation planner and coordinator, designer, builder, and operator of a large and expanding transit system. The infrastructure capital investment and other assets are significant within Metro's county-wide system of bus, rail, and other services; property portfolio; numerous facilities; programs and events. The various facilities, programs, and services that may be eligible for sponsorships and adoption are:

- Facilities** – Any rail station or bus stop, parking lots and parking structures, regional facilities, maintenance buildings and other structures, Metro headquarters building, and any other property owned, leased, managed, or operated by Metro. Example facilities include Pico Station, Sierra Madre Villa parking structure, and El Monte bus station.
- Transit Services** – Any light & heavy rail lines, bus service lines & routes, transitway service lines & routes, and any mode of transit service owned, leased, managed, or operated by Metro. Example transit services include A Line, E Line, and Dodgers Stadium Express.

- **Programs** – Selected established Metro-operated effort/initiative for the benefit of customers and communities that Metro serves, generally in the form of customer service actions and functions. Example programs include Freeway Service Patrol and Metro Micro.
- **Events** – Selected one-time, seasonal, or annual event initiated, partnered with, coordinated by, or conducted by Metro. Example events include Older Adult Expo and Faith Leaders Roundtable.

Program Models

Metro will engage in two types of program models, Adoptions and Sponsorships. Within these two models, proposals may include customized packages of varying marketing techniques and tactics; combine financial payments and value-in-kind amenities; or only provide financial payments or value-in-kind amenities. Metro defines amenities as selected resources, features, or utility that may provide additional enhancement to an established Metro facility, station, or stop. Examples amenities may include technologies such as mobile data and Wi-Fi services, commerce such as retail and vending machines, and convenience such as restrooms.

- **Adoption** - A partnership between Metro and a third party, which provides benefit to Metro riders in the form of sponsored amenities, services, equity opportunities, and customer experience improvements. In an Adoption, third parties may provide resources and/or financing, payment-in-kind, or value-in-kind to develop operating or new facilities, services, programs, or events. Examples: providing free Wi-Fi to a particular station, funding additional maintenance to a particular station.
- **Sponsorship** - A partnership between Metro and a third party, which provides benefit to Metro in the form of financial payments - revenues from sponsorships may be directed towards Metro programs and initiatives. In a Sponsorship, a third party may provide resources and funding, payment-in-kind, or value-in-kind to develop operating or new facilities, services, programs, or events. Examples: temporary station name take-over, long-term media buyouts of a particular station or facility.

Terms and Durations

Sponsorships and Adoptions can take on various forms of advertising in which companies contract with Metro to associate their name, identity and branding with facilities, services, programs or events. Metro may engage in Temporary and Long-Term Sponsorships/Adoptions that provide value and benefit both parties.

- **Temporary** – Sponsorship/Adoption/Advertising activity lasting up to ninety consecutive days — temporary commercial activity is within CEO's approval

authority. Contractor shall not allow or authorize any single advertiser to engage in Station Domination of a single station for a period of more than 90 consecutive days. Immediately following the period of Station Domination by an advertiser, said advertiser shall not be permitted to engage in Station Domination of that same station for at least 90 consecutive days.

- **Long-term** – Sponsorship/Adoption/Advertising activity lasting greater than ninety consecutive days with a maximum length of 10 years — all long-term commercial activity require Board reviewed and approval. The renaming of a facility or station requires a minimum five year commitment. Additionally, any activity affecting facility/station/service names requires Board notification: short-term renaming/co-naming requires Board notification while long-term renaming/co-naming requires Board approval.

Eligibility and Criteria

In line with Metro's System Advertising Policy (COM 6), business entities selling products or services in the prohibited categories will not be considered for participation in the Program including Alcohol, Tobacco and Electronic Cigarettes, Adult Entertainment and Content, Arms/Guns and Weapons, Political Parties, Political Groups, Political Organizations, and Political Candidates or Campaigns, causes (including Religious Groups and Religious Associations, social advocacy groups, lobbyist, etc), or any other category prohibited by COM 6.

Metro shall consider Sponsorships and Adoptions with qualified entities meeting these criteria:

- Businesses already established in the U.S. or have fulfilled all legal requirements and compliance to establish a business within the United States;
- Businesses must establish current financial stability as well as financial stability for the five years prior to proposal submission;
- Businesses with current responsible practices and positive business history within the last five years prior to proposal submission;
- Businesses with satisfactory record of contractual performance within the last five years prior to proposal submission;
- Businesses must not have been awarded a Metro contract as a prime contractor six months prior to proposal submittal. Businesses will also not be considered for Metro contract as a prime contractor six months following proposal submittal.

Proposal Review Committee

A Proposal Review Committee will be established to review and vet each proposal submitted to the agency. The Proposal Review Committee will be managed by

Marketing with concurrence from the Chief Communications Officer and will be composed of stakeholder departments to provide feedback and advisory recommendations for Board review and approval. Committee members may include, but are not limited to the following:

- **Compliance Panel** - The Compliance Panel ensures interested sponsors are in compliance with Metro policies and neither discriminate nor pose a conflict of interest. The Compliance Panel does not score the proposal, instead providing review and comment on the sponsoree, the Compliance Panel may include:
 - Civil Rights
 - Ethics
 - Legal Counsel
 - Office of Inspector General
 - Vendor/Contract Management

- **Evaluation Panel** - The Evaluation Panel reviews and scores each proposal based on the Evaluation Criteria. The Evaluation Panel may be composed of scoring members, and non-scoring members that provide comments but do not participate in scoring; comments and recommendations are submitted to the CEO and Board for final review and approval, the Evaluation Panel may include:
 - Communications (Arts & Design, Community Relations, Marketing, Public Relations)
 - Countywide Planning (Real Estate, Systemwide Design)
 - Customer Experience
 - Equity & Race
 - Respective Asset or Program Owner

Evaluation and Criteria

If a business meets all Eligibility and Criteria, Metro will take into consideration the financial offers and implementation proposals. The Proposal Review Committee will score proposals based on the following evaluation criteria:

- Alignment with Metro's existing brand and agency mission, themes, and priorities
- Innovative sponsorship and business plan(s) that address value-transfers and potential customer experience enhancements
- Reach of cross promotion between Metro and Sponsor/Adoptee, providing Equity Opportunity activities for Metro communities and riders
- Financial offer, including total value and duration, payment options, and package offerings
- Determination of conflicts of interest based on other business activities with Metro

Corporate Responsibilities

All costs related to Sponsorship/Adoption activities of an existing facility, service, or program – including, but not limited to, the costs of replacing affected signage and customer information collateral, Metro materials, media materials, and Metro staff labor – shall be borne by the Adoptee/Sponsor.

Metro expects Sponsorship and Adoption partners to remain in good financial stability and to conduct responsible business practices for the duration of granted Sponsorship/Adoption. Metro may terminate granted Sponsorship/Adoption with partners who fails to maintain these financial and business requirements.

All granted Sponsorship/Adoption must respect and adhere to Metro's System Advertising Policy and Metro's Property Naming Policy.

Equity Opportunity and Community

Metro's mission is to provide a world-class transportation system that enhances quality of life for all who live, work and play within LA County. Under its Equity Platform, Metro recognizes that access to opportunities – including housing, jobs, education, mobility, and healthy communities – is critical for enhanced quality of life. Metro also recognizes that vast disparities exist in access to opportunities and strives to identify and implement projects or programs that reduce and ultimately eliminate those disparities.

Sponsors must include Equity Opportunity in each proposal - which will be scored in the Evaluation Criteria; however, sponsors should consider the qualitative engagement rather than the quantitative engagement within their proposal. While Metro sponsorships will vary, all sponsorships must advance Metro's mission by supporting Equity Opportunity to:

- Increased access to opportunities
- Removal of barriers to access
- Partnership with local communities

Acceptable partnerships will vary. Examples include, but are not limited to:

1. Connecting communities to healthy food especially when they lack such options via the provision of gift cards to grocery stores or health snacks at a community event
2. Promoting safety in high injury areas via bike helmet or bike safety light giveaways
3. Supporting community events via hosting a Wi-Fi hot spots or cooling station

Process and Implementation

Metro may negotiate Sponsorships and Adoptions directly or contract with outside specialist(s) to liaise, negotiate and manage Sponsorships.

Metro's Right of Rejection

Metro and its authorized sponsorship specialist(s) will screen all proposals, Metro reserves the right to reject any Sponsorships submitted for consideration. Decisions regarding the rejection or termination of Sponsorships are made by Metro's Chief Communications Officer or their designee based upon the criteria in this Policy.

System Integration

Metro has an established transit system with known nomenclature, customer information, and service names, thus, coordination with stakeholder departments will be critical to:

- Conclude acceptable enhancements to system facilities affecting customer experience - such as station identity and signage wayfinding.
- Establish reasonable implementation schedules and deliverables - such as those affecting operational logistics in stations, trains, and buses; fabrication logistics such as signage; and customer information materials.

Public Information

All granted Sponsorship/Adoption are subject to the provisions of the California Public Records Act (California Code Government Code §6250 et seq.), including monies paid to Metro.



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COMMUNICATIONS Metro System Advertising

(COM 6)

1.0 GENERAL

The display of commercial advertising to generate revenue carries with it a responsibility to protect Metro from potential litigation, preserve its nonpublic forum status, and to recognize the potential association of advertising images with Metro services. The agency addresses these issues through the responsible, consistent, and viewpoint neutral application of its advertising policy.

The policy's purpose is to clearly define the use of Metro's advertising space fulfilling the following important goals:

- Maximize advertising revenue and preserving the value of the advertising space;
- Maintain a position of neutrality and preventing the appearance of favoritism or endorsement by Metro;
- Prevent the risk of imposing objectionable, inappropriate or harmful views on a captive audience;
- Preserve aesthetics and avoiding vandalism;
- Maximize ridership and maintaining a safe environment for riders and the public;
- Avoid claims of discrimination and maintaining a non-discriminatory environment for riders;
- Prevent any harm or abuse that may result from running objectionable, inappropriate or harmful advertisements;
- Reduce the diversion of resources from transit operations that is caused by objectionable, inappropriate or harmful advertisements;
- Preserve Metro's business reputation as a professional, effective, and efficient provider of public transit services.

Governmental entities may advance specific governmental purposes through advertising under this policy.

Los Angeles County contains significant tourism destinations accessible through public transportation, which may be promoted under this policy.

Metro uses designated areas on its properties to directly provide transit and agency information to the public.

2.0 POLICY

2.1 Permitted Advertising Content

Commercial Advertising

Metro will only accept paid commercial advertising that proposes, promotes, or solicits the sale, rent, lease, license, distribution or availability of goods, property,



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Metro System Advertising

(COM 6)

products, services, or events that anticipate an exchange of monetary consideration for the advertiser's commercial or proprietary interest, including advertising from tourism bureaus, chambers of commerce or similar organizations that promote the commercial interests of its members, and museums that offer free admission to the public.

- A. Metro's policy that it will accept only commercial advertising applies regardless of whether the proponent is a commercial or nonprofit organization. To determine whether an ad qualifies as commercial, Metro considers the following nonexclusive factors: (a) whether a commercial product or service is apparent from the face of the ad; (b) whether the commercial product or service is incidental to the public interest content of the ad; (c) whether the sale of commercial products or services is the primary source of the advertiser's total annual revenue; and (d) whether the advertiser is a for-profit entity.
- B. This exclusion does not apply to Government Advertising below.

Government Advertising

Metro will accept advertising that advances specific government purposes from a federal, State of California, or Los Angeles County local governmental entity. The governmental entity must be clearly identified on the face of the advertising.

2.2 Prohibited Content and Subject Matter

Metro retains content control of advertising on the transit system by restricting content; content described below may not be displayed on the Metro transit system and/or agency assets:

- **Alcohol and Spirits** – Imagery of open or closed alcoholic containers, consumption of any alcohol and spirits, or alcohol product brands is prohibited and may not be shown. Services and events for food and beverage, including alcohol and wine events may be shown if the image is compliant with the restrictions stated herein.
- **Tobacco, Vaping and Cannabis** – Imagery that portrays, simulates, or encourages recreational smoking, vaping, or ingesting of tobacco, cannabis, or similar products is prohibited. Services and events for cannabis products, services, and events are prohibited and may not be shown.
- **Illegal Activity** – Content that promotes or relates to an illegal activity



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- **Violence** – Images, copy or concepts that promote guns/firearms or gun violence, or that depict weapons or other devices in an act of violence or harm on a person or animal, or contain any material that incites or encourages, or appears to incite or encourage, violence or violent behavior.
- **Obscene Matter** – Obscene matter as defined in the Los Angeles County Code, Chapter 13.17, Section 13.17.010, or sexually explicit material as defined in the Los Angeles County Code, Chapter 8.28, Section 8.28.010D.
- **Indecency** – Images, copy or concepts that describe, depict, suggest or represent sexual or excretory organs or activities in a manner that a reasonably prudent person, knowledgeable of Metro’s ridership and using prevailing community standards, would find inappropriate for the public transit environment, including persons under the age of 18.
- **Adult Entertainment and Content** – Content that promotes or displays images associated with adult bookstores, video stores, dance clubs, or other adult entertainment or sexually-oriented establishments, telephone services, internet sites, films, video games, escort services, etc.
- **Adult Rated Media** – Adult/mature rated films, television, video games, or theatrical presentations, such as adult films rated "X" or "NC-17" or video games rated "AO."
- **Profanity** – Contains any profane language.
- **Political Speech** – Advertising that promotes or opposes (a) a political party; (b) any person or group of persons holding federal, state or local government elected office; (c) the election of any candidate or group of candidates for federal, state or local government offices; or (d) initiatives, referendums or other ballot measures.
- **Public Issue Speech** – Advertising that primarily expresses or advocates an opinion, position or viewpoint on a matter of public debate about economic, political, public safety, religious or social issues. This exclusion does not apply to Government Advertising under 2.1.
- **Religion** – Promotes or opposes any identifiable or specific religion, religious viewpoint, belief, message, or practice.



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(COM 6)

- **Unsafe Transit Behavior** – Contains images, copy or concepts that depict unsafe behaviors aboard buses or trains, or in or around transit stations or railroad tracks.
- **Injurious to Metro’s interests** – Promotes products, services or other concepts that are adverse to Metro’s commercial or administrative interests. Prohibited content includes but is not limited to images, copy or concepts that actively denigrate public transportation.
- **Metro’s Endorsement** – Contains images, copy or concepts that inaccurately state or imply Metro’s endorsement of the subject of the advertisement.
- **Harmful or Disruptive to Transit System** – Contains material that is so objectionable as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the transportation system.
- **Symbols** - Miscellaneous characters, images or symbols used as a substitute for prohibited content.

2.3 Metro’s Government Speech

The provisions of this policy do not apply to Metro’s government speech, which includes advertising sponsored solely by Metro or by Metro jointly with another entity to communicate any message deemed appropriate by Metro.

2.4 Metro’s Right of Rejection

Metro, and its advertising vendors, will screen and review all advertising content on the transit system, and in all contracts Metro reserves the right to:

- Reject any advertising content submitted for display on its properties; and/or
- To order the removal of any advertising posted on its properties.

Decisions regarding the rejection or removal of advertising are made by the Metro Marketing Executive or their designee based upon the criteria in this policy.

Disclaimer of Endorsement: Metro’s acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, products,



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services, information or viewpoints contained therein, or of the advertisement sponsor itself.

2.5 Informational Advertising

Metro has several unique distribution channels at its disposal for disseminating transit information for which it incurs no “space” cost (the fee charged for advertising space). Informational advertising space is limited and reserved exclusively for Metro transit information. All messages and materials distributed by this means are prepared, approved and/or authorized by the Marketing Executive or their designee.

Acceptable information for these distribution channels is categorized as follows:

2.5.1 Transit Information

Transit information includes, but is not limited to: campaigns promoting ridership, service features and changes, fare information and changes, safety and security messages, maps and explanations of related transportation services.

2.5.2 Cross-Promotional Information

On an occasional basis and only when space is available, Metro’s Marketing Department may use Metro’s distribution channels to participate in cross-promotional opportunities (a cooperative partnership in which Metro and one or more entities work together with the goal of jointly promoting their respective services) that offer a direct opportunity to promote use of transit. Any materials distributed for this purpose must prominently include promotion of Metro services (e.g., Metro Ridership Promotion such as, “Go Metro to CicLAvia”). Metro is prohibited by law from donating advertising space to any entity for purposes that are not directly transit-related.

The outside organization involved must either bear the cost of producing such materials or, if approved by Metro’s Marketing Department, provide an equivalent or greater value in cross-promotional benefits (i.e. advertising space, editorial space, etc.).

2.5.3 “Added Value” Materials

On an occasional basis and only when space is available, Metro’s Marketing Department may use Metro’s distribution channels to provide



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“added value” materials to its riders. Such materials must present a specific and time-dated offer uniquely provided for Metro bus and Metro Rail riders (generally a money-saving discount) in which transit can be used to access the redemption point. Any materials distributed for this purpose must prominently include the Metro logo and other wording approved by Metro’s Marketing Department to indicate that the offer is specifically designed for Metro bus and Metro Rail riders. Metro is prohibited by law from simply donating advertising space to any entity for purposes that are not directly transit-related.

The outside organization involved must either bear the cost of producing such materials or, if approved by Metro’s Marketing Department, provide an equivalent or greater value in cross-promotional benefits (e.g., advertising space, editorial space, etc.). Any added value programs must be approved by the Marketing Executive, or their designee based upon the criteria in this policy statement.

2.6 Advertising Vendors

Metro may contract with outside vendors to sell and display advertising on its transit system and related properties for the sole purpose of generating revenue. Vendors for such contracts are solicited through competitive bids, which must conform to Metro’s procurement procedures and be approved by Metro’s Board of Directors.

Such agreements may dedicate up to, but no more than 90% of the available space covered by the contract for commercial advertising, reserving the remaining available space for Metro’s own transit-related information. This percentage of available space, and the remaining percentage of space held for Metro’s information, will be negotiated as part of any contract with an outside advertising space vendor.

2.7 Placement of Advertising

Locations for commercial advertising may include, but are not limited to: the exterior and interior of all Metro’s transit fleet (buses, trains, rideshare cars, and non-revenue cars); the exterior and interior of all Metro’s stations and hubs (rail and bus stations, bus stops, and mobility hubs); digital channels (agency websites, mobile apps, and social media channels); printed materials (brochures, timetables); Metro property (buildings, facilities and parking structures); and any other location approved by Metro’s Marketing Executive. Metro and its advertising contractors will obtain necessary permits as required to comply with local jurisdiction. Specific locations and properties may be exempt and excluded,



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in which case Marketing will coordinate with the agency project manager as advertising inquiry arises.

2.7.1 Graphics on Window and Glass

To ensure the safety and security of passengers, operators and law enforcement officers, advertising displays which employ window graphics are restricted from fully obscuring the window surfaces on any Metro vehicles (trains, buses, ride share, and non-revenue vehicles). The front window, however, may not be covered in any manner.

If an advertising display employs window graphics, the materials must be perforated with a 50/50 coverage-to-visibility ratio. The perforated material applies to all glass surfaces such as vehicle windows, buildings windows, and glass elevators. Metro may provide materials and technical specifications to each vendor.

3.0 PROCEDURES

Action By:

Action:

Advertising Vendors

Sell, post and maintain all commercial advertising on Metro properties. All proposed transit advertising must be submitted to the Advertising Vendor for initial compliance review. The Advertising Vendor will perform a preliminary evaluation of the submission to assess its compliance with this policy. If, during its preliminary review of a proposed advertisement, the Advertising Vendor is unable to make a compliance determination, it will forward the submission to the Metro’s advertising panel for further evaluation. The Advertising Vendor may at any time discuss with the entity proposing the advertisement one or more revisions to an advertisement, which, if undertaken, would bring the advertisement into conformity with this Advertising Policy. The Advertising Vendor will immediately remove any advertisement that Metro directs it to remove.

Metro Advertising Panel

Metro’s advertising panel will review the proposed advertisement for compliance with the guidelines set forth in this policy and will direct the Advertising



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Vendor as to whether the proposed advertisement will be accepted. In the discretion of the advertising panel, any proposed transit advertising may be submitted to Metro’s Marketing Executive for review.

Metro’s Marketing Executive

Metro’s Marketing Executive or designee will conduct a final review of proposed advertising at the request of Metro’s advertising panel. The decision of the Marketing Executive to approve or reject any proposed advertising shall be final.

Metro Advertising Panel and Marketing Executive

Metro’s advertising panel or the Marketing Executive may consult with other appropriate Metro employees, including Metro’s legal counsel, at any time during the review process.

4.0 PROCEDURE HISTORY

- 03/23/00 Original policy adopted by Metro’s Board of Directors.
- 01/27/05 Policy amended by Board of Directors to permit advertising on Metro Rapid vehicles.
- 09/26/08 Biennial review and update. Policy updated to include Board of Directors amendment to permit all forms of non-traditional advertising displays as well as advertising on rail car exteriors and other types of transit service with the exception of Orange Line vehicle exteriors.
- 6/27/13 Content Guidelines amended by Metro’s Board of Directors to add an exception for non-profit organizations pertaining to the non-commercial advertising prohibition, and to expand language regarding various other types of prohibited content.
- 12/5/13 Content guidelines amended by Metro’s Board of Directors to prohibit messages that are injurious to Metro’s interests and to clarify restrictions regarding vulgarity.
- 02/23/17 Review and update: Board approved, Feb. 23, 2017 (Item 40). Streamlined policy for an easier read; removed defined vinyl window graphics prohibitions: now just may not fully wrap a bus; added definitions; clarified outreach channels; may advertise on Orange Line vehicles;



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added items to advertising ban; removed “wine festival” advertising allowance; advertising may not engage in public debate.

04/27/2023 Significant Policy changes and edits including Elimination of government sponsored ad exception for non-commercial ads (Exception 2); clarification that Commercial Advertising is the only permitted form of advertising, unless advertiser is a federal, state, LA County governmental entity, or Metro; inclusion of: Revised Policy Purpose statement and objectives and Disclaimer of Endorsement; excludes advertising that “expresses or advocates an opinion, position or viewpoint on a matter of public debate”; and general reorganization and clarification.

Mariachi Plaza Station Media Proposal Los Angeles

M
Metro

Mariachi
Plaza

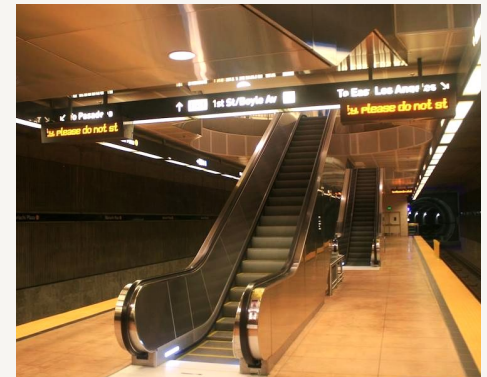
Mariachi Plaza Station

We propose new static media at Mariachi Plaza Station including two-sheets, a floor graphic, and wallscapes throughout this station.

Proposed

(2) Wallscapes (7) Two-Sheets

(1) Floor Graphic





Wallscape

Proposed length:
84" x 456"

Surface- Ceramic Tile



Floor Graphic

Proposed Size:
234" x 239"

Surface:
Ceramic Tile





Two-Sheets

Surface:
Ceramic Tile



Wallscape

Proposed length:
84" x 804"

Surface:
Ceramic Tile



Two-Sheets

Surface:
Ceramic tile and
Stainless Steel
(elevator)



Two-Sheets

Surface:
Ceramic Tile



 Intersection

Thank You

Intersection

750 N. San Vicente Blvd

West Hollywood, CA 90069

intersection.com



Board Report

File #: 2023-0682, **File Type:** Federal Legislation / State Legislation (Position)

Agenda Number: 19.

**EXECUTIVE MANAGEMENT COMMITTEE
NOVEMBER 16, 2023**

SUBJECT: 2024 LEGISLATIVE PROGRAM

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. RECEIVING the State and Federal Legislative Report;
- B. ADOPTING the proposed 2024 Federal Legislative Program as outlined in Attachment A; and
- C. ADOPTING the proposed 2024 State Legislative Program as outlined in Attachment B.

ISSUE

On an annual basis, the Board of Directors adopts a legislative program for the upcoming state legislative and federal congressional sessions, which provides guidance to staff on legislative issues and policy as a means of advancing and protecting Metro's authority and the transportation interests of Los Angeles County. Pursuant to the goals outlined in the Long-Range Transportation Plan (LRTP), Equity Platform, and other board directives, we will continue to evaluate and consider long-term strategic advocacy and legislative goals for the agency as outlined in the plan. We will continue to work with the implementing departments within Metro to develop the broader objectives and will bring to the Board authorization to pursue additional specific measures as they become sufficiently developed and ready for pursuit through legislative processes.

BACKGROUND

The role of the legislative program is to clearly define Metro's goals and objectives by securing necessary legislative authority, program funding, and regulatory actions needed at the state and federal levels. The program provides policy direction to our advocacy activities in Sacramento and Washington, DC. To achieve these important goals, Government Relations staff will implement a long-term legislative strategy of consensus building and coordination with transportation stakeholders throughout Los Angeles County, the State of California, and Federal officials. The Legislative Program directs staff to monitor and engage in several legislative and advocacy efforts. The [Government Relations Legislative Matrix](#)

https://libraryarchives.metro.net/DB_Attachments/231108%20-%202011%20-%20November%202023%20-%20LA%20Metro%20Legislative%20Matrix.pdf, updated and presented to the Board monthly, highlights several bills of interest to the agency.

DISCUSSION

A recap of legislative activities for the 2023 calendar year on the state and federal levels can be found below. The Federal and State Legislative goals, as outlined in attachments A and B, will inform the activities pursued by the Government Relations department for the upcoming calendar year. There are no substantial changes to the state and federal goals in 2024, as the previous year's goals remain relevant to our advocacy strategy. One state goal was updated to reflect Metro's explicit support for enhanced infrastructure financing districts. Based on Board direction, Metro plans to sponsor state legislation related to aligning Metro with other agencies for proper benchmarking and permitting more efficient business practices. In addition to constant collaboration with the Board and other internal Metro departments, Government Relations will continue to ensure that our legislative priorities and efforts are also coordinated with our regional transportation partners, including Metrolink, Southern California Associations of Governments (SCAG), Municipal Operators, and Southern California County transportation commissions.

Federal Recap

In 2023, consistent with our past practice, our agency continued to smartly and aggressively pursue our Board-approved federal legislative priorities in Washington, DC.

On November 15, 2021, President Biden signed the Bipartisan Infrastructure Law (P.L. 117-58). This historic legislation - overwhelmingly supported by the Los Angeles County Congressional Delegation - provided a record level of investments in roads, bridges, rail, transit, airports, ports, and waterways while helping the nation rebuild its electric grid, upgrade broadband infrastructure, improve access to safe drinking water, deploy electric vehicles and buses, improve disaster resilience, and much more.

As we noted last year, the Bipartisan Infrastructure Law significantly increased funding provided through key discretionary and formula grant programs such as Capital Investment Grants, Buses and Bus Facility Grants, Low or No Emission Bus Grants, State of Good Repair Grants, and Urbanized Area Formula Grants. Significantly, the bill also reformed federal Local Hire rules - permitting our agency to hire locally on projects funded in part or in whole by the Federal Government.

Our agency is grateful to the Biden-Harris Administration and the Los Angeles County Congressional Delegation for strongly backing the passage of the Bipartisan Infrastructure Law.

In addition to the Bipartisan Infrastructure Law, the agency was actively engaged with the Los Angeles County Congressional Delegation as they considered the Inflation Reduction Act (P.L. 117-169) - which President Biden signed into law on August 16, 2022. This bill includes several key funding

sources - including \$27 billion for the Greenhouse Gas Reduction Fund, and \$3 billion for the Neighborhood Access and Equity Grants, among other key provisions.

As in previous years, the annual appropriations process in Washington, DC, continues to be the subject of disagreement, and again Congress missed its annual September 30 deadline to pass spending bills for Fiscal Year 2024 to fund the various federal agencies and programs - including the U.S. Department of Transportation. As of the writing of this report, the Federal Government is operating on a Continuing Resolution through November 17, 2023. Metro continues to work closely with our Los Angeles County Congressional Delegation to advocate for the priorities included in the House and Senate Appropriations bills that would benefit our agency.

Lastly, Metro has worked hard in Washington, DC, to successfully advance our major transit capital projects through the Capital Investment Grant program. Staff has been engaged in advocacy with Congressional offices and the Biden-Harris Administration for each of these projects throughout 2023 - with an understanding that our number one priority project seeking a Full Funding Grant Agreement is the West Santa Ana Branch Transit Corridor Project. We are working to ensure this project secures either planning or design funding in the New Starts Report (Federal Fiscal Year 2025) that will be issued by the Federal Transit Administration early next year.

Through our efforts in Washington, DC, Metro continues to incorporate equity as a central component of our work. Metro staff has been engaged in an active dialogue with the Biden-Harris administration as they continue to roll out their Justice40 Initiative, with the goal of delivering 40 percent of the benefits from federal investments to disadvantaged communities across the United States.

Metro will continue to work closely with the Administration, the U.S. Department of Transportation, and Congress to leverage our local funding to advance transit, highway, and other effective mobility projects across Los Angeles County. The complete 2024 Federal Legislative Plan is outlined in Attachment A.

State Recap

During the 2023 State Legislative Session, the California Legislature and Governor Newsom were primarily focused on homelessness, education, housing, as well as climate and infrastructure issues. The legislature passed a number of proposals that focused on that state's climate change goals, transportation projects, workforce recovery, and funding to support efforts to end homelessness. The following summarizes the 2023 legislative session and Metro's advocacy efforts surrounding the budget and legislation relevant to Metro's projects and programs.

State Budget

Metro staff continued to engage in the budget process through working with members of the LA County Delegation in order to ensure that LA County would receive its proportionate share of transportation resources. In January, Governor Gavin Newsom released his budget proposal for the upcoming fiscal year, as the state faced a Department of Finance-estimated deficit of nearly \$30

billion in the coming fiscal year. The Governor stressed that his proposed budget would reduce this deficit to \$22.5 billion. Additionally, the State had nearly \$36 billion in reserve, or “rainy day” funds, which also could help mitigate potential deficits. The Governor’s budget focused on seven key areas of investment: education, homelessness, infrastructure, wildfires, emergency response, combatting climate change, and drought.

In 2022, in addition to the transit funding currently being allocated through Cycle 6 of the Transit and Intercity Rail Capital Program (TIRCP), the Budget Act included a commitment for an additional \$2 billion for TIRCP in FY 23-24 and FY 24-25. In his initial budget proposal this year, Governor Newsom proposed to reduce the amount of TIRCP funding to \$1 billion in each fiscal year. Other transportation-related updates included proposed reductions to the Active Transportation Program by \$500 million. The budget proposed delaying \$350 million in grade separation projects originally planned for this fiscal year and instead proposes making those funds available in FY 25-26. On Zero-Emission Vehicles (ZEV), the budget maintains \$8.9 billion in investments, including approximately \$5.3 billion for programs supporting drayage, transit and school buses, port ZEVs, and infrastructure.

On April 26, then-Metro Board Chair Najarian was joined by 1st Vice-Chair Dupont-Walker, Directors Solis, Sandoval, and Dutra, along with CEO Wiggins, on a budget advocacy trip to Sacramento. This trip was centered around meetings with key legislators in leadership and the budget process in order to advance the Board’s request that the legislature reject the Governor’s proposed \$2 billion in cuts to the Transit and Intercity Rail Capital Program. This visit was crucial to Metro’s plan to advance the Gold Line Foothill Extension and West Santa Ana Branch Transit Corridor, which would benefit from the increased TIRCP funding.

On that same day, Senate Democrats released their 2023-24 budget plan, dubbed “Protect Our Progress,” which outlined a number of key investments and built upon the Governor’s January budget proposal. The Protect Our Progress plan rejected the Governor’s proposed cuts to the Transportation Infrastructure Package, including the \$2 billion in cuts to TIRCP.

On May 12, Governor Gavin Newsom released the May Revision to his 2023-2024 state budget proposal. The May Revision included changes to the Governor’s budget, originally released in January, based on then-current revenues. The state now anticipated a \$31.5 billion budget deficit for the year, up from \$22.5 billion in January, amid uncertain economic conditions and a delay in tax returns due to natural disaster extensions. In his budget proposal in January, Governor Newsom proposed reducing TIRCP funding to \$1 billion in each fiscal year. The May Revision did not change this proposal. Other transportation-related funding proposals are also largely unchanged from the Governor’s budget.

Shortly after the May Revision was released, Assemblymember Luz Rivas (D- Sylmar), in her role as the Chair of the Los Angeles County State Legislative Delegation, issued a letter to Budget Chairs Senator Nancy Skinner (D- Berkeley) and Assemblymember Phil Ting (D-San Francisco), outlining the Delegation’s priorities as we entered the next phase of budget negotiations.

The Delegation’s budget priorities letter emphasized protecting budget commitments that were made in the 2021-2022 fiscal year, rather than asking for new funding for any priorities. Crucially, this included maintaining the full \$4 billion for TIRCP over two years, identified in SB 198 from last year. The letter read: “The Governor’s proposed \$2 billion cut to the TIRCP would impact the ability to deliver crucial capital projects in the County. Those cuts would significantly impact funding for the

Foothill Gold Line and the West Santa Ana Branch project, and future funding opportunities for the Sepulveda Pass.”

On May 23, the Senate Subcommittee #5 voted to advance a budget proposal that includes \$2 billion for the TIRCP this year. On May 25, the Assembly Budget Committee, chaired by Assemblymember Phil Ting, voted to approve their fiscal year 2023-24 budget plan. Included in the plan are several key priorities for transportation, also including a rejection of the Governor’s proposed cut to the TIRCP funding levels for this year, allocating the full \$2 billion to the program, and providing flexibility for the funds for transit agencies to address operational funding gaps, while holding transit agencies accountable to be fiscally responsible.

On June 15, the California Senate and Assembly’s 2023-24 budget agreement passed on a vote of 61 to 14 in the Assembly and 32 to 8 in the Senate. The budget, SB 101, agreement followed months of negotiations and hearings between the two houses, amid uncertain economic conditions that include a projected deficit of \$31.5 billion. The budget rejected the cuts to the TIRCP proposed by the Governor in his January Budget proposal. Under SB 101 the TIRCP program will receive \$2 billion this fiscal year, with the population-based distribution formula in place. The budget also included over \$1 billion over 3 years in funds, partially from the Greenhouse Gas Reduction Fund, for a Zero Emission Transit Capital Program.

On Saturday, June 24, the transportation budget trailer bills, AB and SB 125, were put into print. Ultimately, the legislature passed and the Governor signed SB 125. Following the passage of SB 125, Metro engaged with leadership in both the Senate and Assembly, along with the Governor’s office, to express concerns with provisions related to required reporting by regional transportation planning agencies.

Transit and Intercity Rail Capital Program Guidelines

As part of our budget advocacy surrounding SB 125 in August and September, Metro has also been engaged in the guidelines process through CalSTA. On August 30, Metro submitted comments on the interim draft guidelines to suggest edits that create greater clarity on the SB 125 TIRCP grant process. On September 14, Metro submitted further comments on the draft guidelines released following input on the interim draft guidelines. Staff also worked through the California Transit Association to provide an LA County perspective to statewide partners. The final SB 125 TIRCP guidelines were released on Friday, September 29. Staff are appreciative of the internal and external collaboration that led to this inclusive process and look forward to the next steps in our partnership with the state to provide funding for the Board-approved priorities of the Foothill Gold Line Extension Project and the West Santa Ana Branch Project.

Legislative Update

In the 2023 legislative session, our advocacy efforts also focused heavily on Board-directed State

Legislative Program goals, as well as several proposals that would have impacted Metro programs. Metro's 2023 State Legislative priorities focused on sponsoring a bill to allow Metro to utilize job order contracting, as well as continuing to advocate for increased transportation funding for Los Angeles County. Early on in the legislative process this year, Metro also signed on to sponsor a bill related to combatting homelessness on transit properties.

Metro was successful in advocating for the passage and signing of two sponsored measures. The advocacy efforts around each bill included stakeholder support and collaboration that helped to advance each measure. Staff would like to acknowledge the Board for its forward thinking and support of the measures. Staff would also like to note that the diligent staff support from around the agency was integral to the success of the measures and coalition building efforts. The bills, which will become law on January 1, 2024, are summarized below:

- AB 499 by Assemblymember Luz Rivas (D - Sylmar). AB 499 will allow Metro to utilize job order contracting as a project delivery method. JOC allows for a more efficient procurement process and will enable Metro to rapidly and efficiently address smaller construction projects at our properties.
- AB 1377 by Assemblymember Laura Friedman (D - Burbank). This bill will require applications or planning materials for state funding through the Homeless Housing, Assistance, and Prevention (HHAP) program to include data and a narrative summary of quantifiable steps that the applicant has taken to improve the delivery of housing and services to people experiencing homelessness or at risk of homelessness on transit facilities.

Metro also formally supported the following bills that were passed and signed:

- SB 434 by Senator Dave Min (D - Irvine). SB 434 will require the ten largest transit operators in California to collect and publish qualitative and quantitative data related to the harassment of diverse groups of riders using the survey developed by the Mineta Transportation Institute pursuant to last year's SB 1161, which was sponsored by Metro.
- SB 617 by Senator Josh Newman (D - Fullerton). SB 617 will authorize California's public transit agencies (amongst others) to utilize the progressive design-build procurement method for capital projects. Metro already has this authority, but this legislation will expand that authority to all transit agencies.

Additionally, Metro supported the following bill that is still in the legislature:

- AB 610 by Assemblymember Chris Holden (D - Pasadena). This bill would have created the statewide Youth Transit Pass Pilot Program, including a flexible grant system that would distribute funds to transit agencies to implement youth transit pass programs. The bill would authorize grant funds to be used to maintain an existing fare free program and/or partner with educational institutions. Staff will continue to advocate for bills and programs in the 2024 legislative cycle that would support the implementation of a fareless system.

LA County Delegation Engagement

Metro's State Advocacy strategy continues to include a robust outreach and communications plan to inform and engage the members of the Los Angeles County State Assembly and Senate delegation, in support of the Board-adopted Legislative program, Equity Platform, Customer Experience Plan, Zero-Emission Bus Plan and LRTP goals. State advocacy efforts will also continue to support Metro's Planning Department policies and programs to secure discretionary and formula funding under Senate Bill 1 for Los Angeles County as administered by the CTC. Staff will also engage in discussions and advocate for state policies and funding opportunities as the Board approves directives to implement new initiatives that would address Metro's goals to implement the Equity Platform, reimagined public safety system, and affordable housing.

This legislative engagement also includes quarterly legislative roundtables briefings with staff, subregional project briefings, and tours with individual legislators. The legislature will reconvene for the second year of the legislative session on January 3, 2024. Government Relations staff will continue to brief staff and elected officials on Metro priorities and projects during the legislative recess.

In addition to the activities described in the updates above, staff will be working to address a variety of other specific policy issues in the Legislative process, budget process as well as in various administrative processes in Sacramento (the entire 2024 State Legislative Program is outlined in Attachment B). These include but are not limited to:

- Sponsoring ethics-related legislation to align Metro with other agencies for proper benchmarking and permit more efficient business practices.
- Explore legislation that would clarify provisions of state law that impact Metro's real property transactions and ground leasing for TOC developments, affordable housing and other uses.
- Working with the California Public Utilities Commission and the California Air Resources Board to advance Metro's Zero Emission Bus Program;
- Working with the Governor's Administration and key leadership in ensuring that the Governor's Executive Orders on Sustainability align with Metro's plans; and
- Supporting the allocation of cap and trade funds to Los Angeles County.

With Board approval, the 2024 State and Federal Legislative advocacy platform goals will guide Metro staff as we work with leadership in Sacramento and Washington, DC to advance the priorities outlined by the Board and CEO to secure policy reforms and funding for the agency.

EQUITY PLATFORM

Adopting the 2024 State and Federal Legislative Program goals could positively impact moving policy forward that supports Metro's investments in Equity Focus Communities. Outlining Metro's policy priorities to leadership in Sacramento and Washington, DC, is an important tool in creating equitable transportation and economic outcomes for riders of the diverse communities of Los Angeles County. The Board's adoption of the 2024 State and Federal Legislative Program Goals authorizes Metro's staff to engage directly with the state and federal legislature members who are responsible for setting

policy and funding targets for the LA County region. Legislation sponsored and supported by Metro as outlined in the Goals creates greater investment opportunities, supports a better customer experience, and accelerates project delivery in all Equity Focus Communities in LA County.

Ensuring Metro's advocacy efforts are effective and equitable requires regular assessment of equity impacts for specific measures and proposals. Staff will continue to work with partners in the office of Civil Rights, Racial Equity and Inclusion regularly to assess equity impacts and strategically communicate Metro's commitment to equitable transportation in our advocacy efforts.

DETERMINATION OF SAFETY IMPACT

Approval of this item supports funding for safety initiatives and rules and regulations that do not compromise safety.

FINANCIAL IMPACT

A number of the proposed state and federal legislative initiatives may provide additional funding for countywide transportation programs and projects.

ALTERNATIVES CONSIDERED

The Board of Directors could determine that a legislative program is unnecessary for the agency. Failure to adopt a legislative program could result in Metro being ill prepared to address the policy and legislative challenges that will arise during the coming year.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The adoption of the 2024 State and Federal Legislation Program supports Goal #4 in the Vision 2028 Strategic Plan goals, specifically Goal #4.2: Metro will help drive mobility agendas, discussions, and policies at the state, regional, and national levels.

NEXT STEPS

Government Relations staff will continue to regularly sponsor briefings in Washington, D.C., and Los Angeles County for our Congressional Delegation and other key staffers on both the House and Senate Appropriations and Authorization committees and with officials in the Biden-Harris Administration. We have and will continue to emphasize briefings for professional staff members working for House and Senate committees with primary responsibility for authorizing and appropriations bills. Metro looks forward to being an active stakeholder as the Administration moves to implement the Infrastructure Investment and Jobs Act.

In Sacramento, staff will continue to develop and strategically advance our agency's Board approved State Legislative Program through maintaining support and close relationships with the Los Angeles County State Legislative Delegation, key leaders in the Senate and Assembly Transportation Committees, as well as key stakeholders, including, the Governor, Caltrans Director, California

Transportation Commission, and the California State Transportation Agency.

Government Relations staff will initiate briefings for the Gubernatorial Administration, members of the Legislature as well as committee staff. We will also work with state legislators to author any legislative initiatives proposed by this program. At the federal level, Government Relations will keep in close contact with new and existing members of our Congressional delegation and key Authorizing and Appropriations staff to keep our projects at the forefront. Staff will continue to engage in strategic advocacy and legislative efforts related to several transportation issues and inform the Board of those efforts. Pursuant to the Board adopted Board Advocacy Plan, we will also work closely with the Board to utilize Board members' relationships and experience in legislative matters.

ATTACHMENTS

Attachment A - 2024 Federal Legislative Program

Attachment B - 2024 State Legislative Program

Prepared by: Michael Turner, Executive Officer, Government Relations, (213) 922-2122

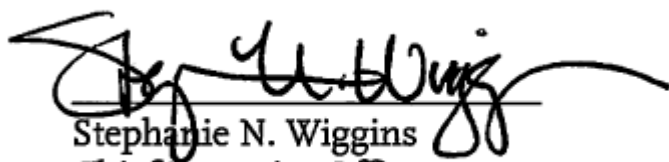
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Alex Amadeo, Government Relations Administrator, (213) 922-2763

Reviewed by: Nicole Englund, Chief of Staff, (213) 922-7950



Stephanie N. Wiggins
Chief Executive Officer

2024 FEDERAL LEGISLATIVE PROGRAM GOALS

GOAL #1: CONTINUE TO BUILD FEDERAL SUPPORT FOR METRO'S AMBITIOUS CAPITAL PROGRAM

Ongoing Activities:

Consistent with the Board-adopted Federal Legislative Program – Metro Government Relations has aggressively and successfully worked to back Congressional efforts to increase Federal Funding for the Capital Investment Grant (CIG) Program – the primary Federal program to fund new transit capital projects. The Bipartisan Infrastructure Law signed into law by President Biden in November of 2021 effectively doubled funding for the CIG Program. Over the last decade, our agency has been a national leader in securing federal funding through the CIG Program.

Proposed Activities:

In 2024, Metro will continue to strongly advocate for our agency's New Starts transit capital projects (consistent with the project priority list adopted by the Board on April of 2021 – Board Report #2021-0150 and Motion 2021-0237) to receive funding through the CIG Program – working in concert with all relevant stakeholders across Los Angeles County.

GOAL #2: CONTINUE TO ACTIVELY SUPPORT THE BIDEN-HARRIS ADMINISTRATION'S JUSTICE40 INITIATIVE – CREATING FEDERAL POLICIES THAT PROMOTE EQUITY AND BRING FEDERAL RESOURCES TO LOS ANGELES COUNTY IN SUPPORT OF EQUITABLE OUTCOME

Proposed Activity:

Continue our agency's leadership in working with the Biden-Harris Administration and the Los Angeles County Congressional Delegation to build awareness among federal policymakers about existing inequalities in our region and the potential for Metro projects and programs to provide access to opportunity. Using this equity lens, we will seek to encourage federal investments to benefit disadvantaged communities across Los Angeles County. This work will include, but not be limited to, efforts to embed Justice40 in the updated guidelines being drafted by the U.S. Department of Transportation for the CIG Program. Maintain our work with the Biden-Harris administration as they continue to roll out their Justice40 Initiative, with the goal of delivering 40 percent of the benefits from federal investments to disadvantaged communities across the United States.

GOAL #3: SECURE DISCRETIONARY GRANT FUNDING FROM MAJOR USDOT GRANT PROGRAMS

Proposed Activities:

Because federal grant and formula programs have grown significantly under the Bipartisan Infrastructure Law and the Inflation Reduction Act, our agency will work closely with Los Angeles County's Congressional Delegation – and other key stakeholders - to demonstrate strong support for grant applications that Metro submits to the U.S. Department of Transportation. These grant applications would be for, but not limited to, the INFRA Grant Program, RAISE Grant Program, Bus, and Bus Facilities, the Low/No Grant Program and the Greenhouse Gas Reduction Fund – among other federal grant opportunities.

GOAL #4: WORK CLOSELY WITH THE BIDEN-HARRIS ADMINISTRATION AND USDOT ON REGULATIONS AND PROPOSED RULEMAKING THAT IMPACTS METRO

Proposed Activities:

As the Biden-Harris Administration continues to implement the Bipartisan Infrastructure Law and the Inflation Reduction Act, staff will continue to work to ensure Metro's interests are well represented. This includes close coordination and submission of public comments, direct communication with agencies and agency officials, and encouraging Congressional involvement to help us accomplish our goals.

GOAL #5: WORK WITH THE U.S. DEPARTMENT OF TRANSPORTATION TO SUCCESSFULLY COORDINATE ON THE 2028 U.S. OLYMPIC AND PARALYMPIC GAMES BEING HELD IN LOS ANGELES – INCLUDING SUPPORT FOR OUR FISCAL YEAR 2025 BUDGET REQUEST

Proposed Activities:

Historically, the U.S. Department of Transportation has played a vital role in assisting and coordinating with regional transportation agencies to ensure enhanced mobility during Olympic and Paralympic Games held in the United States. In coordination with LA28 and other key stakeholders, Metro is working with officials at the White House and the U.S. Department of Transportation to ensure the free flow of information on the opportunity for the federal government to fund the many mobility enhancing projects being built and being planned across Los Angeles County by our agency. Specifically, Metro is seeking to have funds for a range of mobility projects related to the Games included in the President's Fiscal Year 2025 Budget.

GOAL #6: SEEK TO SAFEGUARD THE REFORMS TO FEDERAL LOCAL HIRE RULES THAT WERE EMBEDDED IN THE BIPARTISAN INFRASTRUCTURE LAW

Proposed Activities:

Work with the Biden-Harris Administration, Congress, and other relevant stakeholders to safeguard the reforms included in the Bipartisan Infrastructure Law which permit Local Hiring. This would be done by highlighting the positive impact hiring locally is having on Metro's capital program.

GOAL #7: WORK TO ADVANCE FEDERAL POLICY AND FUNDING OPPORTUNITIES IN SUPPORT OF METRO'S FARELESS SYSTEM INITIATIVE

Proposed Activities:

Continue to be a national leader in advocating for pending legislation that would establish grants in support of fare-free and reduced-fare transit programs. Previously, Metro successfully advocated for the inclusion of such funding as part of a new discretionary grant program (Affordable Housing Access Program) included in the Build Back Better Act. Staff will work with all relevant stakeholders across Los Angeles County to aggressively pursue federal funding for fare-free and reduced-fare transit services across Los Angeles County in any appropriate legislative vehicles during the upcoming 118th Congress.

GOAL #9: ADVOCATE FOR POLICIES AND FUNDING TO ASSIST IN HELPING THE COUNTY REDUCE HOMELESSNESS

Proposed Activity:

Consistent with Board directives, Metro will support legislation, initiatives, and programs for additional funding, services, and resources to address the homelessness crisis, including any opportunities for direct assistance to Metro and our partner agencies.

GOAL #10: WORK TO REFORM FEDERAL LAW TO PERMIT LOCAL PREFERENCE WITH RESPECT TO PROCUREMENTS

Proposed Activities:

Federal law (49 CFR § 661.21) currently prohibits the use of local procurement preferences on FTA-funded projects. In addition to this specific prohibition, the principle of federal preemption applies, whereby any provision of state/local law that contradicts a governing federal provision will be preempted by the federal provision when applicable. It is our understanding that any buy local procurement preference would violate broadly applicable Buy America requirements - which set forth a national preference instead of a local preference. The relevant USC provisions are 49 USC 5323(j) and 23 USC 313.

Given the Board's adoption of a motion regarding Local Preference on October 21, 2021, Metro Government Relations will continue to endeavor to change federal law to specifically allow buy local procurement provisions to be used alongside generally applicable Buy America provisions.

GOAL #11: CONTINUE TO WORK TO BRING A PERMANENT CENTER OF TRANSPORTATION EXCELLENCE INDUSTRIAL PARK TO LOS ANGELES COUNTY

Proposed Activities:

Continue efforts to encourage federal support for Metro's Board-approved goal of creating a Center of Transportation Excellence within Los Angeles County – which would result in having a rolling stock production facility in Los Angeles County. Our agency will, consistent with the relevant Los Angeles County Board of Supervisors resolutions, closely collaborate with Los Angeles County's CEO and their professional staff, in addition to other municipal leaders, in identifying viable locations, both short and long-term, for an industrial complex to potentially include rail and bus manufacturing plant in Los Angeles County. This complex may also include, but not be limited to, suppliers of rail and bus parts, a rail test track, and a climate-controlled facility for testing purposes. As part of this work, Metro will work with the appropriate federal agencies, including but not limited to the U.S. Department of Commerce, to secure support for our Center for Transportation Excellence from funding made available through either the Bipartisan Infrastructure Law and/or the CHIPS and Science Act of 2022.

GOAL #13: ADDITIONAL PRIORITIES

Proposed Activities:

1. Work to mitigate impacts of the US Department of Labor determination regarding PEPRA in coordination with all relevant state and federal partners;
2. Per Board direction, seek to secure federal funding for a I-710 South Clean Truck Program;
3. Work to ensure that any legislation adopted by Congress and signed into law by the President concerning autonomous vehicles does not compromise safety by weakening state and local traffic laws;
4. Work with Metro's regional partners to advance career education and training programs that will ensure the needed workforce to operate and maintain our transit system is ready and available;
5. Work with the Biden Administration to avoid negative impacts as a result of the implementation of tariffs on steel and various rolling stock parts and materials;
6. Work to support funding for active transportation such as bikeshare and other first/last mile mobility solutions;

7. Work with USDOT – consistent with Board policy – to address congestion pricing opportunities with respect to potential funding and regulations;
8. Work with Congress to allow art and non-functional landscaping expenses related to transit projects to be eligible for federal funding;
9. Support legislation that would create new financial incentives to facilitate the development of affordable housing around transit;
10. Seek to ensure tax benefits and credits that are important to Metro remain in the U.S. tax code.
11. Monitor and support legislation that would authorize the cities and unincorporated areas of Los Angeles County to develop and implement strategies to reach Vision Zero goals of improving safety and eliminating traffic-related fatalities.
12. Identify, monitor, and support legislation that will advance the implementation of Metro's Street Safety, Data Sharing, and Collaboration Policy goals.

2024 STATE LEGISLATIVE PROGRAM GOALS

GOAL #1: ENSURE THE STATE CONTINUES TO SECURE, PROTECT, AND FULLY FUND THE MAJOR TRANSPORTATION PROGRAMS

Proposed Activities:

Protect Metro's key fund sources to deliver and advance equitable transportation options;

Secure proportionate share of state fund allocations under the various transportation funding programs created and expanded under the provisions of Senate Bill 1 for Los Angeles County;

Support and preserve key funding sources under Senate Bill 1;

Communicate the importance of stable transportation funding to improve mobility in Los Angeles County, foster economic development and create jobs;

Protect Public Transportation Account revenues;

Secure proportionate share of federal funds allocated via state mechanisms, such as CMAQ and alternative transportation programs; and

Oppose any legislation and/or statewide initiatives that would jeopardize funding or repeal key components of Senate Bill 1.

GOAL #2: SUPPORT LEGISLATIVE INITIATIVES AIMED AT INCREASING FUNDING FOR LOS ANGELES COUNTY TRANSPORTATION PROJECTS AND INITIATIVES

Proposed Activities:

Support transportation funding proposals and ensure that they are structured to support Metro's priority projects, initiatives and programs;

Work with statewide partners on any efforts to develop new transportation-related fees or taxes to fund mobility improvements in Los Angeles County;

Support legislation that authorizes, clarifies, or expands the implementation of innovative funding mechanisms for regional transportation planning agencies and the County of Los Angeles; and

Support legislation that protects Metro's authority to collect dedicated local sales tax revenues.

GOAL #3: WORK TO ENSURE IMPLEMENTATION OF METRO'S BOARD- ADOPTED LONG-RANGE TRANSPORTATION PLAN (LRTP)

Proposed Activities:

Pursue strategies and funding opportunities to implement the various modal programs in the Board-adopted LRTP;

Work to secure additional funds through the various state funding programs including but not limited to, Local Partnership Program, Active Transportation Program, Solutions for Congested Corridors Program, State Highway Maintenance and Rehabilitation Program, Transit and Intercity Rail Capital Program, Low Carbon Transit Operations Program, State Transportation Improvement Program, State Highway Operations and Preservation Program, freight corridor programs and bond funds;

Support legislation that would better position Metro to receive funding through various state programs; and

Support legislation that facilitates and/or clarifies the use of public private partnerships and other innovative project delivery mechanisms for transit projects.

GOAL #4: SUPPORT LEGISLATION, REGULATORY ACTION, AND FUNDING INITIATIVES THAT SUPPORT TRANSIT RIDERS AND ENHANCE THE CUSTOMER EXPERIENCE

Proposed Activities:

Support legislation and appropriate levels of funding from the state budget to support implementation of a fareless transit system;

Support legislation, initiatives, and programs for additional funding, services and resources to address the homelessness crisis, including any opportunities for direct assistance to Metro and our partner agencies;

Monitor legislation and funding opportunities that impact and incentivize the development of affordable and transit-adjacent housing;

Support any efforts to increase funding and expand eligibility to transit agencies to aid in the fight to end homelessness;

Support legislation that incorporates elements of Metro's transit-oriented communities

strategies in regional housing planning and development;

Increase flexibility for Metro to deliver transit-supportive, community supported, and neighborhood appropriate uses;

Support legislation, regulation, and state budget action that support Metro's goals of eliminating disparities, meaningfully engaging communities, advancing equitable outcomes, and increasing access and mobility options for marginalized and vulnerable people; and

Support legislation and explore potential funding mechanisms that would impact Metro's ability to implement the goals and objectives in studies currently underway at Metro, such as improving the customer experience and the traffic reduction study.

GOAL #5: SUPPORT EFFORTS TO IMPROVE SAFETY AND IMPROVE SERVICE ON THE REGION'S COMMUTER RAIL SYSTEM

Proposed Activities:

Advocate for additional state funding to increase the safety of the commuter rail system in Los Angeles County and the entire Metrolink service area;

Support legislation and actions that would benefit Metrolink's SCORE program of capital projects;

Support additional funding for enhanced commuter rail safety, especially for automatic train stop/positive train control systems, grade separations and double tracking single track portions of Metrolink's service area; and

Support legislation and funding programs that promote the accelerated certification of new rail vehicle technologies, prioritizing zero emission propulsion, and pilot programs which test their viability, and pursue funding opportunities to deploy such technology whenever and wherever they become available.

GOAL #6: MAXIMIZE OPPORTUNITIES FOR FUNDING LOS ANGELES COUNTY'S TRANSPORTATION PROJECTS AND PROGRAMS THROUGH IMPLEMENTATION OF THE STATE'S CAP AND TRADE PROGRAMS

Proposed Activities:

Ensure Cap & Trade funds are allocated to transportation, that Los Angeles County receives a proportionate share; and

Support Legislation that would allocate additional Cap & Trade funds to support key Metro priorities, such as Metro's transit capital and operations program, fare-free transit, zero-emission bus conversion, and zero-emission vehicle charging infrastructure expansion, including funding to support zero-emission trucks in heavily-traveled freight corridors.

GOAL #7: COORDINATE WITH OUR LOCAL AND STATE PARTNERS TO INCORPORATE THE REGION'S NEEDS IN EMERGING CLIMATE CHANGE AND SUSTAINABILITY PROGRAMS

Proposed Activities:

Monitor continued implementation of AB 32, SB 743, and SB 375 (including sustainable community strategies and related initiatives/documents);

Work in partnership with the Governor's Office of Planning and Research (OPR), California Air Resources Board (CARB), California Transit Association (CTA), California Energy Commission (CEC), Strategic Growth Council (SGC), Southern California Air Quality Management District (SCAQMD) to support Metro's projects and programs;

Advocate the connection between transit operations funding, SB 375 and other state global warming policies, programs and initiatives;

Support initiatives that promote greenhouse gas emissions reduction strategies such as vehicle miles travelled reduction, active transportation, and operational efficiency best practices;

Encourage development and utilization of regulations and technologies that would enhance the ability to expand, deploy and operate Metro Bike Share;

Support continued efforts to encourage smart growth and other connectivity and livability principles and their interaction with transit and highway investments while preserving authority of local agencies;

Support legislative efforts to fund programs affecting environmentally sensitive stakeholders and clean air programs in our region, particularly with regards to regional transit planning, construction, and procurement efforts;

Support legislation that would allocate funding for climate resiliency planning and implementation for transit;

Support new initiatives that encourage the use of advanced, environmentally friendly and cost-effective strategies in the construction and retrofit of transit facilities including infrastructure related to renewable energy, low impact development, sustainable construction practices, and similar technologies;

Advocate for funding for Metro's first/last mile, bike and pedestrian projects under the State's Active Transportation and Local Planning Grants programs;

Monitor and support legislation that would authorize the cities and unincorporated areas of Los Angeles County to develop and implement strategies to reach Vision Zero goals of improving safety and eliminating traffic-related fatalities;

Identify, monitor, and support legislation that will advance the implementation of Metro's Street Safety, Data Sharing, and Collaboration Policy goals; and

Support new and existing initiatives that complement the development and subsequent implementation of Metro's Zero-Emission Bus Strategic Plan and other Board directives.

GOAL #8: ACTIVELY WORK WITH STATE, REGIONAL AND LOCAL TRANSPORTATION INTERESTS AND ENHANCE TRANSPORTATION AND INFRASTRUCTURE FUNDING AND PROGRAMS STATEWIDE

Proposed Activities:

Support efforts to secure funding and/or obtain authority to generate additional funding for bus transit capital, operations, security needs, corridor projects, soundwalls, bike projects, Service Authority for Freeway Emergencies (SAFE) and other important transportation projects and programs;

Work with other agencies and the State to seek remedies to increase funding for Metro's Freeway Services Patrol (FSP) operations;

Oppose any efforts to modify Senate Bill 1 (Beall, 2017) programs that would reduce funding for Los Angeles County;

Work cooperatively with other transit agencies throughout the State, including the CTA, to secure and increase funding for transportation services, projects and programs; and

Identify and pursue opportunities for funding and to enhance authority where necessary to improve security and safety for customers, employees and property.

GOAL #9: SUPPORT LEGISLATIVE AND REGULATORY ACTIONS THAT ENHANCE AND PROTECT METRO'S ABILITY TO DELIVER INNOVATIVE TRANSPORTATION PROJECTS AND SERVICES IN LOS ANGELES COUNTY

Proposed Activities:

Support efforts to clarify the oversight responsibilities of the PUC with respect to rail transit;

Oppose legislation that would seek to restructure the Metro Board of Directors;

Oppose legislation that would preempt collective bargaining, impose benefits in collective bargaining agreements or restrict the rights of local agencies in the collective bargaining process;

Preserve our authority in regional transportation funding decisions including those granted through SB 45;

Support legislation that would support or enhance Metro's long-term plans for energy resiliency;

Continue to advocate for California Environmental Quality Act (CEQA) reforms for and specified exemptions for transportation projects with continued collaboration of statewide stakeholders and organizations; and

Support initiatives and legislation to enhance Metro's ability to ensure safety of development and construction activities within or adjacent to Metro's infrastructure and right-of-way, in coordination with local municipalities, developers, and utility companies.

Monitor regulations and legislation that would clarify the State's distribution of sales tax revenues to Los Angeles County and Metro;

Coordinate with regional partners and monitor the State's autonomous vehicle regulations and ensure that federal, state and local regulations are aligned;

Support efforts to enhance the use of electronic fare payment or smart card technology and allow for ease of access for qualification for low-income riders;

Support legislation that would authorize and promote the use of technology to enhance safety, security and operations for our bus and rail operations;

Explore and pursue opportunities to accelerate and reduce costs on Metro projects; and

Support legislation and funding opportunities that enhance Metro's ability to deliver the transformative transportation infrastructure and operational enhancement projects needed in Los Angeles County to support the mobility of the region in the 2028 Olympic & Paralympic Games.

GOAL #10: OPPOSE ANY LEGISLATION THAT COULD NEGATIVELY IMPACT METRO'S ABILITY TO OPERATE THE EXPRESSLANES PROGRAM AND SUPOORT LEGISLATION THAT ALLOWS FOR FUTURE EXPRESSLANES EXPANSION AND OTHER PRICING STRATEGIES

Proposed Activities:

Support legislation that

1. Encourages development and utilization of regulations and technologies that would enhance the ability to verify vehicle occupancy and toll collection/payment.
2. Enhances Metro's ability to enforce the ExpressLanes Board adopted toll policy.
3. Amends or clarifies California vehicle code sections to authorize Metro to establish and enforce occupancy requirements in the ExpressLanes;
4. Amends Streets and Highways codes that impact Metro's ability to perform toll related functions including interoperability with other California toll agencies.
5. Supports and enables Metro's ability to expand Metro's ExpressLanes network upon Board approval.
6. Provides clarification of AB 194 regarding roles and responsibilities of Metro and Caltrans.
7. Supports and authorizes flexibility in how net toll-revenues are re-invested in support of an expanded corridor network of ExpressLanes in Los Angeles County.
8. Explore and support legislation that would authorize Metro to expand the use of pricing in Los Angeles County in partnership with local municipalities.

Oppose legislation that would:

1. Negatively impact Metro's ability to manage ExpressLanes demand utilizing congestion pricing.
2. Negatively impact financial viability and local control of ExpressLanes revenues.
3. Limit Metro's ability to operate and expand the ExpressLanes network.
4. Redirect SHOPP funding for maintaining the corridor.

GOAL #11: ADVOCATE FOR POLICIES AND FUNDING THAT INCREASE THE SUPPLY AND AFFORDABILITY OF HOUSING IN LOS ANGELES COUNTY AND OTHER TRANSIT SUPPORTIVE USES NEAR METRO CORRIDORS

Proposed Activities:

Support legislation, initiatives, and programs that aim to:

1. Reduce the costs and time to deliver affordable housing;
2. Complement Metro's TOC Policy (including anti-displacement and anti-gentrification policies);

3. Reduce Surplus Land Act impacts to Metro's Joint Development Program;
4. Stabilize and enhance housing affordability in existing communities;
5. Provide resources to Metro, LA County jurisdictions and other partner agencies to develop more collaborative land use policies that support equitable transit-oriented communities.

Identify and pursue opportunities for additional funding and policy reform for Southern California transportation infrastructure and transit oriented housing projects;

Support legislation and funding opportunities that incentivize, support, and accelerate the development of affordable and transit-adjacent housing;

Work with legislators and the Governor's office to preserve and increase the ability of the Joint Development Program to deliver on its portfolio approach to achieving housing goals;

Identify and pursue opportunities to consolidate and streamline applying for transportation infrastructure and transit-oriented development and housing grants;

Explore and potentially sponsor legislation that would clarify provisions of state law that impact Metro's real property transactions and ground leasing for transit-oriented developments, and affordable housing and other agency uses;

Seek to program modifications that recognize Metro's land discount as a significant contribution to affordable projects; and

Support legislation that would enhance opportunities for Opportunity Zones, Value Capture, Enhanced Infrastructure Financing Districts, or related concepts and mechanisms to fund transportation infrastructure or promote Transit-Oriented Developments and Metro's Transit Oriented Communities strategy.

GOAL #12: SUPPORT EFFORTS TO IMPLEMENT HIGH SPEED RAIL (HSR) IN LOSANGELES COUNTY

Metro supports the California High Speed Rail Project.

Metro is encouraged by the efforts to incorporate a blended corridor concept in its planning and to continue to evaluate and identify the need to connect the project to Los Angeles County.

Metro has identified a series of investments in Los Angeles County that would support future high-speed rail and would provide current benefits to commuters across the region. These investments are on shared corridors and create independent utility.

We encourage the State to make specific commitments to funding the segment

connecting to Los Angeles County and to maintain this segment as a high priority in future plans.

Metro supports the allocation of funding to elements of the blended corridor concept in Los Angeles County to support the ultimate completion of the High Speed Rail project.

Proposed Activities:

Advocate for the full allocation of funding to the Link Union Station project Phase A and Phase B and other corridor enhancements in Los Angeles County which support the ultimate completion of the High Speed Rail project;

Ensure timely implementation of Proposition 1A including allocation of connectivity funds;

Support legislation that preserves “book-end” funding for early-action projects identified as vital to the delivery of the HSR project in Southern California;

Support efforts to ensure that NEPA assignment authority for highway and transit projects is preserved; and

Support streamlining project approvals under Caltrans’ NEPA assignment authority.

GOAL #13: SUPPORT EFFORTS TO ESTABLISH THE I-710 CLEAN TRUCK PROGRAM AND SECURE APPROVAL OF KEY FREIGHT PROJECTS AT THE CALIFORNIA TRANSPORTATION COMMISSION

Proposed Activities:

Support efforts to fund goods movement and freight projects through the CTC;

Advocate that Los Angeles County receive a proportionate share of funding through the State’s Trade Corridor Enhancement Program and other state funding for zero-emission heavy-duty trucks;

Advocate for the deployment of clean-fuel trucks funded by the State in Los Angeles County;

Support regional and statewide efforts to secure and preserve funding for freight corridors; and

Support regional and statewide efforts to fund innovations in clean-freight technology including the deployment of on-dock rail improvements, clean vehicle charging infrastructure, and zero-emission trucks.

GOAL #14: SPONSOR LEGISLATION THAT WOULD ENHANCE METRO'S ABILITY TO DELIVER ITS PROGRAMS AND SERVICES

Proposed Activities:

Sponsor ethics-related legislation to align Metro with other agencies for proper benchmarking and permit more efficient business practices.



Board Report

File #: 2023-0528, File Type: Contract

Agenda Number: 20.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE NOVEMBER 16, 2023

SUBJECT: P2550 LIGHT RAIL VEHICLE MIDLIFE OFFSITE TESTING

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE Contract Modification No. 6 to Contract No. PS183832000P2550 Light Rail Vehicle (LRV) Midlife Modernization with Kinkisharyo International, L.L.C. for Offsite LRV Qualification Testing increasing the total Contract value by \$1,500,000 from \$159,119,493 to \$160,619,493 to enable LRV testing offsite LACMTA property; and
- B. EXECUTE Contract Modifications under this Contract for up to \$1,000,000 per Contract Modification.

ISSUE

Metro is currently undergoing several projects to modernize existing LRVs to the current state of technology to ensure the LRV fleet remains in a State of Good Repair (SGR). After the initial LRV's (pilot LRVs) are modernized, they are usually shipped to Metro for design qualification tests on Metro's mainline. As Metro's priorities are passenger service and maintenance of its assets, supporting project tests on the mainline with test operators places tremendous strain on Metro's resources. In some cases, conflicts may result in an impact to service, delays to the test program, or both. Using Metro's mainline for test purposes adds further risk in the event of test failures. As an example, Metro's resources may be additionally strained if a revenue-ready LRV needs to be sent to retrieve a failed pilot LRV.

This contract modification will allow the contractor, Kinkisharyo (KI), to lease a test track where most of the planned mainline design conformance tests of the pilot vehicles may be performed, reducing impact to service and to Metro's operations. It is critical to note that the fleet will still need to undergo limited testing on Metro's mainline to verify that there are no production or quality issues that need to be addressed prior to acceptance.

BACKGROUND

In March 2021, the Board approved an award to issue Kinkisharyo Contract No. P2550-2019 a firm-fixed unit rate contract in the amount of \$170,349,474 for the Midlife Modernization of the 50 existing P2550 LRVs, inclusive of Options. To date, only 2 out of 7 options have been exercised. The Project's primary objective is to deliver safe, reliable, high-quality overhauled LRVs that will be modernized to the current state of technology to ensure the LRV fleet remains in a State of Good Repair (SGR).

DISCUSSION

The Project is currently in the design phase. Once this phase is complete, the LRV level qualification testing phase will commence. These tests are typically performed with the pilot LRVs on a transit agency's mainline and have a duration of 9 to 12 months. Supporting this approach places significant strain on an agency's resources including track allocation, test operators, shop space and personnel. The test track location needs to be determined early to facilitate coordinated planning amongst stakeholders.

Considerations were made to perform LRV qualification testing at Metro's site. However, Metro's planned and unplanned test track closures/maintenance, in addition to the increasing track needs to support revenue service, could further reduce test track availability for LRV design qualification testing.

This recommended Contract Modification is to facilitate the qualification testing at an offsite facility in Pueblo, CO. Metro initiated this Change request because of the limited availability to test the vehicles at LA Metro facilities due to limited operator availability, unplanned track closures and maintenance, and other factors related to track maintenance and rail operations.

Approval of this recommendation will minimize risk to Metro's service and operations. Simultaneously, it will benefit the test program by allowing it to proceed with few restrictions or interruptions.

Recommendation B allows Metro and the Contractor to negotiate future change orders in a timely manner to ensure that the maximum cost and schedule benefits can be realized. The P2550 Midlife Modernization Project's schedule is aggressive. The added delegation of authority allows staff to mitigate program schedule impacts that may arise from change orders. The request for an increase in CMA from \$500,000 to \$1,000,000 for individual changes is consistent with Board authorized Contract Modification Authority (CMA) for other Rolling Stock programs, such as Contracts for A650 Midlife Overhaul, P3010 LRV procurement, and the 45-foot CNG Composite Buses.

DETERMINATION OF SAFETY IMPACT

The approval of this Contract Modification will ensure the Project's continuity to provide a direct and positive impact to system safety, service, quality, system reliability, maintainability, and overall customer satisfaction.

FINANCIAL IMPACT

The requested new NTE contract price of \$160,619,493 is within the overall Board approved project LOP budget of \$206,340,841, for project 214003.

Since this is a multi-year contract, the Chief Operations Officer, Project Manager, and cost center manager will be responsible for future fiscal year budgeting.

Impact to Budget

The current source of funds for this action is Proposition A 35%. This funding is eligible for rail capital and operating projects. Staff continues to pursue additional funding sources as they become available.

EQUITY PLATFORM

Metro's existing light rail lines serve a majority of Equity Focus Communities (EFCs) who rely on public transit for their daily lives, including travel for work, school, and other activities. Rail ridership consists of 67% low-income and 82% passengers of color based on the Countywide Planning's 2022 customer satisfaction survey. EFC areas along the light rail alignments included areas in Downtown LA, Chinatown, in the vicinity of downtown Long Beach. Please refer to Attachment D for Metro's current rail line map showing areas of the EFCs that will benefit from this board decision. The P2550 fleet is currently experiencing low service reliability and availability due to age and obsolescence issues. This project and the approval of this recommendation will ensure a more reliable fleet for these light rail riders.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This recommendation supports strategic plan goal # 1) to provide high-quality mobility options that enable people to spend less time traveling and #5) to provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

Staff considered using Metro resources to support the LRV qualification tests. However, this approach is not recommended as Metro has limited resources and bandwidth to adequately support this LRV testing that directly competes with revenue service. Further, Metro's first priorities are passenger service and maintenance of its assets.

The Board of Directors may choose not to authorize the Contract Modification; however, this alternative is not recommended by Metro staff because the LRV qualification tests in this midlife program are critical to maintaining an SGR on the fifty existing P2550 LRVs.

NEXT STEPS

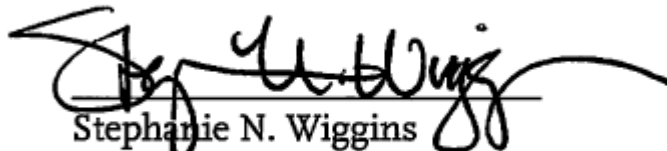
Upon Board approval, staff will execute Contract Modification No. 6 with Kinkisharyo International, L.L.C.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification Log
Attachment C - DEOD Summary
Attachment D - Metro EFC Map

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Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

P2550 MID-LIFE MODERNIZATION PROGRAM / PS183832000P2550

1.	Contract Number: PS183832000P2550		
2.	Contractor: Kinkisharyo International, LLC		
3.	Mod. Work Description: Offsite LRV Qualification Testing in Pueblo CO		
4.	Work Description: Mid-life modernization of Light Rail Vehicles		
5.	The following data is current as of: 10.12.23		
6.	Contract Completion Status:		Financial Status:
	Award Date:	04.12.2021	Contract Value
	Notice to Proceed (NTP):	05.17.2021	Total Contract Modification Authority (CMA):
	Original Completion Date:	55 months after NTP	Value of Mods. Issued to Date (including this action):
	Current Est. Complete Date:	December 2028	Remaining Board Approved Amount:
7.	Contract Administrator: Aniza Wan Nawang		Telephone Number: (213)922-4677
8.	Project Manager: Jason Yaw		Telephone Number: (213)922-3325

A. Contract Action Summary

This Board Action is to approve Contract Modification No. 6 which is to be issued in support of the offsite LRV qualification testing in Pueblo, CO.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy. The contract type is a firm fixed unit price.

On March 25, 2021, Metro's Board of Directors approved Board Agenda Item 2020-0055 to Kinkisharyo International, LLC. for the midlife modernization of the 50 AnsaldoBreda P2550 Light Rail Vehicles.

The intent of this midlife modernization program is to maintain the State of Good Repair and ensure the continued safety, reliability, availability, and maintainability of the fleet for revenue service any of the critical systems and components on the AnsaldoBreda P2550 LRV fleets.

On April 12, Contract P2550-2019 was issued in the amount of \$157,231,331. To date, five (5) Contract Modifications have been issued for the following: -

1. Contract Modification No. 1: Modify Milestone Payment Schedule for first 7 Milestones issued on June 10, 2021 at no cost.

2. Contract Modification No. 2: Exercise Option TS 4.10 – Coupler self-wiping requirement, decreasing PF-2 cost issued on July 31, 2021 for (\$241,550)
3. Contract Modification No. 3: Incorporate Technical Spec Changes from TS Review meeting issued on August 2, 2021 at no cost.
4. Contract Modification No. 4: Exercise Option 6.1. & 6.2 – TS-13.10 Passenger Information Displays into each LRV, training & manuals issued on August 17, 2021 for \$2,129,712, and
5. Contract Modification No. 5: Unknown-Unknown Task Order Labor Rate (1 of 3) escalation increase equaling 7.3% issued on May 13, 2022 at no cost.

This recommended Contract Modification is to facilitate the qualification testing at an offsite facility in Pueblo, CO. Metro initiated this Change request because of the limited availability to test the vehicles at LA Metro facilities due to limited operator availability, unplanned track closures and maintenance and other factors related to track maintenance and rail operations.

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based upon Metro Independent Cost Estimate (ICE), cost analysis, technical evaluation, fact finding, and negotiation.

Proposal Amount	Metro ICE	Negotiated Amount
\$1,573,487.88	\$1,350,714.89	\$1,500,000.00

KI’s change proposal amount of \$1,573,487.88 is \$222,772.99 (16.5%) greater than the Metro developed ICE. Discussions were entered with KI to understand the significant elements that made up the differences in the proposal and the ICE. Negotiations were then conducted to arrive at a fair and reasonable amount. The negotiations resulted in a best-attainable amount of \$1,500,000.00 for the changed work, which is within \$149,285.11 or 11% of the ICE. There are three contributing factors that make up most of that difference:

1. Travel – the proposal from KI contained a higher travel cost component than the ICE. KI’s rotation to regularly cycle offsite staff increased the travel costs but was proposed and accepted to maintain efficiency over the four-month testing period. KI’s staff rotation over the duration of the offsite testing period was not considered in the ICE.
2. Facility cost – the Pueblo, CO test site is the closest testing facility to Metro. The facility cost rate that KI is passing through to Metro includes monthly escalation from the facility operator, which was not fully considered in the ICE.
3. Electricity cost – KI proposed a rate range to cover the electricity consumed by the testing. The ICE estimated this amount significantly lower than the range proposed by KI. To address this difference, Metro negotiated the

electricity cost as a pass-through cost based on only the actual time the Metro vehicles are testing on the test track.

The proposed travel rotation for KI staff adds \$59,045.88 to the travel cost element. The additional facility cost per the escalation and electricity supported by actual cost data adds another \$26,376.32 and \$28,357.18 respectively. Supplementing the ICE with these three cost elements bridges the difference between the ICE and the negotiated amount to \$35,505.73 or around 2.63% which is a best attainable price based on the negotiations.

CONTRACT MODIFICATION LOG

P2550 MID-LIFE MODERNIZATION PROGRAM / PS183832000P2550

Mod. no.	Description	Status (approved or pending)	Date	Amount
1	Modify Milestone Payment Schedule for first 7 Milestones. No change to overall value or risk.	Approved	6.10.21	nil
2	Exercise Option TS 4.10 - Coupler self-wiping requirement, decreasing PF-2 cost	Approved	7.31.21	\$(241,550)
3	Incorporate Technical Spec Changes from TS Review meeting - No cost Change order	Approved	8.2.21	nil
4	Exercise Option 6.1. & 6.2 - TS-13.10 Passenger Information Displays into each LRV, training & manuals	Approved	8.17.21	\$2,129,712
5	Unknown-Unknown Task Order Labor Rate (1 of 3) escalation increase equaling 7.3%	Approved	5.13.22	nil
6	Offsite LRV Qualification Testing at TTC Pueblo	Pending	(tba)	\$1,500,000
	Modification Total:			\$3,388,162
	Original Contract:			\$157,231,331
	Total:			\$160,619,493

DEOD SUMMARY

**P2550, LIGHT RAIL VEHICLE (LRV) MIDLIFE OFFSITE
TESTING/PS183832000P2550****A. Small Business Participation**

Kinkisharyo International, LLC, a Transit Vehicle Manufacturer (TVM), is on the Federal Transit Administration's (FTA) list of eligible TVMs. Kinkisharyo International, LLC has submitted its overall Disadvantaged Business Enterprise (DBE) goal of 6% to FTA, in compliance with 49 Code of Federal Regulations (CFR) Section 26.49(a)(1). TVMs submit overall DBE goal methodology annually and report participation directly to FTA semi-annually.

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 modification.

D. Project Labor Agreement/Construction Careers Policy

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

P2550 LIGHT RAIL VEHICLE (LRV) MIDLIFE MODERNIZATION OFFSITE TESTING



Metro

BACKGROUND

- The P2550 (Midlife) contractor is required to demonstrate the safe and reliable operation of trains. Design conformance tests are normally performed with pilot trains on the agency's mainline.
 - Tests normally require 9-12 months to complete.
 - Tests compete with revenue service and scheduled mainline maintenance.
 - Tests place a significant burden on Metro operation staff and equipment to support.

FINDINGS

- Moving the majority of pilot train tests to an offsite location is anticipated to:
 - Significantly minimize the project's impact to revenue service and scheduled mainline maintenance.
 - Significantly minimize impact to Metro's operation staff and resources.
 - Significantly reduce delays due to scheduling conflicts; allowing test programs to proceed more efficiently and effectively.

RECOMMENDATIONS

- Authorize Contract Modification to enable LRV testing offsite LACMTA's property.
- Increase the CEO's contract modification authority to \$1,000,000.



Thank you



Metro



Board Report

File #: 2023-0606, File Type: Contract

Agenda Number: 21.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE NOVEMBER 16, 2023

SUBJECT: TRANSIT OPERATIONS ENGINEERING SUPPORT

ACTION: AWARD CONTRACTS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award and execute Indefinite Delivery/Indefinite Quantity (IDIQ) task order-based Contracts No. AE100331000 and AE100331001 to HNTB Corporation and Gannett Fleming, Inc., respectively, for transit operations engineering support services for a combined not-to-exceed (NTE) amount of \$116,000,000 for the four-year base period, and combined NTE of \$20,000,000 for each of the three one-year options; for a combined NTE total amount of \$176,000,000 subject to resolution of any properly submitted protest(s), if any.

ISSUE

The existing engineering support Contract No. PS46172000 for transit infrastructure maintenance expires on December 31, 2023. Therefore, the Operations Infrastructure Maintenance and Engineering (IM&E) Department is seeking assistance from engineering and technical resources to develop and execute capital improvement projects, support expansion projects, and meet the day-to-day engineering needs necessary to maintain Metro's transit infrastructure assets and systems. The transit operations engineering support services contracts will enable the IM&E Department to supplement the in-house resources needed to maintain the end-of-life infrastructure assets, deliver improvement projects on time and within budget, and support expansion projects.

BACKGROUND

The IM&E Department is responsible for maintaining Metro's system-wide infrastructure assets at Union Station Gateway (USG), bus facilities, rail facilities, and wayside systems in a State of Good Repair (SGR). In addition, the department oversees the delivery of capital projects within the Capital Improvement Program (CIP) and supports expansion projects, joint development projects, security projects, and zero-emission charging infrastructure projects.

Since May 2018, Contract No. PS46172000 with Gannett Fleming in the amount of \$31,000,000 has been providing a range of engineering services for train control, traction power, communications, track, mechanical, electrical, plumbing, and civil design. Also included were support services for project management, construction management, engineering design, and computer-aided design and

drafting (CADD). Over the course of the past three fiscal years, the capital improvement program has significantly grown from \$335 million to over \$1 billion in the life of capital (LOC) budgets.

DISCUSSION

Metro has a growing Capital Improvement Program, and many transit expansion projects are being implemented at the same time. There continues to be a strong need to provide timely support for the large number of projects from these programs in accordance with the project schedules. This includes reviews of alternative technologies and deliveries coming from the progressive design build alternative delivery approach to the capital projects which will require substantially more reviews than traditional design deviations from the MRDC. This has created a challenge for in-house engineering resources to support the day-to-day maintenance of infrastructure assets and deliver infrastructure renewal SGR projects. IM&E staff reviewed the capital work program and calculated that a base cumulative contract value of \$116,000,000 is needed to augment and support in-house resources on a task order basis. The transit operations engineering support services contracts will provide the IM&E Department with sufficient qualified resources across a wide spectrum of disciplines in a timely manner to manage and support day-to-day engineering maintenance and project delivery. Work task orders will be competitively issued between the two firms and awarded based upon best value. Also, awarding work on a task order basis provides the IM&E Department with the flexibility to scale in-house support up or down depending on Metro's USG, bus, rail, wayside, and other CIP needs. The competitive selection process for each task order will include transmitting to the firms a statement of work and evaluation criteria specific to the task order that describes the task description and implementation schedule. The proposals will be evaluated in accordance with the evaluation criteria for required items such as qualifications, work experience, key personnel, team availability, execution plan, cost estimate, (when applicable) schedule, and subcontractors including Disadvantaged Business Enterprise (DBE) participation. Attachment C provides a list of supported project uses.

DETERMINATION OF SAFETY IMPACT

The engineering services from these contracts will contribute to maintaining transit infrastructure assets in a State of Good Repair as recommended by Metro's Transit Asset Management (TAM) Plan, which is essential to providing a safe and reliable service for riders who use the Metro transit system daily.

FINANCIAL IMPACT

As work task orders become necessary, funding will be provided from the appropriate project requiring support. For FY24, funding of \$500,000 is included in the operating budget, and \$12,153,000 is included in the capital project budget under various cost centers and projects, account 50316 - Professional and Technical Services.

Since this is a multi-year contract, the Project Manager will ensure that the balance of funds is budgeted in future Fiscal Years.

Impact to Budget

The current sources of funds for this action are Federal, State, and Local. This funding is eligible for Capital and Operating Projects.

EQUITY PLATFORM

The benefits of this action are to ensure that Metro transit infrastructure assets are maintained in a state of good repair, including assets in Equity Focus Communities (EFC). Metro is committed to keeping transit assets in good working order so that transit services are dependable and accessible. Transit infrastructure assets are progressively maintained in both EFCs and non-EFCs based on asset manufacturer life cycles. This allows Metro to deliver dependable transit services that connect marginalized groups with jobs, housing, education, food services, family, and health care.

...Implementation_Of_Strategic_Plan Goals

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of this recommendation supports the following Metro Strategic Plan Goals:

Goal # 1 Provide high-quality mobility options that allow people to travel less.

Goal # 2 Deliver outstanding trip experiences for all users of the transportation system.

Goal # 3 Enhance communities and lives through mobility and access to opportunity.

Goal # 5 Provide responsive, accountable, and trustworthy governance within the Metro organization.

These transit operations engineering support services contracts will help maintain safety, service, and reliability standards in an effort to provide a world-class transportation system that enhances the quality of life for all who live, work, and play within Los Angeles County.

ALTERNATIVES CONSIDERED

There were two alternatives considered for this, and one of them is to solicit open competitive proposals for each work order as it becomes required. This is not recommended as it would require extensive additional staff time to process each request, resulting in project delays due to the lead time required to complete each procurement cycle. Additionally, procuring these services on a per-assignment basis would impose an additional burden on the Vendor/Contract Management (V/CM) Department.

An additional alternative is to utilize existing in-house engineering staff to provide the required technical support. This is not feasible as the current budgeted IM&E Department capacity is fully utilized to maintain Metro's existing systems and oversee the acceptance of the new rail lines. Also, there would not be sufficient existing staff to re-assign to provide technical support to the various capital improvement projects concurrently.

NEXT STEPS

Upon Board approval, staff will execute Contract No. AE100331000 to HNTB Corporation and AE100331001 to Gannett Fleming, Inc. to provide transit operations engineering support on a task-order basis.

ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

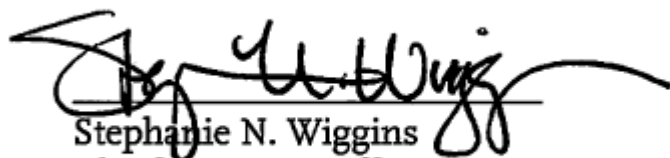
Attachment C - List of Project Uses

Prepared by: Kelvin Zan, Executive Officer, Operations Engineering, (213) 617-6264

Errol Taylor, Deputy Chief Operations Officer, Infrastructure Maintenance and Engineering,
(213) 922-3227

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

Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

TRANSIT OPERATIONS ENGINEERING SUPPORT/AE100331000 AND
AE100331001

1.	Contract Number: AE100331000 and AE100331001	
2.	Recommended Vendor: HNTB Corporation and Gannett Fleming, Inc.	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: March 7, 2023	
	B. Advertised/Publicized: March 7 and 14, 2023	
	C. Pre-Proposal Conference: March 21, 2023	
	D. Proposals Due: April 20, 2023	
	E. Pre-Qualification Completed: July 25, 2023	
	F. Ethics Declaration Forms submitted to Ethics: April 20, 2023	
	G. Protest Period End Date: November 22, 2023	
5.	Solicitations Picked up/Downloaded: 103	Bids/Proposals Received: 2
6.	Contract Administrator: Victor Zepeda	Telephone Number: 213.922.1458
7.	Project Manager: Kelvin Zan	Telephone Number: 213.617.6264

A. Procurement Background

This Board Action is to approve Contract Nos. AE100331000 and AE100331001 issued in support of transit operations engineering support for the Operations Infrastructure Maintenance and Engineering (IM&E) Department. Board approval of contract awards are subject to resolution of any properly submitted protest.

The RFP was issued in accordance with Metro's Acquisition Policy and the contract type is a task order firm fixed unit price. The RFP was issued with a Disadvantaged Business Enterprise (DBE) goal of 36%.

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

- Amendment No. 1, issued on March 15, 2023, clarified the period of performance, reiterated that resumes are not part of the proposal page limit, and revised Appendix B to include a listing of Metro's Mega Projects;
- Amendment No. 2, issued on March 20, 2023, clarified items that were excluded from the proposal page limit and replaced the requirement of a Dunn & Bradstreet number;
- Amendment No. 3, issued on March 27, 2023, added Exhibit 15 -Public Works Form and removed the availability section from the Statement of Work for the Project Manager position.

A total of 103 firms downloaded the RFP and were included in the planholder's list. A virtual pre-proposal meeting was held on March 21, 2023, and was attended by 40 participants representing 20 firms. Firms were encouraged to form teams and Metro provided a roster of the meeting participants to facilitate partnering.

A total of two proposals were received on April 20, 2023, from the following firms listed below in alphabetical order:

1. Gannett Fleming, Inc.
2. HNTB Corporation

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Metro's IM&E, Rail Transportation, Project Management, and Wayside Systems was convened and conducted a comprehensive technical evaluation of the proposals received.

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

- | | |
|--|-----------|
| • Firm's (Prime) Qualifications | 5 points |
| • Prime Project Management (PM) Qualifications | 40 points |
| • Prime Skills and Experience | 20 points |
| • Proposer's Team | 15 points |
| • Effectiveness of Execution Plan | 20 points |

The evaluation criteria are appropriate and consistent with criteria developed for other similar Architectural and Engineering (A&E) procurements. Several factors were considered when developing these weights, giving the greatest importance to technical qualifications. The PET evaluated the proposals according to the pre-established evaluation criteria.

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

During the period of May 16, 2023 to July 19, 2023, the PET independently evaluated and scored the technical proposals. Both proposals received were determined to be within the competitive range.

On June 29, 2023, the firms were invited for interviews. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the PET's questions. In general, each team's presentation addressed the requirements of the RFP, experience with all aspects of the required tasks, and stressed each firm's commitment to the success of the project.

Following the interviews, the PET finalized and submitted their technical scores based on both the written proposal and input received during the interview. On July 19, 2023, the PET completed their evaluation of the proposals.

Qualifications Summary of Firms within the Competitive Range:

Gannett Fleming, Inc.

Gannett Fleming, Inc. has assembled a team with project management experience as well as experience in areas such as radio communications, transportation systems, train control, traction power, civil/facility design, and construction support.

Gannett Fleming, Inc. demonstrated its depth of resources through a variety of disciplines and is available for deployment when Metro needs arise. The firm's approach has been developed based on previous experience with on-call contracts with various transit agencies, including Metro.

Gannett Fleming, Inc. exhibited in its proposal its familiarity with Metro's policies and codes. The firm brings over 50 years of experience in California working with CPUC, Caltrans, and local agencies such as the City of Los Angeles, and Metro.

HNTB Corporation

HNTB Corporation provided relevant experience including planning, design, and advanced conceptual engineering for similar Metro projects and has demonstrated an understanding of the work and approach.

HNTB Corporation has proposed individuals with experience in similar on-call transit projects with various transit agencies and are familiar with Metro's systems, policies, and procedures given that the proposed team has demonstrated experience on every Metro rail line beginning in 1990.

HNTB Corporation demonstrated an execution plan, approach, and depth of resources (through employees or subcontractor teams) to facilitate the delivery of the work that includes coordination, a regimented approach to quality, safety, and management of personnel designed to maintain consistent delivery of service.

A summary of the PET scores is provided below:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	HNTB Corporation				
3	Firm's (Prime) Qualifications	96.30	5.00%	4.82	
4	Prime PM Qualifications	95.16	40.00%	38.06	
5	Prime Skills and Experience	96.88	20.00%	19.38	
6	Proposer's Team	97.92	15.00%	14.69	
7	Effectiveness of Execution Plan	96.56	20.00%	19.31	
8	Total		100.00%	96.26	1
9	Gannett Fleming, Inc.				
10	Firm's (Prime) Qualifications	94.40	5.00%	4.72	
11	Prime PM Qualifications	95.31	40.00%	38.12	
12	Prime Skills and Experience	95.63	20.00%	19.13	
13	Proposer's Team	97.50	15.00%	14.63	
14	Effectiveness of Execution Plan	92.50	20.00%	18.50	
15	Total		100.00%	95.10	2

C. Cost Analysis

The recommended unit rates have been determined to be fair and reasonable based upon an independent cost estimate, cost analysis, fact finding, and negotiations.

Each future task order will contain a specific statement of work which will be competed with the recommended firms. Proposals submitted for each task order will be subjected to cost/price analysis, technical evaluation, fact finding, and negotiations to determine the price fairness and reasonableness.

D. Background on Recommended Contractors

GANNETT FLEMING, INC.

Since 1993, Gannett Fleming, Inc., headquartered in Pennsylvania, with a local office in the city of Los Angeles, has provided engineering services with a specialty in rail-related operation control systems, signal, and communications. Gannett Fleming was established in 1915 and is the incumbent on the current Maintenance of Way engineering support task order contract and is performing satisfactorily.

HNTB Corporation

HNTB Corporation was established in 1914, headquartered in Kansas, and has a local office in Los Angeles. The firm has project experience in highways, intelligent transportation, bridges, construction, and program management, as well as architecture. HNTB Corporation has over 500 employees dedicated to transit and has completed 600 rail/transit projects across the country. Furthermore, HNTB Corporation has experience working with similar transit projects with national and local transit agencies and is currently satisfactorily providing professional services to Metro on the ExpressLanes Projects.

DEOD SUMMARY

**TRANSIT OPERATIONS ENGINEERING SUPPORT / AE100331000 AND
AE100331001**

A1. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established an overall 36% Disadvantaged Business Enterprise (DBE) goal for this Task Order Contract. Gannett Fleming, Inc. made a 36% DBE commitment.

In response to a specific Task Order request with a defined scope of work, Gannett Fleming, Inc. will be required to identify DBE subcontractor activity and actual dollar value commitments for that Task Order. Overall DBE achievement in meeting the commitments will be determined based on cumulative DBE participation of all Task Orders awarded.

Small Business Goal	36% DBE	Small Business Commitment	36% DBE
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Prime: Gannett Fleming, Inc.

	DBE Subcontractors	Ethnicity	% Committed
1.	Acumen Building Enterprise, Inc.	African American	TBD
2.	Aeon Group LLC	Caucasian Female	TBD
3.	Auriga Corporation	Subcontinent Asian American	TBD
4.	C2PM	Asian Pacific American	TBD
5.	CodeRed Business Solutions Inc.	African American	TBD
6.	Colmena Engineering	Hispanic American	TBD
7.	JMDiaz, Inc.	Hispanic American	TBD
8.	Mammoth Associates, LLC	Caucasian Female	TBD
9.	Martinez Engineering LLC	Hispanic American	TBD
10.	NBA Engineering, Inc.	Caucasian Female	TBD
11.	Pacific Railway Enterprises, Inc.	Caucasian Female	TBD
12.	PacRim Engineering, Inc.	Asian Pacific American	TBD
13.	PBS Engineers, Inc.	Subcontinent Asian American	TBD
14.	Ramos Consulting Services, Inc.	Hispanic American	TBD
15.	Triunity, Inc.	African American	TBD
16.	VST Engineering, Inc.	Hispanic American	TBD
17.	Wagner Engineering & Survey, Inc.	Caucasian Female	TBD
	Total Commitment		36%

A2. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established an overall 36% Disadvantaged Business Enterprise (DBE) goal for this Task Order Contract. HNTB Corporation made a 36% DBE commitment.

In response to a specific Task Order request with a defined scope of work, HNTB Corporation will be required to identify DBE subcontractor activity and actual dollar value commitments for that Task Order. Overall DBE achievement in meeting the commitments will be determined based on cumulative DBE participation of all Task Orders awarded.

Small Business Goal	36% DBE	Small Business Commitment	36% DBE
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Prime: HNTB Corporation

	DBE Subcontractors	Ethnicity	% Committed
1.	Acumen Building Enterprise, Inc.	African American	TBD
2.	Anil Verma Associates, Inc.	Subcontinent Asian American	TBD
3.	Auriga Corporation	Subcontinent Asian American	TBD
4.	BA Inc.	African American	TBD
5.	Birdi Systems, Inc.	Subcontinent Asian American	TBD
6.	Colmena Engineering	Hispanic American	TBD
7.	Diaz Yourman & Associates	Hispanic American	TBD
8.	Earth Mechanics, Inc.	Subcontinent Asian American	TBD
9.	JMDiaz, Inc.	Hispanic American	TBD
10.	Lenax Construction Services, Inc.	Caucasian Female	TBD
11.	Pacific Railway Enterprises, Inc.	Caucasian Female	TBD
12.	PacRim Engineering, Inc.	Asian Pacific American	TBD
13.	PBS Engineers, Inc.	Subcontinent Asian American	TBD
14.	PEMCCO, Inc.	African American	TBD
15.	Ramos Consulting Services, Inc.	Hispanic American	TBD
16.	Raul V. Bravo + Associates, Inc.	Hispanic American	TBD
17.	RAW International, Inc.	African American	TBD
18.	Ted Tokio Tanaka Architects	Subcontinent Asian American	TBD
19.	Transit Safety & Security Solutions, Inc.	African American	TBD
20.	Triunity, Inc.	African American	TBD

21.	Virginkar & Associates, Inc.	Subcontinent Asian American	TBD
22.	VST Engineering, Inc.	Hispanic American	TBD
23.	Wagner Engineering & Survey, Inc.	Caucasian Female	TBD
Total Commitment			36%

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

ATTACHMENT C

LIST OF SUPPORTED RAIL EXPANSION CAPITAL PROJECTS USES

Description
G (Orange) Line improvements, East San Fernando Valley, Division 20 Portal Widening Turnback, D (Purple) Line Extension Phase 1, D (Purple) Line Extension Phase 2, D (Purple) Line Extension Phase 3, Sepulveda Transit Corridor, Airport Metro Connector (AMC) Station, Foothill Extension Phase 2B, C (Green) Line Extension to Torrance, E Line Eastside Extension to Whittier, West Santa Ana Branch, I-105 Express Lanes, Metro Link Union Station, Rail to Rail Construction, Metro Center Street

SAMPLE LIST OF SUPPORTED JOINT DEVELOPMENT PROJECTS USES

Description
1 st /Lorena (A Community of Friends), 1 st /Soto (Bridge Housing/ELACC), Vermont/Santa Monica (Little Tokyo Service Center), North Hollywood, Taylor Yard – Lot 9, Expo/Crenshaw, Duarte, Chavez/Fickett, Peabody Werden, Mariachi Plaza, Westlake/MacArthur Park, Little Tokyo/Arts District.

SAMPLE LIST OF SUPPORTED MAJOR SGR CAPITAL PROJECTS USES

Description
System-wide Radio Communication System Replacement/upgrade
C Line Overhead Catenary System Replacement
C Line Traction Power Substation Replacement
C Line Mainline Track Fasteners Replacement
C Line Mainline Turnout Track Ties Replacement
C Line Harbor Hump Direct Fixation Replacement
New ROC/BOC
Metro Call Point Security Blue Light Call Boxes
Elevator and Escalator Replacement Project
B Line Fire Alarm System Replacement
B & D Lines Intrusion Detection System Enhancement for Stations Ancillary areas and Emergency Exit doors,
D Line Track and Tunnel Intrusion Detection System
B & D Lines Tunnel and Station Ventilation Fan Replacement
A & E lines Tunnel Lighting Replacement
System-wide Fiber Optic Cable/Communication System Replacement
B & D Lines Traction Power Substations
B & D Lines Station Power (Aux. System)
B & D Lines UPS Replacement
System-wide Corrosion Protection System Replacement
Gold Line (A Line) OCS Weight Poles Spring Tension Units Replacement

B & D Lines Train Control Vital Processor and Track Module Upgrade
Train Control System Refurbishments and Upgrades (switch machines, signals, gate mechanisms, track circuits, and vital relays)
Bus and Rail O&M Facility Renovations and Improvements (shop equipment, vehicle hoists, cranes, wheel truing machines, wheel press, turntable, blow-down equipment, car washing systems, roof replacements, property fencing, yard pavements, etc.)
Union Station Gateway (USG) building renovations and improvements (heating, ventilation and air conditioning, plumbing, ITS data center, lighting, electrical distribution, and grounding)
Bus and USG Facility Fire Alarm / Fire Suppression / Fire-Life Systems
Emergency Generators and UPS Battery Replacements for critical wayside systems (fire-life / com systems / train control / grade crossings)
Replacements of railroad tracks, turnouts, and fasteners
Upgrade of various SCADA systems
Grade Crossing Refurbishments
Service-wide CCTV Upgrades and Additions
Light Rail Speed Improvements
System Security and Law Enforcement projects
Electric Vehicle Charging Infrastructure Additions
Customer Experience - Passenger Station Improvements
Refer to FY24 Budget Book Capital Improvement Program Project Lists under the Bus Facilities Improvements, Rail Facilities Improvements and Wayside Systems Sections

**Board Report**

File #: 2023-0620, **File Type:** Contract**Agenda Number:** 22.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
NOVEMBER 16, 2023****SUBJECT: ENGINEERING SUPPORT SERVICES FOR VERTICAL TRANSPORTATION
SYSTEM AND RELATED SERVICES****ACTION: APPROVE CONTRACT AWARD****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a ten-year firm fixed unit rate Contract No. AE89754000 to Gannett Fleming, Inc. for engineering support services for vertical transportation system and related services, for a not-to-exceed amount (NTE) of \$36,324,570 for the six-year base term, and \$12,187,396 for each of the two, two-year option terms for a total combined NTE amount of \$60,699,362, effective January 1, 2024, subject to resolution of any properly submitted protest(s), if any.

ISSUE

Engineering services are needed to support the Operations Infrastructure Maintenance and Engineering (IM&E) Department with the modernization of system-wide vertical transportation systems. The IM&E Department seeks to augment the engineering capacity with technical resources to develop and manage a long-term comprehensive vertical transportation capital improvement project.

BACKGROUND

Metro has 231 elevators and 173 escalators systemwide that are heavily used. Many of the elevators and escalators are among the oldest in the entire Metro system and are reaching the end of their useful lives. For FY23, the elevator and escalator availability key performance indicator (KPI) goals were set at 98.95% and 99.04% respectively. Final FY23 elevator and escalator availability was 98.85% and 98.75% with elevators being 0.10% short and escalators being 0.29% short of their respective KPI goals. Over 4,000 hours of downtime was due to repair and remanufacturing of obsolete parts and equipment. In addition, elevators and escalators must be improved to accommodate the higher ridership capacity in preparation for the Olympic and Paralympic Games in 2028. Elevators and escalators are critical to Metro's operations and must sustain high levels of equipment reliability. They play a vital role in customer access to transit services, especially for mobility-impaired customers, such as people with disabilities or parents with young children in strollers. Developing and managing a comprehensive vertical transportation modernization program

is critical to ensuring elevators and escalators are kept in a state of good repair and continue to be available and reliable for customers.

DISCUSSION

Metro operates and maintains a robust vertical transportation system at transit stations and facilities that must provide efficient and reliable passenger circulation to move passengers and provide accessibility. Metro's vertical transportation systems include aging elevators and escalators that will become more costly to repair and require longer downtimes to return to service should they require repair. Metro is seeking to modernize the aging elevators and escalators through its Capital Improvement Program (CIP). The Life of Project (LOP) budget for the Elevator and Escalator Modernization capital project is \$126,700,000 with an estimated duration of 10 years. Engineering services under this contract would include engineering design, project management, cost estimates, project schedules, and architectural elements. Modernization of elevators and escalators involves renewal and enhancement of components to extend service life. Modernization also involves the enhancement of systems using state-of-the-art design techniques and equipment for the purpose of improving capacity, accessibility, and ridership experience.

An assessment was conducted to review the conditions of elevators and escalators. Based on the assessment, staff calculated that a contract value up to \$60,699,362 is needed to provide dedicated engineering support services to modernize elevators and escalators.

DETERMINATION OF SAFETY IMPACT

The engineering support services for vertical transportation modernization will contribute to maintaining and improving the vertical transportation system in a State of Good Repair (SGR) as recommended by Metro's Transit Asset Management (TAM) Plan, which is essential to providing a safe and reliable service for riders who use the Metro transit system.

FINANCIAL IMPACT

Funding for this contract will come from capital project 204805 - Elevator Modernization and Escalator Replacement. The Board approved a Life-of-Project (LOP) budget of \$126,692,000. For FY24, the amount of \$2,000,000 will be funded by the annual budget of project 204805, cost center 3960, account 50316 - professional and technical services.

Since this is a multi-year contract, the Project Manager will ensure that the balance of funds is budgeted in future fiscal years.

Impact to Budget

The current source of funds for this action are Federal, State, and Local funding that is eligible for use on Capital and Operating Projects.

EQUITY PLATFORM

Elevators and escalators are located at Metro facilities throughout Los Angeles County, including in Equity Focus Communities. Modernizing vertical transportation systems adds the capability for maintaining the operation of elevators and escalators in a state of good repair. Also, the engineering services supported by this contract will provide modernization enhancements to expand accessibility and user-friendliness for all Metro transit passengers.

A Disadvantaged Business Enterprise (DBE) participation goal of 30% was established as part of the Request for Proposal (RFP). The recommended firm, Gannett Fleming, made a 30% DBE commitment.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of this recommendation supports the following Metro Strategic Plan Goals:

1. Provide high-quality mobility options that enable people to spend less time traveling.
2. Deliver outstanding trip experiences for all users of the transportation system.

This contract will help maintain safety, service, and reliability standards in an effort to provide a world-class transportation system that enhances the quality of life for all who live, work, and play within Los Angeles County.

ALTERNATIVES CONSIDERED

Staff could solicit competitive bids for each task order as it becomes required. This is not recommended as it would require extensive additional staff time to process each request, resulting in project delays due to the lead time required to complete each procurement cycle.

NEXT STEPS

Upon Board approval, staff will execute Contract No. AE89754000 with Gannett Fleming, Inc. to provide engineering support services for vertical transportation system and related services.

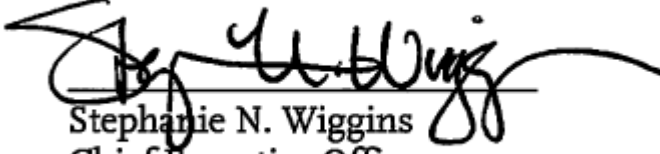
ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Rudy Loera, Senior Director, Systems Engineering, (213) 617-6225
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Reviewed by:

Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

ENGINEERING SUPPORT SERVICES FOR VERTICAL TRANSPORTATION
SYSTEM AND RELATED SERVICES / AE89754000

1.	Contract Number: AE89754000	
2.	Recommended Vendor: Gannett Fleming, Inc.	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: October 11, 2022	
	B. Advertised/Publicized: October 11, 2022	
	C. Pre-Proposal Conference: October 20, 2022	
	D. Proposals Due: November 14, 2022	
	E. Pre-Qualification Completed: September 13, 2023	
	F. Ethics Declaration Forms submitted to Ethics: September 6, 2023	
	G. Protest Period End Date: November 21, 2023	
5.	Solicitations Picked up/Downloaded: 60	Proposals Received: 1
6.	Contract Administrator: Marc Margoni	Telephone Number: (213) 922-1304
7.	Project Manager: Rudy Loera	Telephone Number: (213) 617-6225

A. Procurement Background

This Board Action is to approve the award of Contract No. AE89754000 to provide engineering support services for elevators, escalators, canopies, and various other aspects of vertical transportation throughout the Metro transit system on an as-needed basis. Board approval of contract award is subject to resolution of any properly submitted protest.

On October 11, 2022, Request for Proposal (RFP) No. AE89754 was issued as a competitively negotiated procurement in accordance with Metro's Acquisition Policy and the contract type is task order based, firm fixed unit price. The RFP was issued with a Disadvantaged Business Enterprise (DBE) goal of 30%.

Two amendments were issued during the solicitation phase of this RFP. Amendment No. 1 was issued on October 12, 2022 to clarify the Pre-Proposal Conference Access code. Amendment No. 2 was issued on November 10, 2022 to add an administrative DBE form.

The solicitation was available for download from Metro's website and advertised to notify potential proposers of this solicitation. Further, Metro notified potential proposers

identified by the applicable North American Industry Classification System (NAICS) codes.

A total of 60 firms downloaded the RFP and were included on the planholders list. A virtual pre-proposal conference was held on October 20, 2022, with five participants representing five firms in attendance. No questions were asked during the pre-proposal conference.

On November 14, 2022, the proposal due date, a single proposal was received from Gannett Fleming, Inc.

Since only one proposal was received, staff conducted a market survey of the Planholders to determine why they did not submit a proposal. Staff received responses from 7 firms that fell into three general categories:

1. Respondents plan to pursue other open solicitations that aligned more with their company goals;
2. Respondents chose not to pursue this solicitation for their own business reasons (insufficient resources or insufficient subcontractors; deciding this was not the right scope for the firms);
3. Respondent downloaded the RFP only for general information on the overall project in preparation to submit a proposal; but ultimately, elected not to participate.

The market survey revealed that the decisions not to propose were based on individual business considerations. Therefore, the solicitation can be awarded as a competitive award.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Operations Engineering and Facilities Contracted Maintenance Services was convened and conducted a comprehensive technical evaluation of the proposal received.

The proposal was evaluated based on the following evaluation criteria:

Phase I - Evaluation of Minimum Qualification Requirements: This is a pass/fail criteria. To be responsive to the RFP minimum qualification requirements, the proposer must be ISO 9001:2015 certified, have the required experience in the design, construction, and maintenance of vertical transportation systems and serve as a third-party agent for elevators and escalators governed by Authorities Having Jurisdiction (AHJ), key team members must have an active and valid American Society of Mechanical Engineers (ASME) certification and Professional Engineer license.

Phase II – Weighted Evaluation: Proposers that meet the Phase I Minimum Qualification requirements were evaluated based on the following evaluation criteria and weights:

- Degree of Prime’s Skill and Experience 50 percent
- Proposer’s Team 20 percent
- Management Plan/Approach 30 percent

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Architecture and Engineering (A&E) procurements. Several factors were considered when developing these weights, giving the greatest importance to the degree of Prime’s skill and experience.

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

The evaluation was conducted from December 15, 2022 to January 17, 2023.

The PET independently evaluated and scored the technical proposal and determined that Gannett Fleming, Inc. met the requirements of the RFP and is technically qualified to perform the services as outlined in the scope of services. Staff conducted an audit of the proposed indirect and direct rates, as well as other cost elements, and engaged the firm in fact finding discussions and negotiations.

The following is a summary of the PET scores:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	Gannett Fleming, Inc.				
3	Degree of Prime’s Skill and Experience.	96.00	50.00%	48.00	
4	Proposer’s Team	95.00	20.00%	19.00	
5	Management Plan/Approach	95.57	30.00%	28.67	
6	Total		100.00%	95.67	1

C. Cost Analysis

The recommended unit rates have been determined to be fair and reasonable based upon MAS audit findings, an independent cost estimate, cost analysis, fact finding, and negotiations.

Work for this contract shall be authorized through issuance of individual task orders. Each task order will contain a specific scope of services and will be subjected to cost/price analysis, technical evaluation, fact finding, and negotiations to determine price fairness and reasonableness.

D. Background on Recommended Contractor

Gannett Fleming, Inc.

Gannett Fleming, Inc. (GFI) is an engineering consulting firm established in 1915 and headquartered in Camp Hill, Pennsylvania. It specializes in architectural design, engineering, procurement and construction, geospatial analytics, and resilient and sustainable transportation solutions. Existing vertical transportation clients include Amtrak, Freeport McMoran, Inc., Delaware River Port Authority, TK Elevator Corporation, and Harrah's Casino.

GFI has been providing service to Metro since 1996. It currently provides Maintenance of Way engineering support to Metro and performance has been satisfactory.

The GFI team is composed of vertical transportation subject matter experts, transit specialists and facilities specialists with experience working together for numerous public transportation projects, as well as the personnel management and oversight for such services. GFI has teamed up with 11 subcontractors, ten of which are DBE certified.

DEOD SUMMARY

**ENGINEERING SUPPORT SERVICES FOR VERTICAL TRANSPORTATION
SYSTEM AND RELATED SERVICES / AE89754000**

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established an overall 30% Disadvantaged Business Enterprise (DBE) goal for this Task Order Contract. Gannett Fleming, Inc. made a 30% DBE commitment.

In response to a specific Task Order request with a defined scope of work, Gannett Fleming, Inc. will be required to identify DBE subcontractor activity and actual dollar value commitments for that Task Order. Overall DBE achievement in meeting the commitments will be determined based on cumulative DBE participation of all Task Orders awarded.

Small Business Goal	30% DBE	Small Business Commitment	30% DBE
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	DBE Subcontractors	Ethnicity	% Committed
1.	Anil Verma Associates, Inc.	Subcontinent Asian American	TBD
2.	C2PM	Asian Pacific American	TBD
3.	JM Diaz, Inc.	Hispanic American	TBD
4.	Lenax Construction Services, Inc.	Caucasian Female	TBD
5.	Mammoth Associates, LLC	Caucasian Female	TBD
6.	PacRim Engineering, Inc.	Asian Pacific American	TBD
7.	PBS Engineers, Inc.	Subcontinent Asian American	TBD
8.	Sommer Engineering	Caucasian Female	TBD
9.	Triunity, Inc.	African American	TBD
10.	Wagner Engineering & Survey, Inc.	Caucasian Female	TBD
Total Commitment			30%

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

D. Project Labor Agreement/Construction Careers Policy

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

**Board Report**

File #: 2023-0632, **File Type:** Contract**Agenda Number:** 23.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
NOVEMBER 16, 2023****SUBJECT: SPACE PLANNING - INSTALLATION SERVICES AND FURNITURE****ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 5 to Contract No. PS28069-2000 with M3 Office Inc. in the amount of \$1,500,000 to continue to provide space planning/installation services and furniture increasing the total not-to-exceed contract value from \$7,500,000 to \$9,000,000 and extend the period of performance through December 31, 2024.

ISSUE

Contract PS28069-2000 with M3 Office Inc. is set to expire on December 31, 2023. A contract extension through December 31, 2024, is required to continue to provide furniture planning and installation services.

On April 21, 2023, RFP No. PS100212 for space planning installation services and furniture, was issued as a competitive solicitation to replace the existing contract. However, the solicitation was canceled due to the failure of the single proposer to meet the established Disadvantaged Business Goal (DBE) goal. Efforts to reprocur this contract are ongoing. Building Maintenance Services, DEOD and Procurement are working together to identify necessary changes to the DBE goal setting. Changes to the scope of work are also being evaluated to include additional services that could possibly help attract DBE participation.

The requested contract modification will allow for sufficient time to procure these services through a competitive procurement process.

BACKGROUND

On March 23, 2017, the Metro Board of Directors awarded a five-year, indefinite delivery/indefinite quantity contract for space planning/installation services and furniture.

Under the existing contract, the contractor provides space planning services, furniture, and furniture installation services for all Metro facilities, including new operating facilities and the Gateway Headquarters building.

DISCUSSION

Facilities Maintenance reconfigures cubicles and offices in the Gateway Headquarters building and all Divisions to meet ever-changing business needs. This includes the implementation of new space standards to accommodate additional staff required for service expansion.

These reconfigurations require various furniture components that must work seamlessly with our existing inventory of furniture and are readily available. This Contract will continue to be utilized to buy new and replacement furniture components to support the requirements throughout the agency. It will also provide furniture to meet the staff's ergonomic needs as determined by Corporate Safety for all Metro locations, including items such as ergonomic chairs, tables, and desktop risers.

A one-year contract extension is requested to ensure sufficient time to advertise a new solicitation and award a new contract as well as reduce impacts related to furniture and space planning for upcoming projects. This Contract will also provide space planning services and furniture for the buildings and projects outside the Gateway building. For example,

1. Airport Metro Connector (AMC) 96th Street Station

DETERMINATION OF SAFETY IMPACT

This Contract will have a positive impact on safety as ergonomic furniture is provided for Metro employees as determined by Corporate Safety.

FINANCIAL IMPACT

The funding of \$200,000 for the Gateway Headquarters building is included in the FY24 budget in cost center number 6430 (Building Services) under project number 100090 (Gateway Building Costs). Since this is a multi-year contract, the cost center management for all departments that make use of this contract will be responsible for budgeting in future years.

Impact to Budget

Partial funding for this project is allocated through General Overhead funding which is based on Metro's federally approved indirect-cost-allocation plan that distributes costs agency-wide. The remaining funding for this project will come from specific funding sources that are allocated to direct projects.

EQUITY PLATFORM

Given that this contracted service will be applied to all Metro facilities, and all Metro staff will have an opportunity for acquiring new furniture on an as-needed basis, there is no anticipated equity impact.

M3 made a 4.12% Disadvantaged Business Enterprise commitment for this contract.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This Board action supports Strategic Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization. Providing quality furniture for Metro employees contributes to a work environment that fosters safety, aesthetics, comfort, and morale.

ALTERNATIVES CONSIDERED

The Board may elect not to approve this recommendation. That is not recommended because, each department and expansion capital project would be required to purchase furniture and space planning/installation services directly with multiple vendors through multiple procurement actions such as P-Cards and one-time procurements. This alternative is more costly to Metro and is not desired since it doesn't take advantage of volume discount and causes quality issues, problems with maintenance and repairs, as well as aesthetic inconsistency.

NEXT STEPS


Upon Board approval, staff will execute Modification No. 5 to Contract No. PS28069-2000 with M3 Office Inc. to continue to provide space planning and installation services and furniture. In addition, we will continue with the process to reprocur a new five-year contract.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Order Log
Attachment C - DEOD Summary

Prepared by: Errol Taylor, DCOO Infrastructure Maintenance & Engineering, (213) 922-3227
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Merrilu Alfaro, Director, General Services, (213) 922-2154
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Reviewed by: Conan Cheung, Chief Operations Officer,
(213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

SPACE PLANNING-INSTALLATION SERVICES AND FURNITURE/PS28069-2000

1.	Contract Number: PS28069-2000		
2.	Contractors: M3 Office, Inc.		
3.	Mod. Work Description : Continue existing services and extend the period of performance from January 1, 2024 to December 31, 2024		
4.	Contract Work Description Provide space planning/installation services and furniture		
5.	The following data is current as of : 10/2/2023		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	03/23/17	Contract Award Amount: \$5,000,000
	Notice to Proceed (NTP):	N/A	Total of Modifications Approved: \$2,500,000
	Original Complete Date:	12/31/23	Pending Modifications (including this action): \$1,500,000
	Current Est. Complete Date:	12/31/24	Current Contract Value (with this action): \$9,000,000
7.	Contract Administrator: Antwaun Boykin		Telephone Number: (213) 922-1056
8.	Project Manager: Merrilu Alfaro		Telephone Numbers: (213) 922-2154

A. Procurement Background

This Board Action is to approve Contract Modification No. 5 to continue to provide space planning/installation services and furniture and extend the period of performance from January 1, 2024, to December 31, 2024.

This contract modification will be processed in accordance with Metro's Acquisition Policy and the contract type is an indefinite delivery/indefinite quantity.

In March 2017, the Board awarded a five-year (inclusive of two, one-year options) contract to M3 Office, Inc. to provide space planning/installation services and furniture.

A total of four modifications have been issued to date.

Refer to Attachment B – Contract Modification/Change Order Log.

B. Price Analysis

The recommended price has been determined to be fair and reasonable based on the firms' fixed unit rates that were established and evaluated as part of the competitive contract awarded in March 2017.

Proposal Amount	Metro ICE	Recommended Amount
\$1,500,000	\$1,500,000	\$1,500,000

CONTRACT MODIFICATION/CHANGE ORDER LOG

SPACE PLANNING-INSTALLATION SERVICES AND FURNITURE/ PS28069-2000

Mod. No.	Description	Status (Approved or Pending)	Date	Amount
1	Exercise the two, one-year option terms and extend the period of performance (POP) through March 31 2022	Approved	10/08/2019	\$ 2,000,000
2	Continuation of existing services and extend POP through December 31, 2022	Approved	03/07/2022	\$ 500,000
3	Continue existing services and extend POP through June 30, 2023	Approved	07/06/2022	\$ 0
4	Continue existing services and extend POP through December 31, 2023	Approved	03/01/2023	\$ 0
5	Continue existing services and extend POP through December 31, 2024	Pending	Pending	\$ 1,500,000
	Modification Total:			\$ 4,000,000
	Original Contract:		3/23/17	\$ 5,000,000
	Total:			\$ 9,000,000

DEOD SUMMARY

SPACE PLANNING/INSTALLATION SERVICES AND FURNITURE/PS28069-2000

A. Small Business Participation

M3 Office, Inc. (M3) made a 4.12% Disadvantaged Business Enterprise (DBE) commitment. Based on payments made to date, the project is 78% complete and the current DBE participation is 3.43%, representing a 0.69% commitment shortfall.

M3 explained that the shortfall is due to the good cause termination of its listed DBE subcontractor. M3 is required to demonstrate good faith efforts and affirm continued steps to find a replacement DBE firm to meet its commitment. DEOD will continue to monitor M3's efforts to meet their commitment.

Small Business Commitment	4.12% DBE	Small Business Participation	3.43% DBE
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	DBE Subcontractors	Ethnicity	% Committed	Current Participation¹
1.	Décor Interior Design, Inc.	African American	4.12%	3.43%
	Total		4.12%	3.43%

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 requirements are applicable to this project. DEOD will continue to monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

D. Project Labor Agreement/Construction Careers Policy

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



Board Report

File #: 2022-0822, File Type: Contract

Agenda Number: 24.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE NOVEMBER 16, 2023

SUBJECT: A650 HEAVY RAIL VEHICLE ATC SYSTEM UPGRADE

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to negotiate, award, and execute Contract No. OP116496 to Hitachi Rail for 36 months for an amount not to exceed \$29,312,410, to upgrade the onboard train control system on 70 of Metro's A650 option order Heavy Rail Vehicles (HRVs) and a contract option for upgrading an additional 4 A650 HRVs, to ensure compatibility with upcoming upgrades to Metro's wayside signaling and communication systems, subject to the resolution of any properly submitted protest(s), if any; and
- B. FINDING that there is only a single source of procurement for the materials and work set forth in Recommendation A above and it is for the sole purpose of delivering, installing, and testing equipment compatible with the anticipated upgrades to Metro's wayside signaling/communication systems.

ISSUE

Staff has determined that the existing A650 HRVs will be incompatible with the upcoming upgrades to the wayside signaling and communication systems, meaning the HRVs cannot be used in service. Upgrading the A650 HRVs to be compatible with the upcoming wayside signaling system will require the purchase and installation of specialized rail transit equipment, as the signaling system throughout all of Metro's rail systems is produced by Hitachi Rail (previously known as Ansaldo STS). Due to this equipment being produced by only one company it is appropriate that the work to upgrade the Automatic Train Control (ATC) system on the A650 Option HRVs be procured through a sole source contract.

BACKGROUND

Hitachi Rail Inc. has been the single ATC system supplier of Metro's rail system for the past fifteen (15) years and is fully knowledgeable of Metro's current rail and wayside signaling systems. The Heavy Rail signaling system is comprised of wayside equipment on the tracks and onboard ATC

equipment that must communicate together to ensure safe operations, including speed restrictions and track occupancy detection. The onboard ATC equipment is safety critical equipment that protects the train and riders against collisions as well as speed overruns.

Hitachi Rail's onboard ATC equipment is already installed or being installed on all Metro's Heavy Rail and Light Rail Vehicle fleets, including the P3010, upcoming HR4000, P2000 modernization, and P2550 modernization vehicles. By installing Hitachi Rail's solution, the A650's ATC system will be aligned with all of Metro's other rail vehicle fleets.

All other existing heavy rail ATC systems must be replaced because it will be incompatible with upcoming wayside signaling system changes that will be included in the Division 20 Portal Widening and the D (Purple) Line Extension projects. The ATC system upgrade is therefore being split out from the re-bid of the A650 refurbishment, since refurbished vehicles are not expected to be completed until after the D (Purple) Line Extension is completed.

DISCUSSION

Staff recommends a sole source procurement for this specialized, safety-critical system. The need for compatibility with the wayside systems dictates that only one company is currently able to provide the onboard equipment, making a competitive negotiation per PCC § 20217 impossible.

The wayside signaling equipment installed on Metro's Heavy Rail system is Hitachi Rail equipment, and no other vendor currently manufactures onboard equipment that can be installed on the A650 vehicles that are compatible.

Evaluation of other competing systems would therefore entail either replacing the entire heavy rail signaling system, including both wayside and onboard equipment for all Heavy Rail fleets, or replacing the onboard system of the A650 fleet with unproven new equipment.

Replacement of the entire signaling system is not a viable option, as multiple Heavy Rail Vehicle fleets would then need their equipment replaced along with all wayside equipment, vastly increasing the scope of this project. The entire system would also be disrupted while this changeover is being made, since the new equipment would not be able to communicate with the Hitachi equipment.

Replacing only the A650's onboard equipment would require the development of a brand-new system by a third party that is compatible with Hitachi's wayside equipment. This is prohibited by our standard contract terms, requiring 3 years of service proven history in the U.S. Eliminating this clause for a safety critical system like the ATC is not advisable, as an ATC system failure can result in catastrophic accidents. Creating a brand-new system would also require significantly higher costs and time, as it would require development of the system from the ground up and additional safety certifications.

The ATC system is a safety critical system, making it imperative to use a service proven system. Hitachi Rail has developed the onboard ATC system for all recent Metro rail projects, including the HR4000 HRV Procurement, P3010 LRV Procurement, P2000 Midlife Modernization and the P2550 Midlife Modernization. No other company produces a product that is compatible with Metro's wayside systems, and the development of a new system would pose significant safety, cost, and schedule

impact. Hitachi Rail is uniquely qualified as both the manufacturer of the ATC equipment and a Transit Vehicle Manufacturer (TVM) that is capable of performing the vehicle level work required for the installation and testing of the equipment.

The ATC system upgrade was previously included in the midlife overhaul of the A650 Option HRVs. Due to the cancellation of that contract, the ATC system upgrade must be accelerated to allow the A650 Option HRVs to be used after the opening of PLE.

DETERMINATION OF SAFETY IMPACT

The approval of this capital project will have a direct and positive impact to safety, service quality, system reliability, performance, and overall customer satisfaction. A properly functioning ATC system protects the HRVs from collisions and is required for safe operation of Metro's rail service. Upgrading the train system on 74 HRVs will ensure the safety of these vehicles for Metro's passengers and staff.

FINANCIAL IMPACT

Upon Board Approval, the contract will be executed and will not exceed the LOP 206038 A650 OCCRP, for the ATC Upgrade on the 74 A650 Option Vehicles. The project LOP not only covers the cost for the ATC Upgrade, it also includes Professional Services, Project Administration and Metro Labor. Since this project will occur over a multi-year period, the Cost Center Manager, Project Manager and Chief Operations Officer will be responsible for future fiscal year budgeting.

Impact to Budget

Upon approval, the recommendation shall be funded with a combination of Federal, State and Local funds, primarily consisting of Proposition A 35% and Federal State of Good Repair Section 5337 funds. Use of these funding sources maximizes funding allocations given the currently approved funding provisions and guidelines. This recommendation supports Operations State of Good Repair efforts. Current fiscal year funding may be required to enact this project and shall be funded via a net zero budget transfer from approved FY24 funded projects.

EQUITY PLATFORM

The existing A650 option order HRVs are operating on Metro's B and D Lines and will be used on D (Purple) Line Extensions 1, 2 & 3. Approving these recommendations will ensure that safe, reliable HRVs are available to support the planned line and service expansions.

The modernized A650 fleet will operate on lines that are currently serving passengers living in predominately Equity Focus Communities (EFCs) who rely on public transportation for their daily jobs.

Based on the 2019 Customer Survey, the B and D heavy rail lines serve the following ridership:

- 27.7% below the poverty line

- 56.4% had no car available

Ethnicity:

- Latino 38.9%;
- Black 13.1%;
- White 25.8%;
- Asian/Pacific Islander 15.2%;
- Other 6.5%

The Diversity and Economic Opportunity Department (DEOD) did not recommend a Disadvantaged Business Enterprise (DBE) goal for this procurement as it is not applicable. This procurement falls under the Federal Transit Administration's (FTA) Transit Vehicle Manufacturer (TVM) goal in accordance with 49 Code of Federal Regulations (CFR) Part 26.49.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

These recommendations support Metro Strategic Plan Goal No. 5) to “provide responsive, accountable, and trustworthy governance within the Metro organization”. This goal strives to position Metro to deliver the best possible mobility outcomes and improve business practices so that Metro can perform more effectively and adapt more nimbly to the changing needs of our customers.

ALTERNATIVES CONSIDERED

The Board of Directors may choose to pursue a competitive bid, but this methodology is not recommended. There is no competition currently in the market and pursuing a competitive bid will cost time and money for the bidding process and will likely result in a single bid. Any alternate bidder would either need to procure the equipment from Hitachi Rail or reverse engineer and develop an alternate system. Both scenarios would result in additional overhead costs and schedule delays. For these reasons, staff does not recommend this alternative. The sole source procurement process will provide the safest, most expedient, and lowest cost implementation of the ATC system upgrade.

NEXT STEPS

If these recommendations are approved, staff will proceed with a sole source contract award for the ATC system upgrade of 70 of the A650 option order HRV fleet with a contract option for an additional 4 A650 HRVs.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Annie Yang, Deputy Executive Officer, Vehicle Engineering & Acquisition, (213) 922-3254
Jesus Montes, Sr. Executive Officer, Vehicle Engineering & Acquisition, (213) 418-3277

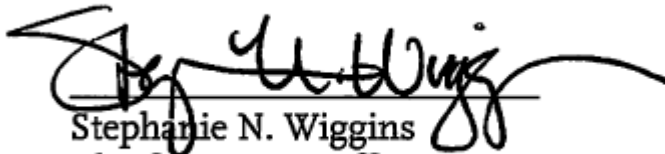
File #: 2022-0822, **File Type:** Contract

Agenda Number: 24.

Matthew Dake, Deputy Chief Operations Officer, 213-922-4061

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Reviewed by: Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

**ATTACHMENT A
PROCUREMENT SUMMARY**

A650 HEAVY RAIL VEHICLE AUTOMATIC TRAIN CONTROL UPGRADE

1.	Contract Number: OP116496	
2.	Recommended Vendor: HITACHI RAIL STS USA, INC.	
3.	Type of Procurement (check one): <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input checked="" type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: October 23, 2023	
	B. Advertised/Publicized: N/A	
	C. Pre-Proposal Conference: N/A	
	D. Proposals Due: October 27, 2023	
	E. Pre-Qualification Completed:	
	F. Ethics Declaration Forms submitted to Ethics: October 31, 2023	
	G. Protest Period End Date: December 15, 2023	
5.	Solicitations Picked up/Downloaded: One (1)	Bids/Proposals Received: One (1)
6.	Contract Administrator: Jessica Omohundro	Telephone Number: 213-922-4790
7.	Project Manager: Ray Saito	Telephone Number: 213-922-3141

A. Procurement Background

This Board Action is to approve Contract No. OP116496 issued in support of Metro's A650 Heavy Rail Vehicle (HRV) to procure services required to upgrade the onboard train control system to ensure compatibility with upcoming upgrades to Metro's wayside signaling and communication systems. It was determined by Metro's Engineering and Operations team that the design, manufacturing, installation, testing, and warranty be provided by the Original Equipment Manufacturer (OEM), Hitachi Rail.

The non-competitive Request for Proposal (RFP) was issued on October 23, 2023, in accordance with Metro's Acquisition Policy and the contract type is Firm-Fixed-Price.

B. Evaluation of Proposal

This single source procurement is consistent with Public Utility Code § 130237 for the duplication or replacement of existing equipment already in use. The proposal was evaluated in compliance with Metro's Acquisition Policy and Procedures.

Metro's Project Manager conducted an evaluation of the technical proposal submitted by Hitachi. The technical evaluation consisted of reviews of the Proposer's key personnel, management, and quality assurance plans. Metro Staff and Proposer are still negotiating price, terms, and schedule.

The recommendation for award to Hitachi Rail is made subject to resolution of any properly submitted protests.

C. Cost/Price Analysis

A cost analysis of the elements of cost including labor rates, indirect rates and other direct costs will be completed in accordance with Metro's Procurement Policies and Procedures, including fact-finding, clarification, and negotiations to establish a fair and reasonable price.

D. Background on Recommended Contractor

The recommended firm, Hitachi Rail STS USA, Inc., has been the single ATC system supplier of Metro's rail system for the past fifteen (15) years and conducts all its design and production operations at two major facilities in the United States: The Pittsburgh Technology Center (PTC) in Pittsburgh, PA and the Batesburg Manufacturing & Customer Service Center in Batesburg, SC. The company also has design and project management offices in Baltimore, Boston, and Los Angeles. Hitachi is directed by CEO and a separate President. The former is focused on business development and project delivery, while the latter is focused on daily functions such as administration, staffing and finance. However, both officers play extensive roles in decision-making across the entire organizational spectrum. Hitachi serves as a full-line supplier of signaling and automation systems, equipment, and services for all types of railway and guideway operations around the world.

DEOD SUMMARY

A650 HEAVY RAIL VEHICLE ATC SYSTEM UPGRADE

A. Small Business Participation

Hitachi Rail, a Transit Vehicle Manufacturer (TVM), is on the Federal Transit Administration's (FTA) list of eligible TVMs. Hitachi Rail, has submitted its overall Disadvantaged Business Enterprise (DBE) goal of 4.00% to FTA, in compliance with 49 Code of Federal Regulations (CFR) Section 26.49(a)(1). TVMs submits overall DBE goal methodology and semi-annual reports directly to FTA.

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.



A650 Heavy Rail Vehicle Signaling System (ATC) Upgrade

*Operations , Safety , and Customer Experience Committee
November 16, 2023*



Metro

Background

- Division 20 Portal Widening and Purple (D) Line Extensions (PLE) require upgrades to heavy rail wayside signaling.
- All HRVs require on-board signaling system upgrade for compatibility.
- Upgrade to A650 Option HRVs originally scheduled as part of mid-life contract. However, contract was canceled due to contractor's failure to perform.
- Upgrade to A650 Option HRV signaling system must be expedited to support planned services expansions.



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Recommendation

Award sole source contract to Hitachi Rail STS (HSTS) to upgrade A650 Option HRV signaling system.

- HSTS has necessary experience to expedite work:
 - Sole signaling system supplier for Metro's rail systems and rail cars for past fifteen years.
 - Wayside equipment supplier for D20 Portal Widening and PLE, as well as carborne equipment for the HR4000.
 - Signaling system supplier for terminated A650 midlife contract, thus, familiar with A650 Option fleet.
- HSTS is a registered Transit Vehicle Manufacturer (TVM) with required expertise for system integration and vehicle level testing.



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Scope

- Base contract: 70 A650 Option Vehicles
- Option order: 4 A650 Option Vehicles
 - Option order is for 4 vehicles in various states of disassembly from terminated mid-life contract. Must be executed if the corresponding Refurbishment contract option order is executed for these 4 vehicles.



Thank you



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