

# **Metro**

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



## **Agenda - Final Revised**

**Thursday, October 27, 2016**

**9:00 AM**

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

### **Board of Directors**

*John Fasana, Chair  
Eric Garcetti, 1st Vice Chair  
Sheila Kuehl, 2nd Vice Chair  
Michael Antonovich  
Mike Bonin  
James Butts  
Diane DuBois  
Jacquelyn Dupont-Walker  
Don Knabe  
Paul Krekorian  
Ara Najarian  
Mark Ridley-Thomas  
Hilda Solis  
Carrie Bowen, non-voting member*

*Phillip A. Washington, Chief Executive Officer*

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

### PUBLIC INPUT

A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for one (1) minute per item, or at the discretion of the Chair. A request to address the Board should be submitted in person at the meeting to the Board Secretary. Individuals requesting to speak on more than three (3) agenda items will be allowed to speak up to a maximum of three (3) minutes per meeting. For individuals requiring translation service, time allowed will be doubled.

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 up to three (3) minutes per meeting and may speak no more than once during the Public Comment period. Speakers will be called according to the order in which the speaker request forms are received. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant 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:

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

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

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

### DISCLOSURE OF CONTRIBUTIONS

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

### ADA REQUIREMENTS

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### LIMITED ENGLISH PROFICIENCY

A Spanish language interpreter is available at all Board Meetings. Interpreters for Committee meetings and all other languages must be requested 72 hours in advance of the meeting by calling (213) 922-4600 or (323) 466-3876.



**323.466.3876 x2**

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TDD line (800) 252-9040

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



**CALL TO ORDER****ROLL CALL**

1. APPROVE Consent Calendar Items: 2, 7, 10, 12, 13, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 39, 40, 41 and 43.

**CONSENT CALENDAR**

2. APPROVE Minutes of the Regular Board Meeting held September 22, 2016. [2016-0796](#)

Attachments: [Attachment A - September 22, 2016 Minutes](#)

**FINANCE, BUDGET AND AUDIT COMMITTEE HELD A PUBLIC HEARING ON THE PROPOSED TAP ONLY FARE PAYMENT FOR ALL DOOR BOARDING ON THE SILVER LINE AND MADE THE FOLLOWING RECOMMENDATION (3-0):**

7. CONSIDER: [2016-0759](#)

A. ~~HOLDING a public hearing on the proposed TAP only fare payment for All Door Boarding on the Silver Line; and~~

B. APPROVING TAP as the only valid fare payment option for All Door Boarding on the Silver Line (Line 910/950)

Attachments: [Attachment A - All Door Boarding Fare Equity Analysis - Oct 2016](#)  
[Attachment B - Take One \(English\\_Chinese\) and Know Your Fare! \(English\\_Sp](#)

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

10. APPROVE: [2016-0614](#)

A. EXTENDING the Downtown Los Angeles Pilot for a period of 5 years.

B. AUTHORIZING the Chief Executive Officer (CEO) to exercise options and execute Modification No. 4 to Contract No. PS272680011357 with Bicycle Transit Systems, Inc. to account for an accelerated schedule for the implementation and operation of

the **Metro Countywide Bike Share expansion in Downtown Los Angeles** for an additional 5 years and in Venice, Pasadena, and the Port of Los Angeles for 6 years in the firm fixed amount of \$42,618,583, increasing the total contract value from \$11,174,329 to \$53,792,912 as follows:

1. Extending Downtown Los Angeles Pilot in the amount of \$19,658,911
  2. Expansion to Venice in the amount of \$5,069,606
  3. Expansion to Pasadena in the amount of \$12,908,510 (inclusive of an initial two-year pilot for \$4,731,689 plus options for four additional years)
  4. Expansion to the Port of Los Angeles in the amount of \$4,907,529
  5. Implementing GPS equipment in bicycles to support Countywide modeling efforts in the amount of \$74,027
- C. AUTHORIZING the Life of Project budget (LOP) including the following capital costs:
1. \$2.072M for Pasadena
  2. \$670K for Port of LA
  3. \$10K for Venice
- D. CHANGING the project sponsor for Call for Project Grant Number F9515 (Pasadena Bike Share Start Up Capital Costs) from Pasadena to Metro in order to utilize funding toward Metro Bike Share implementation in Pasadena.
- E. AUTHORIZING the CEO to take the following actions to expand the Metro Countywide Bike Share program:
1. Negotiating and executing an amendment to the MOU between City of Los Angeles and Metro to expand bike share to Venice and extend DTLA MOU timeframe;
  2. Negotiating and executing a Memorandum of Understanding (MOU) between Pasadena and Metro to set the terms of fiscal and administrative responsibility as described in the January 2015 Receive and File (Attachment C); and
  3. Negotiating and executing a Memorandum of Understanding (MOU) between the Port of Los Angeles and Metro to set the terms of fiscal and administrative responsibility as described in the January 2015 Receive and File (Attachment C).

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**Attachments:**     [ATTACHMENT A - Procurement Summary](#)  
[ATTACHMENT B - Contract Modification Log/Change Order Log](#)  
[ATTACHMENT C - January 2015 Bike Share Program Receive and File](#)  
[ATTACHMENT D - Bike Share Funding & Expenditure Plan](#)  
[ATTACHMENT E - January 2014 Metro Board Motion 58](#)  
[ATTACHMENT F - July 2015 Metro Board Motion 22 1](#)  
[ATTACHMENT G - DEOD Summary](#)  
[Presentation Bikeshare](#)

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

**12.     CONSIDER:**

[2016-0730](#)

- A. APPROVING programming of up to \$17.233 million from **fiscal year (FY) 2016 Federal Department of Homeland Security Transit Security Grant Program (TSGP) and State Proposition 1B California Transit Security Grant Program funds** that are available for eligible capital transit projects, as shown in Attachment A;
- B. AMENDING the FY 2017 budget to add \$1.13 million in revenues and expenditures to begin implementing the recommended TSGP project shown in Attachment A; and
- C. ADOPTING the required FY 2016 resolution, as shown in Attachment B, authorizing the Chief Executive Officer to execute any actions necessary for obtaining state financial assistance that the California Office of Emergency Services may provide.

**Attachments:**     [ATTACHMENT A - FY 2016 TSGP and Prop 1B Project List](#)  
[ATTACHMENT B - Governing Body Resolution](#)

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

**13.     AUTHORIZE the Chief Executive Officer to adopt:**

[2016-0762](#)

- A. the attached resolution (Attachment A) **authorizing the Chief Executive Officer (CEO) or the CEO's Designee to negotiate, execute, and file federal, state, regional and local funding documents** for Board-approved projects and activities; and
- B. the attached resolution (Attachment B) authorizing the CEO or the

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**CEO's Designee to execute and file Federal Transit**

**Administration funding documents** for Board-approved projects and activities.

**Attachments:**      [Attachment A - Resolution Authorizing To Negotiate, Execute, and File Funding](#)  
[Attachment B - Resolution Authorizing the Filing of Applications with the Federa](#)

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

17. AUTHORIZE the Chief Executive Officer to award to MARRS Services, Inc. a three-year cost-plus fixed fee Contract No. PS601800026331 for **Construction Management Support Services for Metro Bus Projects** with the most qualified firm in the amount not to exceed \$3,000,000, for a base term of three years plus two one-year options, subject to resolution of protest(s), if any. [2016-0720](#)

**Attachments:**      [Attachment A - Procurement Summary CM for Bus Facilities.pdf](#)  
[Attachment B - DEOD Summary.pdf](#)

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

18. AUTHORIZE the Chief Executive Officer to execute Contract Modification No. 60 to Contract No. PS43502000 with Parsons Brinckerhoff (PB) to **provide continued design support services during construction for Section 2 of the Westside Purple Line Extension Project**, from November 2016 through June 2018, in an amount not-to-exceed \$9,551,411 increasing the total contract value from \$189,870,354 to \$199,421,765. [2016-0746](#)

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

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

19. AUTHORIZE the Chief Executive Officer to negotiate and execute Modification No. 73 to Contract No. C0980, with **Regional Connector Constructors, to Revise Construction Sequencing and Allow for Earlier Retrieval of the Tunnel Boring Machine (TBM)**, within a not-to-exceed amount of \$3,700,000 increasing the total contract price from \$995,188,519 not-to-exceed \$998,888,519. This action does not increase the life-of-project budget. [2016-0814](#)

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

**CONSTRUCTION COMMITTEE (3-0) AND EXECUTIVE MANAGEMENT COMMITTEE (4-0)  
MADE THE FOLLOWING RECOMMENDATION:**

20.     CONSIDER AUTHORIZING the Chief Executive Officer to: [2016-0765](#)

- A. AWARD a two-year, firm fixed price Contract No. PS2890900 to Del Richardson & Associates, Inc. for **professional services to operate the Metro Pilot Crenshaw/LAX Transit Project Business Solution Center** (BSC) in the amount of \$849,008 for the two-year period, subject to resolution of protest(s), if any; and
- B. AMEND the FY17 budget in the amount of \$380,000 to fund the award of Contract No. PS2890900 for professional services to operate the pilot BSC.

Attachments:     [Attachment A - Procurement Summary](#)  
                              [Attachment B - Motion 79](#)  
                              [Attachment C - DEOD Summary](#)

**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE MADE THE FOLLOWING  
RECOMMENDATION (3-0):**

21.     APPROVE nominees for **membership on Metro's Service Councils**. [2016-0659](#)

Attachments:     [Attachment A - Listing of Qualifications 10-2016](#)  
                              [Attachment B - Nomination Letters 10-2016](#)

**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE MADE THE FOLLOWING  
RECOMMENDATION (3-0):**

26.     AUTHORIZE the Chief Executive Officer to execute Modification No. 5 for Contract No. OP31202523 with Goodyear Tire & Rubber Company to **extend bus tire leasing and maintenance services for up to twelve (12) months**, for the period covering December 1, 2016 through November 30, 2017, in an amount not to exceed \$7,951,670, increasing the total not to exceed contract amount from \$41,138,647 to \$49,090,317. [2016-0448](#)

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

**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):**

27. AUTHORIZE the Chief Executive Officer to execute Modification No. 1 to Contract No. OP31203099 to exercise the two, one-year options, with Hazardous Technologies Inc., for **liquid waste removal services**, in the total amount of \$1,617,800 increasing the total contract value from \$2,434,400 to \$4,052,200 and extend the contract term from November 1, 2016 to October 31, 2018. [2016-0628](#)

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

**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):**

28. ADOPT the findings of a **Title VI Triennial Review of FTA required service standards that found no disparate impact** in the attainment of service standards relative to minority and non-minority services operated by Metro. This review was conducted for Metro bus and rail service during the fourth quarter of fiscal year 2016: [2016-0658](#)
- A. Finding that the Metro bus system conforms to the adopted Bus Passenger Loading Standards and results in no disparate impact on minorities. The Rail Passenger Loading Standards cannot accurately be determined, due to the Metro Rail ridership data collection methodology. It relies on a limited number of staff counting the boarding and alighting passengers while riding a limited number of rail cars. (Attachment A); and
  - B. Finding that the Metro bus system and rail system conform to the adopted Headway Standards and result in no disparate impact. (Attachment B); and
  - C. Finding that while Metro bus lines are not in conformance with the adopted In-Service On-Time Performance Standards (ISOTP) of 80%, there was no disparate impact. The system wide average bus ISOTP was 73.0% on weekdays, 71.6% on Saturdays, and 76.8% on Sundays. The percentage of bus lines meeting this standard were 43.5% of weekday, 42.4% on Saturday and 54.8% during Sunday. All rail lines meet the standard of 90% for light rail and 95% for heavy rail. The assessment of the current findings are contained in (Attachment C); and

- D. Finding that Metro and its fixed route operating partners are in conformance and no disparate impact with the adopted System Accessibility Standard. (Attachment D); and
- E. Finding that Metro bus and rail service passenger facilities are in conformance and no disparate impact with the adopted Passenger Amenities Standards. (Attachment E); and
- F. Finding that the Metro bus system is in conformance and no disparate impact with adopted Vehicle Assignment Standards. Conformity of the Metro rail system was reviewed in early May 2016 and was impacted by the initial delivery of new light rail vehicles and the recent start of operation of the Metro Gold Line Foothill Extension. Only 15 of 235 new vehicles had been accepted at that time with most, of necessity, assigned to the Metro Gold Line. Metro rail system conformance should be reviewed at a later time after new vehicle deliveries are substantially complete. (Attachment F)

Attachments:      [Attachment A - Passenger Loading Standards](#)  
                             [Attachment B - Headway Standards](#)  
                             [Attachment C - On-Time Performance Standards](#)  
                             [Attachment D - Accessibility Standards](#)  
                             [Attachment E - Passenger Amenities Standards](#)  
                             [Attachment F - Vehicle Assignment Standards](#)

**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):**

29. AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP5608900 for **tree trimming services throughout Metro bus and rail facilities**, excluding Metro Orange Line covered under a separate maintenance contract, with Great Scott Tree Service Inc., the lowest, responsive and responsible bidder, for a not-to-exceed amount of \$923,040 for the three-year base period inclusive of as-needed services, and \$299,930 for each of the two, one-year options, for a combined total of \$1,522,900, effective January 1, 2017 through December 31, 2021, subject to resolution of protest(s), if any.

[2016-0721](#)

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

**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):**

30. AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP6092200 for the **Metro Red/Purple Line Tunnel Washing services** with Parkwood Landscape Maintenance Inc., the lowest, responsive and responsible bidder, for a not-to-exceed amount of \$2,541,217 for the five year period, effective December 1, 2016, subject to resolution of protest(s), if any. [2016-0728](#)
- Attachments: [Attachment A - Procurement Summary](#)  
[Attachment B - DEOD Summary](#)

**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):**

31. AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP6201700 for **uniform rental services** with UniFirst Corporation, for a not-to-exceed amount of \$2,528,837.41 for the three-year base period and \$2,528,837.41 for the one, three year option, for a combined total of \$5,057,674.82 effective November 1, 2016 through October 31, 2022, subject to resolution of protest(s), if any. [2016-0729](#)
- Attachments: [Attachment A - Procurement Summary](#)  
[Attachment B - DEOD Summary](#)

**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):**

32. AUTHORIZE the Chief Executive Officer to award and execute a five-year, firm fixed unit rate Contract No. **OP608960027253** to Axiom xCell Inc., **for services related to the processing, adjudication and collection of transit and parking citations** in an amount not-to-exceed \$1,586,533 effective January 1, 2017 through December 31, 2021, subject to resolution of protest(s), if any. [2016-0711](#)
- Attachments: [Attachment A - Procurement Summary](#)  
[Attachment B - DEOD Summary](#)



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

39. AUTHORIZE the Chief Executive Officer (CEO) to execute two five-year lease agreements ("Lease Agreements"), including an additional five (5) year option, with Peggy Nairn, dba Penny and Peggy Nairn 24-Hour Child Care, Inc., ("Nairn") to **develop, finance, and operate two childcare facilities in Metro-owned buildings located in Chatsworth and Sylmar**, at a first year annual lease amount of sixty thousand dollars (\$60,000) and forty-eight thousand dollars (\$48,000), respectively, which are subject to an annual increase the second year to seventy-two thousand dollars (\$72,000) and sixty thousand dollars (\$60,000) respectively and annual adjustments based on Consumer Price Index (CPI) thereafter. [2016-0743](#)

Attachments:      [ATTACHMENT A - List of Proposers for Child Care Facility Operator](#)  
[ATTACHMENT B - Summary of Lease Agreement Key Terms Chatsworth Metr](#)  
[ATTACHMENT C- Summary of Lease Agreement Key Terms Sylmar Metrolink :](#)

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

40. ADOPT the **Title VI Program Update** presented in Attachments A and B. [2016-0584](#)

Attachments:      [Attachment A- 2016 Draft Title VI Program](#)  
[Attachment B- Link to Appendix for 2016 Draft Title VI Program](#)  
[Attachment C- FTA Title VI Circular 4702.1B](#)

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

41. CONSIDER: [2016-0642](#)
- A. AUTHORIZING the Chief Executive Officer (CEO) to exercise Option 4.4, Additional Year of Operation and Maintenance (O&M) - Year 4, Modification No. 71 for Contract No. PS0922102333 with **Atkinson Contractors, LP (Atkinson) for Metro ExpressLanes Operation and Maintenance** in the amount of \$3,096,000, increasing the total Contract price from \$136,236,656 to \$139,332,656.
- B. AUTHORIZING the CEO to execute Contract Modification No. 72 for additional **O&M Support Costs** for Option Year 4 in the amount of \$12,636,000, increasing the total contract price from \$139,332,656 to \$151,968,656.

- C. AUTHORIZING the CEO to negotiate and execute Contract Modification No. 73 for **Additional Transponders** in the amount not-to-exceed \$12,200,000, increasing the total contract price from \$151,968,656 to \$164,168,656; and
- D. APPROVING an increase in Contract Modification Authority (CMA) for Contract No. PS0922102333, to Atkinson in the amount of \$29,216,913 increasing the total CMA from \$78,138,041 to \$107,354,954 to cover the costs of the recommended Contract Modifications above, and any pending and future changes listed in the Contract Modification/Change Order Log (Attachment C).

Attachments:      [Attachment A - Procurement Summary \(Oct 2016\)](#)  
                             [Attachment B - CMA Summary \(Oct 2016\)](#)  
                             [Attachment C - DEOD Summary](#)

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

43.      APPROVE **Motion by Directors Ridley-Thomas, Fasana, Bonin and Dupont-Walker** that the Board of Directors direct the Chief Executive Officer (CEO) to dedicate up to \$1.2M towards the deployment of two or more multidisciplinary homeless outreach teams that are dedicated exclusively to the Metro system, take all actions necessary to transfer the funds to the County of Los Angeles to administer the program in coordination with the implementation of the Countywide Homeless Strategy Initiative, and report back to the Board of Directors during the FY17/18 budget cycle on whether ongoing funds for this initiative are warranted and recommended. [2016-0838](#)

**NON-CONSENT**

3.      Report by the **Chair**. [2016-0848](#)
4.      Report by the **Chief Executive Officer**. [2016-0849](#)

**FINANCE, BUDGET AND AUDIT COMMITTEE FORWARDED THE FOLLOWING WITHOUT RECOMMENDATION DUE TO ABSENCES AND CONFLICTS:**

6.      ADOPT a Resolution that: [2016-0607](#)
- A. AUTHORIZES the negotiated bond sale and issuance of up to \$600 million of bonds (**Measure R Senior Sales Tax Revenue**)

- Bonds, 2016)** in one or more series, to finance capital projects and to repay outstanding short-term revolving debt;
- B. APPROVES the forms of the supplemental trust agreement, continuing disclosure certificate, preliminary official statement and such other documents as required for the issuance of the bonds, and approves related documents on file with the Board Secretary as set forth in the resolution all as subject to modification as set forth in the Resolution;
  - C. APPROVES the form of the bond purchase contract on file with the Board Secretary, that will be entered into with the underwriters as listed in Attachment B hereto; and
  - D. AUTHORIZES taking all action necessary to achieve the foregoing, including, without limitation, the further development and execution of the bond purchase contract and bond documentation associated with the issuance of the Measure R 2016 Bonds.

**(REQUIRES SEPARATE, SIMPLE MAJORITY BOARD VOTE.)**

**Attachments:**

[Attachment A - Authorizing Resolution](#)

[Attachment B - Summary of Underwriter Selection](#)

[Attachment C - Finding of Benefit Resolution](#)

[Attachment Z - Presentation](#)

**PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0) AS AMENDED BY DIRECTOR NAJARIAN:**

9. AUTHORIZE the Chief Executive Officer (CEO) to: [2016-0284](#)
- A. CONDUCT a study for providing up to **two additional stations in the City of Glendale and up to two additional stations in the City of Los Angeles** as well as providing increased train service throughout the day from Union Station to the City of Burbank with opportunities to include expanded service to the Antelope Valley as a first step in examining increased rail connectivity in the Los Angeles, Glendale and Burbank Corridor. ~~Additional stations would need to be spaced appropriately and limited so as not to severely affect travel time for those travelling beyond Burbank to the outer terminus of the lines in Ventura and the Antelope Valley;~~
  - B. PROGRAM AND AMEND the FY 17 budget to add \$900,000 in Measure R Commuter Rail service funds to conduct this study; and
  - C. INVENTORY the options for increasing the City of Glendale's access to the Regional Transit System given the existing baseline

Metrolink and future High Speed Rail service. This inventory will examine the existing infrastructure, planned and funded projects and potential future initiatives to improve connectivity to the greater Metro system.

Attachments:     [Att. A - March 2016 Board Motion](#)  
                             [Att. B - Burbank-Glendale-Los Angeles Light Rail Corridor Alignment Map](#)

**PLANNING AND PROGRAMMING COMMITTEE FORWARDED THE FOLLOWING WITHOUT RECOMMENDATION DUE TO ABSENCES AND CONFLICTS:**

11.     AUTHORIZE the Chief Executive Officer (CEO) to: [2016-0649](#)

- A. EXECUTE Modification No. 13 to Contract No. PS10-4320-2618 with HDR Engineering, Inc. to prepare the Draft and Final Environmental Assessment (EA) for the **Restoration of Historic Streetcar Service in Downtown Los Angeles**, in the firm fixed amount of \$361,149, increasing the total contract value from \$3,075,793 to \$3,436,942; and
- B. INCREASE Contract Modification Authority (CMA) specific to Contract No. PS10-4320-2618 in the amount of \$200,000, increasing the total authorized CMA amount from \$476,000 to \$676,000 to support potential additional environmental assessment work.

Attachments:     [Attachment A - Procurement Summary](#)  
                             [Attachment B - Contract Modification/Change Order Log](#)  
                             [Attachment C - Proposed Downtown Los Angeles Streetcar Route](#)  
                             [Attachment D - Board Motion, February 18, 2010, Item No. 34](#)  
                             [Attachment E - DEOD Summary](#)

14.     RECEIVE AND FILE report on **Metro's Program Management Plan.** [2016-0706](#)

Attachments:     [Attachment A -Program Management Plan Board Presentation](#)  
                             [Attachment B - Program Management Plan Executive Summary](#)

**CONSTRUCTION COMMITTEE FORWARDED THE FOLLOWING WITHOUT RECOMMENDATION DUE TO ABSENCES AND CONFLICTS:**

16.     CONSIDER: [2016-0610](#)

- A. AUTHORIZING the Chief Executive Officer (CEO) to execute a nine-year cost-plus fixed fee contract plus two one-year options, Contract No. AE5818600MC072-PLE2, to Purple Line 2 CM

Partners, a Joint Venture to provide **Construction Management Support Services** in an amount not-to-exceed \$8,890,488 through Fiscal Year 2018, subject to resolution of protest(s), if any; and

- B. ESTABLISHING Contract Modification Authority for 15% of the not-to-exceed contract award value and authorize the CEO to execute individual Contract Modifications within the Board approved Contract Modification Authority.

Attachments:      [Attachment A Procurement Summary](#)  
                             [Attachment B - DEOD Summary CMSS- WPLE Section 2.pdf](#)

22. RECEIVE AND FILE informational report in response to Board Motion on [2016-0742](#)  
**Line 501 to present proposed marketing plan, improved span of service and a temporary reduction in fare.**

Attachments:      [Attachment A - Amendment to Item 30](#)  
                             [Attachment B - Line 501 Marketing Campaign](#)

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

42. APPROVE **Motion by Directors Garcetti, Krekorian and Antonovich** [2016-0852](#)  
that the Board direct the CEO to report back on the following:

- A. Develop an implementation plan to use all electric buses for the Orange Line Bus Rapid Transit Line by 2020. The plan shall include, but not limited to, the following:
1. Total cost of electrification
  2. Eligible funding sources to address the costs
  3. Federal and State grant opportunities
  4. A schedule and transition plan
- B. Report back on the feasibility to use all electric buses for the Silver Line. The report shall include, but not be limited to, the following:
1. Type of electric bus
  2. Range requirements
  3. Charging and infrastructure needs
  4. A recommended schedule and transition plan

- 42.1 **Friendly Amendment by Directors Solis and Antonovich** [2016-0865](#) that the Board direct the CEO to coordinate with Foothill Transit and report back during the January board cycle with the following:

1. Determine the infrastructure and energy needs and associated costs for in-route, bus bay charging facilities at the El Monte Bus

Station;

2. Explore the feasibility and opportunities and associated costs to establish and share a universal charging depot at Metro's Division 9;
3. Identify eligible funding sources and develop a strategy to pursue funding.

44. CONSIDER:

[2016-0566](#)

- A. ESTABLISHING 16 contract agreements under the **Joint Development Bench, solicited as Request for Information and Qualification** (RFIQ) No. PS26132, with the contractors recommended in Attachment A-1 for a three-year period with two one-year options for professional services not-to-exceed a cumulative total value of \$6 million; and
- B. AUTHORIZING the CEO to award Task Orders within the approved not-to-exceed cumulative total value of \$6 million.

Attachments:

[Attachment A - Procurement Summary](#)

[Attachment A1 - Recommended Firms by Discipline](#)

[Attachment B - DEOD Summary](#)

**(CARRIED OVER FROM SEPTEMBER BOARD MEETING)**

45. AUTHORIZE the Chief Executive Officer to award an 18 month firm-fixed price Contract No. PS5782700 to **Axiom xCell Inc. in the amount of \$746,160 to design and implement a digital incident management solution.**

[2016-0616](#)

Attachments:

[Attachment A - Procurement Summary](#)

[Attachment B - DEOD Summary.](#)

**(CARRIED OVER FROM SEPTEMBER BOARD MEETING)**

46. AUTHORIZE the Chief Executive Officer to **renew existing group insurance policies covering Non-Contract and AFSCME employees** for the one-year period beginning January 1, 2017.

[2016-0556](#)

Attachments:

[Attachment A - Proposed Monthly Premium Rates](#)

[Attachment B - Proposed Monthly Employee Contributions](#)

[2017 Renewal Presentation](#)

**(CARRIED OVER FROM SEPTEMBER BOARD MEETING)**

47. AWARD a cost plus fixed fee contract **for Technical and Program Management Support Services under Contract No. OP3043-3488, to LTK Engineering Services**, in the not-to-exceed amount of \$3,897,599 for a period of 46 months from issuance of a Notice-to-Proceed (NTP) for the **overhaul of 38 Heavy Rail Vehicles** (HRV) which are the base quantity, and for an additional not-to-exceed amount of \$597,238 for a period of 10 additional months for the Option balance of 36 HRVs when funding becomes available, for a total contract value of \$4,494,837.

[2016-0554](#)

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

**(CARRIED OVER FROM SEPTEMBER BOARD MEETING)**

48. APPROVE **Motion by Directors Solis, Fasana, Dupont-Walker and Ridley-Thomas** that the MTA Board direct the CEO and the Department of Planning and Programming to create a Union Station/Civic Center Exploratory Taskforce ("Taskforce") consisting of, but not limited to representatives from the City, County, Authority, and local community-based groups. Staff shall:
1. Develop a plan to formally coordinate across planning and infrastructure investments from the Taskforce member agencies in and around Union Station and the Civic Center;
  2. Identify potential revenue generation opportunities, and partnerships necessary to pursue such opportunities;
  3. Engage stakeholders early on and include the public, business leaders, other agencies and neighboring communities;
  4. Ensure equitable distribution of benefits;
  5. Seek funding opportunities, including applying for grants, that support the coordinated planning efforts;
  6. Report back to the Board by February 2017 with a set of mutually agreeable goals and an action plan for achieving those goals, including potential funding sources for any needed studies or implementation efforts. The report back should also include a proposal for the future of the taskforce as a coordinating body;

[2016-0863](#)

7. Thereafter, report quarterly on progress toward implementing the Taskforce's goals.

**49. CLOSED SESSION:**[2016-0855](#)**A. Conference with Legal Counsel - Existing Litigation - G.C. 54956.9(d)(1)**

1. Susan Segal, et al. v. LACMTA, LASC Case No. BC509870
2. Estate of Zenon Vazquez Lucas, et al. v. LACMTA, LASC Case No. BC541463

**B. Conference with Real Property Negotiator - G.C. 54956.8**

1. Property Description: 6022 Wilshire Blvd., Los Angeles, CA  
Agency Negotiator: Carol A. Chiodo  
Negotiating Party: Turner Art Gallery, Tenant  
Under Negotiation: Price and Terms
2. Property Description: 6848 West Blvd., Los Angeles, CA  
Agency Negotiator: Carol A. Chiodo  
Negotiating Party: Edith Brogan and Brogan Studios  
Under Negotiation: Price and Terms

**END OF NON-CONSENT ITEMS**

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

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

Adjournment





Metro

## Board Report

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

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**File #:** 2016-0796, **File Type:** Minutes

**Agenda Number:** 2.

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### REGULAR BOARD MEETING OCTOBER 27, 2016

**APPROVE Minutes of the Regular Board Meeting held September 22, 2016.**

# **Metro**

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



## **MINUTES**

**Thursday, September 22, 2016**

**9:00 AM**

**Regular Board Meeting**

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

### **Directors Present:**

*John Fasana, Chair  
Eric Garcetti, 1st Vice Chair  
Sheila Kuehl, 2nd Vice Chair  
Michael Antonovich  
Mike Bonin  
Diane DuBois  
Jacquelyn Dupont-Walker  
Don Knabe  
Paul Krekorian  
Ara Najarian  
Hilda Solis  
Carrie Bowen, non-voting member*

*Phillip A. Washington, Chief Executive Officer*

CALL TO ORDER at 9:17 a.m.

## ROLL CALL

**APPROVE Consent Calendar Items: 2, 6, 9, 11, 12, 17, 24, 25, 27, 28, 29, 32, 33, 34 and 35.**

Consent Calendar items were approved by one motion except items 11, 12, 29 and 33 which were held by a Director for discussion and/or separate action.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
A	Y	Y	Y	A	A	Y	Y	Y	A	Y	Y	A

2. **APPROVED ON CONSENT CALENDAR Minutes of the Regular Board 2016-0707**  
Meeting held August 25, 2016.

3. **RECEIVED Report by the Chair. 2016-0760**

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
P	P	P	P	A	A	P	P	P	A	P	P	P

4. **RECEIVED Report by the Chief Executive Officer. 2016-0761**

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
P	P	P	P	A	A	P	P	P	A	P	P	P

5. **CARRIED OVER TO OCTOBER DUE TO CONFLICTS AND ABSENCES 2016-0556**  
authorizing the Chief Executive Officer to **renew existing group insurance policies covering Non-Contract and AFSCME employees** for the one-year period beginning January 1, 2017.

\*\*\*\*\*

DK = D. Knabe	MA = M. Antonovich	SK = S. Kuehl	DD = D. DuBois
PK = P. Krekorian	MRT = M. Ridley-Thomas	JB = J. Butts	
JDW = J. Dupont-Walker	JF = J. Fasana	HS = H. Solis	
MB = M. Bonin	EG = E. Garcetti	AN = A. Najarian	

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

## 6. APPROVED ON CONSENT CALENDAR:

2016-0697

A. the **Crenshaw/LAX Light Rail Transit Project Measure R Local Match Financial Contribution Agreement between the City of Inglewood and Metro**; and

B. AUTHORIZING the Chief Executive Officer to execute the said agreement.

9. APPROVED ON CONSENT CALENDAR awarding and programming a total of \$4.14 million for Cycle Two (2) of the **Open Streets Grant Program per the Metro Board Motion 72** (Attachment A) and programmatic support as follows: 2016-0527

A. AWARDING \$4.04 million to 17 new Open Street events scheduled through December 2018 (Attachment B-1);

B. PROGRAMMING the Cycle One (1) 626 Golden Street event with up to \$200,000 of supplemental funds to execute the event due to postponement from the June Reservoir and Fish fires. The costs to stage the 626 Golden Streets event will not exceed the \$393,600 amount as was originally allocated by the Board; and

C. REPROGRAMMING \$100,000 from canceled Cycle One Open Street event Car Free Carson towards Cycle Two.

11. CARRIED OVER TO OCTOBER DUE TO CONFLICTS AND ABSENCES: 2016-0566

A. APPROVING the establishment of 16 contract agreements under the **Joint Development Bench, solicited as Request for Information and Qualification** (RFIQ) No. PS26132, with the contractors recommended in Attachment A-1 for a three-year period with two one-year options for professional services not-to-exceed a cumulative total value of \$6 million; and

B. AUTHORIZING the CEO to award Task Orders within the approved not-to-exceed cumulative total value of \$6 million.

12. AUTHORIZED the Chief Executive Officer (CEO) to:

2016-0571

- A. AWARD AND EXECUTE a four-year firm fixed price Contract No. AE5999300 to Parsons Brinckerhoff, Inc., inclusive of all options, in the amount of up to \$12,189,477 to complete the environmental clearance study for the **West Santa Ana Branch (WSAB) Transit Corridor**.
- B. APPROVE contract modification authority specific to Contract No. AE5999300 in the amount of \$1,828,422 (15%) due to the complexity of the environmental clearance study;
- C. AWARD AND EXECUTE a four-year firm fixed price Contract No. PS2492300 to Arellano Associates, LLC, inclusive of all options, in the amount of up to \$861,067 to perform the environmental clearance study community outreach for the WSAB Transit Corridor; and
- D. APPROVE entering into a four-year Funding Agreement (FA) with the Gateway Cities Council of Governments (COG), to be led by the Eco-Rapid Transit Joint Powers Authority (JPA) for WSAB Transit Corridor Third Party Administration to work with the 13 cities along the corridor for participation in the environmental clearance study, in an amount not-to-exceed \$700,000.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	C	A	A	Y	Y	Y	A	Y	Y	Y

13. RECEIVED report by the **Caltrans District Director on Delivery of Projects on I-5**.

2016-0712

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
P	A	P	P	A	A	P	P	P	A	P	P	P

15. RECEIVED AND FILED report on the first **Program Management Annual Program Evaluation (APE)**.

2016-0657

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	Y	A	A	Y	Y	Y	A	Y	Y	Y

17. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to execute the **Preliminary Engineering Reimbursement Agreement (PERA) for the Westside Purple Line Extension Section 2 Project**.

2016-0611

22. **AWARDED** a cost plus fixed fee contract for **Program Control Support Services for the Heavy Rail Vehicle (HRV) Acquisition**, Contract No. 2016-0573 PS5868500, to STV/PB Heavy Rail Vehicles II, a Joint Venture, in the not-to-exceed amount of \$5,651,853.54 for the 64 HRV Base Order.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	C	A	A	Y	A	Y	A	Y	Y	Y

23. **FAILED AND CARRIED OVER: AWARD** a cost plus fixed fee contract 2016-0554 for **Technical and Program Management Support Services under Contract No. OP3043-3488**, to **LTK Engineering Services**, in the not-to-exceed amount of \$3,897,599 for a period of 46 months from issuance of a Notice-to-Proceed (NTP) for the **overhaul of 38 Heavy Rail Vehicles (HRV)** which are the base quantity, and for an additional not-to-exceed amount of \$597,238 for a period of 10 additional months for the Option balance of 36 HRVs when funding becomes available, for a total contract value of \$4,494,837.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	C	N	A	Y	C	Y	A	C	Y	Y

24. **APPROVED ON CONSENT CALENDAR** establishing a Life-of-Project 2016-0466 (LOP) Budget of \$28,851,200 for the **Metro Green Line Train Control Track Circuits and TWC Replacement Project (CP205107)**.

25. **AUTHORIZED ON CONSENT CALENDAR** the Chief Executive Officer 2016-0516 (CEO) to:

- A. **EXECUTE** Contract Modification No. 4 to Contract No. OP39603035 with **ARINC Control and Information Systems (ARINC)**, to **upgrade and expand the existing Supervisory Control and Data Acquisition (SCADA) System on the Metro Green Line (MGL) to include and integrate the new Crenshaw/LAX Light Rail Line** for a period of 28 months for the amount-not-to-exceed \$4,994,515 increasing the total contract value from \$10,556,513 to \$15,551,028, inclusive of contract options.
- B. **PURCHASE** additional coverage on the existing \$15,000,000 supplemental project insurance for 10 years after contract award in excess of ARINC limited liability in an amount not-to-exceed \$450,000 inclusive of premium and fees. This action increases the total coverage cost from \$999,000 to \$1,449,000.

27. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to 2016-0572 award a firm fixed unit rate Contract No. OP5938800, pending the resolution of a protest for the **landscape and irrigation maintenance services along Metro Expo Line Phase II with Far East Landscape and Maintenance, Inc.**, the lowest, responsive and responsible bidder, for a not-to-exceed amount of \$1,201,384 for the three-year base period inclusive of as-needed services, \$407,849 for the first option year, and \$428,242 for the second option year, for a combined total of \$2,037,475, effective October 1, 2016 through September 30, 2021.

28. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to: 2016-0096

- A. AWARD a firm fixed unit rate Contract No. FSP57678900B60 to **Freeway Towing for Metro Freeway Service Patrol (FSP) heavy duty towing services Beat 60** in the amount of \$5,255,700 for 60 months; and
- B. AWARD a firm fixed unit rate Contract No. FSP5769100B61 to **All City Towing for Metro Freeway Service Patrol (FSP) heavy duty towing services Beat 61** in the amount of \$4,741,020 for 60 months.
- C. INCREASE the FY17 budget in Cost Center 3352 in the amount of \$2,019,002.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
							C					

29. CARRIED OVER authorizing the Chief Executive Officer to award an 18 2016-0616 month firm-fixed price Contract No. PS5782700 pending the resolution of a protest, to **Axiom xCell Inc. in the amount of \$746,160 to design and implement a digital incident management solution.**

32. ADOPTED ON CONSENT CALENDAR staff recommended position: 2016-0719

**ABX1-26 (Beall/Frazier) - Transportation Funding. SUPPORT**

33. ADOPTED **Metro's Model Public Engagement Program (Program)** and 2016-0540 **approve the 2016 Public Participation Plan (Attachment A)** as the baseline and guiding policy for all public outreach.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	Y	Y	Y	A	A	Y	Y	Y	A	Y	Y	A



34. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer 2016-0625 to execute the **renewal of a five-year (5-year) lease agreement with Caltrans for Location 403 in Los Angeles** at a monthly lease rate of eleven thousand six hundred dollars (\$11,600) with annual increases of three percent (3%) per year, including one option to extend the term of the lease for an additional five years.
35. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to 2016-0626 execute the **renewal of a five-year (5-year) lease agreement with Caltrans for Terminal 28 in Los Angeles** at a monthly lease rate of eleven thousand six hundred dollars (\$11,600) with annual increases of three percent (3%) per year, including one option to extend the term of the lease for an additional five years.
36. AUTHORIZED the Chief Executive Officer to award and execute a five-year 2016-0565 firm fixed unit rate Contract No. PS560810024798, to **RMI International, Inc. for security guard services** in an amount not-to-exceed \$81,944,840 effective October 1, 2016 through September 30, 2021.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	Y	A	A	Y	Y	Y	A	Y	Y	Y

37. AUTHORIZED the Chief Executive Officer to: 2016-0538
- A. ESTABLISH a Life-of-Project (LOP) Budget of \$86,662,000 for the **overhaul of 74 A650 Heavy Rail Vehicles** (HRV's) under CP 206038 - HRV Midlife Overhaul; and
- B. AWARD a firm-fixed Unit Rate Contract Number A650-2015: HRV Overhaul and Critical Component Replacement Program (OCCRP) to Talgo, Inc. for a not-to-exceed amount of \$72,970,493 to perform the overhaul and delivery of 74 HRV's, with a contract period of performance of 56 months, including all option vehicles. The Base Contract is for the overhaul of 38 HRV's (\$54,698,676), with an option to overhaul the remaining 36 HRV's (\$18,271,817).

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	Y	A	A	Y	Y	Y	A	C	Y	Y



## 38. APPROVED BY TWO-THIRDS VOTE:

2016-0723

- A. holding a public hearing on the proposed **Resolution of Necessity**; and
- B. ADOPTING a Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a fee interest in the real property identified as portions of **Assessor's Parcel No. 5106-026-017**, described above and shown on Attachment "A" (hereinafter the "Property").

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	Y	A	A	Y	Y	Y	A	Y	Y	Y

## 39. APPROVED BY TWO-THIRDS VOTE:

2016-0724

- A. holding a public hearing on the proposed **Resolution of Necessity**; and
- B. ADOPTING a Resolution of Necessity authorizing the commencement of an eminent domain action to acquire in fee simple, a portion of Eucalyptus Avenue. Metro must proceed with a condemnation action to clear various title issues and vacate the street as part of the Crenshaw/LAX Transit Corridor Project. The property sought to be condemned is a **765 square foot portion of Eucalyptus Avenue**, located adjacent to 320 N. Eucalyptus Avenue, north of W. Florence Avenue, in the City of Inglewood (hereinafter the "Property"). The Property is owned by Daniel Freeman, and is encumbered by a public street operated by the City of Inglewood.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	Y	A	A	Y	Y	Y	A	Y	Y	Y

## 40. CLOSED SESSION:

2016-0764

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

1. Dorcas Higinio v. LACMTA, LASC Case No. BC551410

APPROVED settlement of \$400,000.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	Y	Y	A	Y	Y	Y	A	Y	Y	Y

2. Silvia Martinez, et. al. v. LACMTA, LASC Case No. BC556901

APPROVED settlement of \$675,000.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	Y	Y	A	Y	Y	Y	A	Y	Y	Y

3. Kuen Woo v. LACMTA, LASC Case No. BC562761

APPROVED settlement of \$325,000.

DK	PK	JDW	MB	MA	MRT	JF	EG	SK	JB	HS	AN	DD
Y	A	Y	Y	Y	A	Y	Y	Y	A	Y	Y	Y

B. Conference with Real Property Negotiator - G.C. 54956.8

Property Description: 317 S. Broadway, Los Angeles, CA 90033

Agency Negotiator: Greg Angelo and Cal Hollis

Negotiating Party: Grand Central Square Limited Partnership

Under Negotiation: Price and Terms

NO REPORT.

ADJOURNED at 11:08 a.m. in memory of Jorge Lopez, a CalTrans employee who was killed on duty.

Prepared by: Collette Langston  
Board Specialist

  
Michele Jackson, Board Secretary



## Board Report

File #: 2016-0759, File Type: Informational Report

Agenda Number: 7.

**REVISED**  
**FINANCE, BUDGET & AUDIT COMMITTEE**  
**PUBLIC HEARING - "TAP ONLY" BOARDING ON THE SILVER LINE**  
**OCTOBER 19, 2016**

**SUBJECT: TAP ONLY FARE PAYMENT FOR ALL DOOR BOARDING ON THE SILVER LINE**

**ACTION: APPROVE TAP ONLY FARE PAYMENT AS A REQUIREMENT FOR ALL DOOR BOARDING ON THE SILVER LINE**

### **RECOMMENDATION**

CONSIDER:

- A. ~~HOLDING a public hearing on the proposed TAP only fare payment for All Door Boarding on the Silver Line;~~ and
- B. APPROVING TAP as the only valid fare payment option for All Door Boarding on the Silver Line (Line 910/950)

### **ISSUE**

On March 17, 2016, the Board of Directors directed staff to study the feasibility of All-Door Boarding (ADB) on the Silver Line (Line 910/950), starting June 26, 2016. As part of the six month pilot project, All Door Boarding was implemented with the requirement that all passengers need to have a validated TAP card when riding the Silver Line. This requirement constitutes a fare change per Metro's Administrative Code (Section 2-50-015). In addition, any fare change, with the exception of those set by formula, requires a Title VI Equity Analysis and a Public Hearing pursuant to Section 2-50-025 of the Administrative Code, prior to being considered for approval by the Board to continue beyond the six month demonstration period. This report summarizes the findings from the Title VI Equity Analysis (Attachment A), and describes mitigation measures implemented to address any disparate or disproportionate impacts to minority and low income communities, respectively, as part of the ADB pilot being conducted on the Silver Line between June and December, 2016.

### **DISCUSSION**

#### Background

ADB is a strategy for improving speed and reliability of transit service through faster boarding and

---

more efficient fare collection. The objective of this pilot is to reduce bus stop dwell times and variability, by allowing customers to validate their TAP cards on a mobile validator located at each door, and board. One drawback to this approach is a potential increase in fare evasion. To minimize this issue, the ADB pilot was implemented with the requirement that passengers need to have a validated TAP card when riding the Silver Line. This allows for more thorough fare checks by enforcement officers, similar to the rail system and the Orange Line.

Limiting fare payment to TAP only constitutes a fare change pursuant to Metro Administrative Code (Section 2-50-015). A Title VI analysis and a public hearing are required for any fare change that extends beyond the six month pilot period.

A Title VI analysis was thus conducted to assess the impact of this fare change on minority and low-income/impoverished populations within Metro's ridership. Attachment A provides the Title VI evaluation report completed.

The findings of the analysis are as follows:

- There would be no Disparate Impact to Minorities by limiting fare payment to TAP only;
- There would be a Disproportionate Burden on low income riders who currently use tokens to pay their fare.

To mitigate the issue of token as well as cash passengers not being able to board without a TAP card, Metro staff have taken several significant measures to address this concern by implementing the following:

- Approximately 50,000 free TAP cards were assigned and distributed to passengers paying with cash and tokens on the Silver Line;
- Fareboxes were programmed with "reload" capabilities, allowing passengers to add stored value to TAP cards on board;
- Ticket Vending Machines (TVM) are being installed at key stations, such as Harbor/Gateway and Cal State LA stops, with plans to install TVMs all in-line stations by Winter 2016;
- An extensive public outreach campaign was conducted to educate passengers on the ADB pilot and the TAP only requirement, including the following:
  - Teams of "Blue Shirt" ambassadors were stationed at major Silver Line stops for two weeks prior and one week after implementation to educate the public and assist in the transition to TAP only;
  - 75,000 Take Ones were distributed in English, Spanish and Chinese on buses and at stations (Attachment B);
  - New "Know Your Fare!" pamphlets were developed and 5,000 of them distributed on buses and at stops (Attachment B);
  - 50,000 wallet-sized TAP hand-outs were developed to distribute with the free TAP cards

to cash riders;

- Car cards were posted in all Silver Line buses;
  - Pull up banners were deployed at major stops to help alert customers to the coming project;
  - Customer refund cards were created and distributed to Operators to help resolve issues of lost payment at the farebox;
  - Special map case advertisements were posted at the major stations; and
  - Announcements of ADB and TAP only were posted on the Silver Line's website and the Source/El Pasajero.
- A comprehensive training program was developed to educate Silver Line operators on the TAP card "reload" process and ADB, including the following:
    - Tariff Notices and Operator cheat sheet on ADB and TAP only fare payment;
    - PowerPoint based training tool at the divisions;
    - Mobile training farebox with "reload" capabilities at the divisions;
    - RAP sessions with operators to exchange information and feedback;
    - Division management briefings;
    - Supervisor trainings ("Train the Trainer" sessions); and
    - On street monitoring and operator assistance/support.

Metro's Administrative Code requires that a Title VI analysis on a fare change must be followed by a public hearing prior to extending the change beyond the six month pilot. A public hearing is scheduled for the beginning of the Finance, Budget & Audit Committee meeting on October 19, 2016 to consider the aforementioned fare change.

### Notice of Public Hearing

Pursuant to Metro's Administrative Code Section 2-50-025, the notice for this public hearing was provided to the general public as follows:

- Via Metro's website, metro.net, on a rotating banner
- Via the Silver Line homepage, metro.net/silverline, with information on proposed change and hearing in English and Spanish
- Via social media (Facebook, Twitter, Instagram posts)
- Via posts on the Source discussing ADB

- Via e-blasts to Metro general information and key stakeholders e-mail lists
- Via printed legal notice of public hearing, published 30 days before the hearing in the following periodicals:
  - Los Angeles Daily News
  - Long Beach Press - Telegram
  - Orange County Register
  - Torrance Daily Breeze
  - Asbarez Armenian Daily
  - Sarashi News
  - Panorama
  - LA Sentinel
  - Asian Journal Publication
  - La Opinion
  - Chinese Daily
  - Rafu Shimpo
  - Korean Times
- Via Metro Briefs as an ad item
- Via a “Take One” brochure on board the Silver Line and a few major connecting routes (487, etc) in English and Spanish

### **DETERMINATION OF SAFETY IMPACT**

Approval to continue the TAP only fare payment on the Silver Line will not have a safety impact to customers or employees.

### **FINANCIAL IMPACT**

TAP only fare payment on the Silver Line will contribute to saving 1,500 in annual revenue service hours (RSH) from ADB. Based on a marginal operating rate of \$100 per RSH, ADB with TAP only fare payment is anticipated to save \$150,000 in annual operating cost.

### **ALTERNATIVES CONSIDERED**

The alternative to staff recommendation is to not allow TAP only fare payment on the Silver Line. However, this is not recommended as it will reduce the ability of enforcement officers to check fares. With limited fare checks, ADB may induce more fare evasion than currently exists.

### **NEXT STEPS**

Should the Board approve the continuation of TAP only fare payment on the Silver Line following the

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public hearing, ADB with TAP only fare payment can be extended beyond the six month pilot period. Staff will return to the Board in ~~November 2016~~ within the next few months with a recommendation for ADB based on the evaluation of the pilot.

**ATTACHMENTS**

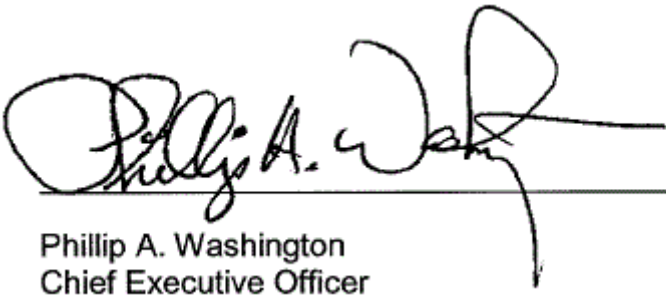
Attachment A - All Door Boarding Fare Equity Analysis - Oct 2016

Attachment B - Take One (English/Chinese) and "Know Your Fare!" (English/Spanish) pamphlet

Prepared by: Anika-Aduesa Smart, Manager, Budget, 213-922-6964

Conan Cheung, Executive Officer, Finance, 213-922-6949

Reviewed by: Nalini Ahuja, Chief Financial Officer, 213-922-3088



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Phillip A. Washington  
Chief Executive Officer

ATTACHMENT A

**Fare Equity Analysis  
Methodology & Results**

**All Door Boarding  
Initial Implementation and Proposed Program  
January 2016**

Service Planning and Scheduling  
Civil Rights Programs Compliance



**Contents**

1. Proposal Overview.....1

2. Methodological Approach.....1

    Step By Step Methodology.....2

3. Results.....3

## **1. PROPOSAL OVERVIEW**

Metro is proposing to increase operating speeds and reduce rider travel time through the introduction of all door boarding on the Metro Silver Line and the Metro Rapid bus network. Operator supervision of fare payment is not possible for rear door boarding passengers. Therefore, a proof of payment method must be employed in conjunction with on vehicle fare enforcement by dedicated fare inspection teams.

Three methods for proof of payment have been considered: (1) provision of added equipment at the farebox to vend a receipt to cash paying customers, (2) requiring a TAP card for fare payment, and (3) upgrading TAP software to permit adding value to a TAP card on the bus (referred to as "Topping Off"). The added equipment would add capital acquisition and ongoing maintenance expenses, and require passengers paying with cash to continue boarding through the front door. The added expense would still require fare inspections, and the added front door boardings by passengers paying with cash would reduce the travel time benefits of the program. Requiring a TAP card for fare payment would permit fare inspections without added expense beyond the cost of the inspection teams, and would permit all door boarding by all passengers. The downside of this approach is that a required TAP card would exclude passengers without a TAP card from boarding buses on lines with all door boarding. The third approach permits issuing a TAP card to passengers who would otherwise be paying their fare in cash, but would slightly reduce the benefit of all door boarding because those without TAP cards would have to board through the front door to get one although for subsequent boardings they would have one and only would need to board through the front door if they needed to add value to it.

A limitation of the third method of fare payment is that riders who are paying their fare with tokens would not be able to ride a service that permits all door boarding because the token would not be converted into value on a TAP card. This fare equity evaluation will determine whether customers who would otherwise want to pay their fare with tokens on lines permitting all door boarding are significantly more minority than other bus riders (Disparate Impact), and/or whether token using customers on these lines are significantly more likely to have poverty level household incomes than other bus riders (Disproportionate Burden).

## **2. METHODOLOGICAL APPROACH**

A Title VI Fare Equity Evaluation is presented herein in accordance with the requirements of Federal Transit Administration Circular 4702.1B. The evaluation assesses whether or not there are adverse disparate impacts on minority passengers and/or disproportionate burdens on low income riders arising from the proposed exclusion of cash fare paying riders from lines permitting all door boarding. The analysis compares the minority and poverty characteristics of the group of Silver Line and Rapid line riders with the characteristics of all Metro bus riders.

The primary data source for this analysis was the Spring 2015 Customer Satisfaction Survey. The survey determined minority status and poverty status of participants. This is the first such survey to provide poverty status as prior surveys did not inquire about household size and grouped respondents by income ranges. While line level data varied in significance and was not usable for this evaluation, data for groups of lines was consistently more significant and used for this evaluation.

## Step By Step Methodology

Data for number of minority and total riders was derived from the survey for the group of Silver and Rapid lines combined as well as all bus lines combined. Riders paying with tokens were identified and their minority populations and total populations within each group were also identified.

	All Riders		Token Only		All	Token
	Minority	Total	Minority	Total	Minority %	Minority %
Silver + Rapid	2469	3048	51	65	81.0%	78.0%
All Bus	12592	15384	364	421	81.9%	86.4%

Table 1  
Minority Ridership Shares for Analysis Groups

Similarly, data for poverty and total riders was obtained from the survey for each of the analysis groups. Riders paying with tokens were also identified and the results are shown in Table 2.

	All Riders		Token Only		All	Token
	Poverty	Total	Poverty	Total	Poverty %	Poverty %
Silver + Rapid	1313	3048	36	65	43.1%	54.8%
All Bus	6948	15384	271	421	45.2%	64.3%

Table 2  
Poverty Ridership Shares for Analysis Groups

Finally, the minority and poverty shares of riders for the proposed program were compared with the comparable values for the Metro bus system to determine whether significant impacts would result from either program.

### 3. RESULTS

The Board of Directors has adopted thresholds for determining when disparate impacts and/or disproportionate burdens result from a proposed action.

A disparate impact occurs when the absolute difference between the minority share of impacted riders and the minority share of similarly situated riders not directly impacted exceeds 5%, and/or the relative difference between the minority share of impacted riders and the minority share of similarly situated riders not directly impacted exceeds 35%.

A disproportionate burden occurs when the absolute difference between the poverty share of impacted riders and the poverty share of similarly situated riders not directly impacted exceeds 5%, and/or the relative difference between the poverty share of impacted riders and the poverty share of similarly situated riders not directly impacted exceeds 35%.

The minority comparisons for the proposed program with the bus system are shown in Table 3.

MINORITY SHARES	Silver & Rapid Lines	Bus System
Token Users	78.0%	
All Riders	81.0%	81.9%
ABSOLUTE DIFFERENCE	Silver & Rapid Lines	
Token Users	-3.8%	
All Riders	-0.8%	
RELATIVE DIFFERENCE	Silver & Rapid Lines	
Token Users	-4.7%	
All Riders	-1.0%	

Table 3  
Minority Share Comparison for Analysis Groups

The poverty comparisons for the proposed program with the bus system are shown in Table 4.

POVERTY SHARES	Silver & Rapid Lines	Bus System
Token Users	54.8%	
All Riders	43.1%	45.2%
ABSOLUTE DIFFERENCE	Silver & Rapid Lines	
Token Users	9.7%	
All Riders	-2.1%	
RELATIVE DIFFERENCE	Silver & Rapid Lines	
Token Users	21.4%	
All Riders	-4.6%	

Table 4  
Poverty Share Comparison for Analysis Groups

There are no differences exceeding the Board adopted thresholds for the minority shares of either token users or other riders of the services proposed to be included in the all door boarding program and all bus riders. Thus, the all door boarding program, as proposed, will not have a Disparate Impact on minority riders.

The poverty share for token users on the services proposed for inclusion in the all door boarding program differs from the poverty share of all bus riders by an amount exceeding the Board adopted absolute difference threshold. Because this group is adversely affected by the proposed program, and significantly poorer than other bus riders, this constitutes a Disproportionate Burden on poverty riders using tokens on the proposed program services. There are no significant differences between the poverty shares of non-token user riders of the proposed program services and all bus riders so poverty level non-token users are not burdened.

In summary, the proposed initial implementation of the all door boarding program will result in a Disproportionate Burden on token users on the proposed program services because they are adversely impacted (tokens will not be accepted for fare payment on these services), and significantly poorer than other bus riders. This impact will be mitigated at such time as TAP cards replace tokens as a means of providing transportation benefits to social service program clients (who are the primary recipient of tokens) which is already being pursued.

## ATTACHMENT B

Sample Take Ones (English/Chinese Version)

metro.net/silverline

# Silver Line All-Door Boarding

Starting June 2016

Beginning June 26, 2016, Metro will be testing All-Door Boarding along the full Silver Line route, allowing for faster boarding and service. All passengers will be required to have a valid TAP card in order to ride the Silver Line.

### Get a TAP card.

- > Online at [taptogo.net](http://taptogo.net)
- > By calling 866.TAPTOGO
- > At over 400 vendor locations
- > At TAP vending machines

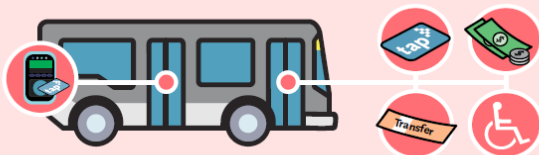
### Board at any door.

If you have fare on your TAP card, board at the front or rear door. Tap the mobile validator inside the bus and wait for the green screen to verify that your card is valid.



### Need to reload your TAP card?

To add fare to your card, board at the front door and ask to reload. You will be instructed to tap your card, insert money into the farebox, and tap your card again on the TAP dial. Any unused value will be saved for your next ride.



Metro®

tap<sup>+</sup>

metro.net/silverline

# Silver Line 前後門上車

2016年6月開始測試

由2016年6月26日起, Metro將在Silver Line全線測試前後門上車, 目的為加快上車速度和提升服務質素。乘客必需持有有效TAP卡才能乘搭Silver Line。

### TAP卡購買方法:

- > 網上申請 [taptogo.net](http://taptogo.net)
- > 電話服務熱線 866.827.8646
- > 超過400處零售地點
- > TAP卡售賣機

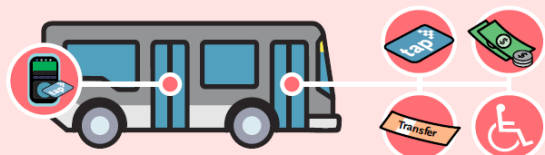
### 前後門上車:

如你的TAP卡存有足夠儲值, 請在前門或後門上車。請把卡片輕觸車內的TAP卡讀寫器, 並等候驗證。如卡片有效, 綠色螢幕將會顯示。



### 如何增值TAP卡?

如你的TAP卡沒有足夠儲值, 請由前門上車並要求增值。請依照指示把卡片輕觸TAP機, 然後把現金投入錢箱, 並把卡片再次輕觸TAP機。剩下的餘額將保存在卡片之內, 留待下次使用。



Metro®

tap<sup>+</sup>

## New Know Your Fare! Pamphlets

metro.net/silverline

## Tarifas de Silver Line

Tarifa base		
	Regular	Personas Mayores/ Discapacitados/ Medicare
1-Viaje de ida	\$2.50	Horas pico: \$1.35 Horas no pico: 95¢
Transbordo de Metro a otra línea	75¢	25¢

### CARGOS PREMIOS AL TRANSBORDAR A SILVER LINE

- > 1-Viaje: 75¢
- > Personas Mayores/Discapacitados/Medicare
- > 1-Viaje: 60¢
- > Pase de 1-Día: Sin cobro
- > Pase de 7-Días: 75¢
- > Pase de 30-Días: 75¢
- > Pase reducido de 30-Días: Sin cobro
- > Pase de 30-Días con Zona 1: Sin cobro

### PASE DE EZ TRANSIT

- > Pase de EZ transit: 75¢
- > Pase reducido de EZ transit: Sin cobro
- > Pase de EZ transit con Zona 1: Sin cobro

### FOOTHILL TRANSIT PASS

- > Pase de 31-Días: \$1.25
- > Pase reducido de 31-Días: Sin cobro
- > Pase de 31-Días de Silver Streak: Sin cobro
- > Commuter Express 31-Días: Sin cobro

### METROLINK

- > Tickets & Passes: 75¢

Al abordar, toque su tarjeta al sello  
de TAP adentro del autobús y lea la  
pantalla para más información.

### Adelante

Su tarjeta tiene la tarifa valida y ha sido  
validada. ¡Disfrute su viaje!

### Atención

Una pantalla que dice "Tap Again" quiere decir que el validador no leyó su tarjeta. Una pantalla que dice "Already Tapped" quiere decir que su tarjeta TAP tiene la tarifa válida y ha sido validada.

### Alerta

Por favor, consulte el operador del autobús para recibir asistencia.

## Silver Line All-Door Boarding

Know your fare!

Metro

metro.net/silverline

## Silver Line Fares

Base Fare		
	Regular	Senior/Disabled/ Medicare
1-Way Trip	\$2.50	Peak: \$1.35 Off-Peak: .95¢
Metro-to-Muni Transfer	.75¢	.25¢

### PREMIUM CHARGES WHEN TRANSFERRING TO SILVER LINE

- > 1-Way: .75¢
- > Senior/Disabled/Medicare 1-Ride: 60¢
- > 1-Day Pass: No charge
- > 7-Day Pass: .75¢
- > 30-Day Pass: .75¢
- > Reduced 30-Day Pass: No charge
- > 30-day Pass Zone 1: No charge

### EZ TRANSIT PASS

- > EZ transit pass: .75¢
- > EZ transit pass Reduced: No charge
- > EZ transit pass Zone 1: No charge

### FOOTHILL TRANSIT

- > 31-Day Pass: \$1.25
- > Reduced 31-Day Pass: No charge
- > Silver Streak 31-Day Pass: No charge
- > Commuter Express 31-Day: No charge

### METROLINK

- > Tickets & Passes: .75¢

When boarding, tap the validator  
inside the bus and read the screen  
for more information.

### Advance

Your TAP card has valid fare and has been validated.  
Enjoy the ride!

### Attention

A "Tap Again" screen means the validator did not successfully read your card. An "Already Tapped" screen means your TAP card has valid fare and has been validated.

### Alert

Please see the bus operator for assistance.

## Abordaje por todas las puertas en Silver Line

¡Aprenda su tarifa!

Metro

tap<sup>®</sup>

© 2016 Metro Transit System





## Board Report

File #: 2016-0614, File Type: Contract

Agenda Number: 10.

### PLANNING AND PROGRAMMING COMMITTEE OCTOBER 19, 2016

**SUBJECT: METRO COUNTYWIDE BIKE SHARE**

**ACTION: AUTHORIZE CONTRACT OPTIONS TO EXPAND BIKE SHARE**

#### **RECOMMENDATIONS**

APPROVE:

- A. EXTENDING the Downtown Los Angeles Pilot for a period of 5 years.
- B. AUTHORIZING the Chief Executive Officer (CEO) to exercise options and execute Modification No. 4 to Contract No. PS272680011357 with Bicycle Transit Systems, Inc. to account for an accelerated schedule for the implementation and operation of the **Metro Countywide Bike Share expansion in Downtown Los Angeles** for an additional 5 years and in Venice, Pasadena, and the Port of Los Angeles for 6 years in the firm fixed amount of \$42,618,583, increasing the total contract value from \$11,174,329 to \$53,792,912 as follows:
  - 1. Extending Downtown Los Angeles Pilot in the amount of \$19,658,911
  - 2. Expansion to Venice in the amount of \$5,069,606
  - 3. Expansion to Pasadena in the amount of \$12,908,510 (inclusive of an initial two-year pilot for \$4,731,689 plus options for four additional years)
  - 4. Expansion to the Port of Los Angeles in the amount of \$4,907,529
  - 5. Implementing GPS equipment in bicycles to support Countywide modeling efforts in the amount of \$74,027
- C. AUTHORIZING the Life of Project budget (LOP) including the following capital costs:
  - 1. \$2.072M for Pasadena
  - 2. \$670K for Port of LA
  - 3. \$10K for Venice
- D. CHANGING the project sponsor for Call for Project Grant Number F9515 (Pasadena Bike Share Start Up Capital Costs) from Pasadena to Metro in order to utilize funding toward Metro Bike Share implementation in Pasadena.
- E. AUTHORIZING the CEO to take the following actions to expand the Metro Countywide Bike

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**Share program:**

1. Negotiating and executing an amendment to the MOU between City of Los Angeles and Metro to expand bike share to Venice and extend DTLA MOU timeframe;
2. Negotiating and executing a Memorandum of Understanding (MOU) between Pasadena and Metro to set the terms of fiscal and administrative responsibility as described in the January 2015 Receive and File (Attachment C); and
3. Negotiating and executing a Memorandum of Understanding (MOU) between the Port of Los Angeles and Metro to set the terms of fiscal and administrative responsibility as described in the January 2015 Receive and File (Attachment C).

**ISSUE**

At the June 2015 meeting, the Board awarded a two-year contract to Bicycle Transit Systems (BTS) for the provision of the equipment, installation, maintenance and operation of the Metro Countywide Bike Share Phase 1 Pilot in downtown Los Angeles (DTLA Pilot). The contract includes phases for expanding bike share to other cities throughout the county, to be exercised upon Board authorization. Board authorization is needed to exercise phases within the contract to expand bike share to the communities of Pasadena, the Port of Los Angeles (POLA) and Venice, to modify the contract in order to allow for an accelerated expansion of the system, and to extend the operation period of DTLA.

**DISCUSSION****DTLA Pilot**

Metro, in partnership with the City of Los Angeles, launched the Countywide Bike Share program in DTLA on July 7, 2016. On August 1, 2016, the system opened to walk up users. The first months of the Metro Bike Share program have shown steady growth and success. September 30, 2016 will mark the end of the first quarter of Metro Bike Share operations. In the first quarter, the program surpassed 50,000 total rides and 2,000 annual flex or monthly pass-holders. As another measure of performance, we also track number of rides per bike per day. The system goal is to reach two rides per bike per day by the 12 month mark of operations. We are at one ride per bike per day and showing steady growth in this metric. The Metro Bike Share program continues to work towards increasing program awareness, growing ridership and increasing pass sales.

In tandem with our outreach efforts and per the Board's direction, we are also working with the City of Los Angeles and community partners Los Angeles Bicycle Coalition (LACBC) and Multicultural Communities for Mobility (MCM) to make the bike share program equitable and accessible to all. This work is being funded through a grant provided by the Better Bike Share Partnership. We will continue to report on this work and the outcomes of the grant funded outreach.

Extending the DTLA period of performance will allow us to continue to grow and strengthen bike share as a first and last mile solution to access Metro rail and bus stops and encourage bicycling as a mode of transportation for short trips.

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### Bike Share Expansion

The current contract with BTS allows for a regional bike share system with up to five phases including approximately nine different bike share ready communities in Los Angeles County, as identified in the Implementation Plan. The scope was tailored to be inclusive of all the regional needs for bike share since the best way to ensure regional interoperability is to use one vendor for all of Los Angeles County.

Since the award of contract, staff has continued to meet with the Bike Share Working Group and provided presentations at each of the Council of Governments, sharing updates on the DTLA Pilot, and providing information that would better inform potential participation in Metro's Bike Share program. Through this effort, three communities have confirmed that they are ready to have bike share launched within their jurisdiction: Pasadena, POLA and Venice within the City of Los Angeles.

### City of Los Angeles Expansion to Venice

Expansion to the community of Venice was identified through the 2015 Board adopted Implementation Plan as phase five of the Metro Countywide Bike Share program. Indicators for success such as density, existing bikeway network, and support have contributed to moving up the Venice expansion. In line with Board direction and in an effort to address system interoperability, the Venice expansion will also explore siting station within the City of Santa Monica.

The City of Los Angeles and City of Santa Monica have an established MOU allowing for up to five bike share station locations to be located in the other's right-of-way in order to facilitate inter-jurisdictional trips. Five Hulu stations are already located in the City of Los Angeles' Venice neighborhood. The two cities and Metro will collaborate in efforts to work toward interoperability and user-friendliness. Per Metro's MOU with the City of Los Angeles, locations within the City of Santa Monica be delivered by the City of Los Angeles ready for station installation.

An accelerated launch to Venice is being accomplished by exercising a portion of Phase III in BTS' contract. Expansion to Venice and the Santa Monica area would include up to 15 stations with a summer 2017 launch date. Due to economies of scale, 82 stations were purchased as part of the DTLA Pilot, with 65 implemented and 17 stations available for expansion in other areas of the City of Los Angeles. The City of Los Angeles has indicated they would like to allocate 15 of these stations to Venice and Santa Monica. The summer 2017 launch date reflects a two-year acceleration of a portion of Phase III in BTS's contract. The costs of the Venice expansion will be shared between Metro and the City of Los Angeles as directed by the Board in the January 2014 Motion 58 (Attachment E) and Received and Filed by the Board in January 2015 (Attachment C). Attachment D reflects each agency's financial responsibility.

### Pasadena Expansion

The City of Pasadena was identified through the 2015 Board adopted Implementation Plan as Phase II of the Metro Countywide Bike Share program. Expansion to Pasadena would include approximately 34 stations with a scheduled launch for summer 2017. This launch date reflects a one-year acceleration over what was included in BTS's contract. The cost of the Pasadena expansion will be shared between Metro and the City of Pasadena as directed by the Board in the January 2014 Motion 58 (Attachment E) and Received and Filed by the Board in January 2015 (Attachment C).

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Attachment D reflects each agency's financial responsibility.

In anticipation of launching bike share, the City of Pasadena applied for and was awarded Call for Project funding in 2015 for the Pasadena Bike Share Capital Cost. As Metro is the lead agency in implementing the Countywide Bike Share program, the City of Pasadena has requested that sponsorship of the Call for Project (F9515) be transferred to Metro. The grant award amount shall be applied towards the City's 50% contribution of capital cost. The City of Pasadena shall fulfill its financial commitment of the 50% local match, with a minimum 20% hard match and minimum 30% in-kind match towards the grant amount.

#### Port of Los Angeles Expansion

POLA has expressed interest in joining Metro's Countywide Bike Share program to provide visitors and residents with improved connectivity between key waterfront attractions. Expansion to POLA would include approximately 11 stations with a scheduled launch for summer 2017. The cost of POLA expansion will be shared between Metro and POLA as directed by the Board in the January 2014 Motion 58 (Attachment E) and Received and Filed by the Board in January 2015 (Attachment C). Attachment D reflects each agency's financial responsibility.

#### Memorandum of Understanding

The execution of an MOU between Metro and each expansion jurisdiction is necessary to implement a bike share system where Metro is acting as the lead agency administering the contract to install bike share stations on each jurisdiction's right-of-way. The MOUs set terms of fiscal and administrative responsibility for the expansions. The financial participation is set at 50/50 split for capital and 35/65 split for operating and maintenance (O&M) per the direction of Metro Board Motion 58 (Attachment E) and the Receive and File report in January 2015 (Attachment C). The agreement outlines the roles and responsibilities of Metro and each jurisdiction by setting the procedures for reimbursement of the capital and O&M costs, the rights of advertisement/sponsorship, and the delivery of bike share station locations.

Based on lessons learned from the DTLA Pilot and input from the expansion cities, the MOU will also address early termination provisions, cost overruns and revenue reconciliation splits between cities. Included is a provision to offer the participating city first right of refusal to take ownership of the equipment should the program be terminated. The MOUs also clarify that any cost overruns incurred due to the participating city's inability to deliver station locations on a timely manner, will be borne by the city.

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

The Metro Countywide Bike Share expansion will not have any adverse safety impacts on Metro employees and patrons.

#### **FINANCIAL IMPACT**

The proposed FY17 project cost is \$4.499M. Of this, \$2.751M is a one-time capital cost, \$1.713M for pre-launch O&M costs and \$35K for bicycle GPS for regional modelling. Since the expansions will be

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launched at the end of FY17, the majority of the costs for the fiscal year will be capital. Attachment D reflects the funding plan for the continuation of the DTLA pilot and the proposed expansion phases.

The FY17 budget only includes \$2.7M for expansion phases' capital costs in Cost Center 4320 (Bike Programs), under Project 200015 (Metro Bike Share Phase II Implementation in Pasadena) and no pre-launch O&M costs have been included. The proposed action will require an additional \$51K for capital and \$1.713M for pre-launch O&M for a total of \$1.764M to Cost Center 4320 under Project 405305 (Bikeshare Prelaunch and Plan), for expansion phases to be redistributed to the appropriate newly developed project numbers upon the Board approval. The \$35K needed for bicycle GPS for all cities are included in the FY17 budget under Cost Center 4320, Project 405302 (Complete Streets).

Since this is a multi-year contract, the cost center manager and Chief Planning Officer will be responsible for budgeting the cost in future years, including any phase(s) the Board authorized to be exercised.

#### Impact to Budget

For contracting purposes, \$2.735M is already included in the FY17 budget. Countywide Planning and OMB staff will identify available and eligible funding in the mid-year budget process to cover the additional \$1.764M capital and pre-launch costs. This funding will be partially or wholly restored (depending on revenues) to the general funds with cities' reimbursements and 2015 Call for Projects fund assignment to ensure revenue neutrality and no impact to other programs supported through the general fund. Anticipated cities' reimbursements and Metro contributions are outlined in Attachment D.

#### **ALTERNATIVES CONSIDERED**

The Board may choose not to exercise the contract options or modify the contract to allow for an accelerated expansion. This alternative is not recommended, as it is not in line with previous Board direction.

#### **NEXT STEPS**

##### Bike Share Marketing and Outreach

Since the DTLA Pilot launch, Metro has continued to conduct outreach and marketing activities with an emphasis on educating the public about bike share, increasing bike share sales passes, and encouraging ridership. The Bike Metro program has participated in over a dozen community events, hosted bike share pass sales, and provided briefings to community-based organizations and elected officials.

In coordination with Metro, the City of Los Angeles has hosted and organized over a dozen bike share rides. They have also continued to keep the Business Improvement Districts informed of bike share activities.

As a new mode of transportation for the DTLA area, employers and hotels have inquired about how bike share can be offered as a benefit to their employees and guests. In response to this interest

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and as part of our ongoing outreach, marketing and bike share education efforts, we will be launching a pilot Bulk Pass and Single Ride program. Outreach for the program will be a coordinated effort led by the Active Transportation group and will include Metro's Communications Department and the Shared Use Mobility and Implementation group, the City of Los Angeles, and Bicycle Transit Systems.

Bike Share Title Sponsor

We continue to work with BTS and Comcast Spectator in securing a title sponsor. We have had several meetings with prospective sponsors and continue to reach out to others. We will continue to keep the Board apprised of progress.

Feasibility Study and Preliminary Station Siting

In response to the July 2015 Board Motion 22.1 (Attachment F) directing staff to conduct additional feasibility studies and preliminary station siting for potential expansion communities, staff issued a request for proposals (RFP) on June 13, 2016. Proposals are currently under review.

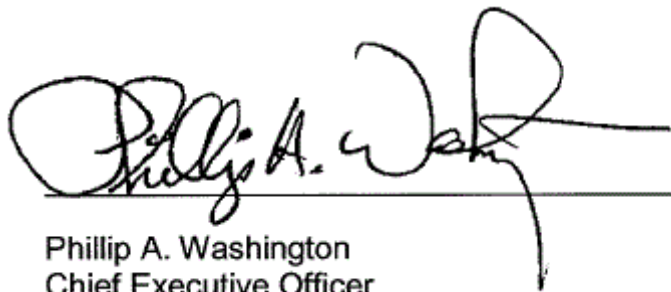
Upon approval by the Board, staff will execute Modification No. 4 to Contract No. PS272680011357 with Bicycle Transit Systems, Inc.

**ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - January 2015 Bike Share Program Receive and File  
Attachment D - Bike Share Funding/Expenditure Plan  
Attachment E - January 2014 Metro Board Motion 58  
Attachment F - July 2015 Metro Board Motion 22.1  
Attachment G - DEOD Summary

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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## METRO COUNTYWIDE BIKESHARE/PS272680011357

1.	<b>Contract Number:</b> PS272680011357		
2.	<b>Contractor:</b> Bicycle Transit Systems, Inc.		
3.	<b>Mod. Work Description:</b> Extend Phase I (Downtown Los Angeles Pilot), expand and accelerate Phase II (Pasadena) and Phase III (Venice and Port of Los Angeles)		
4.	<b>Contract Work Description:</b> Metro Countywide Bikeshare Program		
5.	<b>The following data is current as of:</b> 9/19/16		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	6/25/15	<b>Contract Award Amount:</b> \$11,065,673
	<b>Notice to Proceed (NTP):</b>	7/31/15	<b>Total of Modifications Approved:</b> \$108,656
	<b>Original Complete Date:</b>	Phase I 7/31/17	<b>Pending Modifications (including this action):</b> \$42,618,583
	<b>Current Est. Complete Date:</b>	7/30/22	<b>Current Contract Value (with this action):</b> \$53,792,912
7.	<b>Contract Administrator:</b> Lily Lopez		<b>Telephone Number:</b> (213) 922-4639
8.	<b>Project Manager:</b> Avital Shavit		<b>Telephone Number:</b> (213) 922-7518

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 4 issued in support of Metro's Countywide Bikeshare Program to expand, accelerate, and maintain the current system as follows:

- Phase I: Downtown Los Angeles - Extend the Program for five years from July 31, 2017 to July 30, 2022 in the amount of \$19,658,911
- Phase II: Pasadena – Accelerate the schedule for Phase II implementation by installing 34 new stations and 375 bikes in the amount of \$12,908,510, inclusive of all options \*
- Phase III: Venice and Port of Los Angeles - Accelerate the schedule for Phase III implementation by installing 11 new stations with 120 bicycles in the Port of Los Angeles in the amount of \$4,907,529 and the installation of 15 existing stations in Venice in the amount of \$5,069,606
- GPS equipment for bicycles to support Countywide modeling efforts in the amount of \$74,027



\* If the options under Phase II, in the amount of \$8,176,821, are not exercised by the City of Pasadena, the contract value will decrease from \$53,792,912 to \$45,616,091.

This Contract Modification was processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

On June 25, 2015, the Board approved Contract No. PS272680011357 to Bicycle Transit Systems, Inc. for the equipment, installation and operations of the Metro Countywide Bikeshare Phase I Pilot in the amount of \$11,065,673 for a two-year period. The Contract included five phases for expanding the bikeshare program to other cities throughout the county upon Board approval.

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

**B. Cost**

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

<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>
\$42,618,583	\$42,455,126	\$42,618,583

## CONTRACT MODIFICATION/CHANGE ORDER LOG

## METRO COUNTYWIDE BIKESHARE/PS272680011357

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>Amount</b>
1	Added Sponsorship Broker Agreement	Approved	12/30/15	\$0
2	Additional Support for Phase I – Downtown Los Angeles	Approved	06/06/16	\$108,656
3	Added 2 Subcontractors	Approved	07/07/16	\$0
4	Extend Phase I (Downtown Los Angeles Pilot), expand and accelerate Phase II (Pasadena) and Phase III (Venice and Port of Los Angeles)	Pending	Pending	<b>\$42,618,583</b>
	<b>Modification Total:</b>			<b>\$42,727,239</b>
	<b>Original Contract:</b>			<b>\$11,065,673</b>
	<b>Total:</b>			<b>\$53,792,912</b>

**Metro**Los Angeles County  
Metropolitan Transportation AuthorityOne Gateway Plaza  
Los Angeles, CA 90012-2952213.922.2000 Tel  
metro.net**PLANNING AND PROGRAMMING COMMITTEE  
JANUARY 14, 2015****SUBJECT: METRO COUNTYWIDE BIKESHARE****ACTION: RECEIVE AND FILE METRO COUNTYWIDE BIKESHARE BUSINESS  
STRUCTURE****RECOMMENDATION**

Receive and file Metro Countywide Bikeshare business structure.

**ISSUE**

At the January 2014 meeting, the Board authorized staff to develop a Countywide Bikeshare Implementation Plan (Plan). The proposed business plan has been developed as part of the Plan and is based on the framework presented to the Board in January 2014 and in response to Board Motion 58 (Attachment A & B). The Metro Bikeshare Phase 1 Pilot in DTLA will apply and test the feasibility of the proposed Bikeshare business plan in preparation for expansion to Pasadena and eight other proposed Bikeshare ready communities. This report identifies the program structure.

**DISCUSSION****Status**

Simultaneously, Metro staff are working on the completion of the Countywide Bikeshare Implementation Plan and initiating a bikeshare pilot project in Downtown Los Angeles. This report addresses the basic structure that would be implemented both for the pilot project and the expanded program in the future. Concerning the pilot project, the Request for Proposals was issued on December 15<sup>th</sup> and responses are due to Metro on January 20<sup>th</sup>.

**Bikeshare Implementation Plan**

In preparing the Plan, we have worked closely with the Bikeshare Working Group including the cities of Santa Monica, Pasadena, and Los Angeles. Our focus has been to identify and define a regional business model that would lay out the financial parameters and commitments by each party. As part of this effort we also identified potential Bikeshare station locations for the pilot cities. In coordination with Los Angeles

and Pasadena, the locations were further vetted through a feasibility site analysis that determined right-of-way availability and public ownership (Attachment C).

During the preparation of the recommended business plan, due to timing constraints associated with their bikeshare funding, Santa Monica decided to procure a bikeshare vendor, independent of Metro's regional effort. We continue to coordinate with Santa Monica and leave open the possibility that Santa Monica could be integrated into the Metro Bikeshare system in the future. We also continue to coordinate with Long Beach, as they too have an existing contract with a bikeshare vendor.

### Business Plan

#### **Model: Metro owns and contracts out operations and maintenance of Bikeshare system**

In January the Metro Board directed staff to develop a Bikeshare business plan in which Metro would fund up to 50% of total capital costs per each city and up to 35% of total operations and maintenance (O&M) costs per each city on an on-going basis. Using this framework we have identified the business model wherein the Bikeshare program operates as a publicly owned/private operated system. Under this model Metro owns the Bikeshare infrastructure and contracts out O&M. This is the model that tends to be adopted by larger bikeshare programs, especially those wherein multiple jurisdictions participate in one regional program. The advantages of this model include providing the jurisdiction with the flexibility to expand offerings of Bikesharing as is deemed appropriate and necessary, while bringing the experience and innovation of a tried and tested operator. Our research indicated that a majority of the 20 plus bikeshare programs in the United States operate using this model, including the Bay Area, Boston, Chicago and Washington D.C./Arlington/Alexandria bikeshare programs. Based on program success, program size and multi-jurisdictional collaboration, we have found these programs to be most representative of a Los Angeles region endeavor.

#### **Operations Costs: Metro and cities will split Operations & Maintenance (O&M) based on net costs**

Metro would manage the master contract with a single contractor to install and operate a bikeshare system. Metro would establish MOU's, subject to negotiations, with participating local cities to set terms of engagement, contribution levels and advertising responsibilities. In the case of Santa Monica, in the short-term Metro will continue to coordinate with them and explore ways to eventually integrate them into the regional system, at which time they may be eligible for Metro funding.

Under the proposed business model Metro would own the countywide integrated Bikeshare system, including capital elements such as the bikes, kiosks and technology. We would contract for the installation and operations. Metro would contribute up to 50% of capital cost with cities contributing the balance for the initial capital investment. Metro would retain ownership of the regionally integrated system in all cities for the long-term regardless of vendor contracts for systems.

Metro and cities would split O&M costs by 35/65% based on a net (of membership and user fees) balance of the costs. The O&M costs include repair and maintenance of bikes, rebalancing bikes among stations, technology & website, customer service, outreach and marketing. Bikeshare user fees from annual/monthly memberships and daily use fees will pay for a portion of the O&M costs.

**Sponsorship: Metro will negotiate title sponsorships, in close cooperation with participating cities**

Metro will work closely with participating cities in attracting and negotiating a title sponsorship agreement. Metro would retain on-bike title sponsorship and reserve the right to sell to sponsor(s) as a source of Metro's funding commitment. Metro will solicit, in collaboration with local cities, and maintain a separate contract for on-bike title sponsorship and other revenue generating opportunities. Cities would retain the right to sell advertising or sponsorship at Bikeshare stations based on their jurisdiction's policies to meet local share of capital and operating expenses.

On-bike title sponsorship revenue would first be applied towards Metro's financial commitment. Remaining sponsorship revenues would then be applied towards each city's O&M cost. Any excess sponsorship revenues would then be expended for the Bike Share program under the terms of the MOU's to be negotiated with the local communities.

Existing Bikeshare systems in Denver Colorado, Minneapolis Minnesota, Washington DC and New York have utilized corporate sponsorship/advertisements contracts to generate revenue to cover all or some of the O&M costs in which ads are placed on the bike and/or the kiosks. An average title sponsorship in these Bikeshare systems generates \$11,000 of revenue annually per bike. Although markets vary and it is unknown at this time what the Los Angeles region's potential is, based on an average from other programs, we estimate that a Metro Bikeshare system could generate \$1.12 Million annually in the first 3 years with expansion to Downtown Los Angeles and Pasadena.

**Fare Structure: Metro will further explore potential for an integrated fare structure**

We considered two types of fare structures, integrated and conventional. For purposes of the initial pilot, TAP integration will be limited, with the initial fare structure developed with the selected vendor. Under an integrated structure, bikeshare fees are reflective of Metro's bus and rail fare structure and can be set up so as to either treat bikeshare as a part of our system or require a transfer fee from our system to bikeshare (similar to how transfers between Metro and a municipal operator currently function). To accomplish this, a certain level of Transit Access Pass (TAP) integration will be needed. Under a conventional fare structure, bikeshare fees would stand alone and have no relationship to Metro's bus and rail fare structure. We have estimated that an integrated fare structure versus a conventional one would generate twice the ridership on the Bikeshare system and slightly raise ridership on the Metro transit system. As a transportation authority and transit agency, Metro has a unique opportunity to develop a Bikeshare fare structure in which the program can be positioned to best address first and last mile challenges while encouraging transit ridership. We are working with the

TAP group to establish best practices for integrating the bikeshare fare structure and have identified this as an eventual program goal in the technical specifications.

We will continue to work with the TAP group, participating cities and the Bikeshare vendor in exploring opportunities for an integrated fare structure.

#### Jurisdictional Coordination and Public Input

Since the initiation of the Bikeshare Implementation Plan we have had over 16 meetings with either the entire Working Group or individually with the pilot cities of Santa Monica, Pasadena and Los Angeles and have held a Public Metro Bicycle Roundtable meeting that included discussions about Metro Bikeshare. Additionally, in order to gauge whether our technical work is in line with community support, we solicited feedback through an online crowdsourcing map that identified potential locations for Bikeshare stations in the pilot cities of Downtown Los Angeles, Pasadena and Santa Monica in September 2014. We had a successful response with over 3,000 people viewing the map, over 5,200 location “likes” and 400 suggested locations were received. To follow up on this first map, in December 2014, we requested additional input through a second crowdsourcing map. The second crowdsourcing map identified potential future bikeshare communities identified through the Plan. Similar to the first map, we asked that community members provide feedback regarding our identified communities. The input collected from these crowdsourcing maps helped confirm and inform the locations that we have identified for Bikeshare station locations and potential future bikeshare communities. Final Bikeshare station locations will be determined by respective city staff, Metro and the Bikeshare operator.

#### Bikeshare Marketing & Branding

We have been coordinating with the Design Studio and the Bikeshare Working Group regarding design and branding of a regional Metro Bikeshare system. We are working collectively with the pilot cities to determine a design that is representative of the individual jurisdictions and Metro. The Metro Bike Program's identifying color palette will be used in designing the graphic elements of the bikes and/or the docks and we will continue to coordinate with the Working Group and study how other multi-jurisdictional bikeshare programs address the issue of local identity. Concepts will be fully fleshed out once a bikeshare vendor is identified.

#### Bikeshare Request For Proposals

We have released a request for proposals (RFP) for a Bikeshare vendor for Phase 1 Pilot in Downtown Los Angeles (DTLA) in order to test the bikeshare market in the region as well as apply the recommended business plan. As the pilot, this first phase will be launched within a focused area with an estimated 65 to 80 bikeshare stations (Attachment C). We anticipate returning to the Board in Summer 2015 with a recommended bikeshare vendor/operator and expect to roll out the program within 9 months of award of contract and once the MOU between Metro and the City of Los Angeles has been executed.

As part of the Plan, we have identified other bikeshare ready communities that should be considered for future phases. Pasadena has been identified as Phase 2 of the Pilot effort, with an additional eight communities to be considered thereafter (Attachment D). Bikeshare “readiness” was determined by a number of variables, including, but not limited to population and employment density, job and trip attractors, topography, bicycle infrastructure, community support and funding availability. Potential future bikeshare communities beyond DTLA and Pasadena have preliminarily been identified to include Venice, Marina Del Rey, Hollywood / Silverlake / Echo Park, West Hollywood, East Los Angeles, North Hollywood, Korea Town/ Macarthur Park, University Park/USC, and Huntington Park. We will return to the Board once financial readiness, station siting and supporting bicycle infrastructure have been confirmed, and as it is determined each community is ready to be folded into the Metro Bikeshare program.

### **DETERMINATION OF SAFETY IMPACT**

Approval of this program will have no impact on the safety of our employees or patrons.

### **FINANCIAL IMPACT**

We have explored a number of eligible grant opportunities to support the costs of the program including the State Active Transportation Program, (“ATP”) funds, State “Cap & Trade” funds, Federal bicycle and active transportation funds, and all other eligible funding sources.

In our review of Bikeshare programs around the country, we have found that a variety of sources of funding are used by the various cities to support their programs. No one single source of funding covers either capital or operating and maintenance costs, with programs relying on various combinations of user revenues, advertising/sponsorship revenues, federal and local funds.

A \$3.8 Million ExpressLanes grant, previously secured by Metro in partnership with the City of Los Angeles, will pay for the capital costs for the Phase 1 Pilot in DTLA. Funding for future capital expansion may be funded through the Active Transportation Program (ATP), CMAQ or other funding programs. We estimate that considering user fee revenue but not advertising sponsorship revenue, Metro’s 35% O&M share for the DTLA pilot would be approximately \$500,000 annually. Once the program is underway, we will pursue sponsorship and advertising opportunities and anticipate Metro’s 35% net O&M contribution to be covered by sponsorship and advertising revenue. Since the Bikeshare is a multi-year program, the cost center manager and Chief Planning Officer will be accountable for budgeting the O&M and capital costs in future years.

#### **Impact to Budget**

A previously awarded \$3.8 million ExpressLanes grant will pay for the capital costs for Phase I: Downtown Los Angeles (DTLA) Pilot. This fund is not eligible for bus and rail operating and capital expenditures. Staff will coordinate with Regional Programming to determine the best source of funding for O&M and future phases. The final funding

source will be programmed and identified by the department of OMB and Regional Programming. Should other eligible local funding sources become available, they may be used in place of the originally identified funds.

### **NEXT STEPS**

We will negotiate an MOU with the cities and return to the Board for authorization to execute the MOU. We will also return to the Board to request the award of a contract for Metro Bikeshare Pilot in DTLA.

### **ATTACHMENTS**

- A. January 2014 Bikeshare Board Report
- B. Metro Board Motion 58
- C. Map & List of Proposed Bikeshare Locations for Los Angeles, Pasadena
- D. Map & List of 8 Proposed Bikeshare Ready Expansion Communities/Area

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**EXECUTIVE MANAGEMENT COMMITTEE  
JANUARY 16, 2014**

**SUBJECT: BIKE SHARE PROGRAM**

**ACTION: APPROVE DEVELOPMENT OF IMPLEMENTATION PLAN**

**RECOMMENDATION**

Authorize the Chief Executive Officer (CEO) to undertake a study of how a Bike Share Program could be implemented throughout the County, including the following provisions:

- 1) Coordinate with the recommended pilot cities before adopting a plan;
- 2) Funding for the Bike Share Program will be the responsibility of the cities, Metro will only play a coordinating role;
- 3) Complete the study within six months and return to the Board with the recommended approach.

**ISSUE**

At the October meeting, the Board approved Motion 66 (Attachment A), providing direction to staff to report back to the Board at the January 2014 meeting with a business case analysis, including recommendations on how to proceed to develop a regional bicycle share program.

At the November Executive Management Committee, we provided information on the Industry Review that was held (Attachment B). Since that time, additional work has been done. We are requesting Board approval to develop a Bike Share Implementation Plan in coordination with pilot cities, with an intent to explore cooperative funding by local participants as the principal source of project funding. We feel that the analysis that will be provided by this six month study is necessary before the pilot cities can launch into a regional bike share program.

## **DISCUSSION**

Bike Share is a program designed for point-to-point local trips using a shared use fleet of bicycles strategically located at docking stations throughout a well-defined project area and within easy access to each other.

Bike Share programs around the country and world have proven to be a strong first and last-mile short-trip transportation option. When coordinated with transit, such programs can facilitate reductions in vehicle miles traveled, reduced travel times, improved access, and growth in bicycling as a viable mode of travel.

### **Funding Sources**

In our review of Bike Share programs around the country, we have found that a variety of sources of funding are used by the various cities to support their programs, and in no case are transit agencies paying for these programs. Some programs are supported by sponsorships, some are funded privately, many cities rely on CMAQ funds (Congestion Mitigation and Air Quality Improvement Program), and other local funds are used. If Metro were to fund a countywide Bike Share program, resources needed to build the transit corridors would be diminished.

### **Area Readiness**

With Metro's regional rail network currently expanding, the region is primed for a Bike Share program that will support and enhance first-last mile connections and intra-jurisdictional local trips. According to the 2000 National Household Travel Survey, bicycling in Los Angeles County accounted for 1% of all trips. For comparison purposes, 3% of trips were made on transit. The 2012 Southern California Association of Governments (SCAG) Regional Transportation Plan Sustainable Communities Strategy (RTP/SCS), notes that between 2000 and 2009, bicycling as a means of transportation increased by 75%.

Pointing to the role of bicycling as a first-last mile solution, a recent sampling of Metro's rail system showed approximately 8,560 daily bike boardings on Metro's rail network, a 42% increase from fiscal year 2012. Average daily bicycle boardings per station are included in Attachment C.

Important to a successful Bike Share program is having the bicycle infrastructure in place to support bicycling. Per the 2012 RTP/SCS, Los Angeles County has almost 1,270 miles of bicycle infrastructure with approximately an additional 1,030 miles planned. Metro rail stations also house a total of 624 bike lockers, 1,231 bike racks and three secured bike parking hubs will be opened within the coming year.

## Bike Share Implementation

Metro's role has been to facilitate Bike Share implementation, including providing funding to local jurisdictions through the Call for Projects and coordinating regional compatibility efforts such as addressing technology and software issues. Metro's 2012 Bike Share Concept Report used a number of key criteria to identify where within Los Angeles County Bike Share would be most successful. Based on the report's findings a Bike Share Working Group was established and several communities have been awarded Call funding, including Long Beach, Los Angeles and Santa Monica.

Supporting the 2012 Concept Report findings, these cities have attempted or are in the process of launching Bike Share within their city boundaries, each with varying degrees of progress and success. Other cities are considering initiating similar efforts. Each of these cities has also acknowledged the importance of a seamless regional system.

In light of the varying degrees of progress each of these cities have made and the growing interest to have a regional, seamless program, both the Bike Share Working Group and Bicycle Roundtable recommended that Metro take a lead role. To ensure a user friendly system and facilitate first-last mile connections across Metro's rail network, it is particularly important that Metro facilitate the development of a Bike Share program where users are able to access Bike Share systems seamlessly throughout key cities in the County. The primary role for Metro may be to create a common platform that can be expanded throughout the County, as local communities dedicate facilities and operating revenues.

Based on area readiness, as identified in the 2012 Concept Report and expressed interest from cities, we would recommend an initial Bike Share launch in three key areas: Downtown Los Angeles, Pasadena and Santa Monica/Venice. We would also coordinate with Long Beach, as they are independently pursuing Bike Share and anticipate launching in early 2014. Areas that should be considered for future early phases and that would further enhance first-last mile connections to our transit system or would facilitate intra-jurisdictional travel may include Boyle Heights, Burbank, Culver City, East Los Angeles, Echo Park/Silver Lake, Glendale, Hollywood, Marina Del Rey, UCLA, USC and West Hollywood (Attachment D). Future Bike Share phasing and timeframes would be confirmed as we develop the Implementation Plan and in conjunction with each jurisdiction as they develop funding programs.

## Bike Share Pilot Launch

Using Metro's rail network as the foundation for the Bike Share program, we identified key rail stations within each of the recommended pilot areas- Downtown Los Angeles, Pasadena, and Santa Monica, then identified a one mile radius around each of these stations to identify the minimum and maximum number of potential Bike Share stations that could be located within these jurisdictions. We assumed two spread options- the densest is based on findings established by the 2012 Mineta Transportation Institute report, "Public Bike Share in North America: Early Operator and User Understanding",

where the recommended distance between docking stations is considered to be approximately every one-quarter mile. The second, less dense distancing is based on minimum densities as cited in the 2012 USDOT/FHWA “Bike Sharing in the United States: State of the Practice and Guide to Implementation” where a half mile distance is noted. For each of the pilot jurisdictions, preliminary potential locations within the public right-of-way have been identified by each city. As such, these locations, in addition to the recommended rail station locations are noted in the three maps included in Attachment E.

Within the Downtown Los Angeles area we identified five key rail stations and created one mile buffers around them: Union Station, Civic Center, Pershing Square, 7<sup>th</sup>/Metro and Pico/Chick Hearn. This netted a 7.68 square mile Bike Share station aggregated buffer area. At a one-quarter mile density, 123 Bike Share stations could potentially be located within this area. At a half mile density, 31 Bike Share stations could potentially be located within this area. Because the Chinatown and Little Tokyo/Arts District stations fall within the buffer range and due to characteristics that indicate bike sharing would be successful, we would also recommend docking stations at these rail stations.

In Pasadena, five rail stations were identified: Fillmore, Del Mar, Memorial Park, Lake and Allen stations. A one mile buffer around each of these stations netted an 8.91 square mile Bike Share aggregated buffer area. At a one-quarter mile density, 142 Bike Share stations could potentially be located within this area. At a half mile density, 36 Bike Share stations could potentially be located within this area.

In Santa Monica, three future Expo Stations were identified: 26<sup>th</sup> Street/Bergamot, 17<sup>th</sup> Street/Santa Monica College and Downtown Santa Monica. A one mile buffer around each of these stations netted a 6.39 square mile Bike Share aggregated buffer area. At a one-quarter mile density, 102 bike share stations could potentially be located within this area. At a half mile density, 25 Bike Share stations could potentially be located within this area.

As indicated in Attachment E, each of the Bike Share aggregated buffer areas have the bicycle infrastructure in place to support bicycling as a form of transportation. Within three miles of the Union Station, Civic Center, Pershing, 7<sup>th</sup>/Metro, Little Tokyo, and Chinatown stations, there are 62.3 miles of bicycling infrastructure. Pasadena has 75 miles of bicycle infrastructure and Santa Monica has 42 miles.

Bike docking locations within the public right-of-way and at Metro rail stations will be solidified as we develop the Implementation Plan and will be finalized based on a number of variables, including sources of demand, availability of space, real estate costs and jurisdictional support.

### Business Model

Three Bike Share business models dominate the industry: (1) Public agency owns capital and contracts for the operations and maintenance, (2) a non-profit public/private

partnership, created specifically to provide Bike Share service owns capital and contracts for the operations and maintenance and (3) private company owns capital, operates and maintains. We have been focusing on the first and third models as potential options for a Metro led Bike Share program.

The first model, public agency owns and contracts operations/maintenance is the model that tends to be adopted by larger jurisdictions and those wherein multiple jurisdictions that have implemented a regional program. The advantages of this model include providing the jurisdiction with the flexibility to expand offerings of Bike Sharing as is deemed appropriate and necessary, while bringing the experience and innovation of a tried and tested operator. A primary disadvantage is the jurisdiction assuming capital investment and all liability. Cities and regions operating under this model include: Alexandria, Arlington, Aspen, Boston, Broward County, Cambridge, Chicago, Columbus, Fort Worth, Houston, Madison, Nashville, Santa Clara County/San Francisco (Bay Area) Pilot, and Washington, D.C. Based on program success, program size and multi-jurisdictional collaboration, we have found the Bay Area, Chicago and Washington D.C./Arlington/Alexandria programs to be most representative of a Los Angeles region endeavor.

Under this model, participating agencies would purchase and own the Bike Share infrastructure- bicycles, docking stations and kiosks. Attachment F breaks down the potential capital investment. Reflecting the minimum and maximum number of potential Bike Share stations per each pilot jurisdiction at a per bike cost of \$4,500 (based on Bay Area, Washington D.C. and vendor estimates of system and bike costs) we find that the total capital investment could range between \$4,815,000 and \$17,190,000. These cost figures do not include potential real estate costs.

The second model, private company owns and operates is akin to what the City of Los Angeles had previously pursued and Long Beach is now pursuing. Advantages of this model are that the burden of liability and cost of implementing a Bike Share program lies with the vendor. The disadvantages may include a profit driven decision making process whereby Bike Share stations are strictly business decisions with limited consideration for equity issues and regional distribution. Cities operating under this model include: Charlotte, Miami Beach, New York City, and Tampa Bay.

Both business models assume revenues would be derived from membership fees, and advertising and/or sponsorships. Via the Industry survey that we conducted all participating vendors confirmed that advertising and sponsorships would be relied upon to some extent. It was noted that in cases where advertising policies are highly restrictive, then sponsorship policies needed to allow for the maximum potential sponsorship revenues. Vendors also confirmed that advertising and/or sponsorship revenues are especially relied upon in models where the vendor is required to carry the full risk. In the few instances where neither advertising or sponsorships are options, the jurisdiction funds the revenue gap.

Discussions with potential pilot cities all indicate that each of their advertising policies prohibits advertising and most limit or prohibit sponsorship opportunities as well.

However, each of the cities also indicated that efforts are underway to re-examine and revise outdoor policies so as to allow some level of sponsorships.

### Preliminary Bike Share Cost Analysis

For this exercise, we examined 14 Bike Share programs currently in place throughout the United States (Attachment G). In doing so we studied their respective business models, membership structures and funding sources. Because the Bay Area, Chicago and Washington D.C./Arlington/Alexandria programs are most reflective of a Los Angeles County-wide effort, many of the cost assumptions are derived from these programs. Locally, we also looked at the model the City of Long Beach is pursuing.

The Preliminary Bike Share Cost Analysis (Attachment H) was developed using several assumptions. These assumptions are as follows:

- Year 1 estimates of 250 stations and 2,500 bikes based on averages from Metro's Preliminary Bike Share Analysis. Year 2 to Year 5 bike fleet growth is based on Metro recommendations for regional Bike Share growth (assuming an average of 25 Bike Share stations per jurisdiction). After 5 years, 10% of fleet is expected to need replacement each year.
- Cost per bike is based on estimates from Washington D.C., Bay Area Pilot, and vendor provided estimates.
- Operating and Maintenance costs per kiosk based on Washington D.C. and Denver systems.
- User Fees in Washington D.C. were \$20,000 per station in the first year. Long Beach's preliminary estimates are \$15,000 per station. Our model assumes a rate structure of \$19,000 per station.
- The \$1,000,000 sponsorship revenue is based on Long Beach's preliminary estimates. New York City's sponsorship was \$8 million in the first year. We have shown a low number due to currently restrictive sponsorship policies in multiple jurisdictions.
- Advertising revenues shown are based on Long Beach's preliminary estimate. We have kept this number low number due to current strict advertising policies in multiple jurisdictions.
- Grant funding assumptions are based on the Bay Area Pilot, Boston Hubway and Washington D.C. trends.

The Cost Analysis is also model neutral, meaning, we do not identify who owns the capital and the cumulative pretax cash flow should be regarded as the program's overall cash flow. It is the cash flow that is typically divided between the jurisdiction(s) and vendor/operator based on negotiated revenue splits.

Per our cost analysis, the bike share program would begin to recover the capital cost and to make a profit in the fifth year of operation. We assumed the program would grow as it becomes a truly regional effort growing from 2,500 bicycles in the initial year to approximately 5,775 bikes by the sixth year. Potential for additional growth would be assessed as part of the Implementation Plan.

Attachment I includes a list of potential funding sources that could be considered for the Bike Share program's capital cost. Availability of listed funds has not yet been analyzed. Funding sources, including private investment opportunities, would be identified through development of the Implementation Plan and brought back to the Board for approval at a future date.

### Implementation Plan

In conducting the industry review it became clear that given the number of agencies involved with a regional Bike Share program, the development and successful implementation requires resolution of a number of issues that need to be addressed prior to releasing a Request For Proposals (RFP) to potential bike share vendors.

Some of the items include identifying the best business model that meets the program purpose and addresses each jurisdiction's financial capacity and flexibility; advertising and sponsorship policies need to be solidified as this will inform the program budget; permitting processes need to be established by each jurisdiction so as to facilitate Bike Share implementation; identifying number and locations for Bike Share stations within the public right-of-way; determining if Metro, each jurisdiction or vendor will be responsible for Bike Share marketing, outreach and education; determining revenue split among participating jurisdictions and Metro's role in distributing revenue; coordinating Transit Access Pass (TAP) integration; identifying available real estate or associated costs; identifying a sustainable source of funding; establishing inter-agency agreements; and identifying phase two and three communities. We have therefore concluded that the best approach is to undertake an Implementation Plan to address these issues prior to launching the bike share program by local participating jurisdictions..

### **DETERMINATION OF SAFETY IMPACT**

Approval of this program will have no impact on the safety of our employees or patrons.

### **FINANCIAL IMPACT**

Funding for the study of how a Bike Share Program could be implemented throughout the County is included in the FY14 budget under cost center 4320, project number 405510, task 06.001.11. Once the program is actually underway, no Metro funds are envisioned to be used for the program.



### Impact to Budget

The funding source for this activity is Proposition A Administration dollars. This fund is not eligible for bus and rail operating and capital expenditures. No other source of funds was considered.

### **ALTERNATIVES CONSIDERED**

The Board could decide to not authorize the development of an Implementation Plan. However, this would be contrary to the October 2013 Board directive to examine the implementation of a Regional Bike Share program

### **NEXT STEPS**

Upon approval, we will issue a RFP for the development of an Implementation Plan. It is anticipated that an Implementation Plan can be developed within six months of award.

### **ATTACHMENTS**

- A. October 2013 Bike Share Motion 66
- B. December 2013 Receive and File Bike Share Industry Review Status
- C. Rail System Bike Boardings
- D. Potential Bike Share Expansion Map
- E. Pilot City Maps
- F. Bicycle Share Preliminary Capital Cost Estimates
- G. Bicycle Share Business Models
- H. Preliminary Bicycle Share Cash Flow Analysis
- I. Bicycle Share Funding Options

Prepared by: Laura Cornejo, Director Countywide Planning, (213) 922-2885  
Diego Cardoso, Executive Officer Countywide Planning, (213) 922-3076

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Martha Welborne, FAIA  
Chief Planning Officer

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Arthur T. Leahy  
Chief Executive Officer

**MAYOR ERIC GARCETTI,  
SUPERVISOR ZEV YAROSLAVSKY,  
SUPERVISOR DON KNABE,  
DIRECTOR MIKE BONIN, AND DIRECTOR PAM O'CONNOR**

**Countywide Bicycle Share Program**

October 17, 2013

MTA needs to lead and supplement its regional public transportation system by supporting bicycles and bicycle infrastructure in completing the first and/or last leg of a trip (e.g., from a train station to the workplace).

Bicycle ridership will also help reduce dependency on automobiles, particularly for short trips, thereby reducing traffic congestion, vehicle emissions, and the demand for parking.

A bicycle share program will also promote sustainable and environmentally friendly initiatives.

Bicycle share is a program designed for point-to-point short trips using a for-rent fleet of bicycles strategically located at logical stations locations.

Beginning in 1993, a series of successful bicycle share programs were implemented in Europe.

Currently the US is home to a number of bicycle share programs in cities such as Chicago, Denver, Minneapolis, New York City, San Francisco, etc.

According to the Earth Policy Institute, the number of bicycles in the U.S. bicycle share fleet is set to double by the end of 2014.

The Los Angeles region has seen a variety of bicycle share efforts, but none have taken hold because of a lack of regional coordination.

Given its role as the countywide transportation agency, in July 2011 the MTA board passed a motion directing staff to develop a strategic plan for implementing bicycle share in Los Angeles County.

**CONTINUED**

**WE THEREFORE MOVE** that the MTA Board direct the CEO to:

- A. Adopt as policy MTA's support of bicycles as a formal transportation mode.
- B. Convene a bicycle share industry review in November 2013 in order to advise on procuring a regional bicycle share vendor for Los Angeles County.
- C. Report back to the Board at the January 2014 meeting with the results of the industry review, including a business case analysis and recommendations on proceeding with a Request for Proposals (RFP) to implement a regional bicycle share program.
- D. Include in the analysis a phased approach for implementing this program based on area readiness, including, but not limited to, an examination of existing bicycle infrastructure, existing advertising policies, current ridership trends, and transit station locations.

**###**

**Metro**

Los Angeles County  
Metropolitan Transportation Authority

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Los Angeles, CA 90012-2952

213.922.2000 Tel  
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**62**

**EXECUTIVE MANAGEMENT COMMITTEE  
NOVEMBER 21, 2013**

**SUBJECT: BIKE SHARE PROGRAM**

**ACTION: RECEIVE AND FILE**

**RECOMMENDATION**

Receive and file this update on the Bike Share Program in response to the October 2013 Board Motion 66 (Attachment A).

**ISSUE**

At the October meeting, the Board approved Motion 66, providing direction to:

- A. Adopt as policy MTA's support of bicycles as a formal transportation mode;
- B. Convene a Bicycle Share Industry review in November 2013 in order to advise on procuring a regional bicycle share vendor for Los Angeles County;
- C. Report back to the Board at the January 2014 meeting with the results of the industry review, including a business case analysis and recommendations on proceeding with a Request for Proposals (RFP) to implement a regional bicycle share program; and
- D. Include in the analysis a phased approach for implementing this program based on area readiness, including, but not limited to, an examination of existing bicycle infrastructure, existing advertising policies, current ridership trends, and transit station locations.

This report provides the status of the Board directive.

**DISCUSSION**

Connected by the Metro transit system, bike share can help address first-last mile gaps around transit stations, increase the station catchment area and can introduce new users to bike transportation by removing barriers, such as bicycle ownership, maintenance, and security and can increase mobility while decreasing automobile use.

Most recently, Metro's role has been to facilitate bike share implementation, including providing funding to local jurisdictions for bike share through the Call for Projects and coordinating regional compatibility efforts such as addressing technology and software issues.

### Status

In response to the Motion, we initiated the first phase of the industry review. We have met with bike share industry stakeholders and municipal planners, convened as the Bike Share Working Group and Metro's Bicycle Roundtable on November 4<sup>th</sup> and November 5<sup>th</sup>, respectively. The goal of the meetings were to gauge what role stakeholders and municipalities deemed appropriate for Metro to take and what opportunities as well as concerns existed by Metro taking on a larger role in a regional bike share effort. In anticipation of the next phase of the industry review which will be to conduct a market survey as well as developing the business case and next steps, we established a rudimentary understanding of the level of flexibility municipalities would need if Metro led a regional effort and highlighted areas that still need to be vetted further.

The following is a summary of the Bike Share Working Group and Bicycle Roundtable input received:

- One contractor, or multiple contractors with compatible technologies is key to achieving regional connectivity
- Metro, as a regional agency, should lead the effort and set the regional framework for cities to leverage at the local level
- A single system with local flexibility
- Bike Share must connect to a larger transit network
- Infrastructure, such as bike lanes and way finding, should support bike share implementation
- Phasing, especially pilot phase is key to success
- Local universities and colleges should be invited to participate
- Increase bike mode Call for Project funding to facilitate regional participation and infrastructure to support bike share

If we move forward with a greater role in establishing a regional bike share program, the following items surfaced during the two meetings as needing to be addressed:

- Revenue Split with Cities: Would Metro serve as a clearing-house or would cities receive their split directly from vendors
- Advertising/Sponsorship: How would differing advertising policies potentially affect proposed business plans
- Software: Develop a program that allows flexibility for evolving software and bike technology
- Payment: Can Transit Access Pass be adapted to allow for bike share payment
- Implementation: Pilot area and subsequent phasing and timing for roll out
- Inter-jurisdictional Operability: Bike redistribution and cost split, multi-jurisdictional membership cards

**NEXT STEPS**

We will return to the Board in January with the results of the market survey, business case and recommended next steps.

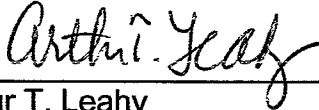
**ATTACHMENT**

A. October 2013 Motion 66

Prepared by: Laura Cornejo, Director, (213) 922-2885  
Diego Cardoso, Executive Officer, (213) 922-3076

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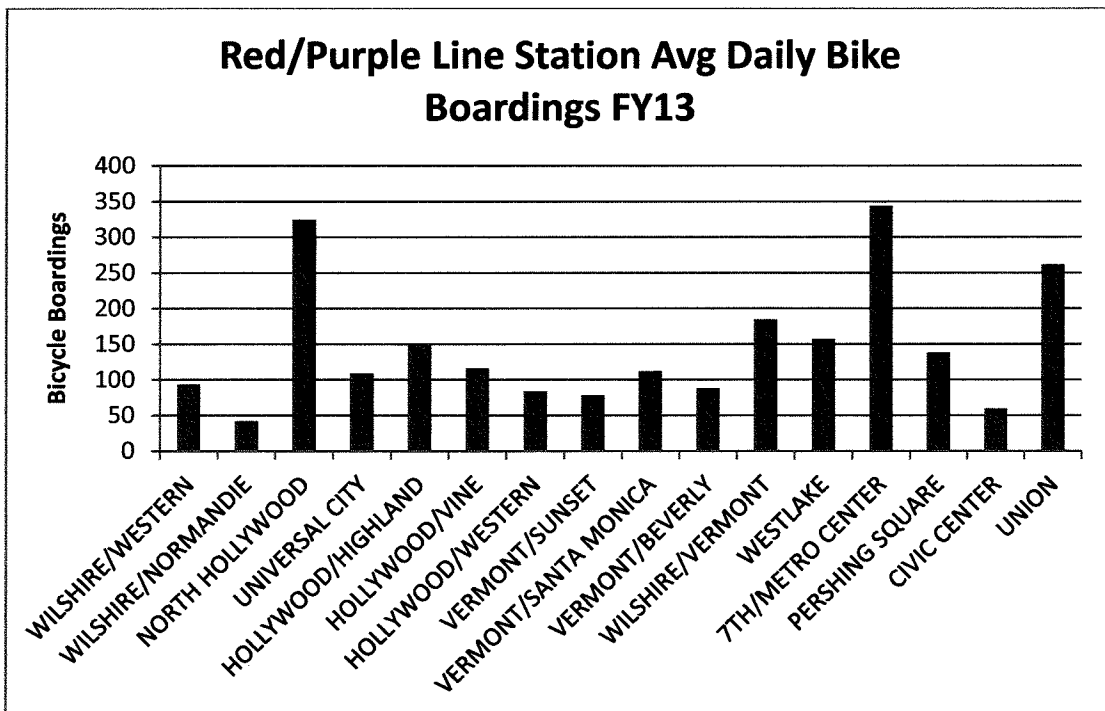
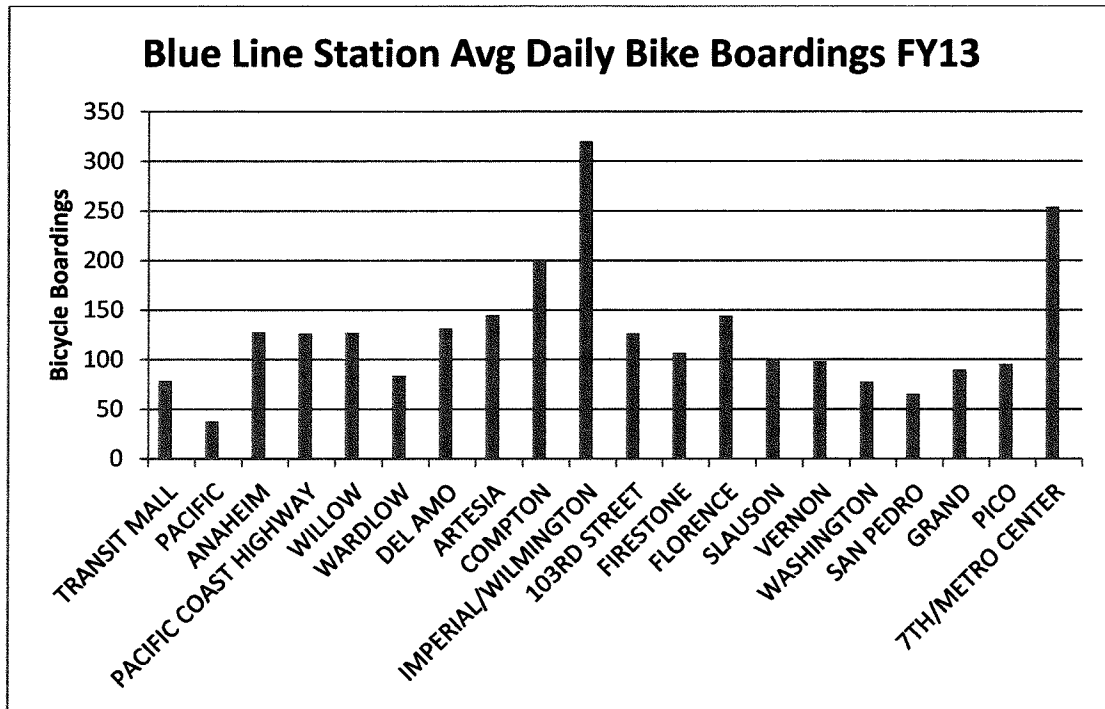
Martha Welborne, FAIA  
Chief Planning Officer

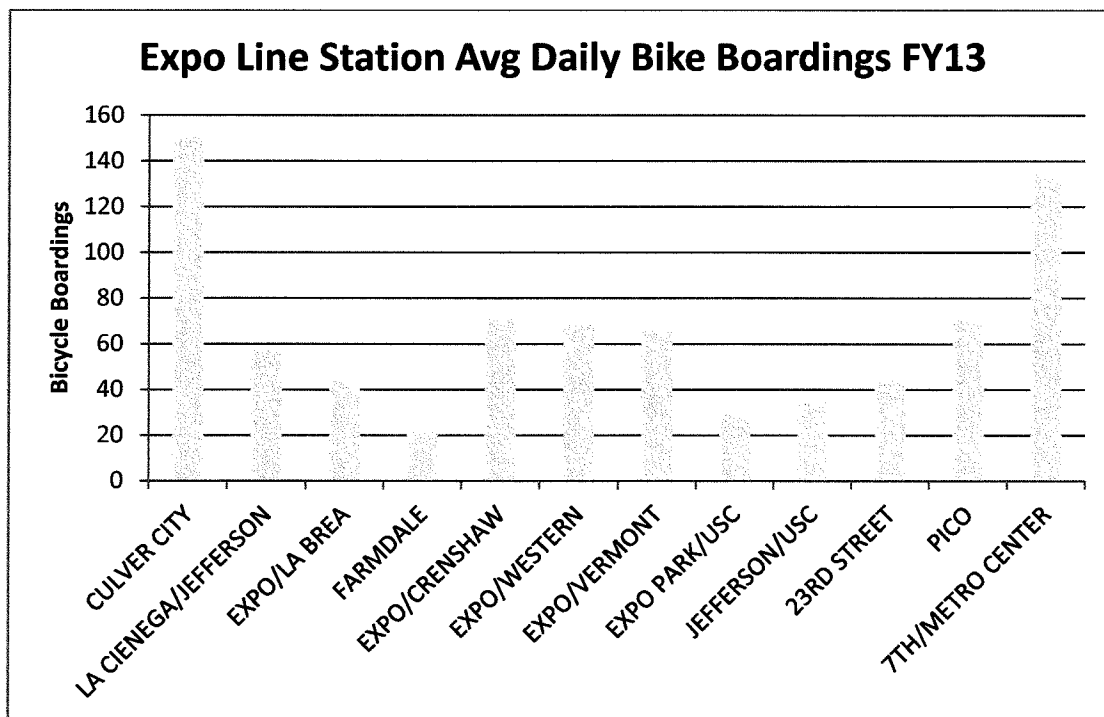
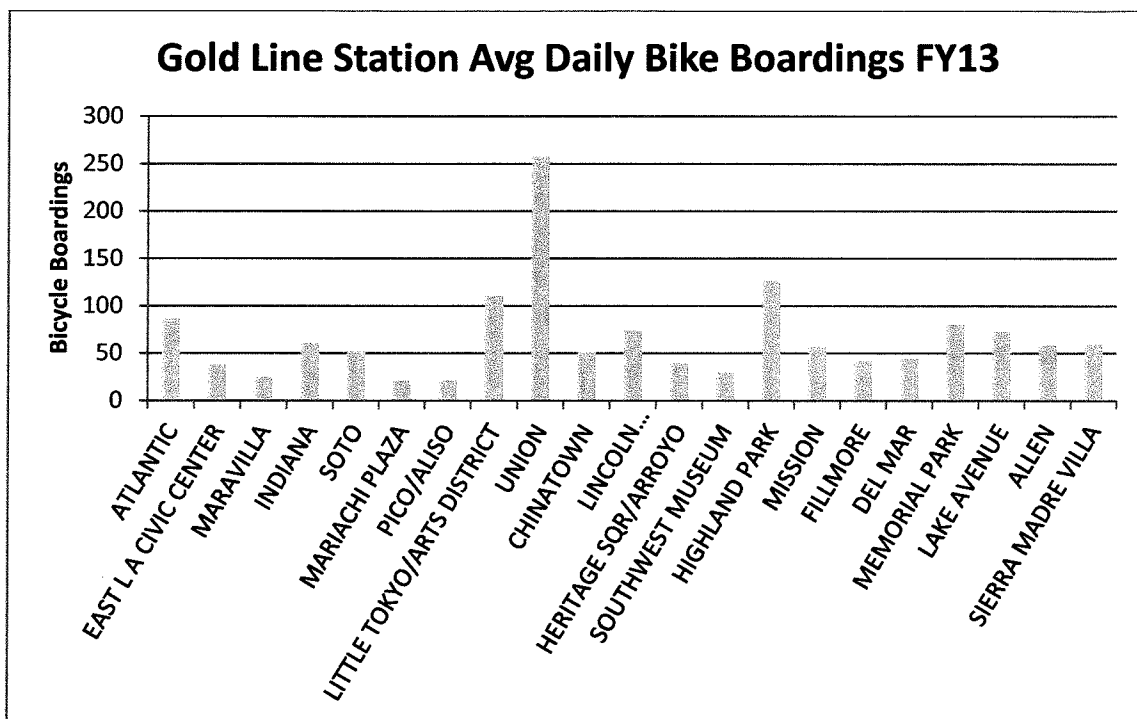
A handwritten signature in cursive script, appearing to read "Arthur T. Leahy", written over a horizontal line.

Arthur T. Leahy  
Chief Executive Officer

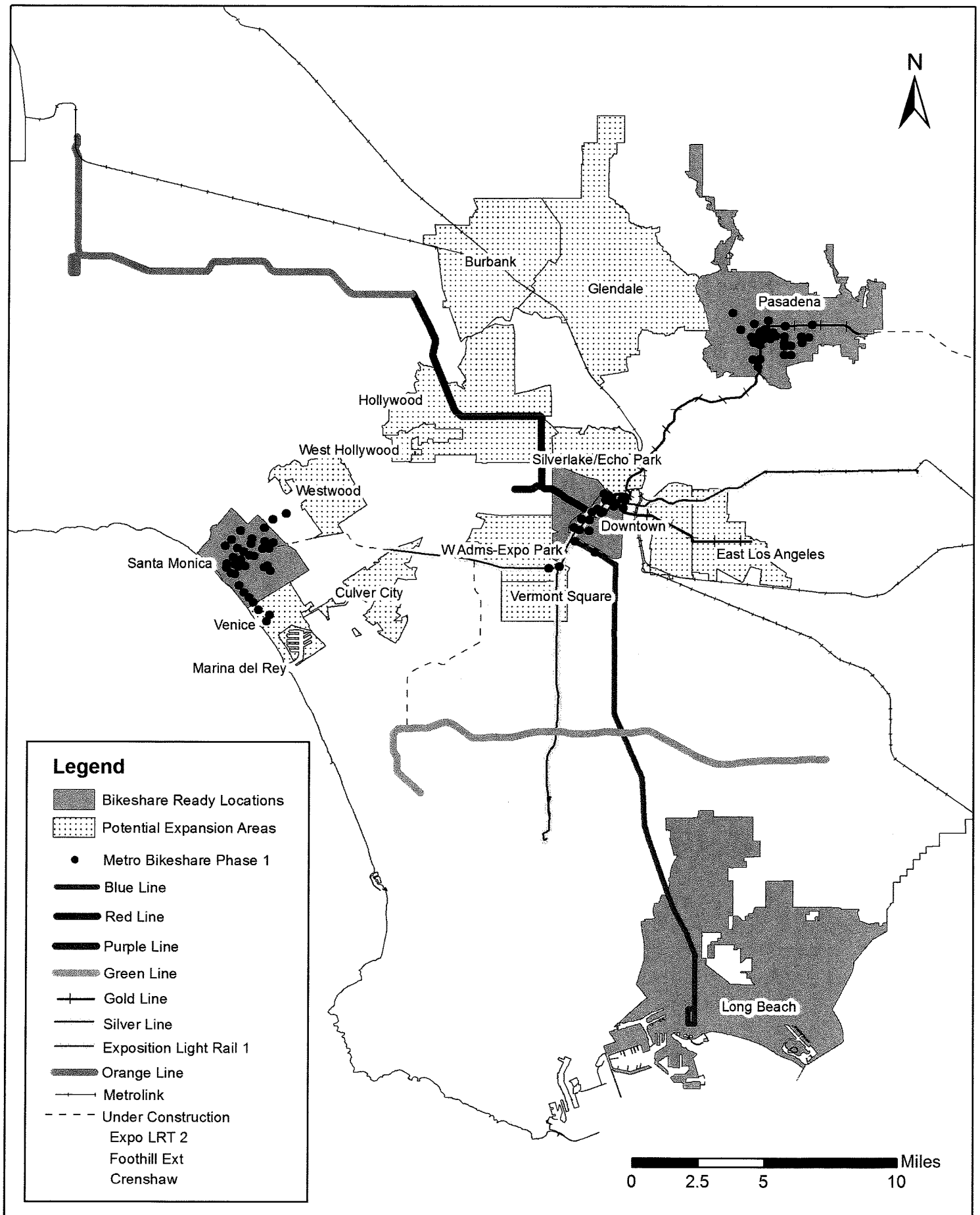


## ATTACHMENT C

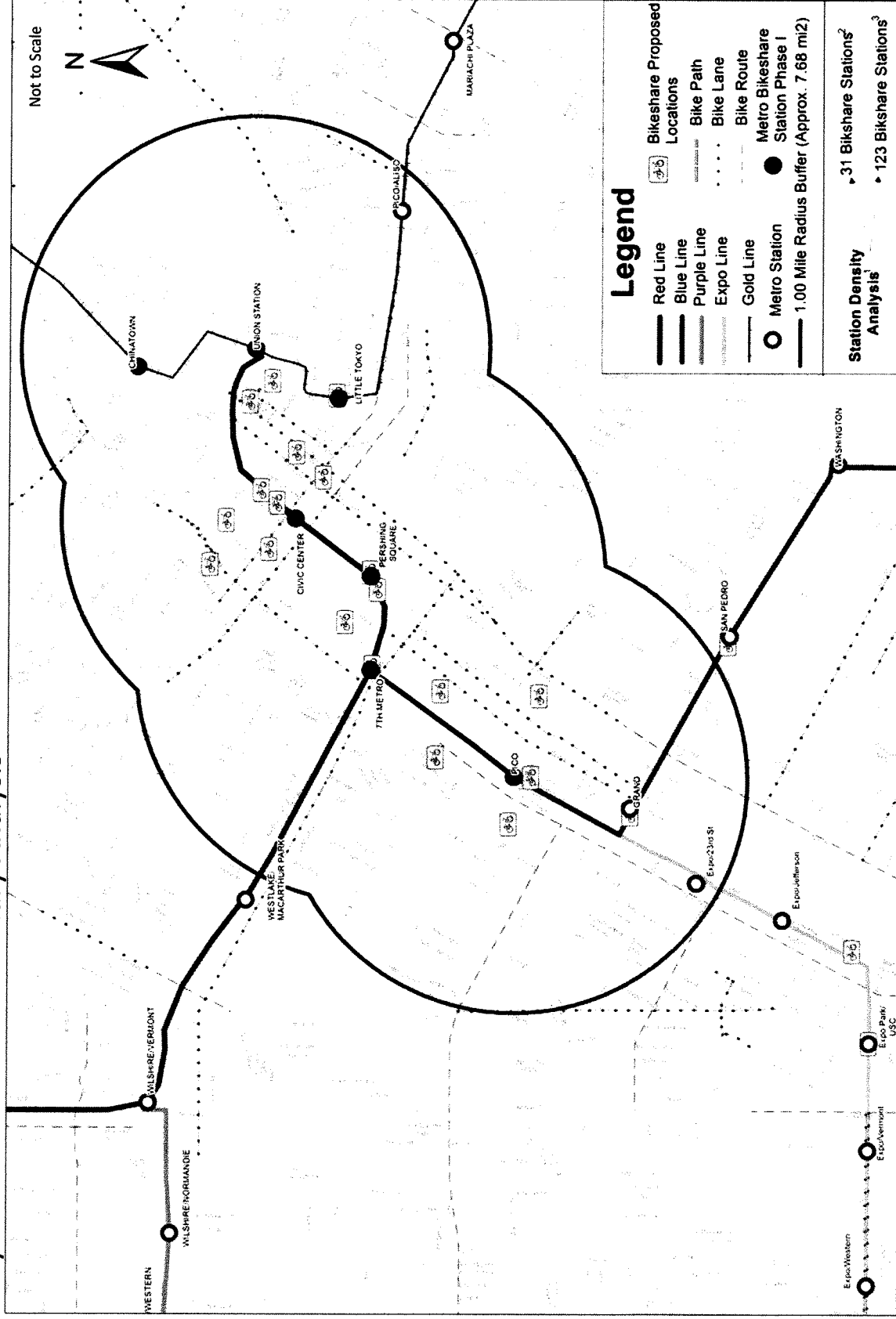




# Potential Bikeshare Expansion Areas



# City of LA Bikeshare Preliminary Analysis



1. "Bike Sharing in the United States: State of the Practice and Guide to Implementation- USDOT/FHWA 2012", indicates a range of 3.5 to 5 bikeshare stations per square mile of service area for most existing systems. For denser urban areas, 14 stations or more per square mile may also be recommended. MTI Report 11-26, Public Bikesharing in North America: Early Operator and User Understanding (2012), found that out of 19 operators 53% preferred distance between docking stations 300 yards to one-quarter mile apart. For this assessment one-quarter mile and one-half mile between docking stations was used.

2. 4 bikeshare stations per square mile at one-half mile apart.

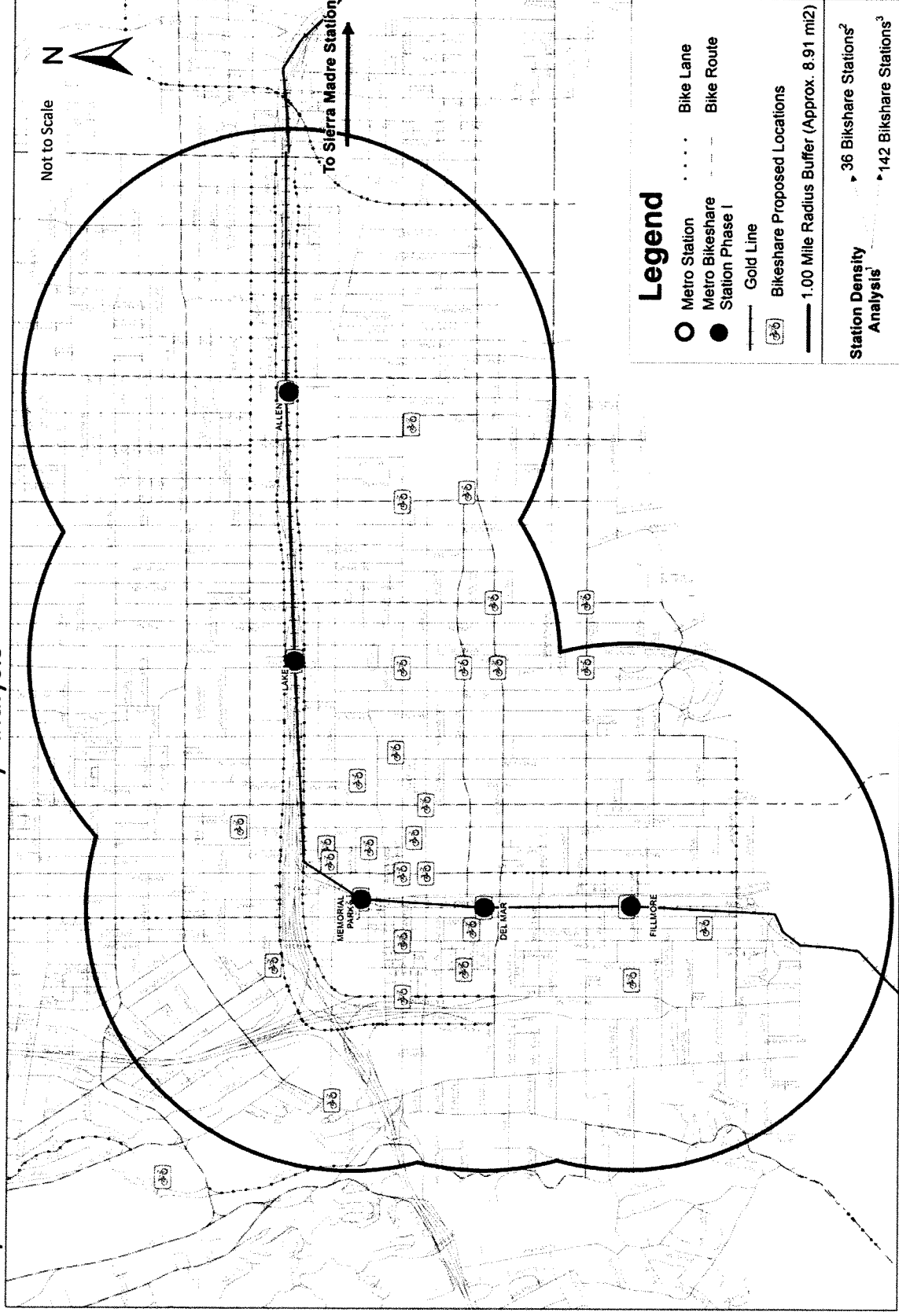
3. 16 bikeshare stations per square mile at one-quarter mile apart.

**Disclaimer:** This map is for preliminary analysis only. Actual quantities and locations of bikeshare stations will be determined upon feasibility study and implementation in conjunction with local jurisdictions

Metro Bike Program

# City of Pasadena Bikeshare Preliminary Analysis

ATTACHMENT E-3



1. "Bike Sharing in the United States: State of the Practice and Guide to Implementation- USDOT/FHWA 2012", indicates a range of 3.5 to 5 bikeshare stations per square mile of service area for most existing systems. For denser urban areas, 14 stations or more per square mile may also be recommended. MTI Report 11-26, Public Bikesharing in North America: Early Operator and User Understanding (2012), found that out of 19 operators 53% preferred distance between docking stations 300 yards to one-quarter mile apart. For this assessment one-quarter mile and one-half mile between docking stations was used.

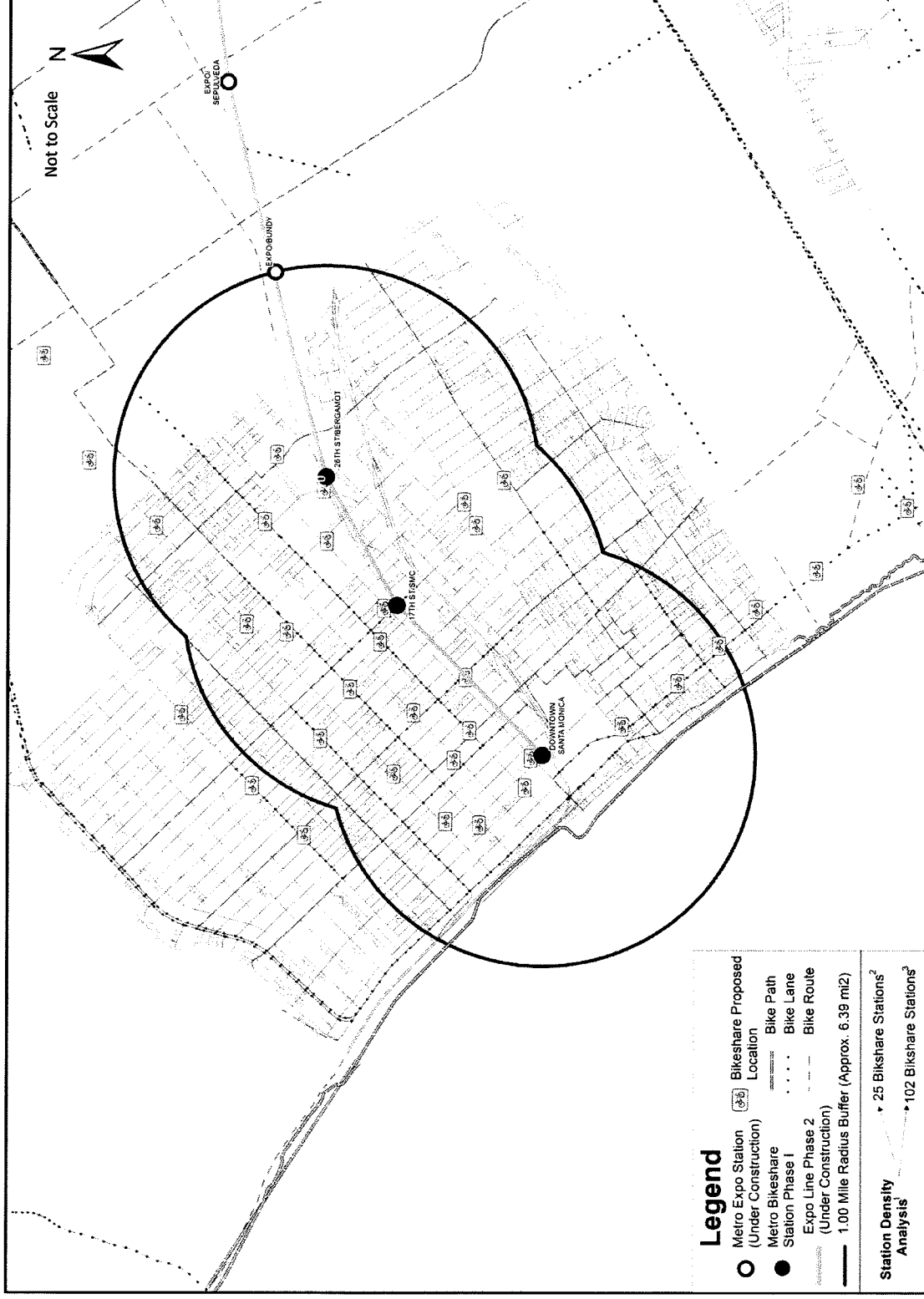
2. 4 bikeshare stations per square mile at one-half mile apart.

3. 16 bikeshare stations per square mile at one-quarter mile apart.

**Disclaimer:** This map is for preliminary analysis only. Actual quantities and locations of bikeshare stations will be determined upon feasibility study and implementation in conjunction with local jurisdictions.

Metro Bike Program

# City of Santa Monica Bikeshare Preliminary Analysis



1. "Bike Sharing in the United States: State of the Practice and Guide to Implementation- USDOT/FHWA 2012", indicates a range of 3.5 to 5 bikeshare stations per square mile of service area for most existing systems. For denser urban areas, 14 stations or more per square mile may also be recommended. MTI Report 11-26, Public Bikesharing in North America: Early Operator and User Understanding (2012), found that out of 19 operators 53% preferred distance between docking stations 300 yards to one-quarter mile apart. For this assessment one-quarter mile and one-half mile between docking stations was used.
2. 4 bikeshare stations per square mile at one-half mile apart.
3. 16 bikeshare stations per square mile at one-quarter mile apart.

**Disclaimer:** This map is for preliminary analysis only. Actual quantities and locations of bikeshare stations will be determined upon feasibility study and implementation in conjunction with local jurisdictions

## ATTACHMENT F

### PRELIMINARY BIKE SHARE CAPITAL COST ESTIMATES

Based on figures from bike share locations in other regions across the United States and vendor estimates, cost ranges were calculated for the Los Angeles Region accounting for low and high density station locations and average costs of equipment (bikes per dock), as follows:

LOS ANGELES STATION COST <sup>1</sup>	Low Density (31 Stations) <sup>2</sup>	High Density (123 Stations) <sup>2</sup>
Cost (\$4,500) <sup>3</sup>	\$1,395,000	\$5,535,000

PASADENA STATION COST	Low Density (36 Stations) <sup>2</sup>	High Density (142 Stations) <sup>2</sup>
Cost (\$4,500) <sup>3</sup>	\$1,620,000	\$6,390,000

SANTA MONICA STATION COST	Low Density (25 Stations) <sup>2</sup>	High Density (102 Stations) <sup>2</sup>
Cost (\$4,500) <sup>3</sup>	\$1,125,000	\$4,590,000

Combined regional costs based on costs per stations in each city and the number of Metro stations in each jurisdiction yield potential cost ranges:

TOTAL COST AT METRO STATIONS IN EACH CITY <sup>4</sup>	Metro Stations	Cost (\$4,500) <sup>3</sup>
Los Angeles	7	\$315,000
Santa Monica	3	\$135,000
Pasadena	5	\$225,000
<b>TOTALS</b>	<b>15</b>	<b>\$675,000</b>

TOTAL COST AT METRO AND CITY STATIONS <sup>4</sup>	Low Density (107 Stations) <sup>2</sup>	High Density (382 Stations) <sup>2</sup>
Cost (\$4,500) <sup>3</sup>	\$4,815,000	\$17,190,000

<sup>1</sup> Gold Line Station Pico/Aliso and Blue Line Station Grand are located within the City of Los Angeles buffer area, but not included in calculation due to physical space constraints at station locations.

<sup>2</sup> Methodology for calculating preliminary station ranges is detailed in Bikeshare Preliminary Analysis.

<sup>3</sup> Bicycle per docking station costs calculated based on estimates from Washington D.C., Bay Area Pilot, Denver B-Cycle and Alta Bike Share. Actual costs will vary from location to location. Costs assume 10 bikes will dock at each station.

<sup>4</sup> Cost does not assume any real estate transactions or land use considerations.

**DISCLAIMER: This cost analysis is for preliminary analysis only. Actual costs will depend on the number of bike share stations determined by a feasibility study, vendor technology and land use considerations.**

## **BICYCLE SHARE BUSINESS MODELS**

### **BIKE SHARE BUSINESS MODELS**

- Modern Information Technology-based bicycle share capital development appears in three forms:
  - 1) Public agency owns and contracts with private (for-profit or non-profit) company for operations
    - Advantages: Expands offerings of jurisdiction's transportation service, while bringing the experience and innovation of a tried and tested operator
    - Disadvantages: Jurisdiction assumes all liability
    - Cities operating under this model: Alexandria, Arlington, Aspen, Boston, Broward County, Cambridge, Chicago, Columbus, Fort Worth, Houston, Madison, Nashville, Santa Clara County & San Francisco Pilot, and Washington D.C.
  - 2) Non-profit public/private partnership, created specifically to provide bike share service, owns and contracts with private (for-profit or non-profit) company for operations
    - Entities can include city, county, chamber, public health department, redevelopment agency, or the private sector
    - Advantages: Receives funding from the jurisdiction, while relieving liability from the jurisdiction
    - Disadvantages: Splitting control amongst multiple stakeholders is difficult
    - Cities operating under this model: Chattanooga, Boulder, Des Moines, Denver, Milwaukee, Minneapolis, Oklahoma City, Omaha, San Antonio, and Salt Lake City, and San Antonio
  - 3) Private company owns and operates
    - Advantages: Relieves jurisdiction from committing resources
    - Disadvantages: Does not ensure equity, quality service, and may fail if not profitable in first few years
    - Cities operating under this model: Charlotte, Miami Beach, New York City, and Tampa Bay

### **CAPITAL/OPERATIONAL COSTS & FUNDING SOURCES**

- Direct Capital Costs
  - Bicycles
  - Docking stations
  - Kiosks or User interface technology
  - Real estate transactions
- Direct Operational Costs
  - Administration: Website, Mobile apps, Registrations
  - Redistribution of bicycles: Manual redistribution and/or pricing incentives
  - System monitoring: Call centers and on-call repair
  - Maintenance: Keeping bicycles, software, etc. in running order
  - Power supply: Maintaining solar, battery, or grid power supply
  - Data Reporting: Maintenance, planning and real time data
- Associated Capital Costs
  - Construction of infrastructure: Bicycles, docks, kiosks or user interface
  - Streetscape improvements



## ATTACHMENT G-2

- **Associated Operational Costs**
  - Insurance
  - Maintenance of infrastructure and bikeways
  - Bicycle safety training and education
- **Real Estate Costs**
  - Land Use Negotiations:
    - Metro Property: Where Metro does not own sufficient land, negotiations with private owner or entity
    - Public Right-of-Way: Negotiations with Cities or County of Los Angeles
    - Private Property: Negotiations with private owner
  - Spatial Considerations:
    - Sidewalk: ADA compliance, right-of-way negotiations
    - In-Street: Removal of street parking negotiations, safety considerations
- **Funding Sources**
  - Municipalities: Federal, state, local or other grants and funding
  - Advertising: Kiosk or Station advertising
  - Sponsorship: Title, presenting, station, dock, bike/fender, web, helmets, or other opportunities
  - Memberships & user fees
  - Public-private partnerships: Sponsorship or corporate donor

The business model matrix below captures the business models and funding sources for bike share for 14 systems in the United States:

COMPARISON TABLE OF EXISTING UNITED STATES BIKE SHARE PROGRAMS

JURISDICTION	LAUNCH DATE	SYSTEM NAME	SYSTEM SIZE (BIKES/ STATIONS)	ANNUAL/ CASUAL MEMBERS, RIDES	FARES	BUSINESS MODEL	FUNDING SOURCES
<b>Boston &amp; Cambridge, MA</b>	July 2011	Hubway (Alta Bike Share)	600/60	36,000 annual/ 30,000 casual, 140,000 rides (in 4 months)	\$85/year \$20/month \$12/3-day \$5/day	Owned/Managed by County, operated by Alta (for-profit)	\$4.5 m (75% public FTA/CMAQ, 25% private). Each municipality responsible for own sponsorship
<b>Boulder, CO</b>	May 2011	Boulder B-Cycle	110/15	1,171 annual/ 6,200 casual	\$50/year \$15/week \$5/day	Owned/Managed by Non-Profit & operated by B-Cycle (non-profit)	Revenue from parking fees, citations; Transportation and Distribution Services
<b>Broward County (Fort Lauderdale), FL</b>	December 2011	Broward County B-Cycle	200/27	37,000 rides (in 1 year)	\$45/year \$25/week \$5/day	Owned/Managed by Broward County, operated by Broward County B-Cycle (non-profit)	\$1.1 m (63% private, 27% public)
<b>Chattanooga, TN</b>	July 2012	Bike Chattanooga (Alta Bikeshare)	300/30	400 annual, 12,600 rides (in 6 months)	\$75/year \$6/day	Owned/Managed by Non-Profit, operated by Alta (for-profit)	\$2 m CMAQ

JURISDICTION	LAUNCH DATE	SYSTEM NAME	SYSTEM SIZE (BIKES/ STATIONS)	ANNUAL/ CASUAL MEMBERS, RIDES	FARES	BUSINESS MODEL	FUNDING SOURCES
<b>Chicago, IL</b>	June 2013	Divvy (Alta Bikeshare)	750/68	3,7000 annual, 50,000 trips (in 1 month)	\$75/year \$7/day	Owned/Managed by City, operated by Alta (for-profit)	\$22 m in fed/local grants
<b>Denver, CO</b>	April 2010	Denver B-Cycle	520/52	2,659 annual/ 40,600 casual, 100,000 rides	\$65/year \$30/Month \$20/week \$6/day	Owned/Managed by Non-Profit, operated by B-Cycle (non-profit)	Capital \$1.5 m (CDOT, EPA, FHWA, gifts); 16% public (Vehicle registration tax), 84% private
<b>Des Moines, IA</b>	Sept 2010	Des Moines Bicycle Collective B-Cycle	22/5	20 annual, 109 rides	\$50/year \$30/month \$6/day	Owned/Managed by Non-Profit, operated by B-Cycle (non-profit)	Capital \$120,000 funded by private contributors, sponsorships
<b>Fullerton, CA</b>	TBD: Planned for Fall 2014	BikeLink (Bike Nation)	TBD: Planned 165/15	N/A	\$75/annual, \$45/annual (student), \$12/week, \$5/day	Owned/Managed and operated by Bike Nation (for-profit)	Capital \$1.48 m (OCTA federal grants, local Mobile Source Aire Pollution Reduction Review Committee Grant)

JURISDICTION	LAUNCH DATE	SYSTEM NAME	SYSTEM SIZE (BIKES/ STATIONS)	ANNUAL/ CASUAL MEMBERS, RIDES	FARES	BUSINESS MODEL	FUNDING SOURCES
<b>Miami Beach, FL</b>	Mar 2011	DecoBike	800/91	2,500 annual/ 338,828 casual	\$15/month (regular) \$25/month (deluxe) \$35/month (visitors) \$24/day (visitors)	Owned/Managed and operated by DecoBike (for-profit)	\$4 m Private investor DecoBike – revenues split between DecoBike and City
<b>Minneapolis, MN</b>	June 2010	NiceRide Minnesota B-Cycle	1,300/145	3,521 annual/ 37,103 casual	\$60/year \$30/month \$5/day	Owned/Managed & operated by Non-Profit	Capital \$5.3 m (FHWA); 63% public funds; 37% private funds.
<b>New York City, NY</b>	May 2013	Citibike (Alta Bikeshare)	5,700/330	80,000 annual (in 3 months)	\$95/year \$25/week \$10/day	Owned /Managed and operated by Alta (for-profit)	Private financing
<b>San Antonio, TX</b>	March 2011	San Antonio B-Cycle	210/23	1,000 annual/ 2,800 casual, 16,100 rides (in 6 months)	\$60/year \$24/week \$10/day	Owned/Managed by City and operated by B-Cycle (non-profit)	\$840,000 DOE/CDC funds, \$235,000 and \$58,000 in station sponsorships

<b>JURISDICTION</b>	<b>LAUNCH DATE</b>	<b>SYSTEM NAME</b>	<b>SYSTEM SIZE (BIKES/ STATIONS)</b>	<b>ANNUAL/ CASUAL MEMBERS, RIDES</b>	<b>FARES</b>	<b>BUSINESS MODEL</b>	<b>FUNDING SOURCES</b>
<b>San Francisco/ Bay Area Cities, CA PILOT</b>	August 2013	Bay Area Bikeshare (Alta Bikeshare)	700/34	2,080 annual, 14,591 trips (in 1 month)	\$88/year \$22/3-day \$9/day	Owened/Managed by Bay Area AQMD, operated by Alta (for-profit)	\$4.3 m Metropolitan Transportation Commission (Bay Area Climate Initiatives – CMAQ), \$1.4 m Clean Air Grant (BAAQMD)
<b>Washington D.C. (first attempt)</b>	2008	SmartBike (Alta Bikeshare)	120/10	1,050 annual	\$40/year	Owened/Managed and operated by Alta (for-profit)	DDOT funding & Advertising revenue
<b>Washington D.C., Arlington, VA &amp; Alexandria, VA (second attempt)</b>	Sept 2010 & 2011	Capital (CaBi) Bikeshare (Alta Bikeshare)	1,200/140	19,200 annual/ 105,644 casual	\$75/year \$25/month \$15/3-day \$7/day	Owened/Managed by DDOT & City of Arlington, operated by Alta (for-profit)	Capital \$8 m fed (CMAQ)/state funds. Minimal private sponsorships & revenue.

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
2,500	500	750	750	750	525	525	525	525	525	525	525	525
250	50	75	75	75	-	-	-	-	-	-	-	-
4,500	11,250,000	2,250,000	3,375,000	3,375,000	3,375,000	2,362,500	2,362,500	2,362,500	2,362,500	2,362,500	2,362,500	2,362,500
35,000	-	35,000	-	35,000	-	35,000	-	35,000	-	35,000	-	35,000
5,750,000	6,900,000	8,625,000	10,350,000	12,075,000	12,075,000	12,075,000	12,075,000	12,075,000	12,075,000	12,075,000	12,075,000	12,075,000
17,035,000	9,150,000	12,035,000	13,725,000	15,485,000	14,437,500	14,437,500	14,437,500	14,437,500	14,437,500	14,437,500	14,437,500	14,437,500
4,750,000	5,700,000	7,125,000	8,550,000	9,975,000	9,975,000	9,975,000	9,975,000	9,975,000	9,975,000	9,975,000	9,975,000	9,975,000
1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
3,000,000	3,600,000	4,500,000	5,400,000	6,300,000	6,300,000	6,300,000	6,300,000	6,300,000	6,300,000	6,300,000	6,300,000	6,300,000
8,750,000	10,300,000	12,625,000	14,950,000	17,275,000	17,275,000	17,275,000	17,275,000	17,275,000	17,275,000	17,275,000	17,275,000	17,275,000
(8,285,000)	1,150,000	590,000	1,225,000	1,790,000	2,837,500	2,837,500	2,837,500	2,837,500	2,837,500	2,837,500	2,837,500	2,837,500
-	4,000,000	1,000,000	-	-	-	-	-	-	-	-	-	-
11,285,000	13,535,000	16,945,000	20,320,000	23,730,000	26,092,500	28,490,000	30,852,500	33,250,000	35,650,000	38,050,000	40,450,000	42,850,000
5,750,000	12,650,000	21,275,000	31,625,000	43,700,000	55,775,000	67,850,000	79,925,000	92,000,000	104,075,000	116,150,000	128,225,000	140,300,000
17,035,000	26,185,000	38,220,000	51,945,000	67,430,000	81,867,500	96,340,000	110,777,500	125,250,000	139,725,000	154,200,000	168,675,000	183,150,000
8,750,000	23,050,000	36,675,000	51,625,000	68,900,000	86,175,000	103,450,000	120,725,000	138,000,000	155,275,000	172,550,000	189,825,000	207,100,000
(8,285,000)	(3,135,000)	(1,545,000)	(320,000)	1,470,000	4,307,500	7,110,000	9,947,500	12,750,000	15,550,000	18,350,000	21,150,000	23,950,000

#### Assumptions:

Year 1 estimates of 250 stations and 2,500 bikes based on averages from Metro Preliminary Bike Share Analysis. Year 2 to Year 10 based on Metro recommendations for regional bike share growth (assuming average density of 25 stations throughout 11 jurisdictions and 10% of fleet expected to need replacement each year).

10 bikes per station. Cost per bike divides total system costs over the number of bikes.

Cost per bike based on estimates from Washington D.C., Bay Area Pilot, and bike share vendors.

\*

Operation and Maintenance costs per station based on Washington D.C. and Denver systems, with 85% of fleet requiring major repairs.

\*\* User Fees in Washington D.C. were \$20,000 per station in first year. Long Beach estimates \$15,000 per station. To be consistent with other jurisdictions, we used \$15,000 per station.

\*\*\* The \$1,000,000 sponsorship revenue is based on Long Beach's estimates. New York City Sponsorship was \$8,000,000 in 1st year. Other jurisdictions may be split between jurisdictions.

may be split between jurisdictions

**Bicycle Share Funding Options**  
(in millions)

<i>Fund Type</i>	<i>\$</i>	<i>Allocation Process</i>	<i>Programming Action Needed by the Board</i>	<i>Eligibility Criteria &amp; Parameters</i>	<i>Applications in Existing Bike Share Programs</i>
<b>Federal</b>					
<b>ATP</b>	\$116.6 yearly**	Discretionary	No (Programming is made by CTC & SCAG)	<b>Capital and non-infrastructure active transportation projects.</b> **State guidelines have not been finalized.	
<b>CMAQ</b>	\$18 yearly	Discretionary	Yes	<b>Capital and non-infrastructure costs.</b> For projects that reduce single occupancy vehicle driving and improve air quality.	Has been used by Capital Bikeshare for infrastructure in Washington DC & Virginia.
<b>JARC</b>	\$8.35 Total	FTA grant	No	<b>Capital and non-infrastructure costs for commute and reverse commute options for low income individuals in Long Beach &amp; City of LA.</b> FTA does not officially recognize bike share as public transit so the purchase and operation costs of individual bikes may be restricted. Station infrastructure may be covered.	Capital Bikeshare is using JARC to provide free membership, bike education programs and free helmets to low income participants.
<b>Local</b>					
<b>CRD (Toll Lane Revenue)</b>	\$4.2 - \$5.2 yearly*	Discretionary	Yes	<b>Capital costs for active transportation &amp; first-last mile solutions.</b> Must be located within three miles of either the I-110 & I-10 Corridor ) or provide regionally significant improvements for the 110 or 10 Corridor. *Fund estimate applies to FY14 only. Future funding contingent on I-10 & 110 HOT lane project approval	
<b>Local Return</b> - Measure R 15% - PC20%	\$245 yearly	Formula By Population	No	<b>Capital costs.</b> Local cities could elect to use their share to pay for future phases or as a match.	Local sales tax funds have been used to match/supplement federal grants in many bike share schemes.
<b>MR 25% Highway Operational Improvements</b>	\$345 total	Discretionary to only Arroyo Verdugo and Malibu Las Virgenes Subregions	Yes	<b>Capital costs.</b> Potential to fund future bike share phases for cities within the subregion.	

**MOTION BY:**  
**MAYOR ERIC GARCETTI & DIRECTORS ZEV YAROSLAVSKY,**  
**MIKE BONIN, JOHN FASANA & DON KNABE**

**Item 58 — Bicycle Share Program Implementation Plan**

In October 2013, the MTA Board adopted, as policy, bicycle use as a formal transportation mode.

Staff was asked to: a) conduct an industry review on procuring a regional bike share vendor; b) prepare a business case analysis and recommendations on proceeding with a Request for Proposals to implement a regional bicycle share program; 3) make recommendations on a phased approach for implementing this program.

Bicycle share offers an alternative means of transportation for short trips that might otherwise have been made by vehicles.

A recent study named "The Bike-Sharing Planning Guide" (Institute for Transportation & Development Policy, December 2013) said "bike-share, more than any other form of urban transport, has the ability to improve and transform our cities."

This means a robust and regional bicycle share program needs to be adopted to address first-mile and last-mile transportation challenges.

An MTA bicycle share program will help connect and expand its transportation coverage to multiple jurisdictions along its transit system.

This is why MTA needs to be the lead agency in the county that will manage and procure a robust bicycle share program.

A single-point agency will also ensure inter-operability among the different jurisdictions and can also provide a multi-modal transportation system through the use of the Transit Access Program ("TAP") smart card.

MTA can also simplify the management of the program by having one agency provide proper accountability and proper management.

transform our cities.



MTA needs to also provide a fair-share of funding to support the initiation and maintenance and operations (O&M) costs for the program.

WE, THEREFORE, MOVE that the MTA CEO:

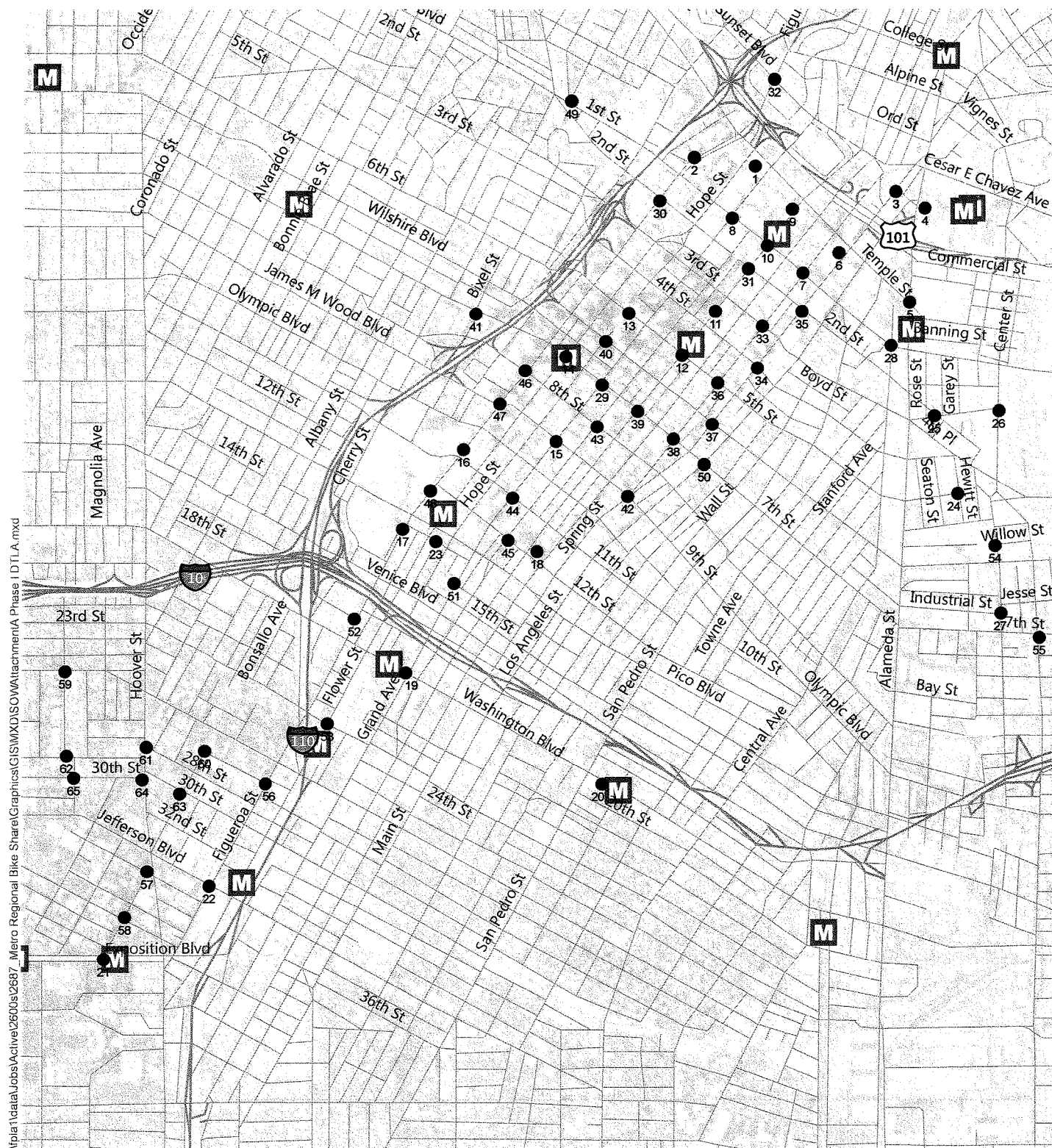
- A. Undertake a study of how a Bike Share Program could be implemented throughout the County.
- B. Procure, contract and administer the bicycle share program once the implementation study is completed.
- C. Implement the program in a phased approach and partner with the cities identified in the Phase I of the bicycle share program so MTA funds at least:
  1. Up to 50% of total capital costs per each city
  2. Up to 35% of total O&M costs per each city (on-going)
- D. Identify a financial business plan that includes:
  1. User fees
  2. Advertising fees
  3. Corporate sponsors
  4. A recommendation on a revenue split for all fees/revenues identified above.
- E. Prioritize eligible grants to support the costs of the program including:
  1. State Active Transportation Program ("ATP") funds
  2. State "Cap & Trade" funds
  3. Federal bicycle and active transportation funds
  4. All other eligible funding sources
- F. Develop a robust system-wide branding and educational effort that supports the use of bicycle share as part of the implementation study.
- D. Identify the necessary resources to implement the program.
- G. Update on all of the above at the April 2014 Board meeting.

E. Prioritize eligible grants to support the costs of the program including:

**DIRECTOR O'CONNOR'S MOTION REGARDING BIKE SHARE:**

- 1. Is there a firm timeline for Metro's procurement?**
- 2. How will this effort related to the procurement Long Beach is pursuing**
- 3. How will this effort work with Santa Monica's RFP/market test?**
- 4. Will there be coordination with the subregions? What form will that take?**
- 5. Has LA solved its legal outdoor advertising problem?**
- 6. Will there be flexibility for different business case models to operate within the Metro umbrella?**
- 7. Will the Metro's Bikeshare program go beyond the Metro stations? Can the program be expanded to include greater coverage for cities?**
- 6. What does Metro being the lead agency mean? Is this a clearing house for revenue sharing? What other elements are included?**
- 7. What funding is available for phasing the rollout of the program during the first year of implementation on both capital and operating expenditures? How will allocations be made?**
- 8. How will the system enable jurisdictions to make choices about how (what sources) they want to fund the operating gap?**

**This motion should be fortified with a fact sheet that informs regional cities on the "nuts and bolts" of the business model Metro is pursuing, the timeline for implementation, and subregional coordination.**



**M** Metro Rail Station

## Recommended Regional Expansion Stations

● Phase I - 65 Stations

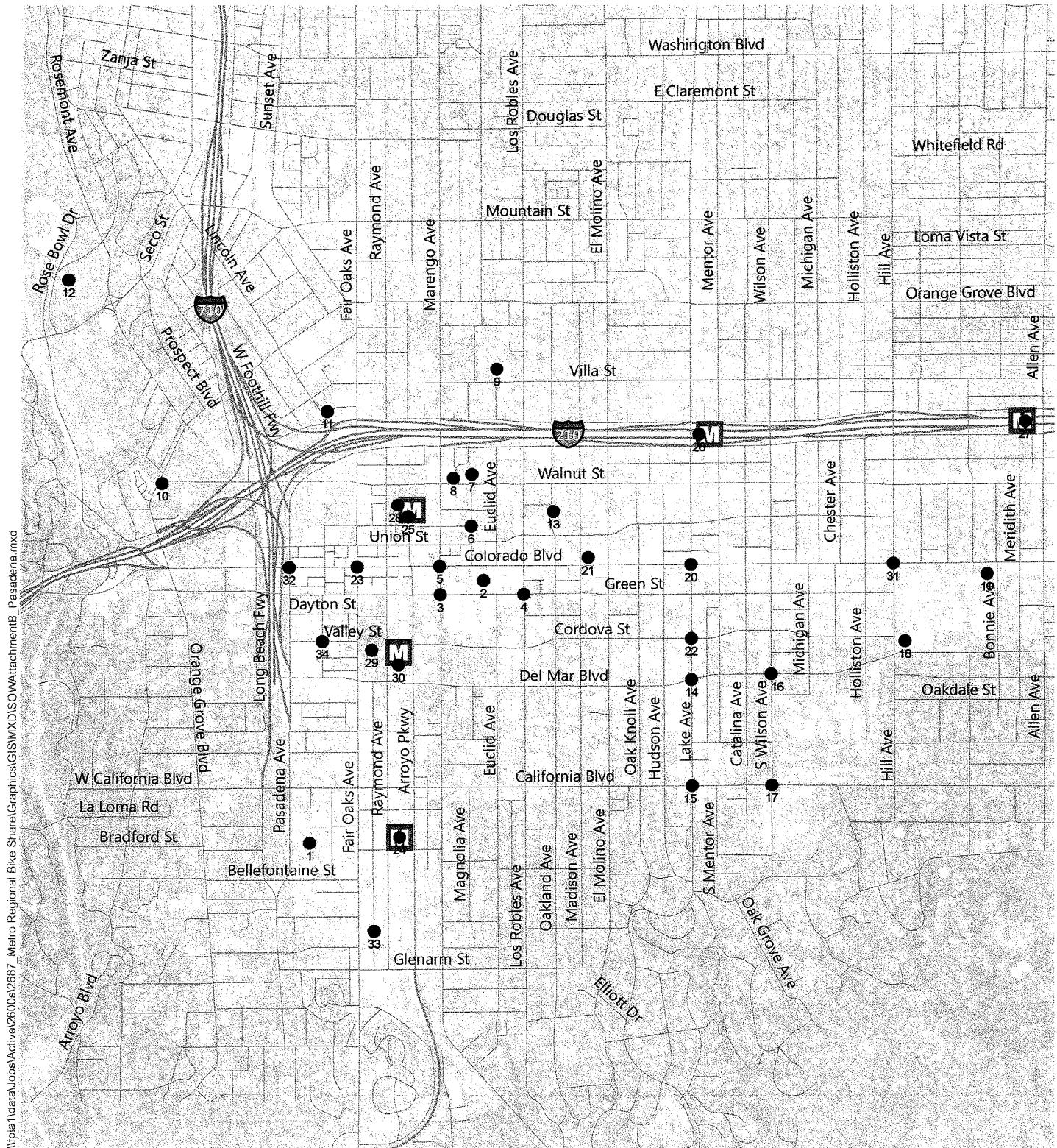
Phase I Pilot  
Downtown Los Angeles, CA

# Recommended Regional Expansion Stations

## *Phase I Pilot: Downtown Los Angeles*

ID	Station	ID	Station
1	Hope / Temple	34	4th / Main
2	Figueroa / Diamond (Figueroa Plaza)	35	2nd / Main
3	North Main / Olvera	36	5th / Spring
4	Alameda (Union Station)	37	6th / Main
5	Alameda / Temple	38	7th / Spring
6	Main / Temple (City Hall)	39	7th / Hill
7	1st / Spring	40	6th / Hope
8	1st / Grand	41	7th / Bixel
9	Hill / Temple (Grand Park)	42	9th / Main
10	1st / Hill	43	8th / Olive
11	Hill (Angel's Flight)	44	11th / Grand
12	5th / Hill (Pershing Square)	45	12th / Olive
13	5th / Hope stairs (Library)	46	8th / Figueroa
14	7th / Flower (Metro Center)	47	9th / Figueroa
15	9th / Grand	48	12th / Figueroa
16	11th / Figueroa	49	1st / Toluca
17	Pico / Figueroa (Convention Center)	50	7th / Los Angeles
18	12th / Hill (DPW)	51	14th / Grand
19	Washington / Grand (Grand Station)	52	18th / Figueroa
20	Washington (San Pedro Station)	53	23rd / Flower
21	Exposition (Expo Park/USC Station)	54	Willow / Mateo
22	Jefferson / Figueroa (Jefferson/USC Station)	55	7th / Santa Fe
23	Cameron / Flower (Pico Station)	56	27th / Figueroa
24	5th / Hewitt	57	34th / Trousdale
25	3rd / Traction	58	36th / Trousdale
26	3rd / Santa Fe	59	W Adams Blvd / Ellendale Pl
27	Industrial / Mateo	60	W 27th St / University Ave
28	1st / Central	61	W 28th St / Hoover St
29	7th / Grand	62	Ellendale Pl / W 29th St
30	2nd / Figueroa	63	University Ave / W 30th St
31	2nd / Hill	64	McClintock Ave / W 30th St
32	Cesar E Chavez / Figueroa	65	Orchard Ave / W 30th St
33	3rd / Spring		

Note: Tentative locations are for planning purposes only and are subject to relocation based on policy and physical constraints.



**M** Metro Rail Station

## Recommended Regional Expansion Stations

● Phase II - 34 Stations

Phase II Regional Expansion Area  
Pasadena, CA

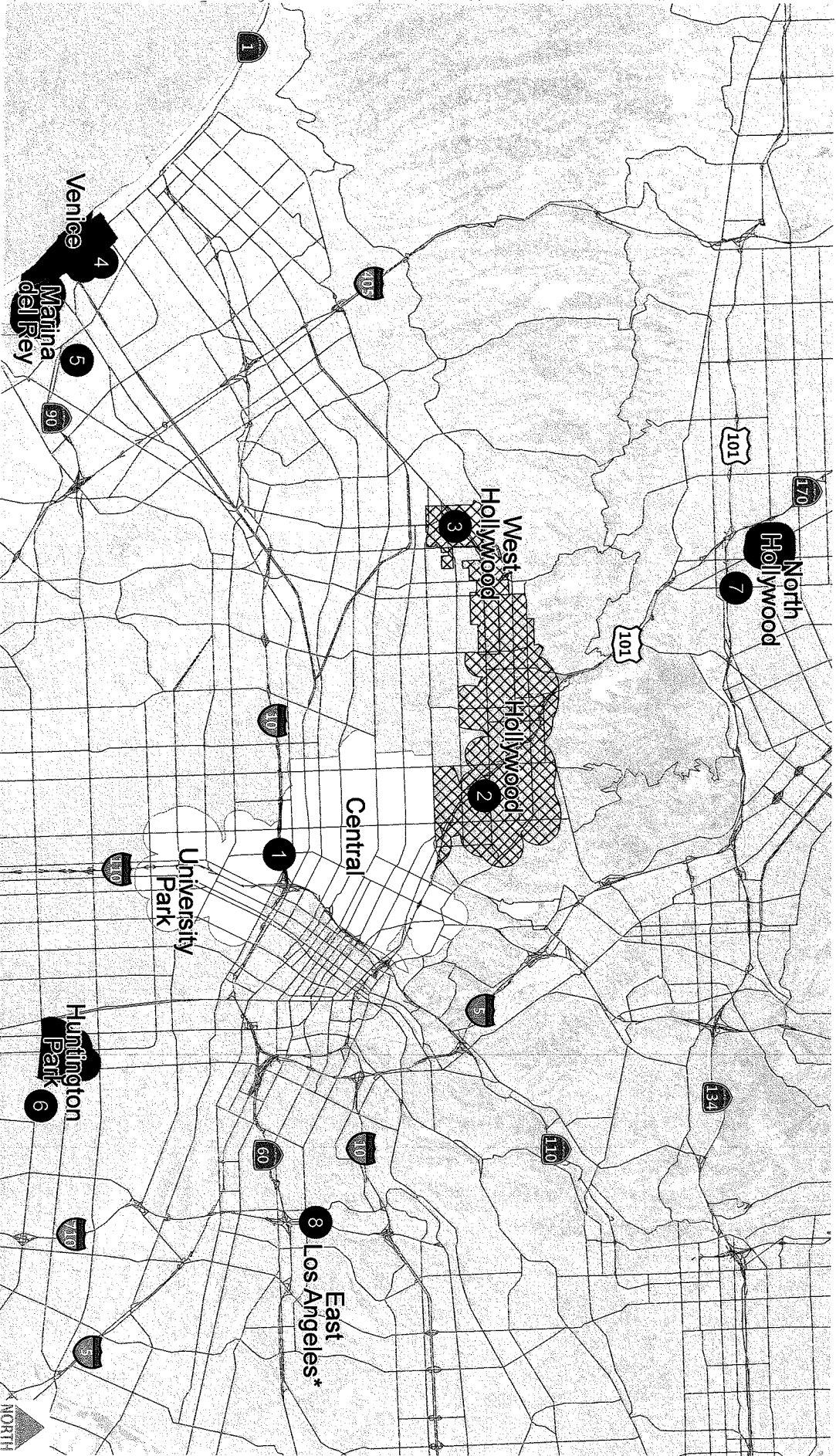
# Recommended Regional Expansion Stations

## *Phase II: Pasadena*

ID	Station
1	Huntington Hospital
2	Garfield (Paseo Colorado)
3	Green / Marengo
4	Green / Los Robles
5	Colorado / Marengo
6	Garfield / Holly (Pasadena City Hall)
7	Pasadena Library
8	Garfield / Walnut (Library west)
9	Villa / Euclid (Villa Park)
10	Orange Grove / Walnut
11	Lincoln / Eureka / Maple
12	Arroyo (Rose Bowl)
13	Union / Oakland (Fuller Seminary)
14	Del Mar / Lake
15	California / Lake
16	Del Mar / Wilson
17	California / Wilson
18	Del Mar / Hill (Pasadena Community College)
19	Colorado / Bonnie (Pasadena Community College)
20	Colorado / Lake
21	Colorado / Madison
22	Cordova / Lake
23	Colorado / Fair Oaks
24	Raymond / Fillmore (Fillmore Station)
25	Holly (Memorial Park Station)
26	Lake (Lake Station)
27	Allen (Allen Station)
28	Memorial Park
29	Central Park
30	Del Mar / Arroyo (Del Mar Station)
31	Colorado / Hill
32	Colorado / Pasadena
33	Edmondson Alley
34	Valley / DeLacey

Note: Tentative locations are for planning purposes only and are subject to relocation based on policy and physical constraints.

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\* A specific boundary for the East Los Angeles Expansion Area has not yet been identified.

**Preliminary Regional Expansion Areas**

- Phase III - 65 Stations
- Phase IV - 53 Stations
- Phase V - 37 Stations
- 1 Expansion Area



# Preliminary Regional Expansion Areas

## *Phase III, IV, and V Communities*

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### # Community

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#### ***Phase III – 65 Stations***

- 1 Central / University Park

#### ***Phase IV – 53 Stations***

- 2 Hollywood
- 3 West Hollywood

#### ***Phase V – 37 Stations***

- 4 Venice
  - 5 Marina Del Rey
  - 6 Huntington Park
  - 7 North Hollywood
  - 8 East Los Angeles\*
- 

Note: A specific boundary for the East Los Angeles Expansion Area has not yet been identified.



				Year 2*	year 3	year 4	year 5	year 6	year 7**	All Years
				FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	TOTALS
PORT OF LA				+11 Stations						
Capital Costs - Port										
			Total Capital	\$ 669,280						\$ 669,280
City/Metro Contributions	Metro Contribution (up to 50% Capital)			\$334,640						
	Port Contribution (50% Capital)			\$334,640						
Balance of Capital Cost				\$0						
Operation and Maintenance (O&M) Costs - Port										
	TOTAL			\$ 400,223	\$ 730,870	\$ 745,233	\$ 765,863	\$ 787,100	\$ 808,961	\$ 4,238,249
No Revenue Scenario	Metro Contribution (35% Net O&M)			\$ 140,078	\$ 255,805	\$ 260,831	\$ 268,052	\$ 275,485	\$ 283,136	\$ 1,483,387
	Port (65% Net O&M)			\$ 260,145	\$ 475,066	\$ 484,401	\$ 497,811	\$ 511,615	\$ 525,824	\$ 2,754,862
60% Fare Box Recovery Scenario*	Estimated Revenue			\$ -	\$ 438,522	\$ 447,140	\$ 459,518	\$ 472,260	\$ 485,376	\$ 2,542,949
	Metro Contribution (35% Net O&M)			\$ 140,078	\$ 102,322	\$ 104,333	\$ 107,221	\$ 110,194	\$ 113,254	\$ 593,355
	Port (65% Net O&M)			\$ 260,145	\$ 190,026	\$ 193,761	\$ 199,124	\$ 204,646	\$ 210,330	\$ 1,101,945
TOTAL PORT										\$ 4,907,529

PASADENA				+34 Stations							
Capital Costs											
				34							
			Total Capital	\$2,071,574							\$ 2,071,574
City/Metro Contributions	Metro Contribution (up to 50% Capital)			\$735,085							
	Pasadena Contribution			\$1,336,489							
	-2015 CFP Grant (LTF funds)			\$954,635							
	- CFP Local Match Commitment			\$954,635							
	- \$ Local Funds (20% of original 2015 CFP original cost \$1.91 Mil)			\$381,854							
	- In-Kind Match			\$572,781							
Balance of Capital Cost				\$0							
Operation and Maintenance (O&M) Costs - Pasadena											
	TOTAL			\$ 720,633	\$ 1,939,482	\$ 1,970,461	\$ 2,018,714	\$ 2,068,323	\$ 2,119,323	\$ 10,836,936	
No Revenue	Metro Contribution (35% Net O&M)			\$ 252,222	\$ 678,819	\$ 689,661	\$ 706,550	\$ 723,913	\$ 741,763	\$ 3,792,928	
Scenario	Pasadena (65% Net O&M)			\$ 468,411	\$ 1,260,663	\$ 1,280,800	\$ 1,312,164	\$ 1,344,410	\$ 1,377,560	\$ 7,044,008	
	Estimated Revenue			\$ -	\$ 1,163,689	\$ 1,182,277	\$ 1,211,228	\$ 1,240,994	\$ 1,271,594	\$ 6,502,162	
60% Fare Box Recovery	Metro Contribution (35% Net O&M)			\$ 252,222	\$ 271,527	\$ 275,865	\$ 282,620	\$ 289,565	\$ 296,705	\$ 1,517,171	
Scenario*	Pasadena (65% Net O&M)			\$ 468,411	\$ 504,265	\$ 512,320	\$ 524,866	\$ 537,764	\$ 551,024	\$ 2,817,603	
TOTAL 2 YR PILOT					\$ 4,731,689						
TOTAL PASADENA											\$ 12,908,510

VENICE				15 Stations (purchased w/ pilot)						
Capital Costs - Venice										
			Total Capital	\$ 10,000						\$ 10,000
City/Metro Contributions	Metro Contribution (up to 50% Capital)			\$5,000						
	LA Contribution (50% Capital)			\$5,000						
Balance of Capital Cost				\$0						
Operation and Maintenance (O&M) Costs - Venice										
	TOTAL			\$ 567,416	\$ 854,729	\$ 871,640	\$ 896,298	\$ 921,689	\$ 947,834	\$ 5,059,606
No Revenue Scenario	Metro Contribution (35% Gross O&M)			\$ 198,596	\$ 299,155	\$ 305,074	\$ 313,704	\$ 322,591	\$ 331,742	\$ 1,770,862
	LA (65% Net O&M)			\$ 368,820	\$ 555,574	\$ 566,566	\$ 582,594	\$ 599,098	\$ 616,092	\$ 3,288,744
	Estimated Revenue			\$ -	\$ 512,837	\$ 522,984	\$ 537,779	\$ 553,014	\$ 568,700	\$ 3,035,763
60% Fare Box Recovery Scenario*	Metro Contribution (35% Gross O&M)			\$ 198,596	\$ 119,662	\$ 122,030	\$ 125,482	\$ 129,037	\$ 132,697	\$ 708,345
	LA (65% Net O&M)			\$ 368,820	\$ 222,230	\$ 226,626	\$ 233,038	\$ 239,639	\$ 246,437	\$ 1,315,497
TOTAL VENICE										\$ 5,069,606

DTLA				65 existing stations												
Operation and Maintenance (O&M) Costs - DTLA																
	TOTAL	\$	24,866	\$	3,760,725	\$	3,822,813	\$	3,918,017	\$	4,015,911	\$	4,116,579	\$	19,658,911	
No Revenue Scenario	Metro Contribution (35% Net O&M)	\$	8,703	\$	1,316,254	\$	1,337,985	\$	1,371,306	\$	1,405,569	\$	1,440,803	\$	6,880,619	
	LA (65% Net O&M)	\$	16,163	\$	2,444,471	\$	2,484,829	\$	2,546,711	\$	2,610,342	\$	2,675,776	\$	12,778,292	
	Estimated Revenue	\$	-	\$	2,256,435	\$	2,293,688	\$	2,350,810	\$	2,409,547	\$	2,469,947	\$	11,795,347	
60% Fare Box Recovery Scenario*	Metro Contribution (35% Net O&M)	\$	8,703	\$	526,502	\$	535,194	\$	548,522	\$	562,228	\$	576,321	\$	2,752,248	
	LA 65% Net O&M)	\$	16,163	\$	977,789	\$	993,931	\$	1,018,684	\$	1,044,137	\$	1,070,311	\$	5,111,317	
TOTAL DTLA															\$	19,658,911

TOTAL CITIES CAPITAL & O&M (No GPS)				\$ 4,463,992	\$ 7,285,806	\$ 7,410,147	\$ 7,598,892	\$ 7,793,023	\$ 7,992,696	\$ 42,544,556
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GPS For 10% of All Bicycles										
GPS Capital and O&M Total	Capital Costs (153 Bikes)			\$ 34,425	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,425
	Monthly Fee (153 Bikes)			\$ 612	\$ 7,344	\$ 7,564	\$ 7,791	\$ 8,025	\$ 8,266	\$ 39,602
	TOTAL GPS PHASES I-III BY YEAR			\$ 35,037	\$ 7,344	\$ 7,564	\$ 7,791	\$ 8,025	\$ 8,266	\$ 74,027

Metro Capital				\$ 1,074,725	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
City Capital				\$ 1,676,129	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Metro O&M				\$ 599,598	\$ 2,550,032	\$ 2,593,551	\$ 2,659,612	\$ 2,727,558	\$ 2,797,444	\$ 13,927,796
City O&M				\$ 1,113,540	\$ 4,735,774	\$ 4,816,595	\$ 4,939,280	\$ 5,065,465	\$ 5,195,253	\$ 25,865,906
Total Capital				\$ 2,750,854	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total O&M				\$ 1,713,138	\$ 7,285,806	\$ 7,410,147	\$ 7,598,892	\$ 7,793,023	\$ 7,992,696	\$ 39,793,702
Total Capital & O&M (No GPS)				\$ 4,463,992	\$ 7,285,806	\$ 7,410,147	\$ 7,598,892	\$ 7,793,023	\$ 7,992,696	\$ 39,793,702

GRAND TOTAL				\$ 4,499,029	\$ 7,293,150	\$ 7,417,711	\$ 7,606,683	\$ 7,801,048	\$ 8,000,962	\$ 42,618,583
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\* 2 year costs for Pasadena, Port of LA, and Venice is for Pre-Launch O&M costs

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**MOTION BY:**

**MAYOR ERIC GARCETTI & DIRECTORS ZEV YAROSLAVSKY  
& MIKE BONIN**

**Item 58 – Bicycle Share Program Implementation Plan**

In October 2013, the MTA Board adopted, as policy, bicycle use as a formal transportation mode.

Staff was asked to: a) conduct an industry review on procuring a regional bike share vendor; b) prepare a business case analysis and recommendations on proceeding with a Request for Proposals to implement a regional bicycle share program; 3) make recommendations on a phased approach for implementing this program.

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This is why MTA needs to be the lead agency in the county that will manage and procure a robust bicycle share program.

A single-point agency will also ensure inter-operability among the different jurisdictions and can also provide a multi-modal transportation system through the use of the Transit Access Program (“TAP”) smart card.

MTA can also simplify the management of the program by having one agency provide proper accountability and proper management.

**MTA needs to also provide a fair-share of funding to support the initiation and maintenance and operations (O&M) costs for the program.**

**WE, THEREFORE, MOVE that the MTA CEO:**

- 1. Undertake a study of how a Bike Share Program could be implemented throughout the County.**
- 2. Procure, contract and administer the bicycle share program once the implementation study is completed.**
- 3. Implement the program in a phased approach and partner with the cities identified in the Phase I of the bicycle share program so MTA funds at least:**
  - A. Up to 50% of total capital costs per each city**
  - B. Up to 35% of total O&M costs per each city (on-going)**
- 4. Identify a financial business plan that includes:**
  - A. User fees**
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  - A. State Active Transportation Program ("ATP") funds**
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  - C. Federal bicycle and active transportation funds**
  - D. All other eligible funding sources**
- 6. Develop a robust system-wide branding and educational effort that supports the use of bicycle share as part of the implementation study.**
- 7. Update on all of the above at the April 2014 Board meeting.**



# Metro

## Board Report

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

**File #:**2015-1093, **File Type:**Motion / Motion  
Response

Agenda Number:22.1

### PLANNING AND PROGRAMMING COMMITTEE JULY 15, 2015

**Motion by:**

**Supervisor Ridley-Thomas**

July 15, 2015

#### **22.1, Relating to File ID 2015-0995 Next Steps for Implementing the Countywide Bikeshare Program**

The Metro Board of Directors (Board) has expressed a strong commitment to deploy a Countywide Bikeshare Program as a first and last mile solution and as a practical option for inter-jurisdictional travel. A regionally-coordinated bikeshare program will reduce vehicle miles travelled, improve the accessibility of our transit system and enhance the overall livability of the region.

At the June 2015 Metro Board meeting, the Board awarded a bikeshare contract to Bicycle Transit Systems and instructed staff to move forward with the pilot phase of implementation in downtown Los Angeles. Metro should serve as the regional facilitator of a financially sustainable system and seamless user experience and work with communities throughout the region as they are prepared to join a Countywide Bikeshare Program. Some cities have already initiated efforts to establish bikeshare programs.

Metro should work with those jurisdictions to optimize opportunities for interoperability.

**APPROVE Ridley-Thomas Motion** that the Metro Board of Directors instruct the Chief Executive Officer to proceed as follows:

- A. Continue to work with the cities of Santa Monica and Long Beach, which have executed a contract and plan to move forward with an alternate bikeshare provider to achieve the Interoperability Objectives as presented at the June 2015 Board meeting, including title sponsorship, branding and marketing, membership reciprocity, reciprocal docks, a unified fare structure and data sharing;
- B. Consistent with the Interoperability Objectives, require that any city with an existing bikeshare vendor contract as of June 25, 2015, using a bikeshare system other than Metro's selected system, shall be eligible for up to 35% of operating and maintenance funding support from Metro on condition that the city or cities agree to fully participate in a Metro Countywide Bikeshare Title Sponsorship by reserving on bike title placement and associated branding for

Metro's Sponsor (including branding, color, and ad space on baskets, skirt guards and bike frame) and agree to meeting the other Interoperability Objectives, consistent with the agreement developed between Metro and the City of Los Angeles for the pilot phase of Metro's Countywide Bikeshare Program. Such cities shall also agree to participate in and provide data for the evaluation study described in Directive 8 below;

- C. Proceed with awarding Call for Projects funding to the Cities of Beverly Hills, Pasadena and West Hollywood, consistent with the staff recommendations for the 2015 Call for Projects, for the capital costs associated with their proposed bikeshare programs.
- D. Include in the 2015 Call for Projects bikeshare funding contracts, that if any of the cities select a bikeshare system other than Metro's, operations and maintenance funding will not be provided unless each city agrees to the Interoperability Objectives outlined above. All costs associated with providing duplicative dock or other systems within adjacent jurisdictions to enhance interoperability shall be borne by such cities and shall not be funded with Metro funds.
- E. Specify in future Call for Projects applications that any city requesting bikeshare funding for either capital and operations and maintenances expenses must commit to using Metro's selected vendor and Title Sponsorship, and other Interoperability Objectives;
- F. Engage Bicycle Transit Systems in accelerating the roll out of all identified project phases so that implementation can be accomplished no later than 2017. Staff shall work with each city to secure local funding commitments and report to the Board for specific approval of any expansion beyond the downtown Los Angeles Pilot, together with a proposed funding plan;
- G. Conduct additional feasibility studies and preliminary station placement assessments to incorporate the communities of Boyle Heights (centering around the Mariachi Plaza Gold Line Station), El Monte (centering around the Bus Station) and the Westside of Los Angeles (along the Exposition Line as well as Venice), as part of the Bikeshare Program; and
- H. Conduct an evaluation of the bike share systems operating within Los Angeles County after 12 months from the downtown Los Angeles Pilot launch date. Evaluation of the systems shall, at a minimum, address operations and user experience, including the following:
  - 1. Timeliness and success of roll-out;
  - 2. Experience of the respective agencies in working with their respective vendors;

3. Ability of bikeshare providers to meet performance criteria including bicycle distribution, removal and replacement of inoperable bicycles and cleanliness of bikeshare facilities;
  4. Customer satisfaction as measured by a survey;
  5. Fare structure;
  6. Equity/effectiveness serving disadvantaged community; and
  7. Bicycle use/behavioral change; and
- I. Once the independent evaluation of both systems is complete, the Board should consider funding for future bikeshare systems that opt to not use Metro's selected vendor on a case-by-case basis subject to the respective city fulfilling Metro's interoperability objectives.

## DEOD SUMMARY

## METRO COUNTYWIDE BIKESHARE PROGRAM / PS272680011357

**A. Small Business Participation**

Bicycle Transit Systems, Inc. (BTS) made a 22.37% Disadvantaged Business Enterprise (DBE) commitment. The project is 23% complete and the current DBE participation is 7.85%, representing a shortfall of 14.52%. BTS explained that funds spent during the first year of the program are predominantly for equipment purchases, including 1,000 bikes and 82 stations, purchased through BCycle, a non-DBE. BTS confirmed its plan to meet its DBE commitment during the term of the contract.

<b>Small Business Commitment</b>	<b>22.37% DBE</b>	<b>Small Business Participation</b>	<b>7.85% DBE</b>
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	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Accel Employment Services	Asian Pacific American	15.28%	2.01%
2.	BikeHub	Asian Pacific American	5.48%	1.24%
3.	Toole Design Group	Non-Minority Female	0.93%	2.07%
4.	Say Cargo Express	Hispanic American	0.68%	2.53%
5.	Delphin Computer Supply	Non-Minority Female	Added	0.00%
	<b>Total</b>		<b>22.37%</b>	<b>7.85%</b>

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

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

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

# Metro Countywide Bike Share



# Recommendation

## Approve

**A. Extending the Downtown Los Angeles Pilot for a period of 5 years.**

**B. Authorizing the Chief Executive Officer to exercise options and execute Modification No. 4 to Contract No. PS272680011357 with Bicycle Transit Systems, Inc. to accelerate implementation and operation of the Metro Countywide Bike Share in the firm fixed amount of \$42,618,583, increasing the total contract value from \$11,174,329 to \$53,792,912 as follows:**

- 1. Extending Downtown Los Angeles Pilot in the amount of \$19,658,911 for an additional 5 years**
- 2. Expansion to Venice in the amount of \$5,069,606 for six years**
- 3. Expansion to Pasadena in the amount of \$12,908,510 inclusive of an initial two-year pilot for \$4,731,689 plus options for four additional years**
- 4. Expansion to the Port of Los Angeles in the amount of \$4,907,529 for six years**
- 5. Implementing GPS equipment in bicycles to support Countywide modeling efforts in the amount of \$74,027**



**Metro**

# Recommendation Continued

**Approve**

**C. Authorizing the Life of Project budget (LOP) including the following capital costs:**

- 1. \$2.072M for Pasadena**
- 2. \$670K for Port of LA**
- 3. \$10K for Venice**

**D. Changing the project sponsor for Call for Project Grant Number F9515 (Pasadena Bike Share Start Up Capital Costs) from Pasadena to Metro in order to utilize funding toward Metro Bike Share implementation in Pasadena.**

**E. Authorizing the CEO to take the following actions to expand the Metro Countywide Bike Share program:**

- 1. Negotiating and executing an amendment to the MOU between City of Los Angeles and Metro to expand bike share to Venice and extend DTLA MOU timeframe;**
- 2. Negotiating and executing a Memorandum of Understanding (MOU) between Pasadena and Metro; and**
- 3. Negotiating and executing a Memorandum of Understanding (MOU) between the Port of Los Angeles and Metro.**



**Metro**

# Downtown Los Angeles Pilot

- Launched July 7, 2016
- Over 60 stations
- 1<sup>st</sup> Quarter Performance
  - +55,000 rides
  - Averaging .93 rides/bike/day
  - 68% of trips are made by pass holders
- Extend service for additional five years
  - City of LA financial commitment \$12.7m
  - Metro financial commitment



# Bike Share Expansion

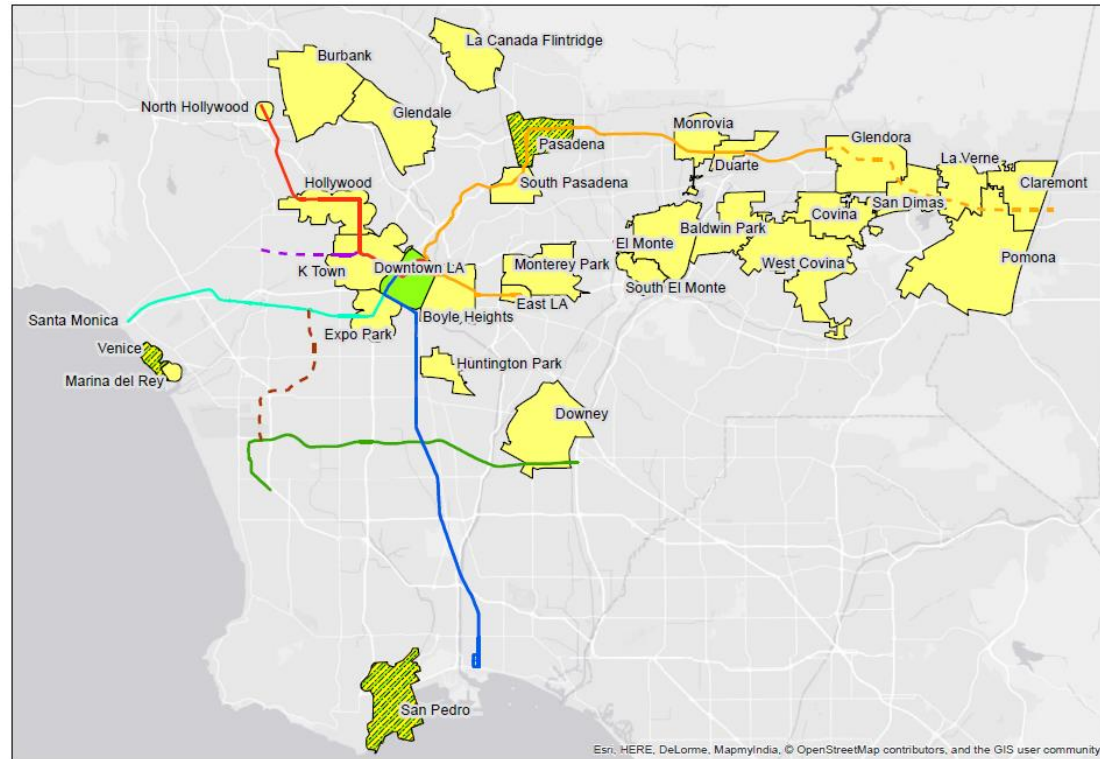
- Summer 2017 launch
- City of Los Angeles expansion to Venice
  - 15 stations
  - Schedule is accelerated by two years
  - Financial commitment \$3.2m
- City of Pasadena
  - 34 stations
  - Schedule is accelerated by one year
  - Financial commitment \$3m (2 yr pilot)
- Port of Los Angeles
  - 11 stations
  - Financial commitment \$3m
- Metro's financial commitment \$8.1m pre-revenue



**Metro**

# Next Steps

- Feasibility Studies
- Pilot Bulk Pass and Single Ride program
- Work with LACBC, MCM and City of LA to define and address equity
- Continue to pursue a title sponsor
- TAP integration





## Board Report

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File #: 2016-0730, File Type: Program

Agenda Number: 12.

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PLANNING AND PROGRAMMING COMMITTEE  
OCTOBER 19, 2016**SUBJECT: FY 2016 FEDERAL HOMELAND SECURITY AND STATE PROPOSITION 1B  
SECURITY PROJECTS****ACTION: APPROVE PROGRAMMING RECOMMENDATION AND RELATED ACTIONS****RECOMMENDATION**

CONSIDER:

- A. APPROVING programming of up to \$17.233 million from **fiscal year (FY) 2016 Federal Department of Homeland Security Transit Security Grant Program (TSGP) and State Proposition 1B California Transit Security Grant Program funds** that are available for eligible capital transit projects, as shown in Attachment A;
- B. AMENDING the FY 2017 budget to add \$1.13 million in revenues and expenditures to begin implementing the recommended TSGP project shown in Attachment A; and
- C. ADOPTING the required FY 2016 resolution, as shown in Attachment B, authorizing the Chief Executive Officer to execute any actions necessary for obtaining state financial assistance that the California Office of Emergency Services may provide.

**ISSUE**

The Board of Directors must approve the programming of \$17.233 million in federal and state transit security grant funding for the eligible operating projects, before we can begin to draw down such funding according to grant guidance. The funding will implement actions to address vulnerabilities at operating and maintenance facilities, and construction of the Center Street Emergency Operations Center.

**DISCUSSION**

In July 2015, Department of Homeland Security (DHS) announced awards from Congress that appropriated \$87 million through the *Consolidated Appropriations Act, 2016, Division D* (Public Law 112-74). The TSGP is one of the DHS FY 2016 grant programs that directly support transportation infrastructure security activities. The application process for applying for these funds was competitive. We were awarded \$1.13 million out of the \$87 million appropriated funds for TSGP. In

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December 2015, the State Controller's Office (SCO) also notified Metro that it was allocated \$16.103 million under the FY 2016 state Proposition 1B Transit Security Program for eligible transit system safety, security and disaster response capital projects. The Board of Directors must approve the programming of \$17.233 million combined for eligible capital projects, before Metro begins to draw down funds according to grant guidelines.

### Federal TSGP Funding

Federal TSGP funding may be used for protecting critical infrastructure within our transit system from terrorism, especially explosives and non-conventional threats that would cause major loss of life and severe disruption within the greater Los Angeles region. Since 2004, we have received an estimated \$65 million in federal transit security funds. These grants have been used to harden subway security, enhance bus facility surveillance, operate random patrols throughout the transit system, and provide terrorist awareness training for the majority of the transit staff. The \$1.13 million available in FY 2016 TSGP funding is recommended to be programmed for transit security activities shown in Attachment A. We submitted our applications for this funding on April 22, 2016. These FY 2016 TSGP federal funds must be encumbered and expended by August 31, 2019, and we anticipate expending the entire funds by end of FY 2017.

### State Proposition 1B Funding

In November 2006, California voters approved Proposition 1B (Prop 1B), which authorized \$19.925 billion of state general obligation bonds for specified transportation purposes, including transit modernization and transit safety and security improvements. Under Prop 1B, the state established the \$600 million, Transit Security Program (or the California Transit Security Grant Program - California Transit Assistance Fund [CTSGP-CTAF], as identified by California Emergency Management Agency). In previous years, we have programmed, applied for, and received an allocation of \$145 million for Metro security and safety projects. The \$16.103 million available in FY 2016 State Proposition 1B California Transit Security Grant Program funding is recommended to be programmed for the project shown in Attachment A. We submitted our funding applications for state review before the January 15, 2016 deadline. FY 2016 Transit Security state bond funds must be encumbered and expended by March 31, 2019.

## **DETERMINATION OF SAFETY IMPACT**

The implementation of these federal and state funded transit security projects will improve safety. In particular, the state funding will be allocated towards the building of the new Emergency Operation Center, which would allow a safer system for our employees and patrons.

## **FINANCIAL IMPACT**

No expenses for the projects listed in Attachment A are included in the FY 2017 Budget. If approved, \$1.13 million for the TSGP-funded project will be added to the FY 2017 Budget in Cost Center 2610, System Security & Law Enforcement, to continue project implementation once the federal agency issuing the grant award authorizes expenses to be incurred. The remaining funds of \$16.103 million for the Prop 1B funded project will be included in future year budgets. As this is a multi-year project,

Cost Center 2610 will be accountable for budgeting the costs required in future years.

#### Impact to Bus and Rail Operating and Capital Budget

The funds programmed by this action will come from \$1.13 million in federal Transit Security funds to finance the eligible operating project shown in Attachment A. These activities may impact our bus and rail budgets because operating funds are required to sustain the security projects at an estimated cost of \$1 million per year.

#### **ALTERNATIVES CONSIDERED**

The Board of Directors may choose not to program funding or approve the related resolution. We do not recommend these options because without Board approval, we cannot access the \$17.233 million in available federal and state transit security funds for the needed transit security projects shown in Attachment A.

#### **NEXT STEPS**

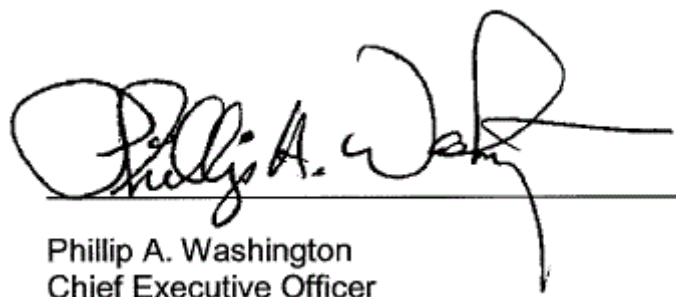
With Board approval, we will process the necessary documents with the appropriate awarding agency to secure up to \$17.233 million in transit security funds available. We also will work to ensure timely implementation of the project and monitor grant compliance activities.

#### **ATTACHMENTS**

Attachment A - FY 2016 TSGP and Prop 1B Project List  
Attachment B - Governing Body Resolution

Prepared by: James Allen, Senior Manager, Transportation Planning, Regional Grants Management,  
(213) 922-2556

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

  
Phillip A. Washington  
Chief Executive Officer



## ATTACHMENT A

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### PROGRAM \$17.2 Million

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#### Fiscal Year 2016 Department of Homeland Security – Transit Security Grant Program (\$000)

Project	Total
<b>Mass Transit Passenger Screening and Facilities Hardening</b> Metro has identified the lack of technology capable of screening passengers or vehicles entering facilities that maybe carrying concealed weapons or explosives. These funds will assist in mitigating this area of vulnerability.  <b>Security Vulnerability at Metro Bus and Rail Facilities:</b> <ul style="list-style-type: none"> <li>• Install technology to detect weapons and/or explosive devices</li> <li>• Install High Definition cameras at parking lot/structure and building interiors</li> <li>• Harden facility perimeters</li> </ul>	<b>\$1.130</b>
<b>Total Programming Request</b>	<b>\$1.130</b>

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#### Fiscal Year 2016 Prop 1B California Transit Security Grant Program (\$000)

Project	Total
<b>LACMTA Emergency Security Operation Center</b> The Emergency Security Operations Center (ESOC) project will provide an offsite ESOC for the Metro.	<b>\$16.103</b>
<b>Total Programming Request</b>	<b>\$16.103</b>

## **Attachment B**

### Governing Body Resolution

BE IT RESOLVED by the Board of Directors of the LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (Metro) that the Chief Executive Officer, or his designee, is hereby authorized to execute for and on behalf of the Metro, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining state financial assistance provided by the California Emergency Management Agency under the fiscal year 2016 Proposition 1B Transit Security Program/California Transit Security Grant Program for the projects approved in Board Report dated October 22, 2016.

Passed and approved this 22<sup>nd</sup> day of October, 2016

### ***Certification***

I, Michele Jackson, duly appointed and Board Secretary of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the Los Angeles County Metropolitan Transportation Authority on the 22<sup>nd</sup> day of October, 2016.

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MICHELE JACKSON  
Board Secretary

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(Date)



## Board Report

File #: 2016-0762, File Type: Resolution

Agenda Number: 13.

### PLANNING AND PROGRAMMING COMMITTEE OCTOBER 19, 2016

**SUBJECT: AUTHORIZATION TO NEGOTIATE, EXECUTE AND FILE FEDERAL, STATE, REGIONAL AND LOCAL FUNDING DOCUMENTS**

**ACTION: AUTHORIZE CEO OR DESIGNEE TO NEGOTIATE, EXECUTE AND FILE FEDERAL, STATE, REGIONAL AND LOCAL FUNDING DOCUMENTS**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to adopt:

- A. the attached resolution (Attachment A) **authorizing the Chief Executive Officer (CEO) or the CEO's Designee to negotiate, execute, and file federal, state, regional and local funding documents** for Board-approved projects and activities; and
- B. the attached resolution (Attachment B) authorizing the CEO or the CEO's Designee to **execute and file Federal Transit Administration funding documents** for Board-approved projects and activities.

#### **ISSUE**

For Metro to apply and be awarded grants or other grant-related funding assistance, the Board of Directors must adopt certain resolutions allowing the CEO or the CEO's Designee to negotiate, execute and file funding documents on behalf of Metro. Funding documents may include agreements, contracts, memoranda of understanding, certifications, assurances, and all other necessary covenant documentation required to secure federal, state, regional and local revenue sources for Board-approved projects and activities. The current resolution was originally adopted in 1995 and re-certified in 2005.

#### **DISCUSSION**

Currently, we have a general authorizing resolution that covers all fund source types and which the Board of Directors last re-certified a little over ten years ago. The Board originally adopted the first authorizing resolution on November 20, 1995, and that resolution allowed us to do what we needed administratively to secure federal, state, and local funding for Board-approved transportation projects and activities. That general resolution also authorized the CEO or the CEO's Designee to provide any

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additional information needed to secure such funding.

Since the general authorizing resolution was adopted and updated, there have been opportunities available for Metro to obtain new grant funding from grantors who require more recent evidence from staff that the Board has authorized staff to secure grants for Board-approved projects and activities. More recently, the Federal Transit Administration (FTA) has requested that an updated resolution with more specific language be adopted before executing a Section 5309 New Starts Full Funding Grant Agreement for Westside Purple Line Extension Section 2.

To address the need for these administrative resolutions, we have attached two recommended resolutions for Board consideration. Attachment A provides an update to the previous Board authorizations, reaffirms the commitments made by the previous general resolution, and certifies Metro compliance with all applicable statutes and requirements to obtain such funding. Attachment B contains a resolution that specifically addresses the recent FTA request and contains updated language from the previously adopted resolution that pertained to FTA funding.

### **DETERMINATION OF SAFETY IMPACT**

The recommended actions will have no impact on Metro's established safety standards.

### **FINANCIAL IMPACT**

In adopting the attached resolutions, the Board of Directors would be authorizing us to secure federal, state, regional and local sources of revenue needed for Metro to meet its capital and operating budget requirements for Board-approved projects and activities.

### **ALTERNATIVES CONSIDERED**

The alternative to adopting the attached resolutions is to bring each grant application, agreement or contract, and its related documents to the Board of Directors for individual direction and approval. We do not recommend such an alternative because executing and filing federal, state, regional and local funding documents constitutes an administrative assignment that can be completed more efficiently and timely by staff, and will ensure strict deadlines are met in a timely manner.

### **NEXT STEPS**

Once approved, we will provide a copy of the certified resolution contained in Attachment A to federal, state, regional and local grantor agencies upon request when grants and other funding assistance is being pursued to support Board-approved projects and activities. We also will file a copy of the certified resolution presented in Attachment B with the FTA for FTA-specific grant assistance as required.

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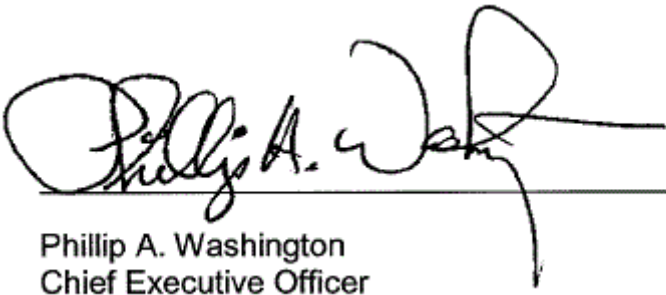
**ATTACHMENTS**

Attachment A - Updated Resolution to Negotiate, Execute and File Federal, State, Regional and Local Funding Documents for Board-Approved Projects and Activities.

Attachment B - Updated Resolution Authorizing the Filing of Applications with the Federal Transit Administration

Prepared by: Nathan Maddox, Transportation Planner, Regional Grants Management, (213) 922-7368  
Cosette P. Stark, Deputy Executive Officer, Regional Grants Management, (213) 922-2822  
David Yale, Senior Executive Officer, Countywide Planning and Development, (213) 922-2469

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



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Phillip A. Washington  
Chief Executive Officer

**RESOLUTION AUTHORIZING CHIEF EXECUTIVE OFFICER OR DESIGNEE TO  
NEGOTIATE, EXECUTE AND FILE FEDERAL, STATE, REGIONAL AND LOCAL  
FUNDING DOCUMENTS FOR BOARD-APPROVED PROJECTS AND ACTIVITIES**

**WHEREAS**, federal, state, regional and other local revenue sources are needed in addition to local revenue sources of the Los Angeles County Metropolitan Transportation Authority (“Metro”) to help meet budget goals and objectives established and adopted by the Board of Directors for approved projects and activities for Los Angeles County; and

**WHEREAS**, the Board of Directors adopts a Long Range Transportation Plan for Los Angeles County that identifies, schedules, and programs funding for transportation projects and activities (including planning, capital, training, demonstration, research, and operating programs); and

**WHEREAS**, federal, state, regional and local sources of revenue are needed in addition to Metro’s own sources of revenue to help finance projects and activities approved by the Board through its Long Range Transportation Plan for Los Angeles County, separate directives, and/or budget actions; and

**WHEREAS**, to access or draw down on such federal, state, regional and local sources of revenue that are managed and administered by Federal, State, and Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors (including those providing private sector contributions or funding), Metro will be required to apply for such federal, state, and local funding; seek and negotiate related approvals; and execute funding agreements, contracts, and memoranda of understanding with said funding parties; and

**WHEREAS**, agreements, contracts, and memoranda of understanding with Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors for such federal, state, regional and local sources of revenue may impose specific matching funding requirements by each agreement, contract, or memorandum of understanding for projects and activities; and

**WHEREAS**, agreements, contracts, and memoranda of understanding with Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors for such federal, state, regional and local sources of revenue also may impose certain obligations upon Metro, including but not limited to provisions that indemnify and hold harmless said funding parties on Board-approved projects and activities and that require certain certifications and assurances as condition for providing such sources of revenue needed for Board-approved projects and activities; and



**WHEREAS**, with this resolution the Board is updating its authorization for negotiating, executing and filing all federal, state, regional and local funding documents and reaffirming its commitment to comply with federal, state, regional and local state funding requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Los Angeles County Metropolitan Transportation Authority that:

1. The Chief Executive Officer or the Chief Executive Officer's Designee is authorized to execute and file applications, agreements, contracts, memoranda of understanding, certifications, assurances, amendments and all other necessary documents on behalf of Metro with Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors to secure the federal, state, regional and local sources of revenue needed for Board-approved projects and activities; and
2. The Chief Executive Officer or the Chief Executive Officer's Designee is authorized to furnish such additional information as may be required by Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors to secure the federal, state, regional and local sources of revenue needed for Board-approved projects and activities.

**BE IT FURTHER RESOLVED**, that the Board of Directors of the Los Angeles County Metropolitan Transportation Authority:

1. Certifies that Metro will comply with all applicable statutes, regulations, executive orders, circulars, policies, and other administrative provisions required by agreements, contracts, and memoranda of understanding providing federal, state, regional and local funding from Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors for Board-approved projects and activities; and
2. Understands that many of those provisions or requirements will be specifically identified in said agreements, contracts, and memoranda of understanding, and that applicable statutes, regulations, executive orders, circulars, policies, and administrative practices may be modified from time-to-time and will affect the implementation of Board-approved projects and activities; and
3. Agrees that the latest applicable federal, state, regional and local requirements will apply to Board-approved projects and activities, unless Federal, State, Local Governments, their Grantor Agencies, Regional Agencies and Other Local Grantors determine otherwise.

## **CERTIFICATION**

The undersigned, duly qualified and acting as the Board Secretary of the Los Angeles County Metropolitan Transportation Authority, certifies that the foregoing is a true and correct copy of the Resolution adopted at a legally convened meeting of the Board of Directors of the Los Angeles County Metropolitan Transportation Authority held on this 27th day of October, 2016.

DATED:

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Michele Jackson, Board Secretary

Los Angeles County Metropolitan Transportation Authority



**RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE  
FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF  
THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL  
TRANSPORTATION ASSISTANCE AUTHORIZED BY CHAPTER 53 OF TITLE 49 OF  
THE UNITED STATES CODE AND ANY OTHER FEDERAL STATUTES  
ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION**

**WHEREAS**, the Federal Transit Administration has been authorized to provide funding to support public transportation under 49 U.S.C. Chapter 53;

**WHEREAS**, grants or cooperative agreements for Federal financial assistance will impose certain obligations upon the Los Angeles County Metropolitan Transportation Authority ("LACMTA") and may require LACMTA to provide the non-Federal share of transportation-related expenses supported with Federal financial assistance;

**WHEREAS**, LACMTA is legally authorized under Federal, state, or local law to apply for and receive Federal assistance;

**WHEREAS**, LACMTA has received authority from the Southern California Association of Governments ("SCAG") to apply for and receive Urbanized Area Formula Program assistance authorized by 49 U.S.C.5307.

**WHEREAS**, LACMTA is required to provide certain certifications and assurances to the Federal Transit Administration at least annually;

**NOW, THEREFORE, BE IT RESOLVED BY** the Metro Board of Directors:

1. That the Chief Executive Officer or designee is authorized to execute and file an application for Federal assistance on behalf of LACMTA with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53 or any other Federal statutes authorizing activities administered by the Federal Transit Administration.
2. That the Chief Executive Officer or designee is authorized to execute and file with the Federal Transit Administration the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. That the Chief Executive Officer is authorized to execute the grant and cooperative agreements with the Federal Transit Administration on behalf of LACMTA.
4. That the Chief Executive Officer or designee is authorized to draw payments against available grant funding using the ECHO web system or other Federal Transit Administration automated application used to request payments from grant awards.



## **CERTIFICATION**

The undersigned duly qualified Board Secretary, acting on behalf of the Los Angeles County Metropolitan Transportation Authority, certifies that the foregoing is a true and correct copy of the Resolution adopted at a legally convened meeting of the Board of Directors, of the Los Angeles County Metropolitan Transportation Authority held on this 27th day of October, 2016.

DATED:

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Michele Jackson, Board Secretary  
Los Angeles County Metropolitan Transportation Authority



## Board Report

File #: 2016-0720, File Type: Contract

Agenda Number: 17.

### CONSTRUCTION MANAGEMENT OCTOBER 20, 2016

**SUBJECT: CONSTRUCTION MANAGEMENT FOR BUS FACILITIES CAPITAL PROGRAM**

**ACTION: AWARD AND EXECUTE CONTRACT FOR CONSTRUCTION MANAGEMENT  
SUPPORT SERVICES**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award to MARRS Services, Inc. a three-year cost-plus fixed fee Contract No. PS601800026331 for **Construction Management Support Services for Metro Bus Projects** with the most qualified firm in the amount not to exceed \$3,000,000, for a base term of three years plus two one-year options, subject to resolution of protest(s), if any.

#### **ISSUE**

The Los Angeles County Metropolitan Transportation Authority (Metro) requires professional services from a qualified Construction Management Support Services (CMSS) firm to support the design review, construction management, and administration of the construction contracts for various Metro Bus projects to ensure compliance with contract requirements and government regulations.

#### **DISCUSSION**

On March 23, 2016, requests for proposals were issued for CMSS services to assist Metro in managing the construction of Bus Facilities Capital Projects. The CMSS Contract is a cost-plus fixed fee contract for a base term of three (3) years with two, one-year options. If Metro decides to exercise the additional option years in the CMSS contract, rates for the option years will be negotiated prior to the end of the base contract period. Option 1 will be to extend the CMSS services and option 2 will be for contract closeout. This contract was procured as a Small Business Enterprise Set- Aside.

Since the CMSS contract is a cost plus fixed fee contract, consultant services will be performed using Annual Work Plans (AWP). Each AWP will include negotiated direct labor, overhead rates, general and administrative expenses, fee, and negotiated hours for the level of effort to match the work. The

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AWPs will be funded from the existing project budgets and take into consideration all information available at the time of planning plus applicable time constraints on the performance of the work. Metro shall ensure that strict project controls are in place prior to approving each AWP to closely monitor the Consultant's budget and AWP schedules. No funds will be obligated until the AWP is approved against each particular capital project.

The primary role of the CMSS is to provide highly skilled and qualified individuals to assist Metro with Construction Management but also includes other tasks such as the administration of construction contracts. The CMSS staff will be part of a fully integrated Construction Management team working with Metro in the project and field offices.

The CMSS contract will provide some or all of the services for current bus projects, future bus projects and other bus-related capital projects, but not limited to the following Board approved list of projects:

202012 El Monte Busway Access Road Repair  
202013 Pavement Repairs at CMF, Divisions 7 & 8  
202260 Division 3 Master Plan Phases II-IV  
202319 Metro Silver Line Improvements & Upgrades  
202320 Bus Facility Maintenance Improvements & Enhancement Phase II  
202324 Division 1 Improvements  
202326 BRT Freeway Station Sound Enclosures  
202331 Bus Facilities Maintenance and Improvement Phase III  
202808 CMF Building 5 Vent & Air  
202809 Division 4 Concrete Pavement Project  
210137 Bus Pavers Retrofit at Patsaouras Plaza

Staff estimates that the CMSS for the Metro Bus Projects will be required beginning approximately in the Fall of 2016, immediately after award of the contract.

### **DETERMINATION OF SAFETY IMPACT**

This Board action will not have an adverse impact on safety standards for Metro.

### **FINANCIAL IMPACT**

The FY17 portion for this contract is included in cost center 8510, Construction Procurement, under various Bus Facility Capital project numbers. AWP's under this contract will be funded within the life-of-project (LOP) budgets for each individual capital project. As such, approval of this action will not increase the LOP budgets of any individual capital project. Since this is a multi-year contract, the respective project managers and Chief Program Management Officer will be accountable for budgeting the contract cost in future years, including any options exercised.

Impact to Budget

The funding for this action comes from various approved Bus Facility Capital Projects utilizing the CMSS contract. These projects are funded by various sources including Federal 5307, TDA 4, Proposition A, or Proposition C. The funds have been specifically set aside for these uses as part of the Capital Program. Approval of this action will not impact the bus and rail operating budget.

**ALTERNATIVES CONSIDERED**

The Board may reject the recommendation. Staff does not recommend this alternative, as rejection will require an extensive hiring effort to provide permanent staff to fill the required positions, several of which are anticipated to be temporary. This would not be cost effective and could cause delays, since many of the CMSS staff are only required on a periodic basis for peak workloads and specific tasks over the life of the project.

**NEXT STEPS**

After Board approval of this CMSS Contract, the Contracting Officer will award the contract in accordance with Metro Procurement Policies and Procedures.

**ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by:

James Gleig, Deputy Executive Officer, Construction Management, (213) 922-7453

Timothy P. Lindholm, Executive Officer, Capital Projects, (213) 922-7297

Reviewed by:

Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051

Richard Clarke, Chief Program Management Officer (213) 922-7447



Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

CONSTRUCTION MANAGEMENT FOR BUS FACILITIES CAPITAL PROGRAM/  
PS601800026331

1.	<b>Contract Number:</b> PS601800026331	
2.	<b>Recommended Vendor:</b> MARRS Services, Inc.	
3.	<b>Type of Procurement (check one):</b> <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.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> March 23, 2016	
	<b>B. Advertised/Publicized:</b> March 23, 2016	
	<b>C. Pre-proposal/Pre-Bid Conference:</b> April 1, 2016	
	<b>D. Proposals/Bids Due:</b> April 27, 2016	
	<b>E. Pre-Qualification Completed:</b> September 6, 2016	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> September 22, 2016	
	<b>G. Protest Period End Date:</b> Fifteen Calendar Days after Notification of Intent to Award	
5.	<b>Solicitations /Downloaded:</b> 140	<b>Bids/Proposals Received:</b> 10
6.	<b>Contract Administrator:</b> Josie Mellen	<b>Telephone Number:</b> 213-922-1105
7.	<b>Project Manager:</b> James Gleig	<b>Telephone Number:</b> 213-922-7453

**A. Procurement Background**

This Board Action is to approve Contract No. PS601800026331 issued in support of Contract Management Support Services (CMSS) related to Bus projects. The scope of the Contract is to support design reviews, construction management and administration to ensure the construction of various projects are administered and completed in compliance with contract requirements and government regulations. Board approval of contract awards are subject to resolution of all properly submitted protests.

The RFP was issued in accordance with Metro's Acquisition Policy and the contract type is a cost plus fixed fee. One amendment was issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on April 6, 2016, extended the proposal due date through April 27, 2016 and provided the pre-proposal documents.

A total of ten proposals were received on April 27, 2016. The procurement was designated as a Small Business Prime set-aside solicitation, meeting the threshold requirements for Metro's certified SBE vendor registration program. Each of the firms were Metro certified in one or more of the following North American Industry Classification System (NAICS) codes: 236220, 541330, 541618 or 541618. Metro held a pre-proposal conference on April 1, 2016, in the Metro Library on the 15th floor of the Gateway Building. There were 51 firms that signed in at the pre-proposal conference. There were 140 registered plan holders who downloaded the RFP

package. The Questions and Answers were e-mailed to all planholders on April 15, 2016.

## **B. Evaluation of Proposals**

A Proposal Evaluation Team (PET), consisting of staff members from Metro's Facilities Engineering Operations and Construction Management departments, was convened and conducted a comprehensive technical evaluation of the proposals received.

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

- |   |      |
|---|------|
| • Experience and Capabilities of Firms on the CMSS Team | 20%  |
| • Staff Skills and Experience                           | 50 % |
| • Management Plan and Control                           | 30%  |

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Architect and Engineers (A&E) solicitations. Several factors were considered when developing these weights, giving the greatest importance to the staffing.

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

On June 20, 2016, the scoring of the written proposals was completed, and resulted in three proposers within the competitive range. The three firms within the competitive range are listed below in alphabetical order:

1. Athalye
2. MARRS Services, Inc. (MARRS)
3. PMCS

Seven firms were determined to be outside the competitive range and were not included for further consideration.

The PET invited the three proposers to oral presentations on July 26, 2016. Each of the firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's questions. Each team was asked questions relative to each firm's proposed alternatives and previous experience.

The final scoring included evaluation of written proposals supported by oral presentations from the proposers' proposed key personnel.



On July 25, 2016, an e-mail was sent by Athayle, the third ranked firm, voluntarily withdrawing from their scheduled oral presentation. The contract administrator confirmed the voluntary withdrawal by e-mail on July 29, 2016.

### **Qualifications Summary of Recommended Firm:**

The evaluation performed by the PET, in accordance with RFP defined criteria, determined MARRS as the most qualified firm to provide Construction Management Support Service. After the PET recommendation was approved by EO, V/CM (Interim), the MARRS cost proposal was opened; a cost analysis was performed along with a request for an audit, and negotiations.

MARRS provides relevant bus experience working for multiple transportation agencies such as Metro, OMNI, Foothill Transit and OCTA, on design and construction management projects. Their proposal provided relevant report samples such as cost tracking and monthly status reports. In addition, all proposed key personnel had relevant bus experience, especially the proposed project manager and resident engineer.

MARRS and their team demonstrated they are well-skilled in providing the scope of services at the level required by this Contract, and have the capabilities to provide staffing for task order assignments that may be issued under this Contract. Therefore, the PET recommends MARRS as the most qualified firm according to the evaluation criteria.

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>MARRS Services</b>				
3	Experience & Capabilities of Firms on the CMSS' Team	85.70	20.00%	17.14	
4	Staff Skills and Experience	89.50	50.00%	44.75	
5	Management Plan and Controls	83.05	30.00%	24.92	
6	<b>Total</b>		<b>100.00%</b>	<b>86.81</b>	<b>1</b>
7	<b>PMCS</b>				
8	Experience & Capabilities of Firms on the CMSS' Team	69.35	20.00%	13.87	
9	Staff Skills and Experience	75.66	50.00%	37.83	
10	Management Plan and Controls	78.04	30.00%	23.41	
11	<b>Total</b>		<b>100.00%</b>	<b>75.11</b>	<b>2</b>
12	<b>Athayle</b>				
13	Experience & Capabilities of Firms on the CMSS' Team	74.48	20.00%	15.69	

<b>14</b>	Staff Skills and Experience	77.10	50.00%	38.55	
<b>15</b>	Management Plan and Controls	82.82	30.00%	24.85	
<b>16</b>	<b>Total</b>		<b>100.00%</b>	<b>79.09</b>	<b>3</b>

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

The cost analysis included verification of the certified payroll records of each proposed direct labor classification, and examination of labor rates on a previous contract no. PS 100800-2641, Metro Bus Facilities Construction Management Consultant. Metro negotiated and established provisional overhead rates plus fixed fee for the total estimated costs for each Task Order. The pricing for each Task Order will use the Contract defined fixed direct labor rates, provisional overhead rates plus the negotiated fixed fee factor to establish a lump sum price, a cost-plus-fixed-fee amount.

An audit request will be submitted to Metro Management Audit Services (MASD) to perform an audit of the provisional overhead rates. In order to prevent any unnecessary delay in contract award, provisional rates have been established subject to retroactive adjustments. In accordance with FTA Circular 4220.1.F, if an audit has been performed by any other cognizant Federal or State government agency within the last twelve month period, Metro will receive and accept that audit report for the above purposes rather than perform another audit.

A fair and reasonable audit for all future Task Orders will be determined based upon a cost analysis, technical evaluation, fact finding, and negotiations, before issuing work to the Consultant.

<b>Proposer Name</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated or NTE amount</b>
MARRS Services, Inc.	\$3,000,000.00	\$2,985,035.00	\$3,000,000.00

### **D. Background on Recommended Contractor**

The recommended firm, MARRS Services, Inc. (MARRS), located in Fullerton, California, has been in business for twenty-seven years and is a leader in the construction management field. MARRS' recently completed project is the Metro's bus capital improvement project – Division 13 Maintenance and Operations Facility and the upgrade and modernization projects for Metro Divisions 1, 2, 3, 5, 6, 7, 8, 9,10,15,18 and 20. The key personnel proposed have solid bus project experience especially the proposed project manager who has extensive bus experience. The resident engineer also has good bus project experience.

MARRS was the incumbent prime consultant on the previous CMSS contract and was awarded the contract in 2011.

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES – BUS PROJECTS  
CONTRACT PS601800026331**

**A. Small Business Participation**

Effective June 2, 2014, per Metro's Board-approved policy, competitive acquisitions with three or more Small Business Enterprise (SBE) certified firms within the specified North American Industry Classification System (NAICS) as identified for the project scope shall constitute a Small Business Set-Aside procurement. Accordingly, the Contract Administrator advanced the solicitation, including posting the solicitation on Metro's website, advertising, and notifying certified small businesses as identified by NAICS code(s) that this solicitation was open to **SBE Certified Small Businesses Only**.

MARRS Services, Inc., an SBE Prime, is performing 75% of the work with its own workforce. The prime listed six (6) SBE subcontractors and it is expected that the SBE commitment will increase as task orders are issued. The prime also listed one (1) major firm that is a non-SBE subcontractor on this project.

	<b>SBE Firm Name</b>	<b>NAICS</b>	<b>SBE % Committed</b>
1.	MARRS Services, Inc. (Prime)	<b>237110</b> - Water and Sewer Line & Related Structures Construction and Construction Management <b>541330</b> - Engineering Services <b>541519</b> - Other Computer Related Services <b>541611</b> - Administrative Management and General Management Consulting Services <b>541620</b> - Environmental Consulting Services <b>561210</b> - Facilities Support Services <b>562910</b> - Remediation Services	75%
2.	BASE Architecture, Planning & Engineering	<b>541310</b> - Architectural Services	TBD
3.	Falcon Engineering Services, Inc.	<b>541330</b> - <b>Engineering Services</b>	TBD
4.	Morgner Construction Management	<b>237110</b> - Water and Sewer Line and Related Structures Construction (Const. Mgmt.) <b>237310</b> - Highway, Street, and Bridge	TBD

		Construction (Const. Mgmt.) <b>541611</b> - Administrative Management and General Management Consulting Services	
5.	Ramos Consulting Services, Inc.	<b>541330</b> - Engineering Services <b>541611</b> - Administrative Management and General Management Consulting Services <b>541350</b> - Building Inspection Services	TBD
6.	Safework, Inc.	<b>236210</b> - Industrial Building Construction (Const. Mgmt.) <b>237110</b> - Water and Sewer Line and Related Structures Construction (Const. Mgmt.) <b>237310</b> - Highway, Street, and Bridge Construction (Const. Mgmt.) <b>237990</b> - Other Heavy and Civil Engineering Construction (Const. Mgmt.) <b>541690</b> - Other Scientific and Technical Consulting Services	TBD
7.	Wagner Engineering, Inc.	<b>541330</b> - Engineering Services <b>541360</b> - Geophysical Surveying and Mapping Services <b>541370</b> - Surveying and Mapping (except Geophysical) Services	TBD
	<b>Total Commitment</b>		TBD

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

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

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.



Metro

## Board Report

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

**File #:** 2016-0746, **File Type:** Contract

**Agenda Number:** 18.

### CONSTRUCTION COMMITTEE OCTOBER 20, 2016

**SUBJECT: WESTSIDE PURPLE LINE EXTENSION PROJECT - SECTION 2**

**ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE CONTRACT MODIFICATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Contract Modification No. 60 to Contract No. PS43502000 with Parsons Brinckerhoff (PB) to **provide continued design support services during construction for Section 2 of the Westside Purple Line Extension Project**, from November 2016 through June 2018, in an amount not-to-exceed \$9,551,411 increasing the total contract value from \$189,870,354 to \$199,421,765.

#### **ISSUE**

On December 31, 2014, the Federal Transit Administration (FTA) approved Metro's request for Section 2 of the Westside Purple Line Extension Project to enter the New Starts Engineering phase of the FTA Capital Investment Grant Program. With this approval, Metro has the automatic pre-award authority to incur costs for Engineering activities, demolition and other non-construction activities, such as the procurement of rails, ties, commodities, and other specialized equipment.

In addition, Metro has automatic pre-award authority to acquire real property, perform advanced utility relocations and procure rail vehicles, since the National Environmental Policy Act (NEPA) review process has been completed for the entire nine-mile Project.

In February 2015, the Board authorized the CEO to continue advanced preliminary engineering, design for advanced relocation of utilities, engineering support services during the design-build solicitation process, and design support services during the construction for Section 2 of the Westside Subway Extension Project under the services of Contract PS43502000, with PB. The design-build RFP solicitation documents were prepared as part of the C1120 Tunnels, Stations, Systems and Trackwork contract that is scheduled to be awarded by the Board in January 2017.

On August 4, 2016, Metro submitted a Full Funding Grant Agreement (FFGA) application for the Section 2 Project requesting the FTA to proceed with the necessary actions to finalize and execute

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the FFGA with Metro. The FFGA is anticipated to be executed later this year and prior to the award of the C1120 contract.

This action will enable the consultant to provide critical design support during the early phases of the design build contract. Work will include review of design submittals, response to technical questions from the design builder, attendance at design taskforces and overall design support during construction. Use of PB brings a high level of consistency to design areas such as civil, structural, ventilation, electrical and other technical areas.

The recommended Board action will provide sufficient contract funding for PB services through June 2018 as the Project moves into the final design and construction stage. This approach will result in better control over the management of consultant services with the ability to budget according to the planned workload over the next two years.

The Metro Board directed the Inspector General to conduct an independent audit of the Westside Purple Line Extension Section 2, Modification No. 52. The audit included (1) an assessment of total work hours to perform advanced engineering work, (2) an evaluation of the proposed billable rates, (3) identification of management redundancies, and (4) an evaluation of the accuracy and completeness of the design drawings. The Office of Inspector General prepared a comprehensive RFP scope of work and hired a consultant firm having a team with expertise in engineering and accounting to perform the audit. The audit found that Metro's construction design firm, PB, had generally performed and delivered within budget and industry standards and delivered design work as agreed in a scope of work for items of the Modification at the different stages of design.

### **DETERMINATION OF SAFETY IMPACT**

This Board action will not have an impact on established safety standards for Metro's construction projects.

### **FINANCIAL IMPACT**

Funds are included in the FY17 budget under Project 865522 Westside Purple Line Extension Project - Section 2, in Cost Center 8510 (Construction Project Management), and Account No. 50316 (Professional and Technical Services). Since this is a multi-year project, the Chief Program Management Officer and the Project Manager will be responsible for budgeting costs in future years.

#### **Impact to Budget**

The sources of funds for the recommended action are Federal 5309 New Starts, CMAQ, Measure R 35% and TIFIA Loan Proceeds. The approved FY17 budget is designated for the Westside Purple Line Extension Project - Section 2 and does not have an impact to operations funding sources. These funds were assumed in the Long Range Transportation Plan for the Westside Purple Line Extension Project. This Project is not eligible for Propositions A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

### **ALTERNATIVES CONSIDERED**

The Board could decide to not approve the recommended Contract Modification. This is not recommended because the extension of PB's services will provide the continuity of engineering services involving qualified and knowledgeable personnel that are part of the Westside Purple Line Extension Integrated Project Management Office.

### **NEXT STEPS**

After Board approval and execution of the Contract Modification, staff will direct the consultant to continue to provide design support services during construction for advanced utility relocations and the Design-Build C1120 Contract for Tunnels, Stations, Systems and Trackwork.

### **ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - Contract Modification/Change Order Log

Attachment C - DEOD Summary

Prepared by:

Dennis Mori, Sr. Executive Officer, Program Management (213) 312-3109

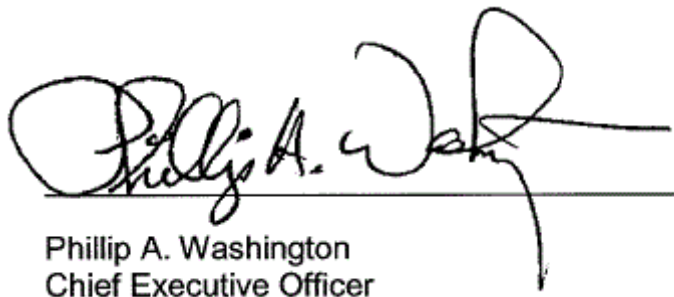
Michael McKenna, Deputy Executive Officer, Program Management (213) 312-3132

Rick Wilson, Deputy Executive Officer, Program Control (213) 312-3108

Reviewed by:

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

Debra Avila, Chief Vendor/Contract Management Officer (213) 418-3051



Phillip A. Washington  
Chief Executive Officer



## PROCUREMENT SUMMARY

WESTSIDE PURPLE LINE EXTENSION PROJECT – SECTION 2/  
PS43502000

1.	<b>Contract Number:</b> PS43502000			
2.	<b>Contractor:</b> Parsons Brinkerhoff			
3.	<b>Mod. Work Description:</b> Design support services during construction for Section 2 of the Westside Purple Line Extension Project			
4.	<b>Contract Work Description:</b> Design support services during construction			
5.	<b>The following data is current as of:</b> September 21, 2016			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>	6/8/07	<b>Contract Award Amount:</b>	\$3,654,061
	<b>Notice to Proceed (NTP):</b>	7/16/07	<b>Total of Modifications Approved:</b>	\$186,216,293
	<b>Original Complete Date:</b>	9/16/08	<b>Pending Modifications (including this action):</b>	\$9,551,411
	<b>Current Est. Complete Date:</b>	6/30/18	<b>Current Contract Value (with this action):</b>	\$199,421,765
7.	<b>Contract Administrator:</b> Zachary Munoz		<b>Telephone Number:</b> (213)922-7301	
8.	<b>Project Manager:</b> Dennis Mori		<b>Telephone Number:</b> (213)312-3109	

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 60 issued in support of Westside Purple Line Extension Section 2 Project to provide design support services during construction.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a cost plus fixed fee.

The solicitation for Contract No. PS43502000 was an Architectural & Engineering (qualification-based) procurement process. This method requires that each of the responding firm's qualifications be evaluated, and the most qualified firm selected, followed by analysis of the selected firm's cost proposal and successful negotiations to enter in to the contract with the selected firm.

In June 2007, the Board authorized award of this Contract to Parsons Brinkerhoff (PB) for alternative analysis with three options for: Draft EIS/EIR/Advanced Conceptual Engineering, Final EIS/EIR, and Preliminary Engineering in the amount of \$3,654,061. In January 2009, the Board exercised the option for Draft EIS/EIR/Advanced Conceptual Engineering. In October 2010, the Board exercised options for Final EIS/EIR and Preliminary Engineering.

In October 2011, the Board authorized PB to enter the next phase of work, design support during construction. In April 2014, the Board authorized PB to provide continued design support during construction for Section 1. In February 2015, the Board authorized PB to provide continued advanced preliminary engineering, design for advanced relocation of utilities, engineering support service during the design-build solicitation process, and design support services during construction for Section 2. In December 2015, the Board authorized PB to provide continued design support services during construction. In February 2016, the Board authorized PB to provide advanced preliminary engineering, design for advanced relocation of utility, engineering support services during solicitation processes, and design support services during construction for Section 3.

Refer to Attachment B for modifications issues to date and proposed modifications pending authorization.

## **B. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based upon fact-finding, clarifications of the scope of work, quantitative technical analysis, independent cost estimate, and cost/price analysis. This Contract Modification includes provisional indirect rates subject to adjustment upon completion of MASD's final year-end incurred cost audit. The difference between the negotiated price and Metro's ICE is the result of the required level of effort, and corresponding rates that were determined to be required after a technical evaluation of the Contractor's proposal was performed approved by Metro's Project Management.

<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>
\$11,804,338	\$7,621,039	\$9,551,411

## CONTRACT MODIFICATION/CHANGE ORDER LOG

## WESTSIDE PURPLE LINE EXTENSION PROJECT/ PS43502000

Mod. No.	Description	Status	Date	Amount
1-8	Alternatives Analysis	Approved	9/1/09	\$27,515
9-20	Advanced Conceptual Engineering/Draft EIS/ EIR	Approved	9/16/10	\$18,590,710
21	Preliminary Engineering	Approved	11/1/10	\$43,632,826
22	Final EIS/EIR	Approved	11/1/10	\$4,761,377
23	Close-out Alternative Analysis	Approved	1/12/11	(\$31,300)
24	Additional Fault investigation – Transect 2	Approved	5/6/11	\$480,250
25	Risk Management Support	Approved	2/28/11	\$208,417
26	Additional Fault Investigation Transec 4	Approved	7/5/11	\$453,264
27	Century City Refined Ridership Forecast	Approved	4/13/11	\$22,985
28	Additional Rail Simulation Study	Approved	4/20/11	\$72,646
29	Revisions to Safety Security Manual	Approved	3/31/11	\$0
30	Oil Well Investigation Program	Approved	5/4/11	\$107,165
31	Additional Fault Investigation Transec 3	Approved	6/2/11	\$411,949
32	Additional Fault Investigation Transec 7	Approved	7/5/11	\$310,754
33	Historic Property Survey	Approved	5/13/11	\$46,442
34	Additional Fault Investigation Transec 6	Approved	8/9/11	\$102,054
35	Additional Station Entrance Report	Approved	8/9/11	\$119,074
36	Advance Preliminary Engineering	Approved	11/1/11	\$16,996,740
37	LADWP Utility Relocations	Approved	4/27/12	\$84,659
38	Title V1 Service Equity	Approved	4/17/12	\$51,185
39	Design Services for Exploratory Shaft	Approved	7/5/12	\$0
40	Period of Performance Extension	Approved	10/31/12	\$0
41	Bid Period Services	Approved	3/25/13	\$18,816,205
42	CANCELLED	Approved		
43	Advance Preliminary Engineering Section 2	Approved	4/22/13	\$8,836,296
44	Additional Borings	Approved	8/16/13	\$439,292
45	Additional Capacity Study	Approved	10/9/13	\$24,030
46	Ventilation Study	Approved	12/18/13	\$470,527
47	Additional AUR Work	Approved	2/11/14	\$493,563
48	Design Support Services During Construction FY 15	Approved	5/30/14	\$11,657,611
49	Period of Performance Extension	Approved	6/26/14	\$0
50	New Starts Support Section 2	Approved	8/11/14	\$357,054
51	Section 2 Station Area Planning	Approved	8/21/14	\$126,728
52	Continued Advanced Preliminary Engineering Section 2	Approved	3/30/15	\$20,820,226
53	Utility Engineer Support	Approved	12/23/14	\$358,798
54	Period of Performance Extension	Approved	12/23/14	\$0
55	Period of Performance Extension	Approved	12/23/14	\$0
56	Period of Performance Extension	Approved	12/24/14	\$0
57	Design Support Services During Construction Section 1	Approved	12/21/15	\$9,282,218

<b>Mod. No.</b>	<b>Description</b>	<b>Status</b>	<b>Date</b>	<b>Amount</b>
58	Advanced Preliminary Engineering, Design for Advanced Relocation of Utilities, Engineering Support Section 3	Approved	3/24/16	\$28,085,033
59	Period of Performance Extension	Approved	7/13/16	\$0
60	<b>Design Support Services During Construction Section 2</b>	Pending		\$9,551,411
	<b>Modification Total:</b>			\$186,216,293
	<b>Original Contract:</b>			\$3,654,061
	<b>Total:</b>			\$199,421,765

## DEOD SUMMARY

**WESTSIDE PURPLE LINE EXTENSION PROJECT  
CONTRACT NO. PS43502000**

**A. Small Business Participation**

Parsons Brinckerhoff, Inc. made a 23.41% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) commitment. The project is 83% complete and the current DBE participation is 24.22%, an improvement from the 2.06% DBE shortfall reported in February 2016. PB is currently exceeding their DBE commitment.

<b>Small Business Commitment</b>	<b>DBE 23.41%</b>	<b>Small Business Participation</b>	<b>DBE 24.22%</b>
----------------------------------	-------------------	-------------------------------------	-------------------

	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Intueor Consulting	Subcontinent Asian American	2.28%	1.94%
2.	Terry A. Hayes	African American	2.99%	0.26%
3.	Wagner Engineering	Non-Minority Female	5.29%	0.66%
4.	Kal Krishnan Consulting	Subcontinent Asian American	5.58%	1.11%
5.	LKG-CMC	Non-Minority Female	7.27%	0.87%
6.	Abadi Bouhier Consulting	Non-Minority Female	Added	0.98%
7.	Advantec Consulting Engineering	Asian Pacific American	Added	1.16%
8.	Atlas Teknology Group	Asian Pacific American	Added	0.10%
9.	Atwell Consulting	Non-Minority Female	Added	0.29%
10.	Barrio Planners	Hispanic American	Added	1.25%
11.	Cogstone Resource	Non-Minority Female	Added	0.16%
12.	Del Richardson	African American	Added	0.20%

13.	Diana Ho	Asian Pacific American	Added	0.01%
14.	Diaz Yourman	Hispanic American	Added	0.32%
15.	D'Leon Consulting	Hispanic American	Added	2.83%
16.	E.W. Moon	African American	Added	0.52%
17.	FPA Underground	Asian Pacific American	Added	0.62%
18.	IDC Consulting	Asian Pacific American	Added	0.43%
19.	JAD & Associates	Asian Pacific American	Added	0.79%
20.	Lenax Construction	Non-Minority Female	Added	0.85%
21.	Melendrez	Non-Minority Female	Added	0.01%
22.	Raw International	African American	Added	2.32%
23.	Roy Willis	African American	Added	0.01%
24.	Safe Utility Exposure	Non-Minority Female	Added	0.99%
25.	Safeprobe	Asian Pacific American	Added	0.51%
26.	Universal Reprographics	Non-Minority Female	Added	0.41%
27.	V&A Inc.	Hispanic American	Added	0.42%
28.	W2 Design	Asian Pacific American	Added	0.43%
29.	A Cone Zone (2nd Tier w/Mactac)	Non-Minority Female	Added	0.85%
30.	AP Engineering (2nd Tier w/AMEC)	Asian Pacific American	Added	0.14%
31.	Advanced Technologies Lab. (2nd Tier w/Mactec)	Hispanic American	Added	0.16%
32.	C&L Drilling (2nd Tier w/ Mactec)	Non-Minority Female	Added	0.73%

33.	Green Clean Water (2nd Tier w/AMEC)	Asian Pacific American	Added	0.28%
34.	Jet Drilling (2nd Tier w/Mactec)	Hispanic American	Added	0.21%
35.	Martini Drilling (2nd Tier w/Mactec)	Hispanic American	Added	0.83%
36.	Parikh Consultants (2nd Tier w/AMEC)	Asian Pacific American	Added	0.57%
37.	Wiltec (2nd Tier w/Fehr & Peers)	African American	Added	0.00%
38.	J M Diaz, Inc.	Hispanic American	Added	0.00%
	<b>Total</b>		<b>23.41%</b>	<b>24.22</b>

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

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

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.

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

Prevailing Wage requirements are applicable to this project. DEOD will continue to monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

#### **D. Living Wage Service Contract Worker Retention Policy**

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



## Board Report

**File #:** 2016-0814, **File Type:** Informational Report

**Agenda Number:** 19.

### CONSTRUCTION COMMITTEE OCTOBER 20, 2016

**SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT**

**ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE A CONTRACT MODIFICATION TO CONTRACT C0980 TO REVISE CONSTRUCTION SEQUENCING AND ALLOW FOR EARLIER RETRIEVAL OF TBM**

#### RECOMMENDATION

AUTHORIZE the Chief Executive Officer to negotiate and execute Modification No. 73 to Contract No. C0980, with **Regional Connector Constructors, to Revise Construction Sequencing and Allow for Earlier Retrieval of the Tunnel Boring Machine (TBM)**, within a not-to-exceed amount of \$3,700,000 increasing the total contract price from \$995,188,519 not-to-exceed \$998,888,519. This action does not increase the life-of-project budget.

#### ISSUE

On April 30, 2015, the Metro Board approved Contract Modification No. 10, to transfer incomplete utility relocation work from Contract No. C0981R to Contract No. C0980 for a not-to-exceed amount of \$27.1 million. On December 3, 2015, the Metro Board approved Contract Modification No. 32, for additional utility work and schedule recovery measures, in an amount not-to-exceed \$49.0 million. One of the schedule recovery measures included the re-sequencing of piling and decking work on Flower Street to facilitate an earlier retrieval of the TBM following boring of the first tunnel, which is a critical path activity.

In the ensuing 10 months, cumulative impacts have occurred on Flower Street which have been beyond the contractor's control and have led to two additional months of forecasted delay to the project critical path. To avoid this delay and associated costs, the project team has developed a further schedule recovery approach which permits a faster excavation of the TBM retrieval shaft located at the intersection of 4<sup>th</sup> and Flower streets. This approach requires additional design, piling, night-time and weekend work at additional project cost. The project is seeking authority to issue a contract modification in an amount not-to-exceed \$3.7 million so that work critical to the project schedule may begin by the end of October 2016. The final negotiated price of the work and the success of this added recovery measure is highly dependent upon the project's ability to secure extended night and weekend work permits. Time constraints require that the design of a



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supplemental shoring system commence immediately, so that appropriate approvals can be secured before work must begin. This action is estimated to save two months to the critical path. Based on the approximate delay costs of \$5 million per month, this approach would keep the project from incurring \$10 million in additional delay costs, a net savings of \$6.3 million.

## **DISCUSSION**

### **Project Description:**

The Regional Connector Transit Corridor Project (the Project) consists of the design and construction of a 1.9-mile light rail transit subway in downtown Los Angeles connecting the existing Metro Gold Line, Metro Blue Line, and Metro Exposition Line light rail transit (LRT) systems. The Project begins at the existing 7th/Metro Station and extends north to 2nd Street and Hope Street, turning east along 2nd Street to a new underground rail junction on Alameda Street. The Project includes a cut-and-cover box structure on Flower Street between the 7<sup>th</sup> /Metro Station and 4<sup>th</sup> Street and three new underground stations at 2nd/Hope, 2nd/Broadway, and 1st/Central Avenue.

On April 24, 2014, the Board authorized the CEO to award a 76-month firm fixed price contract (C0980) with Regional Connector Constructors (a Joint Venture between Skanska USA Civil West California District, Inc., and Traylor Bros. Inc.) for the final design and construction of the Regional Connector Transit Corridor Project. The CEO awarded the Contract to Regional Connector Constructors (RCC) on May 6, 2014, and staff issued the Notice-to-Proceed (NTP) on July 7, 2014.

## **DETERMINATION OF SAFETY IMPACT**

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

## **FINANCIAL IMPACT**

Funds are included in the FY17 budget for this action under Project 860228 - Regional Connector Transit Corridor Project in Cost Center 8510 (Construction Project Management), and Account Number 53101 (Acquisition of Building and Structure). Since this is a multi-year project, the Chief Program Management Officer and the Project Manager will be responsible for budgeting costs in future years.

### **Impact to Budget**

The sources of funds for the recommended action are Federal 5309 New Starts, Measure R 35% TIFIA Loan, and various other federal and state grants as stated in the project funding plan. The approved FY17 budget is designated for the Regional Connector Transit Corridor Project and does not have an impact to operations funding sources. This Project is not eligible for Propositions A and C

funding due to the proposed tunneling element of the project. No other funds were considered.

**ALTERNATIVES CONSIDERED**

The Board may decline to approve the recommended action. This is not recommended as this recommendation allows the project to avoid additional delays and associated costs.

**ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Attachment C - Contract Modification Authority (CMA) Summary

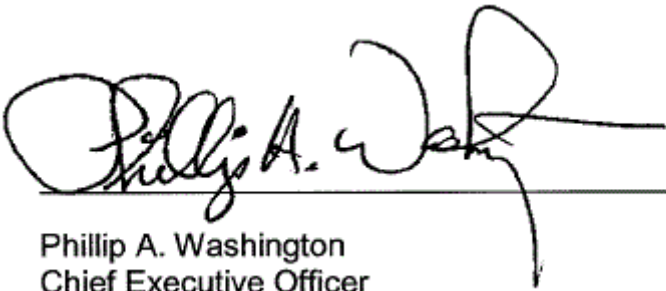
Prepared by:

Gary Baker, Deputy Executive Officer, Project Director (213) 893-7191

Reviewed by:

Richard Clarke, Chief Program Management Officer (213) 922-7447

Debra Avila, Chief Vendor/Contract Management Officer (213) 418-3051



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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT/  
CONTRACT NO. C0980

1.	<b>Contract Number:</b> C0980			
2.	<b>Contractor:</b> Regional Connector Constructors, J.V.			
3.	<b>Mod. Work Description:</b> Revise excavation to provide TBM Removal Shaft			
4.	<b>Contract Work Description:</b> Regional Connector Transit Corridor Project			
5.	<b>The following data is current as of:</b> September 30, 2016			
6.	<b>Contract Completion Status:</b>			
	<b>Bids/Proposals Opened:</b>	4	<b>% Completion \$s (Total Incurred Cost per Draft Sep 2016 Invoice):</b>	37.8%
	<b>Contract Awarded:</b>	05/06/14	<b>% Completion time (Duration % Complete):</b>	34%
	<b>NTP:</b>	07/07/14	<b>Original Contract Days:</b>	2,430
	<b>Original Complete Date:</b>	03/01/21	<b>Change Order Days:</b>	0
	<b>Current Est. Complete Date:</b>	03/01/21	<b>Suspended Days:</b>	0
			<b>Total Revised Days:</b>	2,430
7.	<b>Financial Status:</b>			
	<b>Contract Award:</b>		\$927,226,995	
	<b>Total Contract Modifications Approved:</b>		\$ 67,961,524	
	<b>Current Contract Value:</b>		\$995,188,519	
	<b>Contract Administrator:</b> Susan Santoro		<b>Telephone Number:</b> 213-922-4974	
8.	<b>Project Manager:</b> Gary Baker, Deputy Executive Officer, Project Management		<b>Telephone Number:</b> 213-893-7118	

**A. Contract Action Summary**

This Board Action is to approve the authorization of the CEO to negotiate and execute Contract Modification No. 73, to revise excavation to form a TBM removal pit to allow for earlier retrieval of the TBM at 4<sup>th</sup> Street and Flower Street.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a Firm Fixed Price.

On May 6, 2014, Contract No. C0980 was awarded to Regional Connector Constructors (RCC), a Joint Venture between Skanska USA Civil West California District, Inc., and Traylor Bros. Inc., the responsive and responsible proposer

determined to provide Metro with the best value, in the amount of \$927,226,995 for the final design and construction of the Regional Connector Transit corridor project.

Contract Modification No. 73 is for the revision to the support of excavation on Flower Street to construct a new bulkhead that will support the early construction of the TBM retrieval shaft, allowing the tunneling operations to continue as currently scheduled. Due to the time sensitivity of this proposed work, it must commence by the end of October 2016, to successfully recover the schedule delay.

**B. Cost/Price Analysis**

The final price for the contract changes will be reviewed and analyzed by Metro staff and determined to be fair and reasonable in accordance with Vendor/Contract Management Policies and Procedures. The final value for this Contract Modification will be determined to be fair and reasonable based upon an independent cost estimate, cost analysis, technical evaluation, audit, fact finding, and negotiations.

<b>Item No.</b>	<b>Changes</b>	<b>Proposal amount</b>	<b>Metro ICE</b>	<b>NTE amount</b>
1.	Mod No. 73 Revise Excavation to Provide TBM Removal Shaft	TBD	TBD	\$3,700,000

## DEOD SUMMARY

REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT / CONTRACT NO.  
C0980A. (1) Small Business Participation - Design

Regional Connector Constructors (RCC) made a 22.63% Disadvantaged Business Enterprise (DBE) commitment for Design. Design is currently 95% complete. DBE commitments were made to 11 DBE subcontractors at the time of award, and one (1) DBE subcontractor has been added to-date. Current DBE participation is 23.14%. RCC is currently exceeding its commitment.

SMALL BUSINESS COMMITMENT		DBE 22.63%	SMALL BUSINESS PARTICIPATION	DBE 23.14%
	Design DBE Subcontractors	Ethnicity	% Committed	Current Participation <sup>1</sup>
1	Abratique & Atienza, Inc.	Asian-Pacific American	1.32%	0.61%
2	Anil Verma Associates, Inc.	Subcontinent Asian American	0.25%	1.01%
3	Armand Consulting, Inc.	Subcontinent Asian American	2.19%	1.64%
4	D'Leon Consulting Engineers Corporation	Hispanic American	2.50%	2.32%
5	Earth Mechanics Inc.	Asian-Pacific American	1.32%	0.49%
6	Electrical Building Systems, Inc.	Hispanic American	3.21%	2.29%
7	MARRS Services, Inc.	Subcontinent Asian American	1.75%	2.32%
8	Mc Lean & Schultz, Inc.	Hispanic American	3.51%	4.16%
9	PacRim Engineering, Inc.	Asian-Pacific American	2.19%	2.65%
10	Parthenon Corporation	Hispanic American	ADDED*	0.59%
11	Transmetrics, Inc	Hispanic American	1.76%	1.54%
12	V & A Inc.	Hispanic American	2.63%	3.52%
<b>Total</b>			<b>22.63%</b>	<b>23.14%</b>

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

\*DBE(s) added after contract award

## **A. (2) Small Business Participation – Construction**

RCC made an 18% DBE commitment for Construction at the time of contract award, and made one (1) known DBE subcontractor commitment. After the start of Construction, 51 DBE subcontractors were added. The Project is 34% complete (completion time). RCC is currently achieving 4.12% of their proposed 18% DBE subcontract commitment for Construction. It is expected that DBE commitments will continue to increase as Construction progresses.

Based on the total amount paid to-date to RCC and the total amount paid to-date to DBE subcontractors, current participation is 19.36%. RCC is expected to continue ongoing outreach and good faith efforts to meet its DBE contract commitment.

<b>SMALL BUSINESS COMMITMENT</b>		<b>DBE 18%</b>	<b>SMALL BUSINESS PARTICIPATION</b>	<b>DBE 19.36%</b>
<b>Item No.</b>	<b>Construction DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Commitment</b>	<b>Current<sup>1</sup> Participation</b>
1.	A A A Oil, Inc. dba California Fuels & Lubricants*	Hispanic American	0.01%	0.05%
2.	Abratique & Atienza, Inc.*	Asian-Pacific American	0.05%	0.31%
3.	Absolute Security International, Inc. dba Absolute International Security*	Asian-Pacific American	0.00%	0.30%
4.	Alameda Construction Services, Inc.*	African American	0.04%	0.13%
5.	Angela Liu Consulting Arborist, LLC*	Asian-Pacific American	0.00%	0.01%
6.	Anytime Dumping, Inc.*	African American	0.01%	0.09%
7.	APW Construction, Inc. dba Ace Fence Co.*	Hispanic American	0.03%	0.19%

8.	Aragon Construction Inc.*	Hispanic American	0.01%	0.04%
9.	Armed Exterminators*	African American	0.00%	0.00%
10.	BA, Inc.*	African American	0.02%	0.24%
11.	C G O Construction Company*	African American	0.03%	0.13%
12.	C2PM, Inc.*	Asian-Pacific American	0.00%	0.00%
13.	Clean Street Sweeping, Inc.*	Hispanic American	0.01%	0.04%
14.	Clean Up America, Inc.*	African American	0.08%	0.09%
15.	D & D Lee, Inc.*	African American	0.00%	0.00%
16.	Davis Blue Print Co., Inc.*	Hispanic American	0.00%	0.07%
17.	E-Nor Innovations Inc.*	African American	0.03%	0.72%
18.	Ellis Equipment, Inc.*	Asian-Pacific American	0.00%	0.03%
19.	Empire Steel, Inc.*	Asian-Pacific American	0.01%	0.07%
20.	EW Corporation Industrial Fabricators*	Hispanic American	2.08%	12.98%
21.	EW Moon Inc.*	African American	0.01%	0.10%
22.	G & C Equipment Corporation*	African American	0.08%	0.57%
23.	G & F Concrete Cutting, Inc.*	Hispanic American	0.02%	0.16%
24.	JET Drilling, Inc.*	Hispanic American	0.11%	0.32%

25.	Invictus Environmental Safety Solutions*	African American	0.00%	0.00%
26.	J L M Staffing Solutions*	African American	0.00%	0.04%
27.	J N A Builders, Inc.*	Asian-Pacific American	0.03%	0.14%
28.	JET Drilling, Inc.*	Hispanic American	0.00%	0.00%
29.	Juan Carlos Marquez Vega*	Hispanic American	0.02%	0.18%
30.	Jungle Communications, Inc.*	Hispanic American	0.00%	0.02%
31.	The Jungle Nursery, Inc.*	Hispanic American	0.00%	0.00%
32.	Kramer Translation*	Asian-Pacific American	0.00%	0.00%
33.	Morgner Technology Management*	Hispanic American	0.07%	0.33%
34.	EXARO Technologies Corp.*	Hispanic American	0.00%	0.00%
35.	P B & A, Inc.*	Non-Minority Women	0.04%	0.33%
36.	Parthenon Corporation*	Hispanic American	0.00%	0.01%
37.	Pre-Con Products Ltd.*	Hispanic American	0.01%	0.05%
38.	PTS Surveying Inc.*	Native American	0.05%	0.67%
39.	California Testing & Inspections, Inc.*	Hispanic American	0.40%	0.38%
40.	R. Dugan Construction*	Non-Minority Women	0.01%	0.05%



41.	Rivera Trucking LLC*	Native American	0.81%	0.00%
42.	Robnett Electric, Inc.*	African American	0.00%	0.06%
43.	Soteria Company, LLC	Hispanic American	0.01%	0.01%
44.	Super Seal & Stripe*	Non-Minority Women	0.01%	0.04%
45.	Supreme Wholesale Electric, Inc.*	African American	0.00%	0.23%
46.	Treesmith Enterprises, Inc.*	Hispanic American	0.00%	0.00%
47.	TSG Enterprises, Inc.*	Hispanic American	0.04%	0.07%
48.	Ultimate Maintenance Services*	Hispanic American	0.00%	0.01%
49.	Young Communications Group*	African American	0.00%	0.00%
	<b>Total Commitment</b>		<b>4.12%</b>	<b>19.36%</b>

*Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.*

*\*DBE(s) added after contract award*

## **B. Project Labor Agreement / Construction Careers Policy (PLA/CCP)**

The Contractor has committed to complying with PLA/CCP requirements for this project. This project is 34% complete (completion time) and the contractor is achieving the 40% Targeted Worker Goal at 57.68%, not achieving the 20% Apprentice Worker Goal at 19.22%, and not achieving the 10% Disadvantaged Worker Goal at 7.28%. The Prime Contractor has submitted an Employment Hiring Plan which states compliance with the PLA/CCP workforce goals will be met in the latter part of 2016. Staff will continue to monitor and report the contractor's progress toward meeting the goals of the PLA/CCP.

**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. Living Wage Service Contract Worker Retention Policy**

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

**CONTRACT MODIFICATION/CHANGE ORDER LOG**  
**REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT - CONTRACT NO. C0980**

Mod. No.	Description	Status (approved or pending)	Cost		
			Contract Value	Mods.	Board Approved CMA
N/A	Initial Award	Approved	\$927,226,995		\$92,722,700
CO001	TIFIA Certification Requirements	Approved		\$ -	
CO002	Revision to SP-01 DBE Reporting	Approved		\$ -	
	Contract Modification Authority Issued 04-30-15	Approved			\$27,100,000
CO003.1	Additional Utility Relocations (Transfers from C0981R)	Approved		\$ 19,340,692	
CO009	Admin.Modification to Incorporate Missing Specifications	Approved		\$ -	
CO012	Addition of Bulkhead for TBM Retrieval Pit Design Only	Approved		\$ 50,000	
	Contract Modification Authority Issued 10-02-14	Approved			\$3,320,000
2	Opt No. 3 - 2nd/Hope Upper Level Ent. & Ped. Bridge	Approved		\$ 3,320,000	
3	Opt RCC-1 2nd/Broadway SEM Cavern	Approved		\$ 16,000,000	
4	Opt. No. 10 Add Open Roof	Approved		\$ 4,100,000	
5	Opt. No. 11 Add Ventilation Under Deck	Approved		\$ 2,150,000	
6	Opt. No. 12 Change Basis of Design to Super Feet/Linear Growth Rate	Approved		\$ 8,000,000	
7	Opt RCC-2 Add Deep Foundations @ 2nd/Broadway	Approved		\$ 1,250,000	
8	Opt RCC-5 2nd/Broadway Decking	Approved		\$ 100,000	
9	Opt. RCC-3 Glazing at Portal Canopies	Approved		\$ 500,000	
11	Rail Truck and Trailer	Approved		\$ 991,749	
12	Little Tokyo Second Entrance (Design)	Approved		\$ 150,528	
13	Shoofly Temporary Communications Design	Approved		\$ 26,880	
14	Additional Site Investigation at Volk Property	Approved		\$ 16,606	
15	Additional Abatement at Bldg. Demo.	Approved		\$ 13,115	
16	Analysis of Track Design Options at Wye	Approved		\$ 11,123	
17	Hazardous Soil Removal at Volk Property	Approved		\$ 377,237	
18	1st/Central SOE Tieback Easement	Approved		\$ 595,560	
19	Lead-Contaminated Soil Removal at Volk Property - Ph. 2	Approved		\$ 131,822	
20	Opt RCC-8 Revert to Tunnel Lighting Spacing of 25'	Approved		\$ 340,000	
21	1st/Alameda Bumpouts (Design)	Approved		\$ 626,287	
22	Extra Utility Relocation Mobilization	Approved		\$ 999,971	
23	Deputy Grading Inspector for TBM Launch Pit SOE	Approved		\$ 165,424	
24	Delete subsurface easement at Stavrium Property	Approved		\$ -	
25	Tactile Guidance Strips in Stations - Design Only	Approved		\$ 209,637	
26	Cancelled.	Approved		\$ -	
27	JVP Tunnel Liners Reinforcement - Design Only	Approved		\$ 41,209	
28	Buried Bricks in Shoofly excavation in Mangrove (DSC)	Approved		\$ 102,900	
29	Little Tokyo Second Entrance (Construction) & Shoofly Temp Comm.	Approved		\$ 552,520	

Mod. No.	Description	Status (approved or pending)	Cost		
			Contract Value	Mods.	Board Approved CMA
30	Relocate Cherry Tree	Approved		\$ 10,540	
31	Rail Car Transporter Modifications	Approved		\$ 27,200	
	Contract Modification Authority Issued 12-03-15	Approved			\$61,000,000
33	Add Wye Junction Fan Plant (Design Only)	Approved		\$ 1,210,000	
34	K-Rail Modifications for Clarke Closure	Approved		\$ 24,193	
35	Additional Traffic Control/Flaggers at 2nd/Broadway LA Times	Approved		\$ 287,830	
36	1st/Alameda Additional Utility Potholing	Approved		\$ 425,010	
37	CN 25.1, CN 32, CN 33	Approved		\$ 51,796	
38	Environmental Impairment Liability Site (Pollution Legal Liability) Ins.	Approved		\$ 402,602	
39	Cut and Cover SOE Redesign (1/A & 2/B)	Approved		\$ 676,749	
40	Tunnel Liner Revisions	Approved		\$ 329,817	
41	Sprint Relocation at 2nd/Broadway	Approved		\$ 87,362	
42	Delete Public Pay Phones	Approved		\$ (25,910)	
43	2nd/Hope Ped Bridge Design	Approved		\$ 123,713	
44	Little Tokyo TVM Relocations	Approved		\$ 24,420	
45	24" W.L Conflict w/MFS telecomm./Flower Exploratory Potholing	Approved		\$ 180,727	
46	Revisions to Metro Station Signage Standards - Design Only	Approved		\$ 181,732	
47	CFD Analysis	Approved		\$ 77,000	
50	Additional DSSP Install @ JVP	Approved		\$ 106,068	
52.1	Increase Quantities for Bid Item 64 Removal Hazardous Materials - Asbestos	Approved		\$ 10,000	
53	2nd/Broadway Mandrel Pulice Conduits	Approved		\$ 80,358	
54	Shoofly Catch Basin Revised Design	Approved		\$ 11,818	
55	Automatic Train Control Synchronization	Approved		\$ 59,286	
56	Flower Street Roadway, Sidewalk & Lighting Improvements - (Design Only)	Approved		\$ 372,018	
57	Repair of Qwest Conduit on 5th Street E/O Flower	Approved		\$ 30,280	
58	Temporary Relocation of Storm Drain Lateral at 4th and Flower	Approved		\$ 130,861	
59	Flower Street Cut and Cover Mandrel of DWP(P) Ductbanks	Approved		\$ 53,550	
60	Add ATSAC CCTV Video Camera Sys. at 1st/Hope and 1st/Broadway	Approved		\$ 306,030	
61	Revise 2nd/Hope Station Ped Bridge Design Only	Approved		\$ 778,267	
63	Add Longitudinal Settlement Sensors	Approved		\$ 406,849	
64	MFS Telecom Duct bank Relocation on Flower Street	Approved		\$ 362,500	
65	Revise Communications Radio System SOW (Design Only)	Approved		\$ 298,221	
66	Otium Preconstruction Survey - Hope Station	Approved		\$ 45,577	
67	1/C & Flower Certified Welding Inspector (For 981 work)	Approved		\$ 213,000	
70	Common Station Features Redesign	Approved		\$301,000	
71	Add Construction Document Management Software	Approved		\$137,800	
Subtotal (Approved)				\$67,961,524	\$184,142,700

Mod. No.	Description	Status (approved or pending)	Cost		
			Contract Value	Mods.	Board Approved CMA
10	Additional Utility Relocations (Transfers from C0981R)	Pending		\$7,759,308	
32	Additional Utility Work and Schedule Recovery Measures	Pending		\$49,000,000	
48	Artwork Lighting Revisions	Pending		\$0.00	
51	Flower Street Delete Crossover/Revise Emergency Exit - Design Only	Pending		\$918,000	
66	Commonwealth Agreement - Flower Street Noise Barriers	Pending		\$50,000	
68	Revise Signal Aspects at Venice Interlocking	Pending		\$20,100	
69	2nd/Broadway Station Plaza Reconfiguration	Pending		\$55,000	
72	Relocation of DWP Backflow Preventer	Pending		\$15,000	
73	Revise Excavation to Provide TBM Removal Shaft	Recommended		\$3,700,000	\$3,700,000
<b>Subtotal (Pending)</b>				<b>\$50,043,100</b>	<b>\$3,700,000</b>

Subtotal - Approved Modifications		\$67,961,524	
Subtotal - Pending Changes/Modifications		\$50,043,100	
<b>Subtotal Modifications + Pending Changes/Modifications</b>		<b>\$118,004,624</b>	
Subtotal - Pending Claims		\$0.00	
<b>Total: Mods + Pending Changes/Mods + Possible Claims</b>		<b>\$118,004,624</b>	
Previous Authorized CMA			\$184,142,700
CMA Necessary to Execute Pending Changes/Mods + Possible Claims			\$50,043,100
<b>Total CMA including this Action</b>			<b>\$ 187,842,700</b>
<b>CMA Remaining for Future Changes/Mods after this Action</b>			<b>\$ 69,838,076</b>



Metro

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

## Board Report

File #: 2016-0765, File Type: Contract

Agenda Number: 20.

### CONSTRUCTION COMMITTEE EXECUTIVE MANAGEMENT COMMITTEE OCTOBER 20, 2016

**SUBJECT: METRO PILOT CRENSHAW/LAX TRANSIT PROJECT BUSINESS SOLUTION CENTER**

**ACTION: AWARD CONTRACT**

#### **RECOMMENDATION**

CONSIDER AUTHORIZING the Chief Executive Officer to:

- A. AWARD a two-year, firm fixed price Contract No. PS2890900 to Del Richardson & Associates, Inc. for **professional services to operate the Metro Pilot Crenshaw/LAX Transit Project Business Solution Center (BSC)** in the amount of \$849,008 for the two-year period, subject to resolution of protest(s), if any; and
- B. AMEND the FY17 budget in the amount of \$380,000 to fund the award of Contract No. PS2890900 for professional services to operate the pilot BSC.

#### **ISSUE**

In July 2014, Metro's Board of Directors issued Motion 79 which authorized the CEO to establish a Metro Pilot Business Solution Center to provide hands-on case management services and business assistance to small businesses along the Crenshaw Corridor between 48th and 60th Streets during the four-year term of the Crenshaw/LAX Transit Line Project.

The BSC formally launched operations in February 2015; and Metro staff completed a program assessment in February 2016 which included feedback from Metro's Contractor and members of the business community engaged in the BSC services. As a result, Metro staff assessed the feasibility of re-scoping the pilot program model and contract scope of work and issued a new solicitation to perform BSC services. In recognition of Motion 79 (Attachment B) and the vital role Metro's BSC provides to the small business community within the Crenshaw Corridor, this contract award will enable Metro to meet the objective of securing a service provider to operate the Pilot BSC for the remaining two years of operations for the pilot program.

## **DISCUSSION**

Recognizing the BSC is Metro's first-ever pilot program, staff continues to provide ongoing review and assessment of the program; and in light of the program being operational for more than one year a comprehensive program assessment was initiated in January 2016. The assessment included: feedback from business owners about their experience and interactions with the BSC through a facilitated focus group; review of the program model with Metro project staff and the Contractor through a facilitated project review meeting; review of the original report entitled "Recommendations for a Pilot Metro Business Solutions Center;" and an assessment of program metrics such as the number of businesses along the project alignment seeking support services including the number of businesses internal and external of the the BSC target area of 48th - 60th Street. In addition, Metro staff conducted another series of market research interviews with five small business service providers to obtain best practices and industry standards for small business assistance programs.

The program model for Metro's pilot BSC was developed through the framework outlined in the "Recommendations for a Pilot Metro Business Solutions Center" and Motion 79 that recommended the BSC provide business assistance including expert business advice, technical assistance and other focused resources for businesses in the target area of 48th - 60th Street based on construction activity of the at-grade portion of the transit rail project. As a result, the current scope of work provides focused resources such as hands-on case-management only for small businesses in the BSC target area. However, as with any pilot program, Metro has gained additional information, observations and lessons learned to allow enhancements to be made to the project model and scope of work. For example, more than 60% of small businesses seeking BSC support services are outside the predefined BSC target area thus they do not have access to the hands-on case management services. In addition, based on the business demographic data and the areas of services additional insights have been attained to support enhancements to the types of specialized services and resources provided by the BSC. Re-scoping the program model and contract scope of work will enhance the level of services provided to businesses located outside the target area along the Crenshaw Corridor. Furthermore, based on their interactions with the BSC, participants of the business focus group stressed the need for Metro to enhance the case management model and scope; and to provide access to specialized subject matter experts for technical business support.

Moreover, Metro's BSC has achieved program successes within the first year of operations through providing technical support services and referrals for more than 200 businesses in the areas of marketing, access to capital including referral to Metro's Business Interruption Fund, social media and technology and others. The BSC continues to provide small businesses along the Crenshaw Corridor access to business experts and customized small business programs such as "Salon Management," "Building Your Brand" and the "Brainstorming over Breakfast" workshop which focused on restaurateurs. Recently, through collaboration with the Los Angeles Urban League the BSC delivered a Google sponsored program "Get Your Business Online;" which focused on introducing social media and technology based tools to the small business community. These intensive workshops are a demonstration of the types of innovative support services and programs offered to the small business community through Metro's BSC. Re-scoping the program model will not only enhance the level of services provided by the BSC but also enhance the level of expert services available to businesses within the Crenshaw Corridor regardless of their location within the

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predefined area of 48th - 60th Street; and provide the businesses access to the one-on-one focused client services throughout the remaining two-year term of the BSC operations.

The objective of the solicitation was to procure a Contractor to operate the pilot BSC inclusive of: (1) one-on-one focused client services for small and micro businesses located along the Corridor, (2) access to services via multiple avenues including a field and virtual (web based) presence, and (3) an outreach program for small and micro businesses on the Corridor to facilitate the utilization of available services and resources including access to other business experts and resource providers referred through the BSC. The Contractor shall perform one-on-one client services and outreach functions for potentially more than 200 businesses along the Crenshaw Corridor that have experienced the impacts of the transit rail construction. Metro staff will continue to provide proactive oversight and assessment of the pilot program and the Contractor during the final years of operations.

### **DETERMINATION OF SAFETY IMPACT**

The Pilot BSC will have no impact on safety of Metro's patrons or employees.

### **FINANCIAL IMPACT**

Metro staff previously identified Measure R Admin funds as the most suitable funding source to support the implementation and administration of the Pilot BSC. Therefore, Metro will continue to fund the Pilot BSC's remaining two-year activities for fiscal years 2017 and 2018 for the total negotiated amount. An adjustment will be made to the FY17 budget to fund the contract award for professional services to operate the remaining two years of the Pilot BSC. Since this is a multi-year contract, Vendor/Contract Management will be responsible for budgeting funds for FY18 in Cost Center 0691Non-Departmental Procurement; Project Number 100055, Project Name - Admin-Measure R; Task No. 05.01 and Task Name Crenshaw BSC.

#### **Impact to Budget**

The source of funds for this project will be from Measure R Admin. Upon review of operating and project source of funds, the identified funds were deemed most suitable. An amendment will be made to the FY17 budget for an increase in the amount of \$380,000 to fund the award of Contract No. PS2890900 for professional services to operate the pilot BSC.

### **ALTERNATIVES CONSIDERED**

1. Not awarding this Contract. Staff is not recommending this alternative because it will affect Metro's ability to provide the identified services to small and micro businesses along the Crenshaw Corridor during the remaining two-year term of construction of the Crenshaw/LAX Transit Line.
2. Utilizing Metro staff to operate the Pilot BSC. This alternative is not recommended because Metro does not have the required staffing availability, dedicated resources or expertise to operate the pilot BSC and perform the services as outlined in the SOW.



**NEXT STEPS**

Upon Board approval, staff will execute Contract No. PS2890900 with Del Richardson & Associates, Inc.. In compliance with Board Motion 57 dated September 14, 2014, Metro staff will continue to report back to the Board of Directors on the status of the BSC and services to be performed by the Contractor.

**ATTACHMENTS**

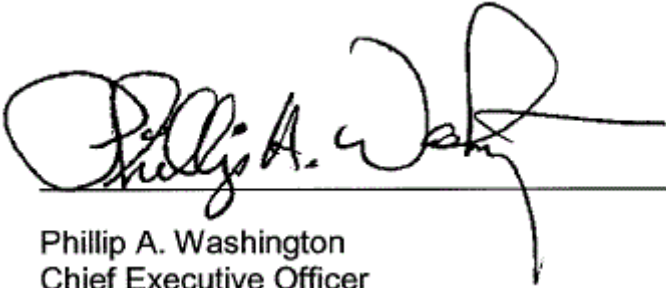
Attachment A - Procurement Summary

Attachment B - Motion 79

Attachment C - DEOD Summary

Prepared by: Shalonda Baldwin, Deputy Executive Officer of Project Management,  
Vendor/Contract Management, (213) 922-4488

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

  
Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

METRO PILOT CRENSHAW/LAX TRANSIT PROJECT BUSINESS SOLUTION  
CENTER / PS2890900

1.	<b>Contract Number:</b> PS2890900	
2.	<b>Recommended Vendor:</b> Del Richardson & Associates, Inc.	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> May 24, 2016	
	<b>B. Advertised/Publicized:</b> May 24, 2016	
	<b>C. Pre-Proposal/Pre-Bid Conference:</b> June 6, 2016	
	<b>D. Proposals/Bids Due:</b> June 27, 2016	
	<b>E. Pre-Qualification Completed:</b> September 13, 2016	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> July 5, 2016	
	<b>G. Protest Period End Date:</b> October 26, 2016	
5.	<b>Solicitations Picked up/Downloaded:</b> 42	<b>Proposals Received:</b> 1
6.	<b>Contract Administrator:</b> Lily Lopez	<b>Telephone Number:</b> (213) 922-4639
7.	<b>Project Manager:</b> Shalonda Baldwin	<b>Telephone Number:</b> (213) 922-4488

**A. Procurement Background**

This Board Action is to approve Contract No. PS2890900 issued in support of the Metro Pilot Crenshaw/LAX Transit Project Business Solution Center (BSC) to operate the BSC inclusive of providing: (1) one-on-one focused client services for small and micro businesses located along the Crenshaw/LAX Transit Project Corridor, (2) access to services via multiple avenues including a field and virtual (web based) presence, and (3) an outreach program for small and micro businesses on the Corridor to facilitate the utilization of available services and resources including access to other business experts and resource providers referred through the BSC. Board approval of contract awards are subject to resolution of all properly submitted protests.

The Request for Proposals (RFP) was issued in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price. The RFP was issued with an SBE/DVBE goal of 23% (SBE 20% and DVBE 3%).

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

- Amendment No. 1, issued on June 7, 2016, provided responses to questions received, and documents related to the pre-proposal conference held on June 6, 2016.

A pre-proposal conference was held on June 6, 2016, attended by 11 participants representing seven companies. There were five questions asked and responses were released prior to the proposal due date.

A total of 42 firms downloaded the RFP and were included in the planholders list.

One proposal was received on June 27, 2016. A market survey was conducted of planholders that did not submit a proposal to ascertain the reason(s) for non-submittal. Fifteen responses were received. Reasons given for not submitting proposals included limited resources, time constraints and firm's capabilities did not align with requested services.

## **B. Evaluation of Proposal**

The Proposal Evaluation Team (PET) consisting of staff from Metro's Vendor Contract Management and Risk Management was convened and conducted a comprehensive technical evaluation of the proposal received.

The proposal was evaluated based on the following evaluation criteria and weights:

- |   |            |
|---|------------|
| • Service Provider Experience and Qualifications    | 30 percent |
| • Service Provider Experience with Similar Services | 15 percent |
| • Project Understanding and Approach                | 30 percent |
| • Business Finance Support Experience               | 5 percent  |
| • Cost Proposal                                     | 20 percent |

The evaluation criteria are appropriate and consistent with criteria developed for other, similar procurements for professional services. Several factors were considered when developing these weights, giving the greatest importance to both service provider experience and qualifications and project understanding and approach.

During the week of July 4, 2016, the PET completed its independent evaluation of the proposal. An oral presentation was held on August 2, 2016. At the conclusion of the oral presentation, the PET re-evaluated the proposal based on the information in the technical proposal and discussion held, and it was determined that Del Richardson & Associates, Inc. (DRA) was qualified to render the required services.

### **Qualifications Summary:**

#### **DRA**

DRA is a Metro-certified SBE firm with demonstrated community engagement and outreach experience. DRA's proposed approach is comprehensive and provides a clear plan to provide a wide range of services and access to resources for the

Crenshaw/LAX business community. Their previous experience with Metro projects and their role as the incumbent contractor has equipped DRA for this work effort and places them in an ideal position to benefit both from their knowledge of the current operations as well as affording them the opportunity to enhance their services through innovative programs designed to engage participating businesses.

A summary of the PET scores is provided below:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>DRA</b>				
3	Service Provider Experience and Qualifications	92.33	30.00%	27.70	
4	Service Provider Experience with Similar Services	83.33	15.00%	12.50	
5	Project Understanding and Approach	90.00	30.00%	27.00	
6	Business Finance Support Experience	86.60	5.00%	4.33	
7	Cost	100.00	20.00%	20.00	
8	<b>Total</b>		<b>100.00%</b>	<b>91.53</b>	<b>1</b>

### **C. Cost Analysis**

The recommended price has been determined to be fair and reasonable based upon a technical analysis, a cost analysis, fact finding, and negotiations.

The ICE was based on an estimate from 2013 for the original Pilot BSC program. Due to the unique attributes of the project, Metro did not have reliable data to adequately estimate the actual level of effort that such a program would require. As such, the enhanced focused client support services needed to support the greater number of businesses outside the initial target area requires a greater level of effort and resources as the initial model for the pilot was based on the reliance of services and experts through pre-identified "business development partners." Additionally, the ICE did not account for two major components: (1) the inclusion of subject matter experts to deliver educational and informational business resources to businesses engaged in the BSC; and (2) the outreach and engagement in light of the new program model comprised of one-on-one client services for potentially 200 businesses along the corridor.

Metro staff successfully negotiated a cost savings of \$707,034 by reducing the duplication of efforts and clarifying the intent of the Statement of Work.

	<b>Proposer Name</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>
1.	DRA	\$1,556,042	\$390,000	\$849,008

**D. Background on Recommended Contractor**

The recommended firm, DRA located in Inglewood, California, and founded in 1998, provides real estate and personal property acquisition, relocation and community engagement and outreach services to the public, profit and non-profit agencies. DRA is the incumbent on the existing BSC contract awarded in October 2014, and has performed satisfactorily and has been responsive to the community needs.

**Motion by Supervisor Mark Ridley-Thomas, Mayor Eric Garcetti and Director  
Jacquelyn Dupont-Walker**

**Implementation of a Pilot Business Solution Center for the Crenshaw/LAX Line  
Relates to Item 79**

**July 24, 2014**

Since construction began on the Crenshaw/LAX Line Project (the Project) earlier this year, doing business on the Crenshaw Corridor (the Corridor) has become more challenging for businesses and patrons. Many businesses are already experiencing significant impacts created by construction activities, specifically at the intersections of Crenshaw Boulevard and Martin Luther King Jr. Boulevard and Exposition Boulevard where work is underway to lay the groundwork for future underground stations. Businesses between 48<sup>th</sup> Street and 60<sup>th</sup> Street, where the line will run at-grade, are also anticipated to face significant challenges when construction begins on that segment.

Under both Federal and State law, Metro is prevented from providing direct cash subsidies to businesses unless access to the business is denied due to construction impacts. While this has not technically been the case on the Corridor, there is a clear nexus between construction activities and reduced business activity, especially the walk-in traffic that many of the retail businesses rely on.

In April 2014, Metro retained a consultant to assess and provide recommendations on how to address the economic impacts of construction activities on small businesses on the Corridor. The consultant's report encourages the development of a pilot Business Solution Center that would provide direct sector-specific technical assistance to businesses along the Corridor to help them through construction activities. Services that could be provided to businesses include financial planning and advice on small business operations as well as dealing with municipal permits and regulations, legal assistance, marketing and grant/loan application management. The consultant specifically suggests that a pilot effort be established to provide proactive and hands-on business assistance to support the over 100 businesses at the at-grade portion of the

Project between 48<sup>th</sup> and 60<sup>th</sup> Streets, as well as a walk-in location along the Corridor for which businesses along the entire rail alignment can receive information, resources and referrals.

The establishment of a Business Solution Center would meaningfully enhance Metro's construction and external relations protocol. While serving as a relatively nominal financial investment for Metro, it would go a long way in helping to build the capacity of small businesses to survive the construction period and ultimately contribute to a vibrant transit corridor upon completion of the Line. If the Metro Board wants to pursue future funding measures to fully build out the system, it will be fundamental that we demonstrate to local small businesses that we are a committed partner during construction periods. This pilot Business Solution Center can serve as a model for such an effort, and to do so, it is essential that Metro partner with a capable and well established service provider to roll-out these services as quickly as possible. Furthermore, it is consistent with Metro's Construction Impact Response Program (CIRP) which was developed in response to construction on the Gold and Red Lines in the 1990s. The CIRP program provided various forms of relief for businesses including economic support and rapid response teams. These resources should also be made available for the Crenshaw Corridor.

The pilot Business Solution Center would also complement Metro's other ongoing efforts to address business' needs during construction. For example, Metro continues to modify construction signage based on the feedback of surrounding business' to highlight the names of businesses, parking locations and to clarify that businesses are open during construction. In addition, Metro is finalizing a communications strategy to promote an "Eat, Shop and Play Local" campaign during construction.

**WE THEREFORE MOVE THAT THE BOARD OF DIRECTORS:**

1. Receive and file the "Recommendations for a Pilot Metro Business Solution Center";

2. Authorize the CEO to immediately solicit proposals to establish a Pilot Metro Business Services Center along the Crenshaw Corridor that includes a physical presence with consistent staffing hours for the duration of the construction of the Crenshaw/LAX Line, as well as a Business Solutions Outreach Strategy for the at-grade portion of the alignment on Crenshaw between 48<sup>th</sup> and 60<sup>th</sup> Streets and other locations that are determined to be significantly impacted by construction activities, and authorize the CEO to execute a contract with the most responsive and qualified bidder, with the objective of beginning operations by October 2014;
3. Direct the CEO to identify up to \$250,000 and amend the current budget to fund the initial year activities, with an overall project budget expected to be approximately \$1,000,000, to be included in future budgets for fiscal year 2016, 2017 and 2018 at \$250,000 per year;
4. Direct the CEO to report back in September on a plan to utilize existing Full-Time Equivalent position(s) to staff the Business Solutions Center.
5. Direct the CEO to incorporate the following elements into the Pilot Business Solution Center Program:
  - a. A single point-of-contact or case management approach for each business; and
  - b. A 72 hour quick response plan.
6. Direct the CEO to establish an additional mitigation menu and criteria based on MTA's previous Construction Impact Response Program that includes:
  - a. Marketing campaigns for impacted businesses;
  - b. Rent and mortgage subsidies to businesses;
  - c. A low-interest loan fund that is accessible to small and micro-businesses;
  - d. Report back to the Board in September with funding recommendations;
7. Direct the CEO to report back on a Post-Construction Façade Improvement Program in conjunction with the approved Design-Build Contract for the Crenshaw/LAX Transit Line;
8. Direct the CEO to report back on the feasibility of establishing Memorandums of Understanding with local business and community stakeholder groups, as has been



done in Denver, Colorado, to ensure that we are maximizing community involvement and engagement as it relates to construction activities;

9. Direct the Diversity and Economic Opportunity Department to manage and oversee the Business Solution Center Project; and
10. Provide quarterly updates to the Executive Management and Construction Committees on the Pilot Business Solution Center and the “Eat, Shop and Play Local” campaign beginning in September 2014.

## DEOD SUMMARY

**METRO PILOT CRENSHAW/LAX TRANSIT PROJECT BUSINESS SOLUTION  
CENTER / PS2890900**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 23% goal, inclusive of a 20% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this project. Del Richardson & Associates, Inc. exceeded the goal by making a 65.46% Small Business participation, inclusive of a 62.37% SBE commitment and a 3.09% DVBE commitment.

<b>Small Business Goal</b>	<b>20% SBE 3% DVBE</b>	<b>Small Business Commitment</b>	<b>62.37% SBE 3.09% DVBE</b>
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	<b>SBE Prime</b>	<b>% Commitment</b>
1.	Del Richardson & Associates, Inc.	62.37%
	<b>Total Commitment</b>	<b>62.37%</b>

	<b>DVBE Subcontractors</b>	<b>% Commitment</b>
1.	It Is, LLC	3.09%
	<b>Total Commitment</b>	<b>3.09%</b>

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

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

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

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

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.



Board Report

File #: 2016-0659, File Type: Appointment

Agenda Number: 21.

SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE  
OCTOBER 20, 2016

**SUBJECT: MEMBERSHIP ON METRO SERVICE COUNCILS**

**ACTION: APPROVE NOMINEES FOR APPOINTMENT TO METRO SERVICE COUNCILS**

**RECOMMENDATION**

APPROVE nominees for **membership on Metro's Service Councils**.

**ISSUE**

Each Metro Service Council is comprised of nine Representatives that serve a term of three years; terms are staggered so that the terms of three of each Council's nine members expire annually on June 30. Incumbent Representatives can serve additional terms if re-nominated by the nominating authority and confirmed by the Metro Board.

**DISCUSSION**

Metro seeks to appoint Service Council members reflective of the demographics of each respective region. The 2010 Census demographics of each of the Service Council regions are as follows:

% Sector Total	Hispanic	White	Asian	Black	Other	Total Pop
SGV	50.0%	19.9%	24.9%	3.3%	2.0%	100.0%
SFV	41.0%	42.0%	10.7%	3.4%	2.9%	100.0%
South Bay	42.5%	23.8%	12.0%	18.3%	3.4%	100.0%
Westside/Central	43.5%	30.7%	13.0%	10.0%	2.8%	100.0%
Gateway Cities	63.9%	16.7%	8.5%	8.6%	2.3%	100.0%
Service Area Total	48.5%	26.8%	14.0%	8.2%	2.6%	100.0%

The individuals listed below have been nominated to serve by the Councils' appointing authorities. If approved by the Board, these appointments will serve a three-year term or the remainder of the seat's three-year term as indicated. A brief listing of qualifications for the new nominees is provided along with the nomination letters from the nominating authorities:

- A. Joseph Strapac, Gateway Cities Service Council, New Appointment/Re-Appointment  
Nominated by: Gateway Cities Council of Governments  
Term Ending: June 30, 2017

The demographic makeup of the Gateway Cities Service Council with the appointment of this nominee will consist of five (5) White members and four (4) Hispanic members as self-identified by the members in terms of racial/ethnic identity. The gender breakdown of the Council will be six (6) men and three (3) women.

- B. Carla Canales, San Fernando Valley Service Council, New Appointment  
Nominated by: Third District Supervisor Sheila Kuehl  
Term Ending: June 30, 2019

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

- C. Alba M. Peña, Westside Central Service Council, New Appointment  
Nominated by: Los Angeles Mayor Eric Garcetti  
Term Ending: June 30, 2019

The demographic makeup of the Westside Central Service Council with the appointment of this nominee will consist of four (4) Hispanic members, three (3) White members, and two (2) Black members as self-identified by the members in terms of racial/ethnic identity. The gender breakdown of the Council will be six (6) men and three (3) women.

### **DETERMINATION OF SAFETY IMPACT**

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

### **FINANCIAL IMPACT**

There is no financial impact imparted by approving the recommended action.

### **ALTERNATIVES CONSIDERED**

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

### **NEXT STEPS**

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


**ATTACHMENTS**

Attachment A - New Appointee/s Biography and Listing of Qualifications

Attachment B - Appointing Authority Nomination Letter

Prepared by: Jon Hillmer, Executive Officer of Service Development, Scheduling & Analysis,  
(213) 922-6972

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 922-4424



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Phillip A. Washington  
Chief Executive Officer

**NEW APPOINTEES BIOGRAPHIES AND QUALIFICATIONS**

**Joseph A. Strapac, Nominee for Gateway Cities Service Council**



Joseph A. Strapac is a self-employed publisher of reference books on the history, engineering, and operation of rail. Mr. Strapac resides in the city of Bellflower, and is a long-time resident of southeast Los Angeles County, having graduated from Compton High School and California State University, Long Beach. Mr. Strapac is a former high school and adult school teacher, and a long-time transit user with extensive knowledge of transportation operations and history. He has been an active member of the Southern Pacific historical and Technical Society for many years, and has held various positions within the organization including President, Board Member, Archivist, and Advisor.

**Carla E. Canales, Nominee for San Fernando Valley Service Council**

Carla E. Canales has been employed with the County of Los Angeles since 2009, and is currently working in the Department of Public Works, Administrative Services Bureau as a Management Fellow. Ms. Canales has previously worked in the Treasurer and Tax Collector Bureau, Public Works Fleet Management, and the Department of Mental Health, giving her a broad range of experience with local government agencies functions. Ms. Canales was previously employed with Los Angeles World Airports where she supported ridesharing programs and related events such as Bike to Work Day. Ms. Canales holds a Bachelor of Business Administration from Loyola Marymount University, and is a recent graduate of California State Northridge with a Master's in Public Administration. Ms. Canales is a resident of Sun Valley and a long-time transit user.

**Alba M. Peña, Nominee for Westside Central Service Council**



Alba M. Peña is an urban planning professional with a focus in community health, health education, community engagement, and program development. Ms. Peña is currently employed as a Lead Community Health Associate with Cedars-Sinai Medical Center's Healthy Habits program. Ms. Peña has previously worked for the National Health Foundation as a Program Manager and a Senior Program Coordinator, as well as with the Los Angeles County Metropolitan Transportation Authority as an Entry Level Trainee. Ms. Peña also completed a graduate internship with the City of Los Angeles Department of Neighborhood Empowerment. She is a member of the L.A. Walks Steering Committee and a California Walks Board Member. Ms. Peña holds a Bachelor of Arts in Sociology from University of California, Santa Barbara, and a Master's in Urban & Regional Planning from University of California, Los Angeles.

APPOINTING AUTHORITY NOMINATION LETTERS

SOUTHEAST LOS ANGELES COUNTY	
Artesia	 <b>GATEWAY CITIES</b> COUNCIL OF GOVERNMENTS
Avalon	
Bell	
Bellflower	
Bell Gardens	
Cerritos	
Commerce	
Compton	
Cudahy	
Downey	
Hawaiian Gardens	September 8, 2016
Huntington Park	Mr. Phillip A. Washington, CEO Los Angeles County Metropolitan Transportation Authority One Gateway Plaza Los Angeles, CA 90012
Industry	Dear Mr. Washington:
La Habra Heights	<b>Nominees for the Metro Gateway Cities Service Council</b>
La Mirada	Acting in its capacity as the convening coalition of the Metro Gateway Cities Service Council, the Board of Directors of the Gateway Cities Council of Governments has nominated one Service Council member to fill the current vacant seat, which expires June 2017.
Lakewood	At its regularly scheduled meeting of September 7, 2016, the Gateway Cities Council of Governments Board of Directors nominated Mr. Joseph Strapac, a member of the community, to fill the seat expiring June 30, 2017, replacing Thomas Martin. A copy of the nominee's application is enclosed.
Long Beach	We would appreciate your assistance in agendizing the nominations for confirmation by the MTA Board of Directors at the next regularly scheduled meeting.
Lynwood	Sincerely,
Maywood	
Montebello	Richard Powers Executive Director
Norwalk	Enclosure
Paramount	
Pico Rivera	
Santa Fe Springs	
Signal Hill	
South Gate	
Vernon	
Whittier	
County of Los Angeles	
Port of Long Beach	

16401 Paramount Boulevard ■ Paramount, California 90723 ■ phone (562) 663-6850 fax (562) 634-8216  
[www.gatewaycog.org](http://www.gatewaycog.org)



## BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

821 KENNETH HAHN HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012  
Tel: 213-974-3333 Fax: 213-625-7380 Sheila@bos.lacounty.gov

**SHEILA KUEHL**  
SUPERVISOR, THIRD DISTRICT

September 7, 2016

Mr. Gary Spivack  
Deputy Executive Officer  
Metro Regional Service Councils  
One Gateway Plaza MS 99-7-2  
Los Angeles, CA 90012

Dear Mr. Spivack:

This letter serves as the recommendation to appoint Carla Canales to serve as the Third District representative on the San Fernando Valley Service Council for the term of July 1, 2016 - June 30, 2019.

I am confident that Ms. Canales' knowledge and experience of the San Fernando Valley's transportation will serve the Council well.

A copy of Ms. Canales' resume is attached for your reference. Please let me know if you need any additional information. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Sheila Kuehl". The signature is fluid and cursive.

SHEILA KUEHL  
Supervisor, Third District

NE:jj





**ERIC GARCETTI**  
MAYOR

September 20, 2016

Mr. Gary Spivack  
Deputy Executive Officer  
Metro Regionals Service Councils  
One Gateway Plaza MS 99-7-2  
Los Angeles, CA 90012

Dear Mr. Spivack:

I hereby submit the nomination of Alba Peña to serve as a representative on the Westside/Central Service Council. I certify that in my opinion Ms. Peña is qualified for the work that will devolve upon her, and that I make this appointment solely in the interest of the City.

Please let me know if you need any additional information. Thank you for your consideration.

Sincerely,

ERIC GARCETTI  
Mayor

EG:cl



Metro

## Board Report

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

File #: 2016-0448, File Type: Contract

Agenda Number: 26.

**REVISED**  
**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE**  
**OCTOBER 20, 2016**

**SUBJECT: BUS TIRE LEASING & MAINTENANCE SERVICES**

**ACTION: APPROVE CONTRACT MODIFICATION**

### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 5 for Contract No. OP31202523 with Goodyear Tire & Rubber Company to **extend bus tire leasing and maintenance services for up to twelve (12) months**, for the period covering December 1, 2016 through November 30, 2017, in an amount not to exceed \$7,951,670, increasing the total not to exceed contract amount from \$41,138,647 to \$49,090,317.

### **ISSUE**

This Contract Modification is required as both firms who submitted proposals in response to RFP No. OP14573, issued on April 7, 2016, seeking a new contractor for these services, were deemed non-responsive to the Disadvantaged Business Enterprise requirement.

The extension is needed in order to re-procure these services, evaluate submittals, and make an award recommendation. Outreach discussions with potential contractors will also be conducted during the interim period.

### **DISCUSSION**

Metro's fleet consists of approximately 2,119 buses of which 1,749 have six tires per bus and 370 articulated buses (Artics) have ten tires per bus that require proper maintenance and service on a regular basis for a total of 14,194 tires. This Contract pertains to leased tires for the revenue fleet as well as tire maintenance services for both the revenue and non-revenue fleets. Non-revenue tires are purchased under a separate contract, but are mounted and balanced under the bus tire leasing and maintenance services contract.

Leased costs are based on actual bus (tire) mileage, plus a fixed monthly service rate of a per tire

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sales/use tax. Included in this service contract is the remediation of all spent tire castings and a comprehensive tire maintenance program. The tire maintenance program includes tire rotation, mounting, regrooving, recapping, balancing, airing, and wheel refurbishing. Furthermore, the monthly service rate also includes tire maintenance and service for Metro's non-revenue fleet.

### **DETERMINATION OF SAFETY IMPACT**

Approval of the recommendation will have a positive impact on safety. As the buses in Metro's fleet wear through tires, they are regularly replaced as part of a preventative maintenance plan to ensure safe operation of the buses. This Contract Modification guarantees Metro has the capability of replacing tires on its fleet.

### **FINANCIAL IMPACT**

Funding of \$4,638,473 for this Contract Modification is included in the FY17 budget in cost center 3120, Quality Assurance, under project 306002, Operations Maintenance and line item 50421, Tires Revenue Equipment. Since this is a multi-year contract, the Senior Executive Officer and cost center manager will be accountable for budgeting the cost in future years.

#### **Impact to Budget**

Funding for this action will come from the Enterprise Operating fund. The source of funds will be from Federal, State and local funding sources that are eligible for Bus and Rail Operating Projects. These funding sources will maximize the use of funds for these activities.

### **ALTERNATIVES CONSIDERED**

There are two alternatives considered. One alternative is a purchase tire program rather than a lease tire program. Additionally, Metro personnel would perform the required tire service. This alternative is not recommended because of the increased labor cost to Metro and the added responsibility of properly disposing thousands of waste tire castings. The second alternative is to have a lease tire program and have Metro personnel provide the required tire service. This alternative is not recommended because of increased labor cost to Metro. Furthermore, the proposed contracting method greatly reduces Metro's risk and eliminates the responsibility for the removal, transportation and disposal of waste tires.

### **NEXT STEPS**

Upon Board approval, staff will execute Modification No. 5 for Contract No. OP31202523 with Goodyear Tire & Rubber Company to continue providing bus tire leasing and maintenance services.

### **ATTACHMENTS**

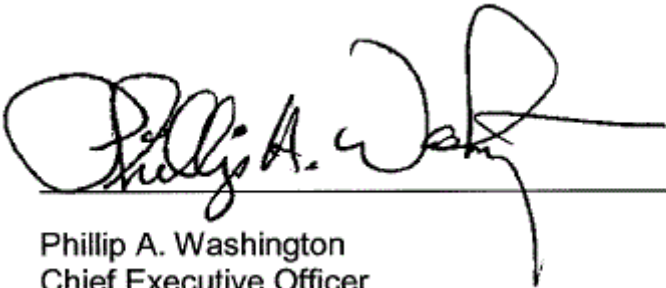
Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - DEOD Summary

Prepared By: Matt Dake, Sr. Director, Equipment Maintenance, Quality Assurance, 213-922-5797

Chris Reyes, Principal Transportation Planner, 213-922-4808

Reviewed By: James T. Gallagher, Chief Operations Officer, 213-922-4424

Debra Avila, Chief, Vendor/Contract Management Officer, 213-418-3051



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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## BUS TIRE LEASING &amp; MAINTENANCE SERVICES / OP31202523

1.	<b>Contract Number:</b> OP31202523			
2.	<b>Contractor:</b> Goodyear Tire & Rubber Company			
3.	<b>Mod. Work Description:</b> Extend Contract expiration and increase contract authority			
4.	<b>Contract Work Description:</b> Bus tire leasing and maintenance services			
5.	<b>The following data is current as of:</b> September 14, 2016			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>		<b>Contract Award Amount:</b>	\$24,068,859
		9/1/10		
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b>	\$17,069,788
	<b>Original Complete Date:</b>	8/31/15	<b>Pending Modifications (including this action):</b>	\$7,951,670
	<b>Current Est. Complete Date:</b>	11/30/16	<b>Current Contract Value (with this action):</b>	\$49,090,317
7.	<b>Contract Administrator:</b> Kenneth Takahashi		<b>Telephone Number:</b> (213) 922-1047	
8.	<b>Project Manager:</b> James Jimenez		<b>Telephone Number:</b> (213) 922-5870	

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 5 issued in support of services for bus tire leasing and maintenance for revenue and non-revenue vehicles. This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit price.

The competitively procured contract was awarded to Goodyear Tire & Rubber Company in July 2010 for a five-year period, inclusive of two, one-year options. However, the second one-year option term was inadvertently not exercised through a contract modification. Goodyear Tire & Rubber Company continued to provide Metro the bus tire leasing and maintenance services during this time period. Contract Modification No. 5 will rectify this oversight by formally recognizing the exercise of the second option year.

The Contract has been modified four times and will expire on November 30, 2016.

(Refer to Attachment B – Contract Modification/Change Order Log)

**B. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based upon price analysis, comparison with recent proposal submittals, technical evaluation, and fact finding.

<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Modification Amount</b>
\$7,951,670	\$7,951,670	\$7,951,670

**ATTACHMENT B**

**CONTRACT MODIFICATION/CHANGE ORDER LOG**

**BUS TIRE LEASING & MAINTENANCE SERVICES / OP31202523**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Administrative notification of responsible contract administrator	Approved	3/3/11	\$0
2	Exercise Option Year <u>Number 1</u>	Approved	8/12/13	\$8,382,470
3	<del>Exercise Option Year 2</del> <u>Extend period of performance to August 31, 2016</u>	Approved	7/30/15	\$8,687,318
4	Extend period of performance to November 30, 2016	Approved	7/14/16	\$0
<b>5</b>	<b>Extend Period of Performance and Increase Contract Authorization</b>	<b>Pending</b>	<b>Pending</b>	<b>\$7,951,670</b>
	<b>Modification Total:</b>			<b>\$25,021,458</b>
	<b>Original Contract:</b>			<b>\$24,068,859</b>
	<b>Total:</b>			<b>\$49,090,317</b>

DEOD SUMMARY

BUS TIRE LEASING AND MAINTENANCE SERVICES / OP31202523

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) did not recommend a Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) for this solicitation. Meeting the DALP was neither a condition of award nor an issue of responsiveness. Goodyear Tire & Rubber Company did not make a DBE commitment.

**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.





## Board Report

File #: 2016-0628, File Type: Contract

Agenda Number: 27.

### SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE OCTOBER 20, 2016

**SUBJECT: LIQUID WASTE REMOVAL SERVICES**

**ACTION: EXERCISE TWO ONE-YEAR OPTIONS**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 1 to Contract No. OP31203099 to exercise the two, one-year options, with Hazardous Technologies Inc., for **liquid waste removal services**, in the total amount of \$1,617,800 increasing the total contract value from \$2,434,400 to \$4,052,200 and extend the contract term from November 1, 2016 to October 31, 2018.

#### **ISSUE**

The three-year base term for this Contract with Hazardous Technologies Inc. (HTI) will expire on October 31, 2016.

The proposed Contract Modification will extend the required liquid waste removal services through October 31, 2018.

#### **DISCUSSION**

Metro facilities generate approximately 1.4 million gallons of liquid waste each year during the servicing of wastewater processing systems (e.g. clarifiers, sump pits, storage tanks, stormceptors and caustic tanks). These wastewater processing systems collect liquid waste associated with the steam cleaning of bus and rail car components, interior and exterior washing of buses and rail cars, stormceptors and waste storage tanks.

The liquid waste removed from Metro facilities must be evacuated from the wastewater processing systems by a licensed transporter and transported to a fully permitted Treatment, Storage and Disposal Facility (TSDF).

As a generator of hazardous and non-hazardous liquid waste, Metro is required to comply with federal, state and local environmental laws and regulations. This includes ensuring liquid waste is legally removed and transported by a licensed transporter to a permitted TSDF for proper treatment

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and disposal. Additionally, the routine servicing of the various wastewater processing systems shall ensure their efficient and effective operation as well as ensure Metro is compliant with applicable hazardous and non-hazardous laws and regulations.

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

### **DETERMINATION OF SAFETY IMPACT**

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

### **FINANCIAL IMPACT**

The funding of \$801,300 for Option Year 1 is included in the FY17 budget in cost center 3120, Quality Assurance, account 50320, Service Contract Services, under project number 306002, 300022, 300033, 300044 and 300055 Bus and Rail Operation Maintenance.

Since this is a two-year Contract Modification, the cost center manager and Senior Executive Officer, Maintenance will ensure that the balance of funds is budgeted for FY18.

#### **Impact to Budget**

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

### **ALTERNATIVES CONSIDERED**

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

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

**NEXT STEPS**

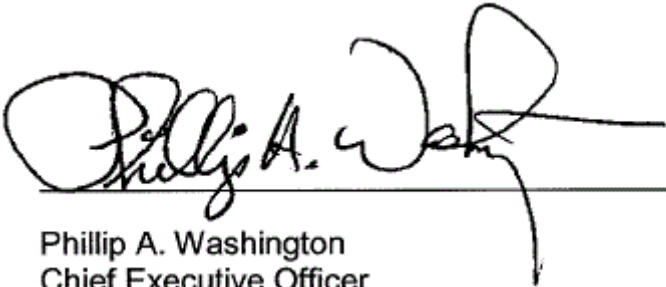
Upon approval by the Board, staff will execute Contract Modification No. 1 to Contract No. OP31203099, with Hazardous Technologies Inc., for liquid waste removal services, to exercise the two, one-year options and extend the period of performance through October 31, 2018.

**ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - DEOD Summary

Prepared by: Matt Dake, Senior Director Equipment Maintenance, (213) 922-5797  
James Jimenez, Senior Manager Environmental Compliance & Services, (213) 922-5870  
Chris Reyes, Transportation Planning Manager III, (213) 922-4808

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



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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## LIQUID WASTE REMOVAL SERVICES / OP31203099

1.	<b>Contract Number:</b> OP31203099		
2.	<b>Contractor:</b> Hazardous Technologies, Inc.		
3.	<b>Mod. Work Description:</b> Exercise Option Years 1 and 2		
4.	<b>Contract Work Description:</b> Removal, transportation, and disposal of liquid hazardous and non-hazardous waste from Metro clarifiers, sump pits, trenches, hoists, water/oil separators, waste fuel tanks, storage tanks and caustic tanks located at Metro facilities.		
5.	<b>The following data is current as of:</b> September 14, 2016		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	9/19/13	<b>Contract Award Amount:</b> \$2,434,400
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b> \$0
	<b>Original Complete Date:</b>	10/31/16	<b>Pending Modifications (including this action):</b> \$1,617,800
	<b>Current Est. Complete Date:</b>	10/31/18	<b>Current Contract Value (with this action):</b> \$4,052,200
7.	<b>Contract Administrator:</b> Aielyn Dumaua		<b>Telephone Number:</b> (213) 922-7320
8.	<b>Project Manager:</b> James Jimenez		<b>Telephone Number:</b> (213) 922-5870

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 1 issued to continue the removal, transportation, and disposal of liquid hazardous and non-hazardous waste from Metro clarifiers, sump pits, trenches, hoists, water/oil separators, waste fuel tanks, storage tanks and caustic tanks located at Metro facilities by exercising Option Years 1 and 2.

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

On September 19, 2013, the Board approved a five-year contract, inclusive of two, one-year options, to Hazardous Technologies, Inc., the lowest, responsive and responsible bidder, to provide liquid waste disposal services throughout Metro facilities. The original contract award amount is \$2,434,400 for the three-year base period, \$801,300 for the first option year (November 1, 2016 through October 31, 2017) and \$816,500 for the second option year (November 1, 2017 through October 31, 2018).

(Refer to Attachment B – Contract Modification/Change Order Log)

## **B. Cost/Price Analysis**

The recommended price for the option years has been determined to be fair and reasonable based upon rates that were established and evaluated as part of the competitive contract award. The negotiated rates for the Option Years increased by an average of 1.2%, which is lower than the 2.7% reported Employment Cost Index of the Bureau of Labor and Statistics for waste management and remediation services for the 12-month period ending June 2016. Therefore, exercising the options is in the best interest of Metro. The Contract was a result of a competitive IFB in which the option years were evaluated and award was made to the lowest responsive, responsible bidder.

	OPTION YEAR AMOUNT	METRO ICE	MODIFICATION AMOUNT
1	\$1,617,800	\$1,617,800	\$1,617,800

**ATTACHMENT B****CONTRACT MODIFICATION/CHANGE ORDER LOG****LIQUID WASTE REMOVAL SERVICES / OP31203099**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
<b>1</b>	<b>Exercise Option Year One and Year Two</b>	<b>Pending</b>	<b>Pending</b>	<b>\$1,617,800</b>
	<b>Modification Total:</b>			<b>\$1,617,800</b>
	<b>Original Contract:</b>			<b>\$2,434,400</b>
	<b>Total:</b>			<b>\$4,052,200</b>

**DEOD SUMMARY**

**LIQUID WASTE REMOVAL SERVICES / OP31203099**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 17% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) for this procurement. Hazardous Technologies, Inc. (HTI) made no DALP commitment. Achieving the goal was neither a condition of award nor an issue of responsiveness.

**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 contract.

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

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.



## Board Report

File #: 2016-0658, File Type: Policy

Agenda Number: 28.

### SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE OCTOBER 20, 2016

**SUBJECT: TITLE VI SERVICE MONITORING REPORT**

**ACTION: ADOPT FINDINGS**

#### **RECOMMENDATION**

ADOPT the findings of a **Title VI Triennial Review of FTA required service standards that found no disparate impact** in the attainment of service standards relative to minority and non-minority services operated by Metro. This review was conducted for Metro bus and rail service during the fourth quarter of fiscal year 2016:

- A. Finding that the Metro bus system conforms to the adopted Bus Passenger Loading Standards and results in no disparate impact on minorities. The Rail Passenger Loading Standards cannot accurately be determined, due to the Metro Rail ridership data collection methodology. It relies on a limited number of staff counting the boarding and alighting passengers while riding a limited number of rail cars. (Attachment A); and
- B. Finding that the Metro bus system and rail system conform to the adopted Headway Standards and result in no disparate impact. (Attachment B); and
- C. Finding that while Metro bus lines are not in conformance with the adopted In-Service On-Time Performance Standards (ISOTP) of 80%, there was no disparate impact. The system wide average bus ISOTP was 73.0% on weekdays, 71.6% on Saturdays, and 76.8% on Sundays. The percentage of bus lines meeting this standard were 43.5% of weekday, 42.4% on Saturday and 54.8% during Sunday. All rail lines meet the standard of 90% for light rail and 95% for heavy rail. The assessment of the current findings are contained in (Attachment C); and
- D. Finding that Metro and its fixed route operating partners are in conformance and no disparate impact with the adopted System Accessibility Standard. (Attachment D); and
- E. Finding that Metro bus and rail service passenger facilities are in conformance and no disparate impact with the adopted Passenger Amenities Standards. (Attachment E); and
- F. Finding that the Metro bus system is in conformance and no disparate impact with adopted Vehicle Assignment Standards. Conformity of the Metro rail system was reviewed in early May



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2016 and was impacted by the initial delivery of new light rail vehicles and the recent start of operation of the Metro Gold Line Foothill Extension. Only 15 of 235 new vehicles had been accepted at that time with most, of necessity, assigned to the Metro Gold Line. Metro rail system conformance should be reviewed at a later time after new vehicle deliveries are substantially complete. (Attachment F)

## **ISSUE**

Federal Transit Administration (FTA) requires a review of conformance with specified transit performance standards at least once every three years.

## **DISCUSSION**

Federal Transit Administration Circular 4702.1B provides requirements and guidelines for Title VI and Environmental Justice obligations of federal funds recipients. Page IV-9 of these guidelines requires “transit providers to monitor the performance of their transit system relative to their system-wide service standards and service policies (i.e. passenger load, vehicle type and age assignment, transit amenities, etc.) not less than every three years”. Per the guidelines, system-wide standards must be established and monitored, which are discussed in this report.

Operators are required to establish a threshold of significance for when the difference in attainment of minority and non-minority lines would constitute a disparate impact. Metro’s current standard establishes a disparate impact whenever the attainment of non-minority lines exceeds that of minority lines by more than 10%. In the event that a disparate impact is identified “the transit provider shall take corrective action to remedy the disparities to the greatest extent possible, and shall discuss in the Title VI program these disparate impacts and actions taken to remedy the disparities”.

## **Findings**

Approval of the findings for the service monitoring evaluations fulfills a Title VI obligation of Metro. There is no Environmental Justice requirement for service monitoring.

## **DETERMINATION OF SAFETY IMPACT**

There are no safety issues associated with completing Title VI evaluations.

## **FINANCIAL IMPACT**

Fulfilling Title VI obligations ensures continued eligibility for federal funding. Failure to do so could have an adverse impact on budgeted expenditures.

## **ALTERNATIVES CONSIDERED**

The FTA service monitoring requirement must be fulfilled to maintain federal funding eligibility. There are no practical alternatives to the performance of these analyses and the adoption of their findings.

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**NEXT STEPS**

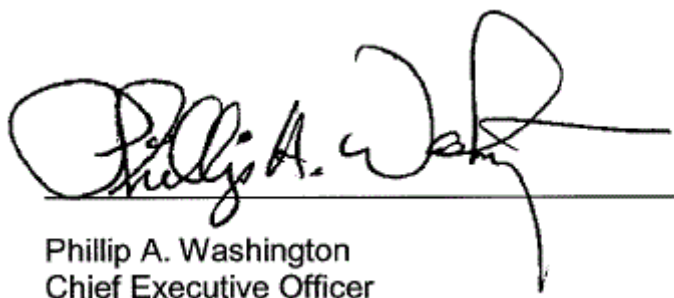
Approval of the findings of the service monitoring evaluations will be submitted to FTA along with the supporting evaluations.

**ATTACHMENTS**

Attachment A - Passenger Loading Standards  
Attachment B - Headway Standards  
Attachment C - On-Time Performance Standards  
Attachment D - Accessibility Standards  
Attachment E - Passenger Amenities Standards  
Attachment F - Vehicle Assignment Standards

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Reviewed by: Dan Levy, Chief, Civil Rights Programs Name, Title,  
(213) 922-8891  
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Phillip A. Washington  
Chief Executive Officer

## ATTACHMENT A PASSENGER LOADING STANDARDS

Passenger Loading Standards were recently revised in October 2015 to provide for variation by time of day and frequency of service. The current standards are depicted in Table A-1. A line must meet the applicable standard in at least 95% of all time periods monitored.

Table A-1  
Passenger Loading Standards by Service Type

Weekday AM and PM Peak Periods				
	Psgrs per Seat	Max Peak Loads (per car)		
Heavy Rail	2.30	124		
Light Rail	1.75	133		
		Bus Types		
Frequency Range in Minutes	Psgrs per Seat	40-foot	45-Foot	60-Foot
		Max Peak Loads		
1-10	1.40	56	65	80
11-20	1.30	52	60	74
21-40	1.20	48	55	69
41-60	1.10	44	51	63
60+	1.00	40	46	57

Off-Peak and Weekends				
	Psgrs per Seat	Max Off-Peak Loads (per car)		
Heavy Rail	1.60	86		
Light Rail	1.25	95		
		Bus Types		
Frequency Range in Minutes	Psgrs per Seat	40-foot	45-Foot	60-Foot
		Max Off-Peak Loads		
1-10	1.30	52	60	74
11-20	1.25	50	58	71
21-40	1.10	44	51	63
41-60	1.00	40	46	57
60+	0.75	30	35	43

Effective October 2015

Each line must meet standard at least 95% of all hours monitored

The conformance of Metro bus lines to these standards is summarized in Table A-2 for weekday peak and off-peak periods, Saturdays and Sundays. Overall, 136 of 139 weekday bus lines (97.8%), 107 of 108 Saturday bus lines (99.1%), and all of 101 Sunday bus lines (100.0%) meet the standard by not exceeding the relevant load ratio in at least 95% of all time periods operated.

The adopted standard for when the disparity between minority and non-minority conformance would constitute a disparate impact is a difference of more than 10%. In this instance conformance is consistently high for all categories.

An evaluation of Metro Rail conformity with the Passenger Loading Standards is not yet possible as rail passenger data is obtained through aggregation of small samples over a period of time. This sampling method does not permit evaluation of passenger loading. New rail cars are now being delivered with APC capability which should permit evaluation of passenger loading in the future.

Table A-2  
Metro Bus Passenger Loading Standards Conformance

WEEKDAY	Minority Bus Lines	Non- Minority Bus Lines
# of Lines Monitored	110	29
# of Lines Exceeding Std.		3
% Compliance	100.0%	89.7%
SATURDAY		
# of Lines Monitored	82	26
# of Lines Exceeding Std.	1	
% Compliance	98.8%	100.0%
SUNDAY		
# of Lines Monitored	76	25
# of Lines Exceeding Std.		
% Compliance	100.0%	100.0%

Monitoring Data from Jan-Mar 2016

Must meet standard at least 95% of all time periods

## **ATTACHMENT B HEADWAY STANDARDS**

The adopted standard establishes the maximum scheduled headway (in minutes) between trips in the peak direction at the maximum load point of a line by time of day. Table B-1 depicts the peak and off-peak standard by service type. These standards should not be exceeded for at least 90% of all hourly periods.

Table B-1  
Headway Standards by Service Type

Service Type	Peak	Off-Peak
Heavy Rail	10	20
Light Rail	12	20
BRT	12	30
Rapid	60	60
Express	30	60
Limited	60	60
Local & Shuttle	60	60

As of October 2015

Standard should be met at least 90% of the  
time at the max load point in peak direction

How Metro bus lines conform to these standards is summarized below in Table B-2 for weekday peak and off-peak periods, Saturdays and Sundays. Overall, 142 of 150 weekday bus lines (94.7%), 106 of 108 Saturday bus lines (98.1%), and 95 of 101 Sunday bus lines (94.1%) are above the standard of 90%.

Metro has established a 10% threshold for when the disparity between minority and non-minority compliance is considered significant. On Sundays non-minority compliance is significantly less than minority compliance. Because minority compliance is higher on Sundays there is no disparate impact.

An evaluation of Metro Rail conformity with the Headway Standard found all rail lines meeting the standard. All five Metro Rail lines are considered minority lines.

Table B-2  
Metro Bus Headway Standards Conformance

WEEKDAY	Minority Bus Lines	Non-Minority Bus Lines
# of Peak Period Lines	115	35
# of Lines Not Meeting Std.	7	1
% Compliance	93.9%	97.1%
# of Off-Peak Period Lines	105	35
# of Lines Exceeding Std.	0	0
% Compliance	100.0%	100.0%
SATURDAY		
# of Lines	82	26
# of Lines Not Meeting Std.	1	1
% Compliance	98.8%	96.2%
SUNDAY		
# of Lines	76	25
# of Lines Not Meeting Std.	2	4
% Compliance	97.4%	84.0%

Schedule Data from Jan 31 2016

Must meet standard at least 90% of all hourly periods

Table B-2  
Metro Rail Headway Standards Conformance

WEEKDAY	Minority Rail Lines	Non-Minority Rail Lines
# of Peak Period Lines	5	
# of Lines Not Meeting Std.		
% Compliance	100.0%	
# of Off-Peak Period Lines	5	
# of Lines Not Meeting Std.		
% Compliance	100.0%	
SATURDAY		
# of Lines	5	
# of Lines Not Meeting Std.		
% Compliance	100.0%	
SUNDAY		
# of Lines	5	
# of Lines Not Meeting Std.		
% Compliance	100.0%	

Schedule Data from Feb 21 2016

Must meet standard at least 90% of all hourly periods

## **ATTACHMENT C ON-TIME PERFORMANCE STANDARDS**

On-Time Performance Standards were last revised in the October 2015 Transit Service Policy. The current standards are depicted in Table C-1. As the policy states, ninety percent of bus lines must meet the standard in at least 90% of all time periods monitored (originally established in 2011). Rail lines are expected to achieve the standard or better on a daily basis. Monitoring data is from the January-March 2016 time period.

Table C-1  
On-Time Performance Standards by Service Type

<b>Service Type</b>	<b>Standard</b>
Heavy Rail	95%
Light Rail	90%
Bus	80%

As of October 2015  
90% of bus lines should achieve  
the standard for at least 90% of  
monitored hours

These standards however are systemwide, and the standard of 80% ISOTP (In Service On Time Performance) 90% of the time is difficult to achieve in the operating environment of Los Angeles. Increasing traffic congestions related to low gas, high car sales, and a large number of newly issued driver licenses. Traffic congestion continues to worsen resulting in bus service being slowed down.

To improve Metro's compliance with our ISOTP standards, staff is surveying methods used by other agencies.



Table C-2  
FY 2017 ISOTP Targets by Division

<b>Bus FY17 ISOTP Goal</b>	
<b>FY17 Division</b>	<b>FY17 Target</b>
<b>1</b>	<b>74.85%</b>
<b>2</b>	<b>77.05%</b>
<b>3</b>	<b>77.84%</b>
<b>5</b>	<b>77.75%</b>
<b>6</b>	<b>0.00%</b>
<b>7</b>	<b>75.49%</b>
<b>8</b>	<b>86.28%</b>
<b>9</b>	<b>80.37%</b>
<b>10</b>	<b>74.92%</b>
<b>13</b>	<b>75.36%</b>
<b>15</b>	<b>79.66%</b>
<b>18</b>	<b>75.64%</b>
<b>Metro</b>	<b>78.00%</b>
<b>95</b>	<b>80.00%</b>
<b>97</b>	<b>80.00%</b>
<b>98</b>	<b>80.00%</b>
<b>Contract</b>	<b>80.00%</b>
<b>System</b>	<b>78.15%</b>

## Bus On-Time Performance

Overall compliance, shown in Table C-3, is low with only 8 of 140 weekday bus lines (5.7%), 8 of 108 Saturday bus lines (7.4%), and 16 of 101 Sunday bus lines (15.8%) meeting the 80% standard at least 90% of all time periods operated. Metro has established a 10% threshold for determining when the disparity between minority and non-minority performance is significant. There are no significant differences in ISOTP compliance.

It should be kept in mind that Metro monitors and reports bus ISOTP on every line. These measurements are also made even during unusual occurrences such as short term street or lane closures, presidential visits to Los Angeles, construction projects and even during rare winter storms.

When conformity is observed by time of day, consistent patterns emerge. ISOTP compliance deteriorates as the day progresses reaching its lowest level of compliance during the PM Peak time period. As the evening progresses compliance continues to improve. This is not uncommon historically, as traffic worsens quickly in the PM peak. Service Planning and Scheduling are reviewing these time periods by line to improve schedule adherence. Also, an All Door Boarding (ADB) demonstration project on the Metro Silver Line has produced very positive results in boarding time savings, thereby improving ISOTP. Once the demonstration period is completed, other Metro services will be reviewed for possible ADB expansion.

Table C-3  
Metro Bus On-Time Performance Standards Conformance

WEEKDAY	Minority Bus Lines	Non-Minority Bus Lines
# of Bus Lines	105	35
# of Lines Meeting Std.	6	2
% Compliance	5.7%	5.7%
SATURDAY		
# of Bus Lines	81	27
# of Lines Meeting Std.	4	4
% Compliance	4.9%	14.8%
SUNDAY		
# of Bus Lines	75	26
# of Lines Meeting Std.	10	6
% Compliance	13.3%	23.1%

Observed data from Jan-Mar 2016

90% of lines must meet standard at least 90% of all time periods

## **Rail On-Time Performance**

Conformance for rail lines is summarized below in Table C-4. All rail lines are classified as minority lines, and all lines meet the ISOTP standards of 90% for light rail lines (Blue, Green, Gold, Expo) and 95% for heavy rail lines (Red, Purple).

Table C-4

### **Metro Rail On-Time Performance Standards**

Red/Purple Line	99.45%
Blue Line	96.10%
Green Line	98.52%
Gold Line	97.60%
Expo Line	98.61%

## **ATTACHMENT D ACCESSIBILITY STANDARDS**

The current accessibility standard is shown in Figure D-1 as adopted in December 2011. The standard ensures the availability of fixed route service to virtually all residents of Metro's service area while limiting duplication of service by using services operated by others to meet the standard.

Figure D-1  
Accessibility Standard

*Service is to be provided within ¼ mile of 99% of Census tracts within Metro's service area having at least three households per acre and/or at least four jobs per acre. Fixed route service provided by other operators may be used to meet this standard.*

Metro meets the accessibility standard. There are 2,261 Census tracts within Metro's service area of which 1,971 meet the minimum population and/or jobs thresholds to be entitled to access to fixed route service. Three of the eligible Census tracts (0.2%) are not within one-quarter mile of at least one fixed route bus stop. Two of these are not served by paved roads.

## ATTACHMENT E PASSENGER AMENITIES STANDARDS

The current Metro passenger amenities standard is shown in Figure E-1 as adopted by the Metro Board in December 2011. The standard applies to all off-street facilities owned by Metro that permit passenger boardings.

Figure E-1  
Passenger Amenities Standards

Shelters:	HR – not applicable LR – at least 80 linear ft. Bus – at least 6 linear ft. per bay
Seating:	HR – at least 12 seats LR – at least 10 seats Bus – at least 3 seats per bay
Info Displays:	HR – at least 12 LR – at least 10 Bus – at least 3
LED Displays:	HR – at least 8 arrival/departure screens LR – not applicable Bus – not applicable
TVMs:	HR/LR – at least 2 Bus – not applicable
Elevators:	HR – at least 2 LR – at least 1 for elevated/underground Bus – at least 1 for multi-level terminals
Escalators:	HR – at least 4 (2 Up / 2 Down) LR – not applicable Bus – not applicable
Waste Receptacles:	HR – at least 6 LR – at least 2 Bus – at least 1 per 3 bays / 2 minimum

As of July 2016, all Metro facilities met these minimum standards. Since the prior triennial review the following facilities have been added:

Expo Line to Culver City	May 2012	10 new LR stations
Orange Line Extension to Chatsworth	July 2012	5 new Bus stations
Gold Line Extension to Azusa	March 2016	6 new LR stations
Expo Line Extension to Santa Monica	May 2016	7 new LR stations

All of the added stations conform to the adopted standard.

## ATTACHMENT F VEHICLE ASSIGNMENT STANDARDS

The current vehicle assignment policy is shown in Figure F-1 as adopted in December 2011. The policy ensures that vehicles are assigned in accordance with service requirements.

Figure F-1  
Vehicle Assignment Policy

### Buses

*Buses will be assigned to individual facilities on the basis of vehicle size requirements for lines supported by each facility.*

### Light Rail

*Light rail cars will be assigned to individual lines on the basis of compatibility of vehicle controllers with each line's signal system. The number of vehicle types/manufacturers will be kept to no more than two at any facility to minimize parts storage and maximize maintenance expertise.*

### Heavy Rail

*This assignment policy is not applicable to heavy rail as the Red and Purple Lines operate out of the same division and both employ the same vehicle type.*

All buses are assigned to individual lines in accordance with this policy. The resulting distribution of vehicles as of January 2016 (the time of the last major service change prior to the conduct of this evaluation) is displayed in Tables F-1 and F-2.

Table F-2  
Fleet Distribution by Minority Bus Lines Classification – Jan 2016

	# of Peak Buses	Average Age	Average # of Seats
Minority Lines	1,566	7.77	43.4
non-Minority Lines	368	6.88	43.1
Combined	1,934	7.60	43.3

The Minority average bus age is 2.2% higher than the peak fleet average, however the non-Minority average bus age is 9.5% less than the peak fleet average. The adopted standard for what would constitute a disparate impact is a difference greater than 10%. Because the average age of buses assigned to minority lines is significantly older than the age of buses assigned to non-minority lines there is a disparate impact.

With delivery over the last year of approximately 800 new buses, and with the full opening of new bus Division 13, the implementation of the June 2016 Service Change Program bus assignments were significantly realigned. Because of this the assignment analysis was redone using June 2016 bus assignments. The results are shown in Table F-3. It can be seen that there is no longer a disparate impact.

Table F-3  
Fleet Distribution by Minority Bus Lines Classification – June 2016

# of Peak Buses	Average Age	Average # of Seats
1,548	6.87	43.5
384	7.04	43.1
1,932	6.91	43.4

Heavy rail vehicle assignment is constrained as both the Red and Purple lines are operated out of Division 20. There are 104 vehicles averaging 19.1 years old. Light rail vehicles support the operation of four rail lines from five facilities. Assignment of light rail vehicles is summarized in Table F-3 as of May 5, 2016.

Table F-4  
Light Rail Vehicle Assignments

	# of Vehicles	Average Age
Blue Line	69	21.8
Green Line	29	14.8
Gold Line	62	5.2
Expo Line	26	19.8
	186	14.9

All light rail vehicles are originally provided with 76 seats. Vehicles assigned to the Blue, Green and Gold Lines have five seats removed to accommodate bicycles and other bulky items. The fleet is currently in transition as new car deliveries are being processed and will continue at least through 2017. As of May 5, 2016, 15 of these vehicles had been accepted and placed into service. The total order, including options, is anticipated to be 235 vehicles – a portion will replace older vehicles and some will support further expansion of the system including the Regional Connector and the Crenshaw Line.

The current distribution of vehicles by age is distorted because the Metro Gold Line received almost all of the initially accepted new vehicles to support the Azusa Extension that opened in March 2016; since then over 20 have been delivered and distributed between the Expo and Gold Lines. The Blue and Expo Lines will receive a large complement of new vehicles as they are accepted to support the Expo Extension that opened in late May 2016. Because the current vehicle distribution will be undergoing significant change over the next few months it would be inappropriate to draw any conclusions regarding disparate impacts at this time. It is known that the newest cars currently under construction over the next two years will be assigned to replace the



original Blue Line cars placed into service in 1991. All rail lines are classified as minority lines.

A draft of the proposed Rail Vehicle Management Plan proposes a new standard for rail vehicle assignment. It is proposed that *no line shall have an average fleet age greater than 20% of the average for the mode*. By that standard the Blue and Expo lines would be disparately impacted based upon the March fleet data, though the addition of the Expo Line Santa Monica Extension and the introduction of the remaining 220 new light rail vehicles are not reflected in this analysis. However, three years from now when the next tri-annual audit is conducted, the new cars will be placed on the proper lines to meet the rail vehicle assignment standard.



## Board Report

File #: 2016-0721, File Type: Contract

Agenda Number: 29.

### SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE OCTOBER 20, 2016

**SUBJECT: TREE TRIMMING SERVICES FOR METRO TRANSIT FACILITIES (EXCLUDING METRO ORANGE LINE)**

**ACTION: APPROVE CONTRACT AWARD**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP5608900 for **tree trimming services throughout Metro bus and rail facilities**, excluding Metro Orange Line covered under a separate maintenance contract, with Great Scott Tree Service Inc., the lowest, responsive and responsible bidder, for a not-to-exceed amount of \$923,040 for the three-year base period inclusive of as-needed services, and \$299,930 for each of the two, one-year options, for a combined total of \$1,522,900, effective January 1, 2017 through December 31, 2021, subject to resolution of protest(s), if any.

#### **ISSUE**

The existing contract to perform tree trimming services throughout Metro facilities with the exception of Metro Orange Line (MOL) stations and Right-Of-Way (ROW) covered under a separate maintenance contract is due to expire December 31, 2016.

To continue providing safe, quality and on-time services performing proactive and as-needed tree trimming services throughout Metro facilities, a new contract award is required effective January 1, 2017.

#### **DISCUSSION**

Under this new Contract, the contractor is required to provide tree trimming services for trees over thirteen (13) feet tall throughout Metro bus and rail facilities, excluding MOL stations and ROW covered under a separate maintenance contract.

An effective tree trimming maintenance contract is necessary to ensure providing safe travel path with a clear line of visibility for bus and train operators, and mitigate falling tree hazards and service delays. The contractor is also required to provide as-needed services as directed by Metro staff, such as clearing Metro ROW from any fallen trees due to vandalism or vehicular accidents.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this item will ensure meeting Metro maintenance standards in delivering safe and well maintained facilities and properties and provide the necessary as-needed tree trimming services with prompt response time to deliver safe, quality, on-time, and reliable services to our customers and the public.

### **FINANCIAL IMPACT**

Funding of \$200,000 is included in the FY17 budget in cost center 3367 - Facilities Property Maintenance, account 50308, Service Contract Maintenance, under various operating projects.

Since this is a multi-year contract, the cost center manager, project managers, and Sr. Executive Officer, Maintenance and Engineering will ensure that the balance of funds is budgeted in future years.

#### **Impact to Budget**

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

### **ALTERNATIVES CONSIDERED**

Staff considered providing this service through in-house staff; however, this would require the hiring and training of additional personnel, purchase of additional equipment, vehicles, and supplies to support the expanded responsibility. Staff's assessment indicates that this is not a cost-effective option for Metro.

### **NEXT STEPS**

Upon approval by the Board, staff will execute Contract No. OP5608900 to Great Scott Tree Service Inc., effective January 1, 2017, to provide the necessary tree trimming services throughout Metro facilities.

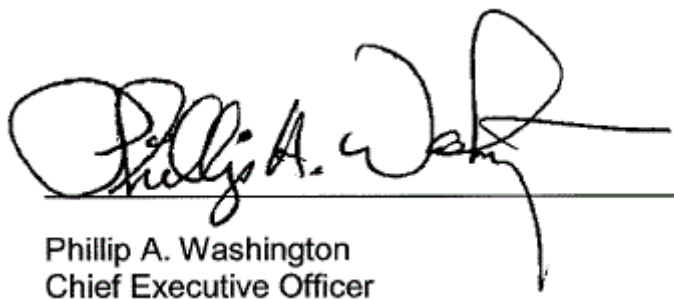
### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - DEOD Summary

Prepared by: Brady Branstetter, DEO, Facilities Maintenance, (213) 922-6767  
Lena Babayan, Sr. Director, Facilities Maintenance, (213) 922-6765  
Chris Reyes, Principal Transportation Planner, (213) 922-4808

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 922-4424

Debra Avila, Chief, Vendor/Contract Management Officer, (213) 418-3051



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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## TREE TRIMMING SERVICES FOR METRO TRANSIT FACILITIES (EXCLUDING METRO ORANGE LINE) / OP5608900

1.	Contract Number: OP5608900	
2.	Recommended Vendor: Great Scott Tree Service Inc.	
3.	Type of Procurement (check one): <input type="checkbox"/> RFP <input checked="" type="checkbox"/> IFB <input type="checkbox"/> IFB-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	Procurement Dates:	
	A. Issued: July 15, 2016	
	B. Advertised/Publicized: July 14, 2016	
	C. Pre-Proposal/Pre-Bid Conference: July 21, 2016	
	D. Proposals/Bids Due: August 11, 2016	
	E. Pre-Qualification Completed: August 29, 2016	
	F. Conflict of Interest Form Submitted to Ethics: August 12, 2016	
	G. Protest Period End Date: October 25, 2016	
5.	Solicitations Picked up/Downloaded: 14	Bids/Proposals Received: 5
6.	Contract Administrator: Rommel Hilario	Telephone Number: (213) 922-4654
7.	Project Manager: Maral Minasian	Telephone Number: (213) 922-5931

**A. Procurement Background**

This Board Action is to approve contract award in support of Facilities Maintenance to provide tree trimming services throughout Metro bus and rail facilities, excluding Metro Orange Line (MOL) as outlined in Invitation for Bid (IFB) No. PS2195315131-2. Board approval of contract awards are subject to resolution of all properly submitted protests.

The IFB was issued as a competitive procurement in accordance with Metro's Acquisition Policy. The contract type is firm fixed unit price.

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

- Amendment No. 1, issued on July 22, 2016, provided pre-bid conference material including sign-in sheets, planholder's list, and living wage information.

A pre-bid conference was held on July 21, 2016. A total of five bids were received on August 11, 2016.

**B. Evaluation of Bids**

This procurement was conducted in accordance, and complies with Metro's Acquisition Policy for a competitive sealed bid. The five bids received are listed below in alphabetical order:

1. Great Scott Tree Service Inc. (Great Scott)
2. International Environmental Corporation (International Environmental)Parkwood Landscape Maintenance, Inc. (Parkwood)
3. The Jungle Nursery Inc. (Jungle Nursery)
4. Thrifty Tree Service Inc. (Thrifty Tree)

All five firms were determined to be responsive, responsible, and were deemed qualified to perform the services based on the IFB's minimum requirements and technical evaluation by the Project Manager. Further analysis was conducted to review appropriate labor classifications and wage rates for each bid, and all were deemed responsive to the IFB requirements.

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

The recommended pricing from Great Scott Tree Service Inc. has been determined to be fair and reasonable based upon adequate competition. Metro's independent cost estimate was based on historical pricing and market average.

<b>BIDDER</b>	<b>BID AMOUNT</b>	<b>SBE PRICE PREFERENCE</b>	<b>METRO ICE</b>	<b>AWARD AMOUNT</b>
Great Scott Tree Service Inc.	\$1,522,900	N/A	\$1,196,750	\$1,522,900
The Jungle Nursery Inc.	\$2,114,928	\$1,903,435.20		
International Environmental Corporation	\$3,164,923	\$3,006,676.85		
Parkwood Landscape Maintenance, Inc.	\$3,438,943	\$3,266,995.85		
Thrifty Tree Service Inc.	\$4,205,200	N/A		

The IFB included an opportunity for bidders to earn a Small Business Price Preference for bidding as a certified small business and/or bidders who met or exceeded the 15% small business goal established in the IFB. Jungle Nursery earned 10% price preference because they are a certified SBE and also subcontracted with a separate SBE firm. International Environmental is a certified SBE firm performing all of the work and, therefore, earned a 5% price preference on their bid. Parkwood met the SBE goal and, therefore, earned a 5% price preference for their bid. Great Scott and Thrifty Tree Service did not meet the 15% SBE goal and, therefore, did not earn a price preference. The small business preference price calculations are for evaluation purposes only. Applying the preference factor does not change the contractor's actual bid or the amount of any subsequent contract

award. As a result, Great Scott Tree Service remains the lowest responsive and responsible bidder.

**D. Background on Recommended Contractor**

Great Scott, located in Stanton, California, started in 1976 to provide high quality tree maintenance at a competitive cost. Over the years, they have developed a program that incorporates tree maintenance with technology using TrimIT, a GIS program that provides staff with the tools to track work history, project future maintenance and cost, and present the information visually using a geographic information system. Great Scott currently has various contracts for tree services that include the City of Irvine, City of Newport Beach, City of Seal Beach, City of Cypress, City of El Segundo, City of Stanton, City of Chino, and City of West Hollywood. Great Scott is a certified arborist and is registered with the Department of Industrial Relations.

**DEOD SUMMARY****TREE TRIMMING SERVICES FOR METRO TRANSIT FACILITIES  
(EXCLUDING METRO ORANGE LINE)/OP5608900****A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 15% Small Business Enterprise (SBE) goal for this solicitation. Great Scott Tree Service Inc. did not make a SBE commitment.

According to guidance provided by County Counsel, SBE goals on non-federally funded Invitation for Bids (IFBs) cannot be a condition of award because Metro can only award to the lowest bidder in accordance with Section 130232(5) of the California Public Utilities Code. DEOD staff worked with Government Relations to seek legislative change to the Public Utilities Code through Assembly Bill 2690 (Ridley-Thomas), which was signed by Governor Brown on August 26, 2016.

Effective January 1, 2017, Metro will be authorized to establish SBE/DVBE goals, as a condition of award, on non-federally funded IFBs. Bidders that fail to meet the SBE/DVBE goals will be ineligible for contract award.

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

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is applicable to this contract. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of \$16.18 per hour (\$11.27 base + \$4.91 health benefits), including yearly increases of up to 3% of the total wage. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.

**C. Prevailing Wage Applicability**

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

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

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.





## Board Report

File #: 2016-0728, File Type: Contract

Agenda Number: 30.

### SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE OCTOBER 20, 2016

**SUBJECT: METRO RED/PURPLE LINE TUNNEL WASHING SERVICES**

**ACTION: APPROVE CONTRACT AWARD**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP6092200 for the **Metro Red/Purple Line Tunnel Washing services** with Parkwood Landscape Maintenance Inc., the lowest, responsive and responsible bidder, for a not-to-exceed amount of \$2,541,217 for the five year period, effective December 1, 2016, subject to resolution of protest(s), if any.

#### **ISSUE**

Under this new Contract, the contractor is required to provide complete high pressure washing services throughout Metro Red/Purple Line (MRL) tunnel.

To maintain safe operations and improve MRL tunnel cleanliness, a new contract award is required effective December 1, 2016.

#### **DISCUSSION**

The existing MRL heavy rail subway was opened in stages between 1993 and 2000. Since then and until 2013, the MRL twin tunnels including the Purple Line segment have not been cleaned which has resulted in dirt and dust settlements on the internal walls, handrails, tracks, and catwalks.

The entire length of the twin tunnels is 36 miles, both ways combined, requiring pressure washing services to improve the overall conditions and cleanliness. Under this Contract, the contractor is required to provide detailed pressure washing services. The tunnel washing services include cleaning walls, tracks, cover boards, insulators, catwalks and handrails, and within the stations on the entire wall above the third rail while using pressurized water and degreaser solutions as necessary to remove debris and particulates.

Tunnel pressure washing and cleaning of tracks, while removing trash and debris, is necessary to maintain safe and clean train path and mitigate potential fire hazards due to excessive grease and debris accumulation within the heavy rail confined space and next to an energized third rail.

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The Metro Red/Purple Line provides heavy rail subway traveling through its 16 stations along the twin tunnels between downtown Los Angeles via the districts of Hollywood and mid-Wilshire to North Hollywood where it connects with the Metro Orange Line.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this item will improve MRL overall safety and cleanliness conditions as well as improve the air quality within the stations in an effort to continue providing, safe, clean, quality, on-time, and reliable services to our customers and the public.

### **FINANCIAL IMPACT**

The annual contract value is \$508,244. Funds are allocated under cost center 3367 - Facilities Property Maintenance, account 50308 - Service Contract Maintenance, under project 300044 - Rail Operations Red Line.

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

#### **Impact to Budget**

The current year funding for this action will come from the Enterprise operating fund. No other sources of funds were considered for this activity because it supports rail operations. This activity is part of Metro facilities on-going maintenance costs.

### **ALTERNATIVES CONSIDERED**

Staff considered providing this service through Metro in-house personnel. This would require the hiring and training of additional personnel and the purchase of additional equipment, vehicles, and supplies to support the expanded responsibility. Staff's assessment indicates that this is not a cost-effective option for Metro.

### **NEXT STEPS**

Upon approval by the Board, staff will execute Contract No. OP6092200 to Parkwood Landscape Maintenance Inc., effective December 1, 2016, to provide MRL tunnel washing services.

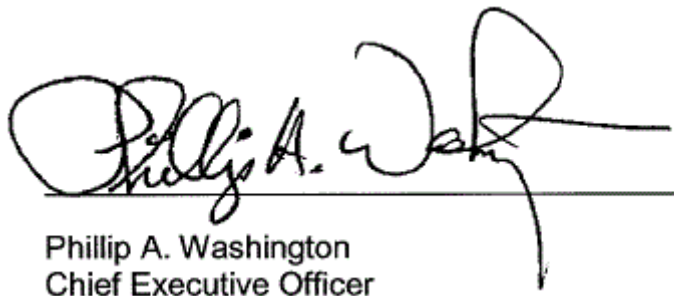
### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - DEOD Summary

Prepared by: Brady Branstetter, DEO, Facilities Maintenance, (213) 922-6767  
Lena Babayan, Senior Director, Facilities Maintenance, (213) 922-6765  
Chris Reyes, Principal Transportation Planner, (213) 922-4808

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



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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## METRO RED/PURPLE LINE TUNNEL WASHING SERVICES / OP6092200

1.	<b>Contract Number:</b> OP6092200	
2.	<b>Recommended Vendor:</b> Parkwood Landscape Maintenance Inc.	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> IFB <input type="checkbox"/> IFB-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> July 13, 2016	
	<b>B. Advertised/Publicized:</b> July 13, 2016	
	<b>C. Pre-Proposal/Pre-Bid Conference:</b> July 21, 2016	
	<b>D. Proposals/Bids Due:</b> August 10, 2016	
	<b>E. Pre-Qualification Completed:</b> September 23, 2016	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> August 12, 2016	
	<b>G. Protest Period End Date:</b> October 23, 2016	
5.	<b>Solicitations Picked up/Downloaded:</b> 14	<b>Bids/Proposals Received:</b> 2
6.	<b>Contract Administrator:</b> Rommel Hilario	<b>Telephone Number:</b> (213) 922-4654
7.	<b>Project Manager:</b> Alberto Garcia	<b>Telephone Number:</b> (213) 922-6760

**A. Procurement Background**

This Board Action is to approve contract award in support of Facilities Maintenance to provide complete high pressure washing services throughout the Metro Red/Purple Line (MRL) tunnel as outlined in Invitation for Bid (IFB) No. OP28589. Board approval of contract awards are subject to resolution of all properly submitted protests.

The IFB was issued as a competitive procurement in accordance with Metro's Acquisition Policy. The contract type is firm fixed unit price.

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

- Amendment No. 1, issued on July 21, 2016, established the due date for final questions regarding the solicitation.
- Amendment No. 2, issued on July 28, 2016, provided pre-bid conference material including sign-in sheets, planholder's list, and prevailing and living wage information.

A pre-bid conference was held on July 21, 2016. A total of two bids were received on August 10, 2016.

## **B. Evaluation of Bids**

This procurement was conducted in accordance, and complies with, standard Metro's Acquisition Policy for a competitive sealed bid. The two bids received are listed below in alphabetical order:

1. Parkwood Landscape Maintenance, Inc. (Parkwood)
2. Woods Maintenance, Inc. (Woods)

Both firms were determined to be responsive, responsible, and qualified to perform the required services based on the IFB's minimum requirements and technical evaluation by the Project Manager.

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

The recommended pricing from Parkwood has been determined to be fair and reasonable based upon adequate competition, comparison with Metro's independent cost estimate, and technical evaluation.

<b>BIDDER</b>	<b>BID AMOUNT</b>	<b>SBE PRICE PREFERENCE</b>	<b>METRO ICE</b>	<b>AWARD AMOUNT</b>
Parkwood Landscape Maintenance, Inc.	\$2,541,217	\$2,414,156.15	\$3,065,400	\$2,541,217
Woods Maintenance, Inc.	\$3,654,900	\$3,472,155.00		

The IFB included an opportunity for bidders to earn a Small Business Price Preference for bidders who met or exceeded the 10% small business goal established in the IFB. Both Parkwood and Woods met the 10% SBE commitment and, therefore, earned a 5% price preference for their bids, as shown above. The small business preference price calculations are for evaluation purposes only. Applying the preference factor does not change the contractor's actual bid or the amount of any subsequent contract award. As a result, Parkwood remains the lowest responsive and responsible bidder.

## **D. Background on Recommended Contractor**

Parkwood, located in Van Nuys, California, has provided professional landscape services in the Los Angeles area for over 48 years. Parkwood currently has contracts with the City of Palmdale, City of Los Angeles, City of Moorpark, Port of Los Angeles, and the City of Ventura. The firm is also Metro's current contractor for graffiti abatement, landscape and irrigation maintenance, trash and vegetation removal services in Regions 2 and 4. Through various contracts, Parkwood has complete high pressure washing experience.

**DEOD SUMMARY****METRO RED/PURPLE LINE TUNNEL WASHING SERVICES / OP6092200****A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 10% Small Business Enterprise (SBE) goal for this solicitation. Parkwood Landscape Maintenance, Inc. made a 10% SBE commitment.

<b>Small Business Goal</b>	<b>10%SBE</b>	<b>Small Business Commitment</b>	<b>10% SBE</b>
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	<b>SBE Subcontractors</b>	<b>% Committed</b>
1.	Briteworks, Inc.	10%
	<b>Total Commitment</b>	<b>10%</b>

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

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

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.



## Board Report

**File #:** 2016-0729, **File Type:** Contract

**Agenda Number:** 31.

### SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE OCTOBER 20, 2016

**SUBJECT: UNIFORM RENTAL SERVICES**

**ACTION: APPROVE CONTRACT AWARD**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP6201700 for **uniform rental services** with UniFirst Corporation, for a not-to-exceed amount of \$2,528,837.41 for the three-year base period and \$2,528,837.41 for the one, three year option, for a combined total of \$5,057,674.82 effective November 1, 2016 through October 31, 2022, subject to resolution of protest (s), if any.

#### **ISSUE**

Per the current ATU and TCU Collective Bargaining units' agreements, Metro is required to provide each of the units' employees up to 11 uniforms per employee, as well as provide laundry services for such regulation uniforms. Currently, uniform rental services are provided to over 2,300 Metro represented labor employees.

The existing uniform rental services Contract No. OP30002227 with Prudential Overall Supply will expire on March 31, 2017. To avoid uniform rental services interruption, a new contract award is required effective November 1, 2016.

#### **DISCUSSION**

Under the existing contract, uniform rental services are provided to over 2,300 Metro represented labor employees, as well as providing vehicle seat covers and laundry services for hand towels and floor mats.

Timely uniform rental, delivery, and laundry services are necessary to ensure compliance with the existing agreements between Metro and the collective bargaining units, meeting garment safety requirements for Metro represented labor employees working within safety sensitive positions, and clearly identify Metro represented labor employees with their different trades.

Although the existing contract is due to expire March 31, 2017, to avoid service interruptions, continue providing the necessary uniform rental program and services, and allow 150 calendar days

to perform all necessary administrative processes associated with contract closeout, changeover, and fitting and ordering new sets of uniforms for over 2,300 Metro represented labor employees, a new contract award is required effective November 1, 2016.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this item will ensure the supply of uniforms that clearly identify Metro represented labor employees and continue delivering safe, quality, on-time and reliable services system-wide.

### **FINANCIAL IMPACT**

Funding of \$1,036,100 for this contract is included in the FY17 budget in multiple maintenance cost centers, account - 50215 (F/B Uniforms), projects 306002 (Bus Operations), 300022 (Blue Line Operations), 300033 (Green Line Operations), 300044 (Red Line Operations), 300055 (Gold Line Operations), 301012 (Orange Line Operations), and 300066 (Expo Line).

Since this is a multi-year contract, the cost center manager, and the Sr. Executive Officer, Maintenance and Engineering will be accountable for budgeting the cost in future fiscal years, including any option(s) exercised.

#### **Impact to Budget**

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

### **ALTERNATIVES CONSIDERED**

Staff considered purchasing uniforms, hand towels, mats, and vehicle seat covers, along with providing in-house laundry services. This would require the hiring and training of additional personnel, purchase of additional equipment, vehicles, and supplies to support the expanded responsibility. Staff's assessment indicates this is not a cost-effective option for Metro.

### **NEXT STEPS**

Upon approval by the Board, staff will execute Contract No. OP6201700 to UniFirst Corporation effective November 1, 2016, to provide uniform rental services to Metro represented labor employees, as well as provide vehicle seat covers and laundry services for hand towels and floor mats.


### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - DEOD Summary



Prepared by: Brady Branstetter, DEO, Facilities Maintenance, (213) 922-6767  
Lena Babayan, Sr. Director, Facilities Maintenance, (213) 922-6765  
Chris Reyes, Principal Transportation Planner, (213) 922-4808

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



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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## UNIFORM RENTAL SERVICES / OP6201700

1.	<b>Contract Number:</b> OP6201700	
2.	<b>Recommended Vendor :</b> UniFirst Corporation	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> July 21, 2016	
	<b>B. Advertised/Publicized:</b> July 21, 2016	
	<b>C. Pre-Proposal/Pre-Bid Conference:</b> August 11, 2016	
	<b>D. Proposals/Bids Due:</b> August 31, 2016	
	<b>E. Pre-Qualification Completed:</b> September 30, 2016	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> September 20, 2016	
	<b>G. Protest Period End Date:</b> October 25, 2016	
5.	<b>Solicitations Picked up/Downloaded:</b> 9	<b>Bids/Proposals Received:</b> 2
6.	<b>Contract Administrator:</b> Rommel Hilario	<b>Telephone Number:</b> (213) 922-4654
7.	<b>Project Manager:</b> Alberto Garcia	<b>Telephone Number:</b> (213) 922-6760

**A. Procurement Background**

This Board Action is to approve a contract award in support of Facilities Maintenance to provide uniform rental services to over 2,300 Metro represented labor employees, as well as provide vehicle seat covers and laundry services for hand towels and floor mats, as outlined in Request for Proposal (RFP) No. OP31277. The existing uniform rental services contract with Prudential Overall Supply will expire on March 31, 2017.

The Diversity and Economic Opportunity Department (DEOD) recommended an 8% Small Business participation goal, inclusive of a Small Business Enterprise (SBE) and a Disadvantaged Veteran Business Enterprise (DVBE), for this procurement. Achieving the 8% goal was a condition of contract award. Proposers were required to make a commitment to utilize SBEs and DVBEs, in any combination, totaling at least 8% of the total contract price.

To educate and assist potential proposers in the uniform industry on how to comply with Metro's SBE and DVBE participation goals and solicitation requirements, two workshops were conducted prior to the release of the RFP.

On June 15, 2016, Metro hosted the first workshop for those firms that were interested in submitting a proposal for the uniform rental services program as the prime contractor. Staff provided a general overview of the Statement of Work and

discussed potential Small Business subcontracting opportunities. A total of five firms participated.

On June 24, 2016, DEOD sponsored a second workshop for potential SBE and DVBE sub-contractors whose trades correlated with the project's NAICS codes. Metro's Small Business program was discussed along with DVBE/SBE specific information within the Statement of Work. A total of nine firms attended the workshop.

The RFP was issued as a competitive negotiated procurement in accordance with Metro's Acquisition Policy. The contract type is firm fixed unit price.

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

- Amendment No. 1, issued on August 12, 2016, provided pre-proposal documents, new pricing sheets, and extended the proposal due date from August 24, 2016 to August 31, 2016.
- Amendment No. 2, issued on August 17, 2016, clarified the Statement of Work.

A pre-proposal conference was held on August 11, 2016. A total of two proposals were received on August 31, 2016.

The two proposers are listed below in alphabetical order:

1. Prudential Overall Supply
2. UniFirst Corporation

## **B. Evaluation of Proposals**

The Proposal Evaluation Team (PET), consisting of staff from OMB, Facilities Maintenance, and Maintenance Division 7 met to conduct comprehensive review of the technical qualifications of the proposals received.

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

- |  |     |
|--|-----|
| • Work Plan  | 40% |
| • Degree of Skills – Firm and Personnel Experience | 20% |
| • Cost/Price                                       | 40% |

The evaluation criteria are appropriate and consistent with criteria developed for similar services procurements. Several factors were considered when developing these weights, giving equal importance to the prime's work plan and their cost/price proposals.

During September 9 through September 16, the PET completed its independent evaluations of the proposals received. Both proposals were determined to be within the competitive range.

During the interviews on September 23, both firms had an opportunity to address the requirements of the RFP and respond to the PET's questions.

The PET recommendation for contract award is UniFirst Corporation as shown below:

1	FIRM	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>UniFirst Corporation</b>				
3	Workplan	78.33	40.00%	31.33	
4	Degree of Skills – Firm and Personnel Experience	75.50	20.00%	15.10	
5	Cost/Price	100.00	40.00%	40.00	
6	<b>Total</b>		<b>100.00%</b>	<b>86.43</b>	<b>1</b>
7	<b>Prudential Overall Supply</b>				
8	Workplan	78.83	40.00%	31.53	
9	Degree of Skills – Firm and Personnel Experience	73.35	20.00%	14.67	
10	Cost/Price	75.00	40.00%	30.00	
11	<b>Total</b>		<b>100.00%</b>	<b>76.20</b>	<b>2</b>

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

The recommended pricing for the Contract is deemed fair and reasonable based on adequate price competition, the ICE, and the program manager's technical evaluation of the proposal.

PROPOSER	PROPOSAL AMOUNT	METRO ICE	AWARD AMOUNT
UniFirst Corporation	\$5,057,674.82	\$5,426,226.00	\$5,057,674.82
Prudential Overall Supply	\$6,744,208.00		

### **D. Background on Recommended Contractor**

## **UniFirst Corporation**

Founded in 1936, UniFirst Corporation (UniFirst) is one of North America's largest work wear and textile service companies, providing managed uniform, protective clothing, and custom corporate image apparel programs to businesses in diverse industries. In addition to outfitting more than 1.5 million workers each day, the firm strives to keep their businesses clean, safe, and healthy through their Facility Service Programs. UniFirst's mission is to be recognized as the leading provider of quality uniform and facility service programs.

For this Contract, UniFirst will operate from their Pacoima branch office which is located in the San Fernando Valley. Furthermore, UniFirst exceeded the 8% SBE goal and made a 27.22% commitment to SBE and DVBE firms for this contract. The firm's current customers include the Los Angeles Department of Water and Power, the City of Pasadena, the Los Angeles County Department of Public Works, and the City of Los Angeles Department of General Services.

## DEOD SUMMARY

## UNIFORM RENTAL SERVICES / OP6201700

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established an 8% goal for this solicitation, inclusive of a Small Business Enterprise (SBE) and Disabled Veteran Business Enterprise (DVBE) goal in any combination. UniFirst Corporation exceeded the goal by making a 27.22% commitment, inclusive of 23.67% SBE and 3.55% DVBE.

<b>Small Business Goal</b>	<b>8% SBE/DVBE</b>	<b>Small Business Commitment</b>	<b>23.67% SBE 3.55% DVBE</b>
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	<b>SBE/DVBE Subcontractors</b>	<b>% Committed</b>
1.	DI Technology Group (SBE)	23.67%
2.	Vanguard Armory (DVBE)	3.55%
	<b>Total SBE/DVBE Commitment</b>	<b>27.22%</b>

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

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is applicable to this contract. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of \$16.18 per hour (\$11.27 base + \$4.91 health benefits), including yearly increases of up to 3% of the total wage. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

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

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.



Metro

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

## Board Report

File #: 2016-0711, File Type: Contract

Agenda Number: 45.

### SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE OCTOBER 20, 2016

**SUBJECT: CITATION PROCESSING SERVICES**

**ACTION: APPROVE CONTRACT AWARD**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award and execute a five-year, firm fixed unit rate Contract No. **OP608960027253** to Axiom xCell Inc., **for services related to the processing, adjudication and collection of transit and parking citations** in an amount not-to-exceed \$1,586,533 effective January 1, 2017 through December 31, 2021, subject to resolution of protest(s), if any.

#### **ISSUE**

In July 2010, the Board established an administrative Transit Court to resolve fare related, parking and other citations issued for violations under Metro's Customer Code of Conduct and Parking Ordinance. The Board action also established an administrative review process to ensure patrons could dispute citations believed to have been issued in error. The goal of Metro's Transit Court is to provide patrons with an administrative rather than criminally punitive adjudication process.

#### **DISCUSSION**

Metro's Transit Court requires great efficiency to process and adjudicate the volume of citations issued for fare evasion, improper parking and other violations. State of the art information systems will allow staff to better manage correspondence, records, payments, and the disposition of citations. Advancements in the analysis of information supports better records management and enables Metro to leverage latest smart phone technology to issue citations. These processes will now be made available to Transit Court staff to provide patrons with the information needed in regards to citation.

Citation processing services allows law enforcement and Transit Security to enforce Metro's Customer Code of Conduct and Parking Ordinance. Code enforcement includes high visibility teams to ride trains and buses at corridors to combat quality of life issues on the Metro system. Numerous complaints of people illegally vending, eating, drinking, smoking, riding their bicycles, skateboarding

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on the platforms, evading fare and committing other Metro code of conduct violations are received on a daily basis. Daily high visibility foot patrol saturation may result in the issuance of citations in order to address these complaints occurring on Metro's rails and stations. Law enforcement and Transit Security make numerous contacts during these operations enhancing passenger safety.

The current citation processing services contract will expire on December 31, 2016.

Axiom xCell, Inc. is able to provide and meet the needs for citation processing because the firm has a track record of providing design and strategic development of integrated software and mobile application services to government agencies in the California transit industry. In addition Axiom's ongoing projects at Metro are in satisfactory standing. Moreover Axiom is able to provide expertise in various aspects of software engineering including Android based platforms, program management and system engineering.

### **DETERMINATION OF SAFETY IMPACT**

Citation processing plays a direct role in Metro's effort to improve the ridership experience. As law enforcement and Metro's security team take action to address fare evasion, illegal parking and other violations of Metro's Customer Code of Conduct, the efficient processing of these citations ensures that violations can be promptly addressed, while concurrently providing patrons with an option to resolve or dispute citations on-line, in person or by mail.

### **FINANCIAL IMPACT**

The total five-year contract amount is \$1,586,533. The contract costs for the balance of the fiscal year is \$317,307 and is included in the FY17 budget under Cost Center 2412, Transit Court. Since this is a multi-year contract, the System Security and Law Enforcement Department will update its budget on an annual basis to fund years two (2) through five (5).

#### **Impact to Budget**

Funding for this project will come from Citation revenues collected. These funds are eligible for bus and rail operating and capital expenses.

### **ALTERNATIVES CONSIDERED**

The Board may decline to approve the contract award. This alternative is not recommended because Metro does not have the internal staff resources to provide citation processing services. Further, this would result in an interruption of code enforcement by law enforcement and Metro security.



**NEXT STEPS**

Upon approval by the Board, staff will execute Contract No. **OP608960027253** with Axiom xCell, Inc. to provide citation processing services.

**ATTACHMENTS**

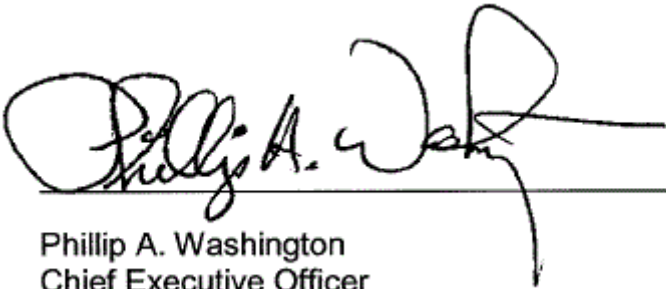
Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Alex Z. Wiggins - Chief, System Security and Law Enforcement (213) 922-4433

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

Stephanie Wiggins, Deputy Chief Executive Officer, (213) 922-1023



Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## CITATION PROCESSING SERVICES / CONTRACT NO. OP608960027253

1.	<b>Contract Number:</b> OP608960027253	
2.	<b>Recommended Vendor:</b> Axiom xCell, Inc.	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> April 28, 2016	
	<b>B. Advertised/Publicized:</b> April 28, 2016	
	<b>C. Pre-Proposal/Pre-Bid Conference:</b> May 12, 2016	
	<b>D. Proposals/Bids Due:</b> June 3, 2016	
	<b>E. Pre-Qualification Completed:</b> June 27, 2016	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> June 6, 2016	
	<b>G. Protest Period End Date:</b> October 22, 2016	
5.	<b>Solicitations Picked up/Downloaded:</b> 18	<b>Bids/Proposals Received:</b> 3
6.	<b>Contract Administrator:</b> Aielyn Dumaua	<b>Telephone Number:</b> (213) 922-7320
7.	<b>Project Manager:</b> Helen Valenzuela	<b>Telephone Number:</b> (213) 922-6928

**A. Procurement Background**

This Board Action is to approve Contract No. **OP608960027253** to provide an electronic citation processing application for smartphones, handheld ticket printers and citation processing services to support citation administration and Metro Transit Court. Board approval of contract awards are subject to resolution of all properly submitted protests.

RFP No. OP27253 was issued as a competitively negotiated procurement in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate. This RFP was issued with an SBE/DVBE Goal of 10% of the total contract price (7% SBE and 3% DVBE).

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

- Amendment No. 1, issued on May 5, 2016, informed potential proposers that the pre-proposal conference shall be made available via tele-conference and revised "Section 3 - Evaluation Criteria" to clarify the evaluation process and basis of award.
- Amendment No. 2, issued on May 13, 2016, provided electronic copies of the Planholders' List and pre-proposal conference materials, clarified the SBE/DVBE forms to be submitted together with the Cost Proposal, extended the proposal due date and final date for questions, deleted "IP-02 Bidders List Form" of the Instruction to Proposers as it not applicable, and clarified the items that count toward the page limit of "Volume I - Technical Proposal".

- Amendment No. 3, issued on May 19, 2016, revised certain sections of “Exhibit A - Statement of Work” to clarify the contractor’s duties and responsibilities.

A pre-proposal conference was held on May 12, 2016, and was attended by 11 participants representing eight firms. There were 80 questions received and responses were provided prior to the proposal due date.

A total of three proposals were received on the due date of June 3, 2016, and are listed below in alphabetical order:

1. Axiom xCell, Inc.
2. INET, Inc. dba iParq
3. Xerox State and Local Solutions, Inc.

## **B. Evaluation of Proposals/Bids**

A Proposal Evaluation Team (PET) consisting of staff from Metro Transit Court, System Security and Law Enforcement, and the Inspector General was convened and conducted a comprehensive technical evaluation of the proposals received.

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

- |  |            |
|--|------------|
| • Qualifications of the Firm/Team                | 15 percent |
| • Qualifications and Experience of Key Personnel | 10 percent |
| • Operating Methodology/Work Plan                | 40 percent |
| • Cost Proposal                                  | 35 percent |

The evaluation criteria are appropriate and consistent with criteria developed for similar services procurements. Several factors were considered when developing these weights, giving the greatest importance to the operating methodology/work plan.

On June 6, 2016, the PET met to review the evaluation criteria package, process confidentiality and conflict forms and take receipt of the three responsive proposals to initiate the evaluation phase.

On June 21, 2016, the PET reconvened then invited all three firms for an oral presentation on July 6, 2016. Each firms’ project managers and key team members had an opportunity to demonstrate the proposed citation processing system, E-ticket application and E-ticket printer; present each team’s qualifications and respond to the PET’s questions.

The bulk of each team’s oral presentation focused on the features and functionalities of the proposed citation processing system, E-ticket application and E-ticket printer

and how the proposed systems/applications meet Metro requirements. The teams also discussed the availability and commitment of key personnel, specific role of the subcontractors, proposed strategies to meet the SBE/DVBE goal and foreseen issues/obstacles in the performance of the statement of work including strategies or solutions to overcome these issues/obstacles.

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

#### **Axiom xCell, Inc.**

Axiom xCell, Inc. was founded in 2004 as a partner for testing Qualcomm's BREW mobile application platform. It has implemented innovative computer information system solutions for a variety of transportation agencies including LA Metro, Los Angeles 511, Federal Highway Administration, Hawaii 511 and Walk San Diego. Other clientele include Hewlett Packard, Disney, Qualcomm, Electronic Arts, Warner Brothers, Yahoo, and Real Networks.

#### **INET, Inc. dba iParq.**

iParq, established in 1999, is based in Las Vegas, Nevada. It is well known for its web-based parking management system. iParq provides services to a diverse group of cities (Norwalk, San Diego and Baltimore), law enforcement agencies, universities, colleges (Citrus College and Contra Costa Community College), and private parking operators across the country.

#### **Xerox State and Local Solutions , Inc.**

Xerox State and Local Solutions, Inc. has been in business for over 30 years, administering transit and parking citation programs. It currently provides citation processing services to Metro. Other clientele include the San Francisco Municipal Transportation Authority, Los Angeles Department of Transportation and various cities outside of California such as City of Newton, MA City of New Orleans, and City of Indianapolis.

At the conclusion of the evaluation process, including oral presentations, Axiom xCell, Inc. was determined to be the top ranked firm. The following is a summary of the PET's scores:

		<b>Average Score</b>	<b>Factor Weight</b>	<b>Weighted Average Score</b>	
<b>1</b>	<b>Firm</b>				<b>Rank</b>
<b>2</b>	<b>Axiom xCell, Inc</b>				
<b>3</b>	Qualifications of the Firm/Team	95.00	15.00%	14.25	
<b>4</b>	Qualifications and Experience of Key Personnel	90.00	10.00%	9.00	

5	Operating Methodology/Work Plan	97.33	40.00%	38.93	
6	Cost Proposal	76.17	35.00%	26.66	
7	<b>Total</b>		<b>100.00%</b>	<b>88.84</b>	<b>1</b>
8	<b>INET, Inc. dba iParq</b>				
9	Qualifications of the Firm/Team	88.33	15.00%	13.25	
10	Qualifications and Experience of Key Personnel	85.00	10.00%	8.50	
11	Operating Methodology/Work Plan	72.00	40.00%	28.80	
12	Cost Proposal	100.00	35.00%	35.00	
13	<b>Total</b>		<b>100.00%</b>	<b>85.55</b>	<b>2</b>
14	<b>Xerox State and Location Solutions, Inc.</b>				
15	Qualifications of the Firm/Team	83.33	15.00%	12.50	
16	Qualifications and Experience of Key Personnel	82.50	10.00%	8.25	
17	Operating Methodology/Work Plan	80.00	40.00%	32.00	
18	Cost Proposal	55.46	35.00%	19.41	
19	<b>Total</b>		<b>100.00%</b>	<b>72.16</b>	<b>3</b>

### C. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based on adequate price competition, price analysis, and technical analysis. Metro's ICE is higher than the recommended price because it was primarily based on higher unit rates currently paid by Metro for citation processing services, which included manual data input. In addition, the proposer's recommended technology based efficiencies significantly reduced manual citation inputs, which resulted in the lower recommended price.

	<b>Proposer Name</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
1.	Axiom xCell, Inc.	\$1,595,934	\$5,344,750	<b>\$1,586,533</b>
2.	INET, Inc. dba iParq	\$1,215,700		
3.	Xerox State and Location Solutions, Inc.	\$2,192,078		

#### **D. Background on Recommended Contractor**

The recommended firm, Axiom xCell, Inc. (Axiom) is a Metro certified SBE firm headquartered in San Diego, California. It provides design and strategic development of integrated software and mobile application services to government agencies in the California transit industry. Ongoing and completed projects at Metro include:

- **Go Metro** – Metro mass transit application used by more than 200,000 commuters everyday
- **Go 511** – LA Safe's traffic and transit mobile application
- **MMAPI Server** – provides Application Program Interface (API) to display traffic, incidents, roadwork, cameras and alerts
- **TAP Mobile Phone Validator** – deployed to 600+ TAP Fare Inspectors and Law Enforcement Officers

Axiom's performance on the above Metro projects is satisfactory.

For this project, Axiom has partnered with Choice Technical Services, a DVBE subcontractor based in Cerritos, to provide the handheld mobile ticket printers.

The proposed Project Manager has over 17 years' of experience with various aspects of software engineering, program management, systems engineering, field engineering and software validation.

## DEOD SUMMARY

## CITATION PROCESSING SERVICES / CONTRACT NO. OP608960027253

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 10% goal for this solicitation, inclusive of a 7% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE). Axiom xCell, Inc., a SBE Prime, exceeded the goal by making a 95.08% commitment, inclusive of 88.69% SBE and 7.39% DVBE.

<b>Small Business Goal</b>	<b>7% SBE 3% DVBE</b>	<b>Small Business Commitment</b>	<b>87.69% SBE 7.39% DVBE</b>
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	<b>SBE/DVBE Subcontractors</b>	<b>% Committed</b>
1.	Axiom xCell, Inc. (SBE Prime)	87.69%
2.	Choice Technical Service (DVBE)	7.39%
	<b>Total Commitment</b>	<b>95.08%</b>

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

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

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

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

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.



## Board Report

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File #: 2016-0743, File Type: Project

Agenda Number: 39.

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**EXECUTIVE MANAGEMENT & AUDIT COMMITTEE  
OCTOBER 20, 2016****SUBJECT: LEASE OF PROPERTY FOR CHILDCARE CENTER****ACTION: CONSIDER APPROVING TWO LEASE AGREEMENTS TO OPERATE CHILDCARE CENTERS****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to execute two five-year lease agreements ("Lease Agreements"), including an additional five (5) year option, with Peggy Nairn, dba Penny and Peggy Nairn 24-Hour Child Care, Inc., ("Nairn") to **develop, finance, and operate two childcare facilities in Metro-owned buildings located in Chatsworth and Sylmar**, at a first year annual lease amount of sixty thousand dollars (\$60,000) and forty-eight thousand dollars (\$48,000), respectively, which are subject to an annual increase the second year to seventy-two thousand dollars (\$72,000) and sixty thousand dollars (\$60,000) respectively and annual adjustments based on Consumer Price Index (CPI) thereafter.

**ISSUE**

Metro staff released a Request for Proposals (RFP) for licensed/bonded operators to develop, finance, and operate childcare facilities in two (2) Metro-owned buildings. Nairn, the recommended vendor, was the firm judged to provide the best value for Metro as well as the most relevant experience.

**DISCUSSION**

The Chatsworth childcare facility is located at the Chatsworth Metrolink station. The facility consists of 5,450 square feet of indoor space equipped with four (4) classrooms, shared child restrooms, staff lounge area, lobby for guests, office space, and two (2) adult restrooms. There is also a large outdoor area consisting of 7,795 square feet, utilized for a playground and other outdoor activities.

The Sylmar childcare facility is located at the Sylmar/San Fernando Metrolink station. The facility consists of 5,830 square feet of indoor space and 4,000 square feet of play yard area. The facility's indoor area is equipped with four (4) classrooms, child restrooms, staff lounge area, lobby for guests, office space, and two (2) adult restrooms. Metro recently completed \$780,000 in renovations to the building, including a new roof, mechanical and electrical upgrades, and landscaping. A portion of the Sylmar childcare facility is located on land owned by the City of Los Angeles (City) under lease to Metro. Metro has obtained approval from the City Council for a new rent-free lease to allow for the



continued use of this property for a childcare center.

Metro staff released an RFP in March 2016 for a licensed/bonded operator(s) to develop, finance, and operate two Metro-owned childcare facilities. Ten (10) responses were received for the RFP; however, one of the proposers was considered non-responsive because their proposal did not include the proposed rent which was required pursuant to the RFP. The remaining nine responses all met the Metro requirements to provide a licensed and bonded childcare service, to pay the minimum rent, and to be responsible for all operating and maintenance expenses. A list of the proposers is attached as Attachment "A".

### Evaluation Criteria

A selection committee was formed consisting of Metro staff from Real Estate, Major Capital Projects, Engineering, and Facilities Maintenance. The selection committee conducted a technical evaluation of the proposals and rated them based on the following criteria:

1. Firm's Qualifications	30%
2. Experience with the Start-up of Childcare Facilities and Community Benefits Offered	20%
3. Financial Strength	50%
Total	100%

Nairn, Eben-Ezer Children's Daycare Center and Devonshire Preschool and Infant Center were rated as the top three proposers.

After the selection committee had completed its evaluation of each proposal, interviews were conducted with the top three firms. All three had received recognition for outstanding service, demonstrated extensive experience and had the financial capacity to develop, finance, and operate the childcare facilities over the long term. Their key personnel had significant start-up experience having developed other childcare facilities in the local area within the last 10 years.

The RFP indicated that the proposer could propose on either (1) both of the facilities or (2) only one of the facilities. Nairn's proposal included both Metro locations. Eben-Ezer Children's Daycare Center proposal included only the Sylmar location, and Devonshire Preschool and Infant Center included only the Chatsworth location.

Based on the staff analysis, Nairn was the firm considered to provide the best value for Metro. This firm has established waiting lists of over 50 potential customers for each of the two Metro locations. During their interview, they pointed out that clients come from as far away as Lancaster and Ventura County to take advantage of their 24-hour services. They were the only proposer of the three finalists that offered the community 24-hour childcare. The firm has a record of working with families to connect them to community resources, services and agencies. Nairn demonstrated that they organized community job outreach programs for unemployed families enrolled in their program.

Nairn was the firm judged to provide the best value for Metro because the candidate was offering greater community benefits by providing 24-hour childcare services, seven (7) days per week and employment referral services. Having 24-hour day care and employment referral services would benefit both communities by expanding job options available to families and supporting those families by offering extended childcare services. The extended hours also greatly increase the utilization of these facilities by the community.

### **DETERMINATION OF SAFETY IMPACT**

This project will not have any impact on safety.

### **FINANCIAL IMPACT**

The Lease Agreements are expected to generate a minimum of \$299,000 and \$361,000, respectively, in new general fund revenue to Metro over the five-year term of the Lease Agreements, based on fixed rental adjustments the second year and assuming three percent (3%) CPI adjustments thereafter. A summary of the proposed terms of each Lease Agreement is included in Attachment "B" and Attachment "C."

#### **Impact to Budget**

Adoption of the recommended action will have no impact to the FY17 budget for bus or rail operations.

### **ALTERNATIVES CONSIDERED**

1. Not approve the Lease Agreements. This alternative is not recommended because this project is expected to produce a minimum of \$660,000 in additional revenues over the five-year term of the Lease Agreements and the selected firm meets the requirements of the RFP.
2. Approve one Lease Agreement with one party and another lease with another party. This alternative is not recommended given the advantages afforded the community by the Nairn proposal.

### **NEXT STEPS**

The final terms of the lease will be negotiated and executed with Nairn, subject to County Counsel approval as to form. Nairn would then begin the refurbishment of the facilities, obtain its licenses for the facilities, and begin operation of the childcare centers. The remaining process is expected to take approximately four (4) to six (6) months, depending on licensing.

### **ATTACHMENTS**

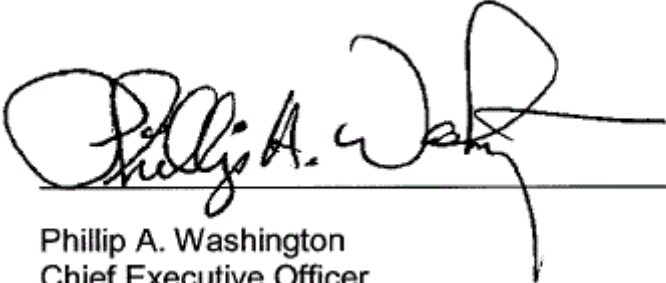
Attachment A - List of Proposers for Childcare Facility Operator

Attachment B - Summary of Lease Agreement Key Terms Chatsworth Metrolink Station

Attachment C - Summary of Lease Agreement Key Terms for Sylmar Metrolink Station

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



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Phillip A. Washington  
Chief Executive Officer

**LIST OF PROPOSERS FOR CHILD CARE FACILITY OPERATOR**

<b>No.</b>	<b>PROPOSERS</b>
<b>1</b>	Penny & Peggy Nairn 24-Hr Childcare
<b>2.</b>	Eben-Ezer Children's Daycare Center, Inc.
<b>3.</b>	Devonshire Preschool and Infant Center
<b>4.</b>	De Kat, LLC dba Dream High Education
<b>5.</b>	Little Wonders Montessori
<b>6.</b>	Los Angeles Signatures LLC
<b>7.</b>	Guardian Angel Academy
<b>8.</b>	Small Worlds Learning Academy
<b>9.</b>	Notre Dame
<b>10.</b>	Around the Kornor

## ATTACHMENT B

### SUMMARY OF LEASE AGREEMENT KEY TERMS CHATSWORTH METROLINK STATION CHILD CARE CENTER

Premises	The Premises consist of 5,450 square feet of indoor space and 7,795 square feet of outdoor area located at the Chatsworth Metrolink Station.
Term	The term of the Lease Agreement is five (5) years commencing on the date that license to operate the facility has been obtained and the business is ready for operation.
Option to Extend Lease Term	Tenant has an option to extend the term for one (1) additional five-year (5-year) period.
Rent	Tenant will pay Metro Sixty Thousand Dollars (\$60,000) during the first year. The rent increases to Seventy-Two Thousand dollars (\$72,000) in the second year. Commencing on the third year the rent will be adjusted based on Consumer Price Index.
Rent Credits	Metro will credit Tenant the costs to refurbish the space over the first five years of the terms of the lease.
Maintenance	Tenant will be responsible for all operating and maintenance expenses.
Indemnification	Tenant will indemnify and hold the LACMTA harmless from all claims, liabilities and damages resulting from its use of the Premises.

**SUMMARY OF LEASE AGREEMENT KEY TERMS  
SYLMAR METROLINK STATION CHILD CARE CENTER**

Premises	The Premises consist of 5,830 square feet of indoor space and 4,000 square feet of outdoor area located at the Sylmar Metrolink Station.
Term	The term of the Lease Agreement is five (5) years commencing on the date that license to operate the facility has been obtained and the business is ready for operation.
Option to Extend Lease Term	Tenant has an option to extend the term for one (1) additional five-year (5-year) period.
Rent	Tenant will pay Metro Forty Eight Thousand Dollars (\$48,000) during the first year. The rent increases to Sixty Thousand dollars (\$60,000) in the second year. Commencing on the third year the rent will be adjusted based on Consumer Price Index.
Rent Credits	Metro will credit Tenant the costs to refurbish the space over the first five years of the terms of the lease.
Maintenance	Tenant will be responsible for all operating and maintenance expenses.
Indemnification	Tenant will indemnify and hold the LACMTA harmless from all claims, liabilities and damages resulting from its use of the Premises.



Metro

## Board Report

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

File #: 2016-0584, File Type: Program

Agenda Number: 40.

**REVISED**  
**EXECUTIVE MANAGEMENT COMMITTEE**  
**OCTOBER 20, 2016**

**SUBJECT: TITLE VI PROGRAM UPDATE**

**ACTION: APPROVE ADOPTION OF TITLE VI PROGRAM UPDATE**

### **RECOMMENDATION**

ADOPT the **Title VI Program Update** presented in Attachments A and B.

### **ISSUE**

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin in programs that receive federal funding. The Federal Transportation Administration (FTA) requires transportation agencies to demonstrate their compliance with Title VI by submitting a triennial Title VI Program Update in compliance with Title 49 CFR Section 21.9(b) and with FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," issued October 1, 2012. The Metro Board of Directors must review and approve the Title VI Program Update prior to its submittal.

### **DISCUSSION**

#### *Background*

Section 601 of Title VI of the Civil Rights Act of 1964 (Title VI) states the following:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Title VI Program Update consists of a report and supporting documentation that provides evidence of the equitable distribution of services; promotion of full and fair participation in public transportation decision-making without regard to race, color, or national origin, and meaningful access to transit-related programs and activities by persons with limited English proficiency. FTA reviews and concurs with the Title VI Program Update or requests additional information.

### *Metro's Title VI Obligations*

Metro last submitted a Title VI Program Update to the FTA on September 30, 2013. On November 6, 2013, the FTA's sent Metro a Letter of Concurrence informing Metro that our Title VI Program Update, submitted on September 30, 2013, met the requirements set out in the FTA Title VI Circular, 4702.1B. Our next Title VI Program Update is due on November 15, 2016. This date conforms to the traditional three-year cycle.

Metro has completed a draft Title VI Program Update that incorporates all of the requirements set forth in the FTA Circular 4702.1B. There are ~~twelve~~ thirteen requirements under Title VI that Metro must report on:

1. The provision of notice to beneficiaries of their civil rights;
2. The existence of complaint procedures and a complaint form;
3. A list of all transit-related complaints, investigations, or lawsuits;
4. A Public Participation Plan;
5. A Language Assistance Plan;
6. Minority representation on planning and advisory committees;
7. The provision of assistance to and monitoring of subrecipients;
8. Equity evaluations relating to the site and location of facilities;
9. Service standards and system-wide service policies;
10. The collection and reporting on demographic data;
11. The requirement to monitor transit service; and
12. The requirement to evaluate service and fare changes;
13. Provide documentation of Metro's board approval on 2016 Title VI Program, once program is approved by Metro's Board of Directors

A more detailed description of these requirements can be found in the FTA Circular 4702.1B (Attachment C).

Although no substantial changes were made to the Title VI Program since the 2013 submission, Metro made the following minor updates to the Title VI Program:

1. Updated the Civil Rights Notice to Beneficiaries to include additional state protected categories;
2. Updated the list of Metro's Title VI transit-related complaints, investigations and lawsuits;
3. Updated the Public Participation Plan to include current demographic data on Metro's stakeholders, identified minimum baseline thresholds for public outreach and listed Metro's public outreach activities since October 2013;
4. Updated the Language Assistance Plan to include an updated Four Factor Analysis and initiation of a monitoring program for the Language Assistance Plan;
5. Updated the demographic data for the participants of Metro's planning and advisory committees;
6. Updated the Title VI Program due dates for Metro's subrecipients;
7. Provided information on Metro's Title VI equity evaluation for the siting of new constructed



facilities;

8. Provided Metro's current service standards and policies;
9. Provided updated demographical data on Metro's stakeholders and distribution of service;
10. Provided documentation on Metro's Board approval of Metro's service monitoring program;
11. Provided documentation of Title VI equity analyses for Metro's fare and major services changes and documentation of Metro's Board approval of the Title VI equity analyses for fare and major service changes ;
12. Will provide documentation of Metro's Board approval of the 2016 Title VI Program, once program is approved by Metro's Board of Directors

Before submitting the completed Title VI Program Update, the Metro Board of Directors must review and approve the draft program. A copy of today's meeting minutes will be submitted to the FTA as evidence of this approval.

### **DETERMINATION OF SAFETY IMPACT**

The requested action in this report will have no direct impact on the safety of Metro's employees or customers.

### **FINANCIAL IMPACT**

Adoption of the Title VI Program Update has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2017 Budget. Failure to submit a Title VI Program Update or to have a Title VI Program Update approved by the FTA could result in the delay, suspension or loss of federal funding.

#### **Impact to Budget**

Adoption is consistent with the implementation of service included in the adopted FY2017 Budget.

### **ALTERNATIVES CONSIDERED**

The alternative to filing a Title VI Program Update by November 15, 2016 could have significant negative impacts to the agency. Failure to timely file a Title VI Program Update may result in the delay or suspension of federal funds, the initiation of a review or investigation by the FTA, and ultimately the loss of eligibility for federal funds.

### **NEXT STEPS**

The Title VI Program Update will be submitted to the FTA no later than November 15, 2016

### **ATTACHMENTS**

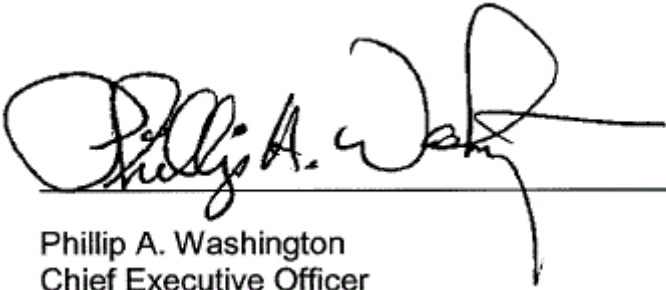
Attachment A - 2016 Draft Title VI Program Update

Attachment B - Appendices to 2016 Draft Title VI Program Update

Attachment C - FTA Circular 4702.1B

Prepared by: Gabriela Garcia, Civil Rights Compliance Administrator (213) 922-2403

Reviewed by: Dan Levy, Chief, Office of Civil Rights (213) 922-8891



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Phillip A. Washington  
Chief Executive Officer

### **Metro's Profile**

Los Angeles County Metropolitan Transportation Authority (Metro) is unique among the nation's transportation agencies. It serves as transportation planner and coordinator, designer, builder and operator for one of the country's largest, most populous counties. More than 9.6 million people – nearly one-third of California's residents – live, work, and play within its 1,433-square-mile service area.

### **Metro's Vision Statement**

Metro provides excellence in service and support.

### **Metro's Mission Statement**

Metro is responsible for the continuous improvement of an efficient and effective transportation system for Los Angeles County.

### **Metro Title VI Report Purpose**

The purpose of the Title VI Program Update is to document the steps Metro has taken and will take to ensure that Metro provides services without excluding or discriminating against individuals on the basis of race, color and national origin. In addition to the Title VI protected categories, Metro will take steps to ensure that our programs and activities do not exclude or discriminate against low-income individuals or other classes protected by Federal or State law.

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## **APPENDICES**

- A. November 3, 2013 FTA letter Regarding Metro Title VI Program Update Due Date
- B. Civil Rights Notice and List of Locations
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- D. Civil Rights Complaint Form
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- O. Title VI Service Equity Analyses
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- R. Board Approval of Metro's 2016 Title VI Program Update

## INTRODUCTION

The Los Angeles County Metropolitan Transportation Authority (Metro) has prepared this Title VI Program Update in compliance with Title 49 CFR Section 21.9(b) and with the Federal Transit Administration (FTA) Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," issued October 1, 2012.

This Title VI Program Update is being submitted to the FTA in accordance with the FTA's Concurrence letter sent to Metro on November 6, 2013. In November 2013, the FTA informed Metro that our Title VI Program Update, submitted on September 30, 2013, met the requirements set out in the FTA Title VI Circular, 4702.1B and that that our Title VI Program Update would be due October 1, 2016. A copy of this letter is included in **Appendix A**. This Program Update will cover the time period from October 1, 2016 to October 1, 2019.

This plan was prepared to ensure that the level and quality of Metro's transit services are provided in a non-discriminatory, safe, reliable and equitable manner. Metro ensures that full and fair participation is offered to all those that reside, work, and travel throughout Los Angeles County.

Any questions regarding this Title VI Program Update can be directed to Dan Levy, Chief of Civil Rights Programs Compliance, at [levyd@metro.net](mailto:levyd@metro.net) or Jonaurea Wisdom, Director of Civil Rights and Equal Employment Opportunity, at [wisdomj@metro.net](mailto:wisdomj@metro.net).

## GENERAL REQUIREMENTS

This section addresses the General Requirements of FTA Circular 4702.1B. The following information addresses the reporting requirements as described under Chapter III of the Circular. Supporting documentation can be found in the Appendix to this report.

### **1. Notification to Beneficiaries of Title VI Protections**

Metro is committed to ensuring that the public is aware of the rights and protections afforded to them under Title VI. In accordance with Title 49 CFR Section 21.9(d) and guidance provided in FTA Circular 4702.1B, Metro's Civil Rights Policy includes:

- I. A statement that the agency operates programs without regard to race, color, or nation origin;
- II. A description of the procedures that the public should follow in order to request additional information regarding Metro's Title VI obligations;
- III. A description of the procedures that the public needs to follow in order to file a Title VI discrimination complaint.

Metro's Civil Rights Policy can be found on the Metro website at: <http://www.metro.net/about/civil-rights-policy/>.

Notice regarding Metro's Civil Rights Policy has been disseminated throughout Metro's rail and bus system. Metro's Notice of Civil Rights also contains a statement that Metro operates its programs

without regard to race, color, or national origin and provides a phone number for customers to call to get information regarding Metro's Title VI obligations and the procedure for filing a Title VI discrimination complaint.

Metro's Notice of Civil Rights has been placed in backlit cases in almost all rail stations. It has also been posted on all 25 floors of Gateway Plaza, Metro's headquarters, as well as in all of Metro's Divisions. A "take-one" brochure of the notice was also placed on buses. The notice is also available at Metro's Customer Centers.

The Civil Rights Notice in the backlit cases and the brochures have been translated into the nine languages identified in Metro's Language Assistance Plan: Spanish, Korean, Chinese, Japanese, Armenian, Russian, Vietnamese, Khmer, and Thai. The Civil Rights Policy found on Metro's website has also been translated into the nine languages and with the assistance of Google Translate, may be translated into seven additional languages.

Metro's Civil Rights Notice, including photos of the backlit cases and take-ones, along with a list of all of the locations the Civil Rights Notice has been placed, are included in **Appendix B**.

## **2. Title VI Complaint Procedure and Complaint Form**

As part of Metro's commitment to ensuring that no person is discriminated against on the basis of race, color, national origin, or any other federal and/or state protected category, and to ensure compliance with 49 CFR Section 21.9 (b), Metro has developed The Civil Rights Policy which includes procedures for investigation and tracking Title VI complaints. Metro policy is to investigate complaints that are filed in writing within 180 days from the date of the alleged discrimination in which the complainant alleges discrimination on the basis of race, color, or national origin. Each complaint alleging discrimination based on race, color, or national origin is categorized as a Title VI complaint and investigated according to Metro's Title VI Complaint Procedure.

The policy can be found on Metro's website at: <http://www.metro.net/about/civil-rights-policy/>

Translated versions of the procedure and complaint form can be accessed by clicking the tab titled "Additional Languages" or by utilizing the Google Translate application on Metro's website.

A copy of the Civil Rights Policy is included in **Appendix C**.

The Complaint Form in English is included in **Appendix D**.

## **3. Record of Title VI Investigations, Complaints, or Lawsuits**

In order to comply with 49 CFR Section 21.9(b), Metro's Office of Civil Rights maintains a list of all active complaints, investigations, and lawsuits naming Metro, on the basis of race, color, and/or national origin. This list includes the date of the complaint, investigation or lawsuit; a summary of the allegations; and the status of the complaint, investigation, or lawsuit; and the actions taken in response to the complaints, investigations, and lawsuits. To date, Metro has a total of 46 Title VI complaints.

Metro personnel that customers most commonly interact with are Bus Operators. It is, therefore, not surprising that the majority of Title VI complaints involve customers alleging discrimination by a bus operator. In all cases, the complaint is sent to the operator's division manager and to the Office of Civil Rights (OCR) group by Customer Relations. The complaint is reviewed by the division manager, or the designee of the division manager, who takes a statement from the operator and sends a transcript of the statement to OCR.

Metro buses are equipped with a digital recording device. Additionally, approximately 950 out of 2200 buses are equipped with audio recording devices. When a Title VI complaint is received alleging discrimination by a bus operator, it is Metro's procedure to pull the portion of the digital recording that would likely cover the time frame implicated by the complaint. The recording is reviewed by the division manager who then prepares a report and sends the report to OCR. This report contains information regarding the bus operator's version of events, the division manager's observations of the <sup>1</sup>recording, a history of all complaints against the operator for the prior 36 months, and disciplinary actions taken in response to any complaints.

All division reports are reviewed by investigators in the OCR group. The investigators have discretion to ask the division manager for more information about the incident, including asking follow-up questions to the operator. The investigator may also review the digital recording themselves, reach out to any witnesses to the incident for follow-up, and ultimately make recommendations regarding disciplinary actions if it is determined that there is merit to the complaint. In some instances, depending on the circumstances presented in the complaint, investigators will request a Mystery Ride<sup>2</sup> to gain insight generally into how the operator approaches customer service and specifically to observe for any other instances of discriminatory animus.

After the investigator reviews all of the available information, a report is written that analyzes the information presented in the underlying complaint, the evidence received in the investigation undertaken, and concludes with a finding of substantiated or unsubstantiated depending on what the evidence reveals. When a determination is made that a Title VI complaint has merit, operators or other Metro personnel are disciplined appropriately and in accordance with Metro policy, the Metro Bus Operator Rulebook & Standard Operating Procedure, applicable Collective Bargaining Agreements, or other employment contracts. In instances where no merit is found, or disciplinary action is not warranted, operators may be provided with consultation and updated training.

The process for formally closing complaint investigations requires three levels of review. All complaint investigations are reviewed by the Director of EEO Programs and Office Civil Rights -, the Chief of OCR and County Counsel. Once all three parties have reviewed the complaint and findings, the complaint is formally closed and a letter is sent to the complainant and respondent stating that an investigation was conducted and that the matter is closed.



A list of Metro Title VI related complaints, investigations and lawsuits from August 1, 2013 to July 31, 2016<sup>2</sup> is included in **Appendix E**.

#### **4. Public Participation Plan**

Pursuant to FTA Title VI regulations and FTA guidance 4702.1B, Metro has updated its Public Participation Plan. This Public Participation Plan has been updated and assembled to capture the methods, innovations and measurements of the agency's commitment to not just meet, but exceed the prescribed requirements of the FTA Circular 4702.1B, citing Metro's responsibilities to limited English Proficient Persons, minority communities, low-income communities, and communities with disabilities. Additionally, the Public Participation Plan integrates principles of FTA Circular 4703.1, guiding Metro on integrating principles of Environmental Justice into the transportation decision-making process.

From February 2016 to March 2016, Metro presented a draft of the Public Participation Plan to our various stakeholders and solicited our stakeholders' feedback; this group included all individuals who reside, work and travel within Los Angeles County. The public outreach resulted in valuable feedback that Metro incorporated into the Public Participation Plan to ensure that our public engagement practices are inclusive of all our stakeholders. The Public Participation Plan can be found in **Appendix F**.

A summary of Metro's public participation and outreach efforts since October 2013 is included in **Appendix G**.

#### **5. Meaningful Access to Limited English Persons**

Metro supports the goals of Title VI of the Civil Rights Act of 1964, Federal Executive Order 13166 and the Department of Transportation's (USDOT) Limited English Proficiency (LEP) Guidelines by making reasonable accommodations for those individuals with limited English proficiency (LEP) and by providing meaningful access to our services and programs to LEP individuals.

According to the US Department of Transportation's (USDOT) guidance concerning persons with limited English proficiency (LEP), the extent of the Federally-funded recipient's obligation to accommodate LEP populations is determined by balancing the following four factors:

- Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee of Federal funding,
- Factor 2: The frequency with which LEP individuals come in contact with the program
- Factor 3: The nature and importance of the program, activity, or service provided by the recipient to people's lives
- Factor 4: The resources available to the recipient

Metro updated the 2013 Four Factor Analysis in order to determine the language assistance needs of our stakeholders. Metro then utilized the results of the updated Four Factor Analysis to create a

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<sup>2</sup> Metro's Board report cycle necessitates that the cutoff date for the complaint reporting end before the October 1, 2016 due date. Metro is willing to provide information relating to the balance of this period at the FTA's request.

language assistance plan detailing the level of appropriate language outreach. The Language Assistance Plan highlights the ways in which Metro is committed to providing language assistance to our customers.

Metro's Four Factor Analysis and Language Assistance Plan can be found in **Appendix H**.

## **6. Minority Representation on Planning and Advisory Bodies**

Pursuant 49 CFR Section 21.5 (b)(1)(vii) and the requirements set forth in FTA C 4702.1B, Metro maintains a list depicting the racial breakdown of the membership of its transit-related non-elected planning boards, advisory councils and committees. The boards, councils, and committees are as follows:

- i. Service Councils
- ii. Transportation Business Advisory Council (TBAC)
- iii. Citizen's Advisory Council (CAC)
- iv. Accessibility Advisory Committee (AAC)
- v. Independent Citizens Advisory Committee
- vi. Boyle Heights Design Review Advisory Committee
- vii. Regional Connector Transit Project Community Leadership Council
- viii. Crenshaw/LAX Transit Project Community Leadership Council

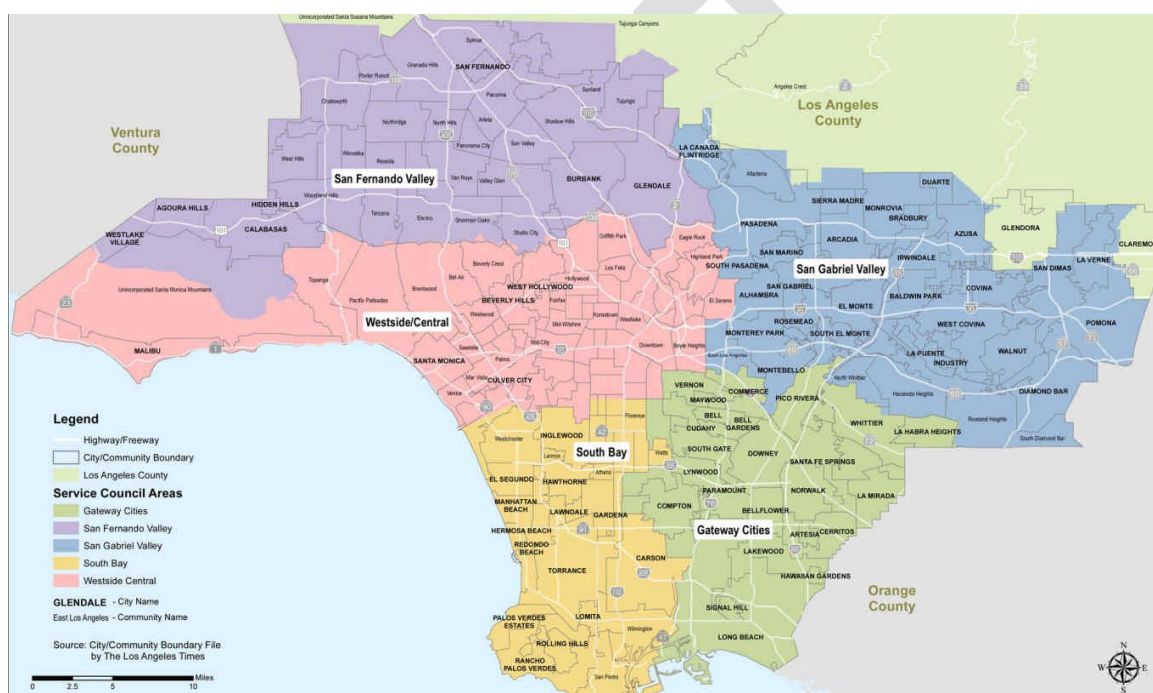
**Table Depicting the Racial Breakdown of Committees**

<b>Body</b>	<b>Caucasian</b>	<b>Latino</b>	<b>African American</b>	<b>Asian American</b>	<b>Native American</b>	<b>Other</b>	<b>Total No. Members</b>
Service Councils	46%	34%	9%	9%	2%	0%	44
Transportation Business Advisory Council	0%	25%	6%	13%	6%	50%	16
Citizens Advisory Council	65%	25%	5%	5%	0%	0%	17
Accessibility Advisory Committee	55%	25%	5%	10%	5%	0%	20
Independent Citizens Oversight Committee	100%	0%	0%	0%	0%	0%	4
Boyle Heights Design Review Advisory Committee	11%	89%	0%	0%	0%	0%	19
Regional Connector Transit Project Community Leadership Council	62.5%	0%	0%	37.5%	0%	0%	8
Crenshaw/LAX Transit Project Community Leadership Council	9.5%	4.7%	66%	4.7%	0%	14%	21

## Description of Efforts Made to Encourage Minority Participation

### i. Service Councils

Metro's Service Councils advise on Metro services in five geographic regions; Gateway Cities (Southeast LA County), San Fernando Valley, San Gabriel Valley, South Bay Cities and Westside/Central. This [map](#) illustrates the five service council areas:



### Metro Service Council Appointments Overview

The purpose of Metro Service Councils is to improve bus service and promote service coordination with municipal and local transit providers. The Service Council's primary responsibilities are to receive presentations on proposed Metro bus service changes from Metro staff, community input on proposed service modifications, conduct public hearings for major service changes, and to render decisions on proposed bus route changes considering staff recommendations and public comments. Metro has five Service Councils, each representing a distinct region of Metro's service area. Those regions are: Gateway Cities, San Fernando Valley, San Gabriel Valley, South Bay, and Westside/Central.

The Service Councils are composed of transit users, local leaders, and/or elected officials that live, work or represent the region from which they are appointed; at least fifty percent of each Council members shall be regular users of public transit services. Each Service Council is comprised of nine Members that

serve a term of three years; terms are staggered so that the terms of three of each Council's nine members expire annually on June 30. Incumbent Members can serve additional terms if re-nominated by the nominating authority and confirmed by the Metro Board; there are no term limits.

Potential Service Council Members are nominated for appointment by the respective Service Council nominating authorities. Nominations are gathered by Metro Service Council staff and submitted to the Board of Directors for approval. A few months prior to the expiration of a Representative's term, Metro Service Council staff notifies the nominating authorities and asks them to submit a nomination for their incumbent representatives to serve another term or to submit the name and resume of a new nominee. Generally, due to the specific nature of knowledge and the institutional history that is preserved by maintaining some incumbents on each of the Councils, the nominating authority approaches incumbent representatives to verify whether they would like to continue to serve on their respective council; usually the incumbents choose to remain on the Council.

Service Council Members occasionally resign at the end of their terms or prior, for various personal or professional reasons. In those instances, the nominating authorities are contacted to submit the nomination of a replacement candidate to serve the remainder of the term. The replacement nomination is then submitted by Service Council staff to the Metro Board for approval as soon as the process can be completed.

Each Service Council has its own schedule of nominating authorities. Those authorities are as follows:

#### **Gateway Cities Service Council Nominating Authorities**

All Gateway Cities Services Council Members are nominated by the Gateway Cities Council of Governments (COG). The Gateway Cities COG represents 27 cities in the Harbor Gateway region as well as portions of unincorporated Los Angeles County. The Gateway Cities COG has determined that its appointments to the Council shall include a majority of public transit users and not exceed four (4) elected officials. In order to solicit applications for nominees to fill vacant Council seats of elected officials, the COG solicits applications by direct notification sent to all mayors and city council members in the Gateway Cities region. In order to solicit applications for nominees to fill vacant Council seats for non-elected officials, the COG places advertisements in regional publications that serve the Gateway Cities region.

Currently, five of the Gateway Cities Service Council Members are in their first term, one member is in his second term, one member is in his third term, and two members have served on the Council since its inception in 2003.

#### **San Fernando Service Council Nominating Authorities**

Four of the nine seats on the San Fernando Service Council are nominated by the Office of the Mayor of Los Angeles. To fill any vacancies, the Mayor's Office generally solicits potential appointee names and resumes from its network of transit advocates. Then any potential appointees are reviewed in relation

to the make-up of the current council. Appointees representative of the diversity (both geographic and ethnic) that may be lacking on the Council are interviewed and the Office of the Mayor then makes its selection.

Two seats are allocated to an East Valley cluster of cities, which includes Burbank, Glendale, and San Fernando. When either of those seats is vacant or terms are expiring, Metro Service Council staff notifies the mayors and city managers of each city within the cluster to request that they submit nominations to fill the expiring Council Member terms or vacancies. If more than one nomination per city cluster is received, Metro Service Council staff then asks all of the cluster cities to decide amongst themselves which of the nominees they wish to have appointed. Generally, the city clusters nominate a city employee who works in a transit-related position or a city council member who is involved in local transit issues.

One seat each is allocated to the Offices of the Los Angeles County 3rd District Supervisor and the 5<sup>th</sup> District Supervisor. In order to fill their Service Council vacancies, both the Office of the 3rd District Supervisor office solicit potential appointee names and resumes from their networks of transit advocates. Potential appointees are reviewed on a number of factors including current composition of the council, experience in transit advocacy and knowledge of the transit issues impacting their geographic area. The goal in making the final selection(s) is to have a council representative of the ethnic and cultural diversity of the district.

One seat is allocated to the Las Virgenes-Malibu Council of Governments (COG). As there is limited Metro bus service to the Las Virgenes-Malibu COG's region, the COG generally looks to people that have some familiarity with the needs of those cities.

Currently, five of the San Fernando Valley Service Council Members are in their first terms, two members are in their second terms, one member is in his third term, and one member has served on the Council since its inception in 2003. There is currently one vacancy on the San Fernando Valley Service Council.

#### **San Gabriel Valley Service Council Nominating Authorities**

Three of the seats on the San Gabriel Valley Service Council are nominated by the San Gabriel Valley Council of Governments (SGVCOG). When the SGVCOG has vacancies, the COG sends notifications through its Governing Board, which is made up of area elected officials, and its Transportation Committee which is composed of city delegates, their alternates, and/or city-appointed staff. The SGVCOG has an informal practice of having at least one of its seats occupied by an elected official at all times. The SGVCOG also strives to have at least one transit user or individual with extensive knowledge of the transit system occupy at least one of its seats at all times. Any vacancies of a transit user seat are filled by soliciting nominations from the SGVCOG's Governing Board and its Transportation Committee. Applications for any vacancies are then reviewed by the Transportation Committee, and selection is

made based on applicant knowledge of the region's transportation issues and existing regional representation on the Council.

One seat each is allocated to the Offices of the Los Angeles County 1<sup>st</sup> District Supervisor and the 5<sup>th</sup> District Supervisor. In order to fill their Service Council vacancies, the Offices of the 1<sup>st</sup> and 5th District Supervisors solicit potential appointee names and resumes from their networks of transit advocates. Potential appointees are reviewed on a number of factors including current composition of the council, experience in transit advocacy and knowledge of the transit issues impacting their geographic area(s). The goal in making the final selection is to have council representative(s) of the ethnic and cultural diversity of the district.

The remaining four seats are nominated by clusters of cities. The city clusters are:

- Alhambra, San Gabriel, South Pasadena, and San Marino
- Arcadia, El Monte, and Temple City
- Montebello, Monterey park, and Rosemead
- Pasadena, Sierra Madre, and La Cañada Flintridge

For those seats nominated by clusters of cities, Metro Service Council staff notifies the mayors and city managers of each city within the cluster, requesting that they submit nominations to fill any expiring Service Council Member terms or vacancies. If more than one nomination per city cluster is submitted, then the cluster cities are asked to decide amongst themselves which of the nominees they wish to have appointed. Generally, the city clusters nominate a city employee who works in a transit-related position or a city council member who is involved in area transit issues.

Currently, one of the San Gabriel Valley Service Council Members is in her first term, two members are in their second terms, three members are in their third terms, one member is in his fourth term, and two members have served on the Council since its inception in 2003.

### **South Bay Service Council Nominating Authorities**

All South Bay Service Council Members are nominated by the South Bay Cities Council of Governments (SBCCOG). The SBCCOG is a joint powers authority of 16 cities and the County of Los Angeles. The SBCCOG Board of Directors has previously stated a strong preference that transit users or those familiar with the South Bay transit services be selected to serve as council members and in no case shall elected officials represent a majority of the Service Council. The SBCCOG also works to ensure that one position be filled by a representative from one of the South Bay's municipal transit providers.

To recruit nominees to serve on the South Bay Service Council, the SBCCOG circulates a Call for Nominations among their regions' elected officials, city managers, city clerks and working groups of the South Bay Cities COG. The SBCCOG's Steering Committee then reviews nominations and forwards their

recommendations to the SBCCOG Board, which approves the nominations and forward to Metro for approval by the Metro Board.

Currently, four of the South Bay Service Council Members are in their first terms, one member is in her second term, one member is in his third term, two members are in their fourth terms, and one member is in his fifth term.

#### **Westside/Central Service Council Nominating Authorities**

Four of seats on the Westside/Central Service Council are nominated by the Office of the Mayor of Los Angeles. To fill any vacancies, the Mayor's Office generally solicits potential appointee names and resumes from its network of transit advocates. Then any potential appointees are reviewed in relation to the make-up of the current council. Appointees representative of the diversity (both geographic and ethnic) that may be lacking on the Council are then interviewed and the Office of the Mayor makes its selection.

Three of the seats are nominated by the Westside COG. The Executive Director of the Westside COG has recently resigned; the COG is currently reexamining its mission, purpose and goals and has not yet determined whether it will continue to be a nominating authority for the Westside/Central Service Council. All of the current appointees are transit agency employees.

One seat each is allocated to the Office of the Los Angeles County 2nd District Supervisor and the 3<sup>rd</sup> District Supervisor. To fill any Service Council seat vacancies, the Offices of the 2<sup>nd</sup> and 3<sup>rd</sup> District Supervisors solicit potential nominee names and resumes from their networks of transit advocates. Potential appointees are reviewed on a number of factors including current composition of the council, experience in transit advocacy and knowledge of the transit issues impacting their geographic area(s). The goal in making the final selection(s) is to have a council representative of the ethnic and cultural diversity of the district(s). Once a nominee has been selected, the name is forwarded to Metro Service Council Staff to facilitate the Board approval process.

Currently, five of the Westside/Central Service Council Members are in their first terms, two members are in their second terms, and two members are in their third terms.

#### **ii. Transportation Business Advisory Council (TBAC)**

Small Business owners and interested parties are welcomed and encouraged to attend the monthly Transportation Business Advisory Council (TBAC) meeting. TBAC meetings provide small businesses a forum to discuss topics and issues impacting business owners throughout the contracting community. Particularly, TBAC advocates for small business owners to have increased access to Metro's procurement process.

TBAC meetings are beneficial for all business interests. The meetings feature a monthly speaker series, Metro current and future contract opportunities, legislation updates, and current trends in transportation.

TBAC is comprised of professional business associations representing an array of industries and trades. TBAC has been instrumental in working with the Diversity & Economic Opportunity Department (DEOD) to develop a successful path forward bridging relationships between small businesses and Metro.

Efforts are made to encourage representatives from minority, female and small business organizations to participate in TBAC at both internal and external business outreach events. Internal outreach events include, but are not limited to, monthly “How to do Business with Metro” workshops, “Meet the Prime” contractor events, “Meet the Buyers” events, “Meet and Greet” small and large businesses events for large projects, and other events at Metro. External events include, but are not limited to, “Orange County Transportation Authority (OCTA) Small Business Conference, Southern California Minority Business Development Council (SCMBDC) Business Enterprise Fair, Minority Enterprise Development (MED) Week – Mayor’s Office,” and a host of small and minority business organization events.

A typical list includes the following:

- Asian American Architects/Engineers Annual Awards Dinner
- National Association of Minority Contractors Awards Dinner
- Latin Business Association Sol Business Awards Gala
- Black Business Association Procurement Summit / Expo
- Asian Business Association Annual Awards Banquet
- Women’s Transportation Seminar Expo
- Greater Los Angeles African American Chamber of Commerce Economic Awards Dinner
- National Association of Women’s Business Owners – Los Angeles Awards Luncheon
- Regional Hispanic Chamber of Commerce Conference
- American Indian Chamber of Commerce Luncheon
- Women’s Transportation Coalition Expo

TBAC Member organizations are appointed by the Metro Board of Directors.

### **iii. Citizens Advisory Council**

On May 19, 1992, the governor signed AB 152 (Katz) into law. This act merged the Los Angeles County Transportation Commission and the Southern California Rapid Transit District and created Metro. As part of AB 152, Metro was to establish a Citizens’ Advisory Council whose “membership shall reflect a broad spectrum of interest and all geographic areas of the County.”

The CAC consults, obtains and collects public input on matters of interest and concern to the community and communicates the CAC’s recommendations with respect to such issues to Metro. Issues may also be assigned to the CAC by Metro for its review, comment and recommendation. The CAC meets twice



monthly, once at the beginning of the month for their Executive Committee Meeting, and once towards the end of the month for the General Assembly Committee Meeting. Every Board member may appoint up to four members to the CAC. The CAC consults, obtains and collects public input on those matters of interest and concern to the community and communicates key feedback and CAC recommendations with respect to such issues to the Metro Board and staff.

Each member of the Metro Board of Directors nominates four public members to the CAC to serve at the pleasure of the appointing Board member.

To fill seat vacancies, the Offices of District Supervisors solicit potential nominee names and resumes from their networks of transit advocates. Potential appointees are reviewed on a number of factors including current composition of the council, experience in transit advocacy and knowledge of the transit issues impacting their geographic area(s). The goal in making the final selection(s) is to have a council representative of the ethnic and cultural diversity of the district(s). Once a nominee has been selected, the name is forwarded to chair of the CAC to facilitate the Board approval process. In order to promote diversity and public access to information, the CAC web page has been updated to accommodate multiple language translations, and any member of the public wishing to have meeting materials in a different language are at the meeting are able to notify Metro staff with such translation requests or other needed special accommodations. Additionally, CAC Meeting Agendas and materials are regularly translated into Braille, typically per monthly requests made by a CAC Member who is blind.

#### **iv. Accessibility Advisory Council**

Metro strives to ensure that its services are fully accessible to all of our customers, including those with disabilities. The AAC provides advice to Metro on policy and allocation issues affecting transportation of older adults and persons with disabilities. The AAC recruits members based on several criteria; the most important being strong familiarity with, and close connection to, communities with disabilities. Individuals are also required to demonstrate some knowledge of transit. Selections to the committee are made keeping in mind the demographics, both geographic and racial/ethnic, of the county. This is accomplished through extensive outreach to elected officials and organizations within the community. In addition, Metro promotes diversity on the Council by providing language interpretation services for Limited English Proficient members on the council.

#### **v. Independent Citizens Advisory and Oversight Committee**

The Metropolitan Transportation Authority Reform and Accountability Act of 1998 (the Act) created the Independent Citizen's Advisory and Oversight Committee (ICAOC) to review transportation sales tax expenditures, hold public hearings and issue reports thereon. The Act mandates that the ICAOC be presented with the results of the initial local sales tax audit, as required by the Act, and thereafter, the annual local sales tax audit as required by the Act. The ICAOC will cause a summary of each audit to be published in local newspapers and make each audit report in its entirety available to the public in every library locate within Los Angeles County. The ICAOC holds public hearings on each audit and provides the MTA Board of Directors a report on the public comments to the audit.

The ICAOC consists of five (5) members. The membership of the ICAOC is not made on the basis of race, color, or national origin and each ICAOC member must live in the County of Los Angeles. No elected city, county, special district, state, or federal public officeholder will be eligible to serve as an ICAOC member. The ICAOC consists of the following members:

- One member appointed by the Chair of the Los Angeles County Board of Supervisors;
- One member appointed by the Chair of the governing board of the MTA;
- One member appointed by the Mayor of the City of Los Angeles;
- One member appointed by the Mayor of the City of Long Beach;
- One member appointed by the Mayor of the City of Pasadena.

**vi. Boyle Heights Design Review Committee (DRAC)**

Metro strives to carry out its mission and commitment to excellence in service and support and we do so by ensuring that we are accountable, first and foremost, to the public. Metro is dedicated to providing robust and inclusive public engagement opportunities that strengthen and deepen our relationships with our stakeholders. The Boyle Heights DRAC is one such example and was established to advise Metro on the design of Metro Joint Development (JD) projects within Boyle Heights. The DRAC also serves as the formal means through which the community members are involved in the evaluation of the JD projects and their design; and to act as representatives of residents, businesses, and institutions in the project area.

The DRAC is designed to maintain a fair representation of the Boyle Heights community and upholds their duties through the JD process until the final design for the project is complete. DRAC membership will be drawn from people who reside and/or work within the Boyle Heights neighborhood, with up to seventeen (17) members representing the following categories:

- Residential property owners
- Residential tenants
- Commercial property owners
- Design professionals from the community (architect, landscape architect, engineer, urban planner)
- Community organizations
- Business tenants/owners
- Students/Youth

Members shall not include persons or representatives of businesses who will likely be bidders/proposers/contractors/consultants for a Metro contract to be awarded concerning the Project sites. In addition, Metro promotes diversity on the DRAC by not selecting members on the basis of race, color or national origin, rather the DRAC is reflective of the demographics of the Boyle Heights community.

**vii. Regional Connector Community Leadership Council**

The Regional Connector Community Leadership Council (RCCLC) is an advisory group formed by the Los Angeles County Metropolitan Transit Authority (Metro) to provide sustained public involvement from all parts of the 1.9 mile light-rail alignment. The mission of the CLC is to foster, advance, and promote community-based dialogue and information-sharing regarding the needs and preferences of varied stakeholders on such matters as design, construction and public safety. In addition, members of the Leadership Council review and provide input on mitigations designed to address construction impacts per the Mitigation Monitoring and Reporting Program, specified as part of the project's Environmental Impact Report. The involved representatives serve both in an advisory capacity to Metro, and as liaisons to the wider group of station area project stakeholders including, but not limited to, local small businesses and residents, corporations, cultural, entertainment, tourism, and educational institutions. Updates on construction activities, mitigations, parking or access changes, marketing and advertising efforts available to sustain and/or enhance businesses are commonly raised. The CLC's charge also includes assessing how best to leverage this billion dollar transit investment to promote economic prosperity of communities.

Varied efforts are completed to maintain diverse leadership on the board ensuring the Regional Connector's Community Leadership station area co-chairs represent downtown's varied interests. The Leadership Council's Asian American leaders represent Little Tokyo, one of three remaining Japantowns in the United States, and one member represents the adjacent station area, 2nd Av/Broadway. The co-chairs of the council that are of Asian descent also are vested by virtue of land ownership, business interests, non-profit, and civic leadership. Of the four neighborhoods subject to Community Leadership Council monthly meetings, three are future station areas and one is engaged as the Los Angeles Financial District. Of the three station area councils, two are represented by leaders who identify as Asian American. However, co-chairs are also selected based on their desire to serve, knowledge of the responsibility, understanding of the area, whether representing non-profit, institutional, educational, business or a resident's perspective.

The search for volunteer co-chairs of the Leadership Council is achieved by working with existing council leaders and their community based networks to identify candidates. Project updates presented by Metro at community meetings often includes a summary on the Community Leadership Council's responsibilities. Also, the Community Leadership Council's Executive Committee Chair is often invited as a presenter, highlighting their charge while asking those who may be interested to come forward.

Since these project update meetings are held throughout the 1.9 mile route, this provides an opportunity for the public attending from each station area to be apprised of the opportunity to participate as a co-chair. In addition to the Executive Committee Chair, Co-chairs of the station area committees from Little Tokyo/Arts District, 2nd St/Broadway, 2nd Pl/Hope St and the Financial District are also introduced at various public meetings to engage with the public and to identify those who may wish to serve in the future.

Notices to Metro's list of area professional associations, organizations, committees, and ethnic press in downtown and social communication platforms are also tactics available to recruit ethnic leadership to ensure the areas distinct cultural and socio-economic interests are represented.

#### **viii. Crenshaw/LAX Transit Project Community Leadership Council**

In 2011, the surrounding communities of the City of Inglewood, City of Los Angeles, the County of Los Angeles, and Metro initiated a civic engagement process to ensure full community participation in the implementation of the Crenshaw/LAX Transit Project. A group of leading stakeholders including business, civic, faith, corporate and public safety officials were brought together to form what is known as the Crenshaw/LAX Community Leadership Council (CLC). Since inception, the CLC has worked to promote community-based dialogue around opportunities arising from the Crenshaw/LAX Line development and have engaged stakeholders with ongoing project activities along the Project alignment in a way that's equitable, beneficial, resourceful, and meets the needs of the community.

For more than four years, the CLC has participated in more than 75 project meetings, workgroups, and community events. These meetings have provided a platform to share concerns and develop solutions for priority issues such as expanding access to technical assistance and capital resources to small businesses impacted by construction, incorporating the Leimert Park and Westchester/Veterans stations in the scope of the project, enhancing safety outreach strategies to reach a wide audience of stakeholders and advocating for increase in diverse and disadvantaged small business subcontractors.

Strategies to reach low income population include holding meetings in transit-accessible locations and holding meetings at a variety of meeting times, evenings and weekends in order to allow for participation at multiple times. Many of the meeting announcements, flyers, advertisements, and other informational materials such as brochures are produced bilingually (in Spanish).

The CLC membership is comprised of stakeholders who:

- Live and/or work within the project area;
- Have specific knowledge about the communities served by the project;
- Reflect the diversity of the project area served; and
- Have membership or affiliation with one or more community organizations.

The CLC's membership is drawn from stakeholders who live and/or work within the boundaries of the Crenshaw/LAX Transit Corridor project area and include those with knowledge and background in the communities to be served by the project. The CLC is racially diverse, and includes representatives from small business, faith-based organizations, labor, local media, academia, local empowerment congress, chambers, local economic development corporations and law enforcement. CLC Members represent the following organization whose stakeholders and constituents include minority and low income groups: West Angeles Community Develop Corp, Earlez Grille, Empowerment Congress, Southern California Edison, GLAAAC, Metro Sheriff Department, Baldwin Hills Crenshaw Plaza, Los Angeles Urban League, Crenshaw Neighbors, Crenshaw Chamber of Commerce, Westchester Neighbors Association, Park Mesa Heights Community Council, First Church of God...Center of Hope, Inglewood Today, St. John's Chrysostom Church, Inglewood / Airport Chamber of Commerce, Southern California Edison and Faithful Central Bible Church.

## 7. Assisting and Monitoring Subrecipients

In accordance to FTA Circular 4702.1B, Metro is committed to ensuring that we distribute FTA funding without regard to race, color, or national origin and that our subrecipients are also in compliance with FTA Title VI regulations. Metro requires subrecipients to verify their compliance with FTA Title VI regulations by adhering to the requirements set forth in Circular 4702.1B and submitting a Title VI program to Metro on a triennial basis.

Since January 2013, Metro has had procedures in place to train and monitor all subrecipients with regard to FTA Title VI compliance. The dates for Title VI submission are assigned on a rolling basis as Metro currently oversees approximately 54 subrecipients.

Metro has continued with our Title VI Subrecipient Compliance Training program. Our training program consists on in-person, multimedia training to inform subrecipients of the FTA Title VI regulations and assist them with creating a Title VI Program for their organization.

Metro has and will continue to provide subrecipients with assistance in the form supplemental materials including:

- i. Sample documents: Title VI Program Updates, Notices to the Public, Complaint forms, Public Participation Plans, and Language Assistance Plans;
- ii. Demographic (Census) information; and
- iii. Tracking matrices to assist subrecipients with organizing their program updates and to allow Metro to document suggestions/corrections to a program update.

Metro's Civil Rights Compliance Administrator will conduct a full review of the subrecipient's Title VI Program Update. After a thorough review of the subrecipient's program update, Metro will determine if the update is compliant or noncompliant with Department of Transportation's (DOT) Title VI regulations. If the Program Update is compliant, Metro will send written notification informing the subrecipient of their compliance and the next triennial due date for their Title VI Program Update. If the subrecipient's Program Update is not fully compliant, Metro will inform subrecipients in writing of the deficient areas and offer assistance to cure the deficiencies. Metro's goal is to work closely with subrecipients to cure deficiencies within 30 days. All final subrecipient Title VI Program Updates will be stored electronically.

Metro will audit and monitor each subrecipient's Title VI Program. Metro's monitoring program will include documentation of any suggested changes made to the subrecipient's Title VI Program Update. Metro will also monitor subrecipients' websites to ensure ongoing compliance.

Periodic site visits will also be conducted as time and resources allow. During the site visits Metro will inspect the subrecipient vehicles and facilities for compliance with Title VI requirements such as: the posting of Notice to the Public, evidence of outreach to the limited English populations identified in the subrecipient's LEP Plan, and the location and distribution of complaint procedures.

The schedule of Title VI Program Update submissions is found in **Appendix I**.

## **8. Determination of Site or Location of Facilities**

To ensure compliance with 49 CFR Section 21.9, Metro is required to conduct a Title VI equity analysis for new locations or facilities in order to ensure that locations are selected without regard to race, color, or national origin. Since the last program submission, Metro has approved construction of a transit facility. On January 23, 2014, the Metro Board of Directors approved facility improvements to the Rosa Parks/Willowbrook Metro Station. The Board approval allows for Metro to reconfigure the current Rosa Parks/Willbrook station area and improve safety, enhance transit customers' movements, and provide better connections to surrounding land uses in the Willowbrook community. The project requires Metro to acquire surrounding land and results in the displacement of four businesses. In accordance with FTA Title VI guidance, Metro conducted a Title VI equity analysis prior to the January 23, 2014 Board approval. The Title VI equity analysis resulted in no evidence of disparate impact. The methodology for the analysis was reviewed with the FTA in advance of submittal to the Board. The January 2014 Board Report, which includes the Title VI equity analysis, can be found in **Appendix J**. The January 2014 Board approval is listed as **Item 59**.

## **REQUIREMENTS FOR FIXED ROUTE TRANSIT PROVIDERS**

This section addresses the Requirements for Fixed Route Transit Providers section of FTA C 4702.1B. The following information addresses the reporting requirements as described under Chapter IV of the Circular. Supporting documentation can be found in the Appendix to this report.

### **1. System-wide Service Standards and Policies**

To ensure compliance with 49 CFR Section 21.5(b)(2), Section 21.5 (b)(7) and Appendix C to 49 CFR part 21, (3)iii, Metro has set service standards and service policies for each specific fixed route mode of service we provide. The service standards and policies address how services are distributed throughout our transit system and ensure that the manner of the distribution affords users access to these assets. The adopted standards and policies are included in **Appendix K**.

### **2. Collection and Reporting of Demographic Data**

Demographic and service profile maps and charts are included in **Appendix L**.

Metro bi-annually collects ridership information relating to Title VI as described in FTA C 4702.1B. The Customer Satisfaction Survey is a self-administered, on-board, paper survey Metro performs twice a year. The survey has English on one side and Spanish on the other side. The survey is also offered in 9 additional foreign languages, Chinese (Mandarin), Russian, Armenian, Japanese, Vietnamese, Tagalog, Khmer, Korean and Thai.

It is a mostly yes/no survey that focuses on quality of service such as on-time performance, operator courtesy, passenger safety, perception of wait time, distribution of information, system cleanliness and overall satisfaction with service. It also monitors demographic information such as race, ethnicity, income, car availability, gender, and age. The results represent over 98% of Metro's weekday ridership. Every directly operated bus line and rail line is sampled. We survey weekday-daytime bus runs and rail lines. The final results are posted on the Research and Development webpage and presented in a board report and to the Regional Service Councils.

The most recent survey, fielded in late March 2016, resulted in 14,858 system-wide responses. The following information showing minority and non-minority breakdowns and poverty level on Metro transit is taken from that latest survey. About 88 % of passengers are minority and 12% are non-minority (white or Caucasian). About 45% of passengers are above the poverty line and 55% are below the poverty line.

A blank copy of the survey along with a language card used to inform limited English Proficient customers of the survey can be found in **Appendix M**. Some results of the survey are as follows:

#### **Satisfaction with Service**

Both minority and non-minority passengers agree that they are generally satisfied with Metro Transit service (89%).

### Travel Information

A majority of minorities and non-minorities walk to their FIRST bus or rail for a particular trip (77% and 67% respectively). The difference in waiting time for the FIRST bus or rail for minorities and non-minorities is approximately one minute, with minorities waiting an average of 9.05 minutes and non-minorities 8.01 minutes.

Twenty-one (21) percent of minorities have a car available for the current transit trip versus 40% of non-minorities.

### Fares

Below is a table of fare types for both minorities and non-minorities for the first Metro bus or train on the current trip. Most fare types are similar except for the 7-Day pass, Day Pass, TAP Stored Value and Cash (One Way).

Fare Type	Minority	Non-Minority
30-Day Pass	26%	21%
7-Day Pass	14%	7%
Day Pass	9%	6%
TAP Stored Value	17%	36%
Cash (One Way Ticket)	22%	15%
Token	3%	2%
Metro Transfer	1%	1%
EZ Transit Pass	1%	3%
Inter-Agency Transfer	1%	0%
Metrolink Transfer	1%	3%
Other	6%	7%
Total	100%	100%

Below is a table of discounted fare types for both minorities and non-minorities. Twenty-six (26) percent of minorities receive a discount on their fare versus 28% of non-minorities receive a discount on their fare.

Fare Type	Minority	Non-Minority
Student (K-12)	28%	12%
Student (College/VOC)	26%	17%
Rider-Relief	9%	4%
Senior/Disabled/Medicare	37%	68%
Total	100%	100%

## 3. Monitoring of Transit Service



The monitoring results assess conformance with Metro adopted Service Policies and Standards. In instances where standards are not met, the reasons for non-conformance and the incorporation of a plan of action for achieving conformance are discussed in depth in the report submitted to the Metro Board. A brief discussion of these same issues follows below.

The results of the monitoring program, accompanying Board Report and Meeting minutes approving the results can be found in **Appendix N**.

Metro has determined that a disparate impact will be found to exist where there is a 10% or greater difference between the percent conformance to a service standard or policy for predominantly minority areas versus non-minority areas. The results of the monitoring program indicate that a disparate impact exists in the area of on-time performance.

### On-Time Performance

On-Time Performance Standards were recently revised in October 2015. The current standards are depicted in Table C-1. Ninety percent of bus lines must meet the standard in at least 90% of all time periods monitored. Rail lines are expected to achieve the standard or better on a daily basis. Monitoring data is from the January-March 2016 time period.

WEEKDAY	Minority Bus Lines	Non-Minority Bus Lines	Poverty Bus Lines	Non-Poverty Bus Lines
# of Bus Lines	70	70	70	70
# of Lines Meeting Std.	4	3	1	6
% Compliance	5.7%	4.3%	1.4%	8.6%
SATURDAY				
# of Bus Lines	55	53	58	50
# of Lines Meeting Std.	2	6	2	6
% Compliance	3.6%	11.3%	3.4%	12.0%
SUNDAY				
# of Bus Lines	49	52	54	47
# of Lines Meeting Std.	5	11	5	11
% Compliance	10.2%	21.2%	9.3%	23.4%

Observed data from Jan-Mar 2016

90% of lines must meet standard at least 90% of all time periods

The conformance of Metro bus lines to these standards is summarized in the table above for weekdays, Saturdays and Sundays. Overall bus on-time performance compliance is poor with only 7 of 140 weekday bus lines (5.0%), 8 of 108 Saturday bus lines (7.4%), and 16 of 101 Sunday bus lines (15.8%) meeting the standard by exceeding the target in at least 90% of all time periods operated.

Therefore, although it appears Metro has a disparate impact in the area of bus On-Time Performance, the larger issue is Metro's non-conformance to bus on-time performance standards system wide. Metro is committed to reducing the disparate impact revealed in the area of bus on-time performance by reassessing our on-time performance standard and focusing on improving the overall on-time performance for all bus lines.

### **Vehicle Assignment**

There was no disparate impact in bus fleet age for minority compared with non-minority bus lines. However, for rail lines, the Blue and Expo lines had significantly older equipment in comparison to other rail lines at the time the data was analyzed. A substantial order of new rail cars was in the early stages of delivery and acceptance at that time. In order to remedy the possible disparate impact in the area of rail vehicle assignment, new light rail cars will be deployed on both of these lines to replace older equipment. The Gold Line, a non-minority line, had significantly newer equipment because the first new vehicles had to be assigned to it in order to operate the Azusa Extension. These disparities should even out once the new car order is fully delivered and vehicle assignments are adjusted accordingly. Additionally, in June 2016, Metro updated the Rail Vehicle Assignment policy.

*Rail Vehicle Deployment by Age and by Line* – The rail vehicle deployment policy is revised so that the deployment of vehicles is clearly sensitive to average age of the fleet assigned to each rail line. The new policy objectives is that no line shall have an average age of fleet that is more than 20% greater than the average for the entirety of the Light Rail mode or Heavy Rail mode.

This update will ensure that Metro's Vehicle Assignments Service Policy will not create a disparate impact based on race, color, or national origin.

### **4. Equity Evaluation of Service and Fare Changes**

The FTA Title VI regulations presented in Circular 4702.1B prohibit discrimination on the basis of race, color and national origin and require transit providers operating 50 or more vehicle during peak service and in a UZA of 200,000 or more, review their policies and practice to ensure that their service and fare changes do not result in disparate impacts on the basis of race, color and national origin. Therefore, Metro has developed major service change and fare change thresholds to determine whether those changes will have a discriminatory impact on the basis of race, color and national origin.

Bus and Rail services are adjusted two times per year, in June and December. The purpose of these adjustments, otherwise referred to as a Shake-Up, is to improve schedules and modify routes to adapt to the current operating environment. Not every adjustment during the biannual Shake-Up meets Metro's threshold for a major service change however for the adjustments that do meet the major

service change thresholds, Metro conducts a Title VI Service Equity Analysis to ensure that the planned changes do not have a disparate impact on the basis of race, color and national origin or a disproportionate burden on low-income individuals. In addition to the Title VI Service Equity Analysis, Metro conducts public hearings for the major service changes.

During this three year reporting period, Metro conducted Title VI Service Equity Analyses for the service changes in the June 2014, December 2015 and June 2016. The Title VI analysis and Board Minutes demonstrating Metro Board's considerations and approval of the Title VI analyses of the major services changes are found in **Appendix O**. Note that the June 2014 Service Change approval is listed as **Item 29**; the December 2015 Service Change approval is listed as **Item 38**; and the June 2016 Service Change is listed as **Item 28** in the board meeting minutes.

In addition to the major services changes, Metro had two New Start projects, the Gold Line Foothill Extension and Expo 2. Both rail extensions provide increased options for mobility for our customers. The Title VI Analyses and Board Minutes demonstrating Metro Board's approval of the Title VI analyses of the two New Start projects are found in **Appendix O**. The Gold Line Extension and Expo 2 approval is listed as **Item 66**.

Finally, the three fare changes that occurred during this reporting period were a Fare Restructuring in September 2014; Replacement of Interagency Transfers with a Tap Based Method; and All Door Boarding for our Metro Silver Line and Rapid Bus.

The Board Reports, which includes the Title VI analyses, are found in **Appendix P**, along with the notice of public hearing, agenda for the public hearing regarding the fare change, and the Board Minutes approving the change. Note that the 2014 Fare Restructuring approval is listed as **Item 54**; the Replacement of Interagency Transfers with a Tap Based Method is listed as **Item 9**; and the All Door Boarding for our Metro Silver Line and Rapid Busses is listed as **Item 31**.

### **Description of Public Engagement**

As outlined in our 2013 Title VI Program Update, Metro Community Relations initiated an outreach program to solicit public input on the agency's proposed major service change policy and definitions of disparate impact and disproportionate burden in accordance with Title VI guidelines. Community Relations worked with Metro's Office of Civil Rights and the Communications department to develop a visual presentation that explained the proposed service change policy. Numerous presentations were given on the proposed major service change policy and disparate impact and disproportionate burden policy, including an overview of Title VI of the Civil Rights Act and the Executive Order on Environmental Justice. In September 2013, Metro's Board of Directors adopted the Major Service Change Policy, the Fare Change Policy, the Disparate Impact threshold and the Disproportionate Burden threshold.

Since the 2013 Title VI Program, Metro has not made any changes to the adopted Major Service Change Policy, Fare Change Policy, Disparate Impact threshold and Disproportionate Burden Policies. In July 2016, Metro made several informational presentations to our Service Councils to provide them with a refresher course on our Fare Change Policy, Major Service Change Policy, Disparate Impact and

Disproportionate Burden Policies. A copy of the Presentation can be found in **Appendix Q**. The Board adopted Major Service Change Policy, Disparate Impact Policies and Disproportionate Burden Policies are as follows:

### **Major Service Change Policy**

A major service change is defined as any service change meeting at least one of the following criteria:

1. A revision to an existing transit route that increases or decreases the route miles by 25% or the revenue service miles operated by the lesser of 25%, or by 250,000 annual revenue service miles at one time or cumulatively in any period within 36 consecutive months;
2. A revision to an existing transit service that increases or decreases the revenue hours operated by at least 25% or by 25,000 annual revenue service hours at one time or cumulatively in any period within 36 consecutive months;
3. A change of more than 25% at one time or cumulatively over any period within 36 consecutive months in the number of total revenue trips scheduled on routes serving a rail or BRT station, or an off-street bus terminal serving at least 4 bus routes;
4. A change of more than 20% of the total system revenue miles or revenue hours in any 12 month period;
5. The implementation of any new transit route that results in a net increase of more than 25,000 annual revenue hours or 250,000 annual revenue miles; or
6. Six months prior to the opening of any new fixed guideway project (e.g. BRT line or rail line) regardless of whether or not the amount of service being changed meets the requirements in the subsections 1 – 5 above.

### **Fare Change Policy**

A Fare Equity Analysis shall be prepared for any fare change (increase or decrease). This includes, but is not limited to:

1. Permanent fare changes, temporary changes, promotional fare changes and pilot fare programs. The analysis will evaluate the effects of fare changes on Title VI protected populations and low-income populations. The analysis will be done for fares not available to the general public such as special discount programs for students, groups or employers.
2. If fare changes are planned due to the opening of a new fixed guideway project, an equity analysis shall be completed six months prior to opening of the service.
3. Each Title VI Fare Equity Analysis shall be completed and presented for consideration of the board of Directors in advance of the approval of the proposed fare or fare media change by the Board of Directors. The Equity Analysis will then be forwarded to the FTA with a record of action taken by the Board.
4. A Title VI analysis is not required when:
  - A change is instituted that provides free fares for all passengers
  - Temporary fare reductions are provided to mitigate for other actions taken by Metro
  - Promotional fare reductions are less than six months duration

An equity analysis must be conducted prior to making any temporary fare change into a permanent part of the fare system.

### **Disparate Impact**

Major Service Changes:

- A disparate adverse impact will be deemed to have occurred if the absolute difference between the percentage of minorities adversely affected and the overall percentage of minorities is at least 5% or if there is a 20% or greater percent difference between the percentages of these two groups.

Fare Changes:

- A disparate adverse impact will be deemed to have occurred if the absolute difference between the percentage of minorities adversely affected and the overall percentage of minorities is at least 5% or if there is a 35% or greater percent difference between the percentages of these two groups.

### **Disproportionate Burden**

Major Service Changes

- A disproportionate burden will be deemed to exist if absolute difference between the percentage of low-income adversely affected by the service change and the overall percentage of low-income persons is at least 5% or if there is a 20% or greater percent difference between the percentages of these two groups.

Fare Changes

- A disproportionate burden will be deemed to exist if absolute difference between the percentage of low-income adversely affected by the fare change and the overall percentage of low-income persons is at least 5% or if there is a 35% or greater percent difference between the percentages of these two groups.

## **5. Metro Board Approval for 2016 Title VI Program Update**

Documentation of Board approval for Metro's 2016 Title VI Program Update can be found in **Appendix R**.

To access the Appendix for the 2016 Draft Title VI Program, please visit:

<https://www.metro.net/about/civil-rights-policy/metro-2016-draft-title-vi-programupdate/>



U.S. Department  
of Transportation

**Federal Transit  
Administration**

# CIRCULAR

**FTA C 4702.1B**

October 1, 2012

**Subject: TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL  
TRANSIT ADMINISTRATION RECIPIENTS**

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1. PURPOSE. The purpose of this Circular is to provide recipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out U.S. Department of Transportation (“DOT” or “the Department”) Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (“LEP”) Persons (70 FR 74087, December 14, 2005).
2. CANCELLATION. This Circular supersedes FTA Circular 4702.1A “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients,” dated May 13, 2007.
3. AUTHORITY.
  - a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
  - b. Federal Transit Laws, Title 49, United States Code, Chapter 53.
  - c. 49 CFR § 1.51.
  - d. 49 CFR part 21.
  - e. 28 CFR § 42.401 et seq.
4. WAIVER. FTA reserves the right to waive any requirements of this Circular to the extent permitted by law.
5. FEDERAL REGISTER NOTICE. In conjunction with publication of this Circular, FTA published a notice in the *Federal Register* on August 28, 2012, addressing comments received during development of the Circular.
6. AMENDMENTS TO THE CIRCULAR. FTA reserves the right to update this Circular to reflect changes in other revised or new guidance and regulations that undergo notice and comment, without further notice and comment on this Circular. FTA will post updates on our

website at [www.fta.dot.gov](http://www.fta.dot.gov). The website allows the public to register for notification when FTA issues *Federal Register* notices or new guidance. Please visit the website and click on “Sign Up For Email Updates” for more information.

7. ACCESSIBLE FORMATS. This document is available in accessible formats upon request. To obtain paper copies of this Circular as well as information regarding these accessible formats, call FTA’s Administrative Services Help Desk, at 202-366-4865. Individuals with hearing impairments may contact the Federal Relay Service at 1-800-877-8339 for assistance with the call.

/s/  
Peter Rogoff  
Administrator



## **TITLE VI GUIDELINES FOR FTA RECIPIENTS**

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## **CHAPTER I**

### **INTRODUCTION AND BACKGROUND**

1. **THE FEDERAL TRANSIT ADMINISTRATION (FTA)**. FTA is one of ten operating administrations within the U.S. Department of Transportation (DOT). Headed by an Administrator who is appointed by the President of the United States, FTA functions through a Washington, DC, headquarters office, ten regional offices, and five metropolitan offices that assist transit agencies in all 50 States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa.

Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed route or demand response service.

The Federal Government, through FTA, provides financial assistance to develop new transit systems and improve, maintain, and operate existing systems. FTA oversees thousands of grants to hundreds of State and local transit providers, primarily through its ten regional offices. These grant recipients are responsible for managing their programs in accordance with Federal requirements, and FTA is responsible for ensuring that recipients follow Federal statutory and administrative requirements.

2. **AUTHORIZING LEGISLATION**. Most Federal transit laws are codified at title 49 U.S.C. Chapter 53. Authorizing legislation is substantive legislation enacted by Congress that establishes or continues the legal operation of a Federal program or agency. FTA's most recent authorizing legislation is the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), Public Law 112-141, signed into law on July 6, 2012, and effective October 1, 2012.
3. **HOW TO CONTACT FTA**. FTA's regional and metropolitan offices are responsible for providing financial assistance to FTA recipients and oversight of grant implementation for most FTA programs. Certain specific programs are the responsibility of FTA headquarters. Inquiries should be directed to either the regional or metropolitan office responsible for the geographic area in which the recipient is located. See FTA's website for more information.

Visit FTA's website, <http://www.fta.dot.gov>, or contact FTA Headquarters at the following address and phone number:

Federal Transit Administration  
Office of Communications and Congressional Affairs  
1200 New Jersey Avenue SE  
East Building  
Washington, DC 20590  
Phone: 202-366-4043; Fax: 202-366-3472

4. **GRANTS.GOV**. FTA posts all competitive grant opportunities on Grants.gov. Grants.gov is the one website for information on all discretionary Federal grant opportunities. Led by the U.S. Department of Health and Human Services (DHHS) and in partnership with Federal grant-making agencies, including 26 agencies, 11 commissions, and several States,

Grants.gov is one of 24 government-wide E-government initiatives. It is designed to improve access to government services via the Internet. More information about Grants.gov is available at <http://www.grants.gov/>.

5. DEFINITIONS. All definitions in chapter 53 of title 49, United States Code, and in 49 CFR part 21 apply to this Circular, as well as the following definitions:
- a. Applicant means a person or entity that submits an application, request, or plan required to be approved by the FTA Administrator or by a primary recipient, as a condition of eligibility for financial assistance from FTA, and “application” means such an application, request, or plan.
  - b. Demand response system: Any non-fixed route system of transporting individuals that requires advanced scheduling including services provided by public entities, non-profits, and private providers. An advance request for service is a key characteristic of demand response service.
  - c. Designated recipient means an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.
  - d. Direct recipient means an entity that receives funding directly from FTA. For purposes of this Circular, a direct recipient is distinguished from a primary recipient in that a direct recipient does not extend financial assistance to subrecipients, whereas a primary recipient does.
  - e. Discrimination refers to any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.
  - f. Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.
  - g. Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.
  - h. Disparate treatment refers to actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of their race, color, or national origin.

- i. Fixed guideway means a public transportation facility—using and occupying a separate right-of-way for the exclusive use of public transportation; using rail; using a fixed catenary system; for a passenger ferry system; or for a bus rapid transit system.
- j. Fixed route refers to public transportation service provided in vehicles operated along pre-determined routes according to a fixed schedule.
- k. Federal financial assistance refers to
  - (1) grants and loans of Federal funds;
  - (2) the grant or donation of Federal property and interests in property;
  - (3) the detail of Federal personnel;
  - (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
  - (5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.
- l. Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.
- m. Low-income person means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines.

Recipients are encouraged to use a locally developed threshold, such as the definition found in 49 U.S.C. 5302 as amended by MAP-21: “refers to an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C 9902(2)), including any revision required by that section) for a family of the size involved” or another threshold, provided that the threshold is at least as inclusive as the HHS poverty guidelines.
- n. Low-income population refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA program, policy or activity.
- o. Metropolitan planning organization (MPO) means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

- p. Metropolitan transportation plan (MTP) means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.
- q. Minority persons include the following:
  - (1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
  - (2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
  - (3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
  - (4) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
  - (5) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- r. Minority population means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
- s. Minority transit route means a route that has at least 1/3 of its total revenue mileage in a Census block or block group, or traffic analysis zone(s) with a percentage of minority population that exceeds the percentage of minority population in the transit service area. A recipient may supplement this service area data with route-specific ridership data in cases where ridership does not reflect the characteristics of the census block, block group, or traffic analysis zone.
- t. National origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.
- u. Noncompliance refers to an FTA determination that the recipient is not in compliance with the DOT Title VI regulations, and has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity on the basis of race, color, or national origin.
- v. Non-profit organization: A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under State law to be



non-profit and for which the designated State agency has received documentation certifying the status of the non-profit organization.

- w. Predominantly minority area means a geographic area, such as a neighborhood, Census tract, block or block group, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient's service area.
- x. Primary recipient means any FTA recipient that extends Federal financial assistance to a subrecipient.
- y. Provider of fixed route public transportation (or "transit provider") means any entity that operates public transportation service, and includes States, local and regional entities, and public and private entities. This term is used in place of "recipient" in chapter IV and is inclusive of direct recipients, primary recipients, designated recipients, and subrecipients that provide fixed route public transportation service.
- z. Public transportation means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and does not include Amtrak, intercity bus service, charter bus service, school bus service, sightseeing service, courtesy shuttle service for patrons of one or more specific establishments, or intra-terminal or intra-facility shuttle services. Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed route or demand response service.
- aa. Recipient as used in this Circular, means any public or private entity that receives Federal financial assistance from FTA, whether directly from FTA or indirectly through a primary recipient. This term includes subrecipients, direct recipients, designated recipients, and primary recipients. The term does not include any ultimate beneficiary under any such assistance program.
- bb. Secretary means the Secretary of the U.S. Department of Transportation.
- cc. Service area refers either to the geographic area in which a transit agency is authorized by its charter to provide service to the public, or to the planning area of a State Department of Transportation or Metropolitan Planning Organization.
- dd. Service standard/policy means an established service performance measure or policy used by a transit provider or other recipient as a means to plan or distribute services and benefits within its service area.
- ee. Statewide transportation improvement program (STIP) means a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

- ff. Subrecipient means an entity that receives Federal financial assistance from FTA through a primary recipient.
  - gg. Title VI Program refers to a document developed by an FTA recipient to demonstrate how the recipient is complying with Title VI requirements. Direct and primary recipients must submit their Title VI Programs to FTA every three years. The Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent.
  - hh. Transportation improvement program (TIP) means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.
  - ii. Transportation management area (TMA) means an urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of Transportation, or any additional area where TMA designation is requested by the Governor and the MPO and designated by the Secretary of Transportation.
6. ENVIRONMENTAL JUSTICE. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," was signed by President Clinton on February 11, 1994. Subsequent to issuance of the Executive Order, the U.S. Department of Transportation (DOT) issued a DOT Order for implementing the Executive Order on environmental justice (EJ). The DOT Order (Order 5610.2(a), "Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 77 FR 27534, May 10, 2012) describes the process the Department and its modal administrations (including FTA) will use to incorporate EJ principles into programs, policies, and activities.

The Presidential memorandum accompanying EO 12898 identified Title VI of the Civil Rights Act of 1964 as one of several Federal laws that should be applied "to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects." According to the U.S. Department of Justice, "...the core tenet of environmental justice—that development and urban renewal benefitting a community as a whole not be unjustifiably purchased through the disproportionate allocation of its adverse environmental and health burdens on the community's minority—flows directly from the underlying principle of Title VI itself."<sup>1</sup>

Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for limited English proficient (LEP) persons. Under DOT's Title VI regulations, recipients of Federal financial assistance are prohibited from, among other things, using "criteria or methods of administering its program which have the effect of subjecting individuals to discrimination based on their race, color, or national origin." For example, facially neutral policies or

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<sup>1</sup> See Title VI Legal Manual, U.S. Department of Justice Civil Rights Division (2001), page 59.

practices that result in discriminatory effects or disparate impacts violate DOT's Title VI regulations, unless the recipient can show the policies or practices are substantially justified and there is no less discriminatory alternative. In addition, Title VI and DOT regulations prohibit recipients from intentionally discriminating against people on the basis of race, color, and national origin.

The overlap between the statutory obligation placed on Federal agencies under Title VI to ensure nondiscrimination in federally assisted programs administered by State and local entities, and the administrative directive to Federal agencies under the Executive Order to address disproportionate adverse impacts of Federal activities on minority and low-income populations explain why Title VI and environmental justice are often paired. The clear objective of the Executive Order and Presidential memorandum is to ensure that Federal agencies promote and enforce nondiscrimination as one way of achieving the overarching objective of environmental justice—fair distribution of the adverse impacts of, or burdens associated with, Federal programs, policies, and activities.

Over the years, U.S. DOT has encouraged a proactive approach to the implementation of environmental justice principles in its programs, policies, and activities. This is reflected in the DOT Order on Environmental Justice (DOT Order 5610.2(a)) which, consistent with E.O. 12898, sets forth a process by which DOT and its Operating Administrations, including FTA, will integrate the goals of environmental justice into their existing operations to ensure that consideration of EJ principles is an integral part of all programs, policies, and activities, from the inception of the planning process through to project completion, operations, and evaluation.

FTA has developed policy guidance in the form of a Circular (Circular 4703.1), “Environmental Justice Policy Guidance for Federal Transit Administration Recipients,” in order to provide recipients with a distinct framework to assist them as they integrate principles of environmental justice into their public transportation decision-making processes. FTA expects the clarification provided by the EJ Circular and the updated Title VI Circular will provide recipients with the guidance they need to properly incorporate both Title VI and environmental justice into their public transportation decision-making.

Because of the connection between EJ and Title VI, the consideration of EJ principles has sometimes been confused with the requirements of Title VI. Here is a summary of the key differences between the two:

Key Aspects of the Authorities	Title VI	Environmental Justice
<b>What is the basis for the authority?</b>	Title VI is a Federal statute and provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving	The basis for addressing environmental justice is an Executive Order: EO 12898 directs each Federal agency to “make achieving environmental justice part of its mission.” The EO is intended to improve the internal management of the

Key Aspects of the Authorities	Title VI	Environmental Justice
	Federal financial assistance.	executive branch and not to create legal rights enforceable by a party against the U.S.
<b>What is the purpose of the authority?</b>	Title VI prohibits recipients of Federal financial assistance (e.g., states, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates Federal funding agencies to enforce compliance.	EO 12898 calls on each Federal agency to achieve "environmental justice...by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...."
<b>To whom does the authority apply?</b>	Title VI is a Federal law that applies to recipients and subrecipients of Federal financial assistance (e.g., States, local governments, transit providers), and not to DOT itself.	EO 12898 applies to Federal agency actions, including DOT's and FTA's actions. Title VI is one of the tools used by Federal agencies to implement this directive.
<b>What does the authority require, and of whom?</b>	Under Title VI, DOT has the responsibility to provide oversight of recipients and to enforce their compliance with Title VI, to ensure that recipients do not use DOT funds to subsidize discrimination based on race, color, or national origin.	EO 12898 is a directive from the President of the United States to Federal agencies intended to improve the internal management of the Federal government. DOT issued its own Order implementing EO 12898, and updated the Order in May 2012 (Order 5610.2(a)).
<b>What does the authority say with regard to negative effects or impacts?</b>	In accordance with 49 CFR part 21 and Title VI case law, if an otherwise facially neutral program, policy, or activity will have a discriminatory impact on minority populations, that program, policy, or activity may only be carried out if (1) the recipient can demonstrate a substantial legitimate justification for the program, policy, or activity; (2) there are	In accordance with EO 12898 and the DOT Order on EJ, if a DOT program, policy, or activity will have a disproportionately high and adverse effect on minority or low-income populations, that program, policy, or activity may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and

Key Aspects of the Authorities	Title VI	Environmental Justice
	no comparably effective alternative practices that would result in less-disparate impacts; and (3) the justification for the program, policy or activity is not a pretext for discrimination.	adverse effects are not practicable. In determining whether a mitigation measure or an alternative is “practicable,” the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.
<b>Does the authority create any rights or remedies?</b>	Title VI allows persons alleging discrimination based on race, color, or national origin by recipients of Federal funds to file administrative complaints with the Federal departments and agencies that provide financial assistance. Persons alleging intentional discrimination (i.e., disparate treatment) may bring a court action seeking to enforce Title VI but cannot do so with regard to allegations of discrimination based on agency disparate impact regulations. Disparate impact claims may be filed with the Federal agency.	EO 12898 establishes the Executive Branch policy on environmental justice; it is not enforceable in court and does not create any rights or remedies.

Thus, while Title VI is one tool for agencies to use to achieve the principles of environmental justice, it is important to recognize that Title VI imposes statutory and regulatory requirements that are broader in scope than environmental justice. Recipients are cautioned that while there may be overlap, engaging in an EJ analysis under Federal transportation planning and NEPA provisions will not satisfy Title VI requirements, as outlined in this Title VI Circular. Similarly, a Title VI analysis will not necessarily satisfy environmental justice, given that Title VI does not include low-income populations. Moreover, Title VI applies to all activities of Federal recipients, not solely those which may have disproportionately high and adverse human health or environmental effects on EJ populations.

For example, while a bus rehabilitation project may not impose disproportionately high or adverse health or environmental effects on minority or low-income populations, the *use* of those buses subsequent to the rehabilitation may be subject to a Title VI analysis to ensure that vehicles assigned to a particular area do not result in a disparate impact on the basis of

race, color, or national origin. In addition, if there are substantive changes to the service levels for which the rehabilitated or other buses will be used, i.e., the vehicles are deployed in such a way that the nature and quantity of service in a particular area is changed, then a service equity analysis must be conducted to determine whether this change results in a disparate impact on the basis of race, color, or national origin. The requirements for that particular analysis are part of the compliance determinations made for Federal transit recipients under chapter IV of this Circular.

## **CHAPTER II**

### **PROGRAM OVERVIEW**

1. **PROGRAM OBJECTIVES.** The direction, guidance and procedures in this document will help FTA recipients to:
  - a. Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;
  - b. Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;
  - c. Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.
2. **STATUTORY AUTHORITY.** Section 601 of Title VI of the Civil Rights Act of 1964 states the following:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI. Title VI covers all of the operations of covered entities without regard to whether specific portions of the covered program or activity are Federally funded. The term “program or activity” means all of the operations of a department, agency, special purpose district, or government; or the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government.

Therefore, compliance with this Circular does not relieve a recipient from the requirements and responsibilities of the DOT Title VI regulation at 49 CFR part 21, or any other requirements under other Federal agencies’ Title VI regulations, as applicable. This Circular only provides guidance on the transit-related aspects of an entity’s activities. Recipients are responsible for ensuring that all of their activities are in compliance with Title VI. In other words, a recipient may engage in activities not described in the Circular, such as ridesharing programs, roadway incident response programs, or other programs not funded by FTA, and those programs must also be administered in a nondiscriminatory manner.

3. **REGULATORY AUTHORITY.** The U.S. Department of Justice (“DOJ”) Title VI regulations can be found at 28 CFR § 42.401 *et seq.*, and 28 CFR § 50.3. The U.S. Department of Transportation (“DOT”) Title VI implementing regulations can be found at 49 CFR part 21.

All programs receiving financial assistance from FTA are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and DOT’s implementing regulations. In addition, DOJ’s regulations require agencies such as DOT to issue guidelines to recipients to provide

detailed information on the requirements of Title VI. In order to assist recipients in carrying out the provisions of DOT's Title VI regulations, each of the requirements in this Circular includes a reference to the corresponding provision of 49 CFR part 21.

4. ADDITIONAL DOCUMENTS. In addition to the above-listed statute and regulations the following documents incorporate Title VI principles:
  - a. The Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.
  - b. Section 12 of FTA's Master Agreement, which provides, in pertinent part, that recipients agree to comply, and assure the compliance of each subrecipient, lessee, third party contractor, or other participant at any tier of the Project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.*, and with U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21. Except to the extent FTA determines otherwise in writing, recipients agree to follow all applicable provisions of the most recent edition of FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," and any other applicable Federal directives that may be issued. Unless FTA states otherwise in writing, the Master Agreement requires all recipients to comply with all applicable Federal directives.
5. REPORTING REQUIREMENTS. Title 49 CFR Section 21.9(b) requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with [49 CFR part 21]." FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years. The Title VI Program must be approved by the direct or primary recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the Board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding, in order to assist the primary recipient in its compliance efforts, on a schedule to be determined by the primary recipient. In the event an entity receives funds from more than one primary recipient, the subrecipient shall submit Title VI Programs to all primary recipients from which it receives funds. Chapters III, IV, V, and VI and appendices



detail the specific information that shall be included in Title VI Programs, based on recipient characteristics.

6. APPLICABILITY TO CONTRACTORS. Contractors and subcontractors are responsible for complying with the Title VI Program of the recipient with whom they are contracting. Contractors are not required to prepare or submit Title VI Programs. Recipients are responsible for ensuring that contractors are following the Title VI Program, and complying with Title VI.



## **CHAPTER III**

### **GENERAL REQUIREMENTS AND GUIDELINES**

1. **INTRODUCTION.** This chapter describes requirements that all FTA recipients must follow to ensure that their programs, policies, and activities comply with DOT's Title VI regulations.
2. **REQUIREMENT TO PROVIDE TITLE VI ASSURANCES.** In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA. Primary recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. The text of FTA's annual certifications and assurances is available on FTA's website.
3. **REQUIREMENTS FOR FIRST-TIME APPLICANTS.** First-time applicants must submit a Title VI Program that is compliant with this Circular, and submit an assurance (as noted in Section 2 above) that it will comply with Title VI. In addition, and consistent with 28 CFR § 50.3, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the previous three years. The summary shall include:
  - a. The purpose or reason for the review.
  - b. The name of the agency or organization that performed the review.
  - c. A summary of the findings and recommendations of the review.
  - d. A report on the status and/or disposition of such findings and recommendations. This information shall be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.

In addition, first-time applicants shall submit a brief description of any pending applications to other Federal agencies for assistance, and whether any Federal agency has found the applicant to be in noncompliance with any civil rights requirement.

4. **REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM.** Title 49 CFR Section 21.9(b) requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule]." FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State

DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts. Such Programs may be submitted and stored electronically at the option of the primary recipient. Subrecipients may choose to adopt the primary recipient's notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. Operational differences between the primary recipient and subrecipient may require, in some instances, that the subrecipient tailor its language assistance plan. Subrecipients shall develop and submit to the primary recipient a list of complaints, investigations, or lawsuits. Subrecipients that have transit-related non-elected planning boards, advisory councils, or committees, the membership of which is selected by the subrecipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees. Subrecipients must submit all the above information to the primary recipient on a schedule requested by the primary recipient. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.

a. Contents. Every Title VI Program shall include the following information:

- (1) A copy of the recipient's Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. A sample Title VI notice is in Appendix B.
- (2) A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in Appendix C, and a sample Title VI complaint form is in Appendix D.
- (3) A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. See Appendix E for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.
- (4) A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to

- include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.
- (5) A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
  - (6) Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.
  - (7) Primary recipients shall include a narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.
  - (8) If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.
  - (9) Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a fixed route transit provider, a State, or an MPO.
- b. Upload Title VI Program to TEAM. Direct and primary recipients must upload their Title VI Program into FTA's Transportation Electronic Award Management (TEAM) system, or other tracking system as directed by FTA. The Title VI Program shall be attached via the paper clip function on the Civil Rights screen, and not attached to a particular grant. Recipients must also notify their FTA Regional Civil Rights Officer via email that they have uploaded their Title VI Program to TEAM. The Title VI Program must be uploaded to TEAM no fewer than sixty calendar days prior to the date of expiration of the Title VI Program.
- c. Determinations. The status of a direct or primary recipient's Title VI Program will be noted in TEAM. The three status determinations are:
- (1) Concur. This status indicates that the recipients' Title VI Program meets the requirements as set out in this Circular. The recipient may receive grant funds.
  - (2) In review. This status indicates that the recipient's Title VI Program is being reviewed by FTA staff and a determination as to sufficiency has not yet been made. "In review" status is only effective for sixty days and grants may be processed while a Title VI Program has an "in review" status.
  - (3) Expired/Expiration. This status indicates that the recipients' Title VI Program has expired and that an updated Title VI Program must be submitted. A recipient with an expired Title VI Program may have its draw-down privileges suspended and grants may not be processed.

- d. Reporting Requirement Exemptions. Recipients whose only FTA funding is through FTA's University Transportation Center Program, National Research and Technology Program, Transportation Cooperative Research Program, Over the Road Bus Accessibility program, or the Public Transportation on Indian Reservations program are exempt from submitting a Title VI Program to FTA. In addition, FTA may exempt a recipient, upon receipt of a request for a waiver submitted to the Director of the Office of Civil Rights, from the requirement to submit a Title VI Program, or from some elements of the Title VI Program. The absence of the requirement to submit a Title VI Program does not obviate the underlying obligations to comply with DOT's Title VI regulations. Furthermore, with the exception of the Public Transportation on Indian Reservation program, FTA may, at any time, request information from an exempt recipient in order to determine compliance with Title VI regulations and statutes.
5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI. Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles. A sample Title VI notice to the public is provided in Appendix B.
  - a. Contents. The Title VI notice shall include:
    - (1) A statement that the agency operates programs without regard to race, color, or national origin.
    - (2) A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations.
    - (3) A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.
  - b. Effective Practices for Fulfilling the Notification Requirement.
    - (1) Dissemination. Agencies shall inform the public of their rights under Title VI through such measures as posting the Title VI notice on posters, comment cards, or flyers placed at stations, bus shelters, and in transit vehicles. The type, timing, and frequency of these measures are at the recipient's discretion, as long as the type, timing, and frequency are sufficient to notify passengers and other interested persons of their rights under DOT's Title VI regulations with regard to the recipient's program.
    - (2) Document translation. Notices detailing a recipient's Title VI obligations and complaint procedures shall be translated into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's language assistance plan.

- (3) Subrecipients. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by the primary recipient; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.
6. REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM. In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures and complaint form developed by the primary recipient. Sample complaint procedure and complaint forms are located in Appendices C and D. See Chapter IX of this Circular for more information on complaints.
7. REQUIREMENT TO RECORD AND REPORT TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS. In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years. See Appendix E for an example of how to report this information.
8. PROMOTING INCLUSIVE PUBLIC PARTICIPATION. The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities). Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. Recipients should make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities can include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process. FTA has developed a Circular, 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," that includes many examples of effective strategies for engaging minority and low-income populations. FTA

encourages recipients to review that Circular for ideas when developing their public engagement strategy. Some of those effective practices include:

- a. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- b. Employing different meeting sizes and formats.
- c. Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- d. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- e. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

Grant recipients are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b) (requires programs of projects to be developed with public participation) and 5307(c)(1)(I) (requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service). FTA/FHWA (Federal Highway Administration) joint planning regulations (23 CFR part 450) require States and MPOs engaged in planning activities to seek out and consider the needs and input of the general public, including interested parties and those traditionally underserved by existing transportation systems, such as minority and LEP persons, who may face challenges accessing employment and other services, as States and MPOs develop and conduct their public involvement activities. Recipients engaged in planning and other decision-making activities at the local level should consider the principles embodied in the planning regulations, and develop and use a documented public participation plan or process that provides adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

9. **REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS.** Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). This Circular contains only a summary of the LEP requirements as they apply to FTA recipients; recipients are encouraged to review DOT's LEP guidance for additional information (70 FR 74087, Dec. 14, 2005) <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>. Recipients are also encouraged to review DOJ's guidelines on self-assessment, Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 2011), as well as other materials, available at [www.lep.gov](http://www.lep.gov).



- a. Four Factor Analysis. In order to ensure meaningful access to programs and activities, recipients shall use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide. A careful analysis can help a recipient determine if it communicates effectively with LEP persons and will inform language access planning. The Four Factor Analysis is an individualized assessment that balances the following four factors:

(1) **The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.** This population will be program-specific. In addition to the number or proportion of LEP persons served, the recipient's analysis should, at a minimum, identify:

- (a) How LEP persons interact with the recipient's agency;
- (b) Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group;
- (c) The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice; and
- (d) Whether LEP persons are underserved by the recipient due to language barriers.

(2) **The frequency with which LEP persons come into contact with the program.** Recipients should survey key program areas and assess major points of contact with the public, such as:

- (a) Use of bus and rail service;
- (b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;
- (c) Participation in public meetings;
- (d) Customer service interactions;
- (e) Ridership surveys;
- (f) Operator surveys.

(3) **The nature and importance of the program, activity, or service provided by the program to people's lives.** Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed. The provision of public transportation is a vital service, especially for people without access to personal vehicles. An MPO's regional planning activities will impact every person in a region. Development of a coordinated plan to meet the specific

transportation needs of seniors and people with disabilities will often also meet the needs of LEP persons. A person who is LEP may have a disability that prevents the person from using fixed route service, thus making the person eligible for ADA complementary paratransit. Transit providers, States, and MPOs must assess their programs, activities and services to ensure they are providing meaningful access to LEP persons. Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

- (4) **The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.** Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.

- b. Developing a Language Assistance Plan. After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves. The DOT LEP Guidance recognizes that certain recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written plan. However, FTA has determined it is necessary to require its recipients to develop an assistance plan in order to ensure compliance. A recipient may formally request an exemption from this requirement if it believes it fits within the exception described.

Recipients have considerable flexibility in developing a Language Assistance Plan, or LEP Plan. An LEP Plan shall, at a minimum:

- (a) Include the results of the Four Factor Analysis, including a description of the LEP population(s) served;
- (b) Describe how the recipient provides language assistance services by language;
- (c) Describe how the recipient provides notice to LEP persons about the availability of language assistance;
- (d) Describe how the recipient monitors, evaluates and updates the language access plan; and
- (e) Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

FTA will solely determine, at the time the recipient submits its Title VI Program or subsequent to a complaint investigation or compliance review, whether a recipient's plan is sufficient to ensure meaningful access and thus ensure the recipient is not engaging in discrimination on the basis of national origin.

After completing the Four Factor Analysis, a recipient may determine that an effective LEP plan for its community includes the translation of vital documents into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient's programs and services. Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; and notices advising LEP individuals of free language assistance services. Examples of vital documents include an ADA complementary paratransit eligibility application, a Title VI complaint form, notice of a person's rights under Title VI, and other documents that provide access to essential services. Failure to translate these vital documents could result in a recipient denying an eligible LEP person access to services and discrimination on the basis of national origin.

- c. Safe Harbor Provision. DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program.

10. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES. Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

11. PROVIDING ASSISTANCE TO SUBRECIPIENTS. Title 49 CFR Section 21.9(b) states that if “a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.” See Appendix L for clarification of reporting responsibilities by recipient category. Primary recipients should assist their subrecipients in complying with DOT’s Title VI regulations, including the general reporting requirements. Assistance shall be provided to the subrecipient as necessary and appropriate by the primary recipient. Primary recipients should provide the following information to subrecipients; such information, forms, and data may be kept in a central repository and available for all subrecipients:

- a. Sample notices to the public informing beneficiaries of their rights under DOT’s Title VI regulations, procedures on how to file a Title VI complaint, and the recipient’s Title VI complaint form.
- b. Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, and when the primary recipient expects the subrecipient to notify the primary recipient of complaints received by the subrecipient.
- c. Demographic information on the race and English proficiency of residents served by the subrecipient. This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.
- d. Any other recipient-generated or obtained data, such as travel patterns, surveys, etc., that will assist subrecipients in complying with Title VI.

12. MONITORING SUBRECIPIENTS. In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

- a. In order to ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities:
  - (1) Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.
  - (2) Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
  - (3) At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of

service is provided on an equitable basis. Subrecipients that are fixed route transit providers are responsible for reporting as outlined in Chapter IV of this Circular.

- b. When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a primary recipient, the subrecipient/direct recipient reports directly to FTA and the primary recipient/designated recipient is not responsible for monitoring compliance of that subrecipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the primary recipient/designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.

13. DETERMINATION OF SITE OR LOCATION OF FACILITIES. Title 49 CFR Section 21.9(b)(3) states, “In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.” Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, “The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.” For purposes of this requirement, “facilities” does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

- a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
- b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.
- c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less

of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

14. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST. FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.

## **CHAPTER IV**

### **REQUIREMENTS AND GUIDELINES FOR FIXED ROUTE TRANSIT PROVIDERS**

1. **INTRODUCTION.** The requirements described in this chapter apply to all providers of fixed route public transportation (also referred to as transit providers) that receive Federal financial assistance, inclusive of States, local and regional entities, and public and private entities. Contractors are responsible for following the Title VI Program(s) of the transit provider(s) with whom they contract. Transit providers that are subrecipients will submit the information required in this chapter to their primary recipient (the entity from whom they directly receive transit funds) every three years on a schedule determined by the primary recipient. Direct and primary recipients will submit the information required in this chapter to FTA every three years. See Appendix L for clarification of reporting responsibilities by recipient category.

All transit providers—whether direct recipients, primary recipients or subrecipients—that receive financial assistance from FTA are also responsible for following the general requirements in Chapter III of this circular. The requirements in this chapter are scaled based on the size of the fixed route transit provider.

Providers of public transportation that only operate demand response service are responsible only for the requirements in Chapter III. Demand response includes general public paratransit, Americans with Disabilities Act complementary paratransit, vanpools, and Section 5310 non-profits that serve only their own clientele (closed door service). Providers of public transportation that operate fixed route and demand response service, or only fixed route service, are responsible for the reporting requirements in this chapter, but these requirements only apply to fixed route service.

<b>Requirement</b>	<b>Transit Providers that operate fixed route service</b>	<b>Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population</b>
Set system-wide standards and policies	Required	Required
Collect and report data	Not required	Required: <ul style="list-style-type: none"> <li>• Demographic and service profile maps and charts</li> <li>• Survey data regarding customer demographic and travel patterns</li> </ul>
Evaluate service and fare equity changes	Not required	Required
Monitor transit service	Not required	Required

a. If a transit provider:

- (1) Operates 50 or more fixed route vehicles in peak service and is located in an Urbanized Area (UZA) of 200,000 or more in population; or
- (2) Has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator,

Then the transit provider's Title VI Program must contain all of the elements described in this chapter.

- b. If a fixed route transit provider does not meet the threshold in paragraph a, then the transit provider is only required to set system-wide standards and policies, as further described below.
- c. Threshold. FTA requires all transit providers to submit a Title VI Program to comply with DOT Title VI regulations; the threshold provides a distinction regarding the degree of evidence a fixed route transit provider must provide to demonstrate compliance with those regulations.
- d. Determination. As of the effective date of this circular (4702.1B), those transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population, are required to meet all requirements of this chapter (i.e., setting service standards and policies, collecting and reporting data, monitoring transit service, and evaluating fare and service changes).

2. IMPLEMENTATION. Fixed route transit providers with Title VI Programs due between October 1, 2012 and March 31, 2013 must submit a Title VI Program that is compliant with this Circular by March 31, 2013. On or about October 1, 2012, FTA will publish a list of recipients that are in this group, and FTA will also reach out to each recipient to ensure awareness of the requirement.

- a. All fixed route transit providers with Title VI Programs that do not expire between October 1, 2012, and March 31, 2013, are required to develop or update their system-wide standards and policies and submit them into TEAM by March 31, 2013.
- b. Title VI Programs due to expire on or after April 1, 2013, must comply with the reporting requirements of this Circular, 4702.1B.
- c. Service Equity Analyses. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and have major service changes scheduled between October 1, 2012 and March 31, 2013, may follow the service equity analysis guidance provided in FTA Circular 4702.1A. A transit provider may conduct a service equity analysis consistent with the new Circular for major service changes occurring prior to April 1, 2013, but is not required to do so. All major service changes occurring on or after April 1, 2013 must be analyzed with the framework outlined in section 7 of this chapter.



- d. Surveys. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and that have not conducted passenger surveys in the last five years will have until December 31, 2013, to conduct these surveys.
3. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. As stated in Chapter III of this Circular, in order to ensure compliance with the reporting requirements of 49 CFR Section 21.9(b), FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all transit providers (including subrecipients), the Title VI Program must be approved by the transit provider's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Transit providers shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information. Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding, on a schedule to be determined by the primary recipient, in order to assist the primary recipient in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
  - a. Contents of the Title VI Program. Providers of fixed route public transportation shall include the following information in their Title VI Program.
    - (1) All fixed route transit providers shall submit:
      - (a) All general requirements set out in Section 4 of Chapter III of this Circular; and
      - (b) System-wide service standards and system-wide service policies, whether existing or new (i.e., adopted by the transit provider since the last submission) as described in this chapter.
    - (2) Transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall include the information in paragraph a(1) above, and will also include:
      - (a) A demographic analysis of the transit provider's service area. This shall include demographic maps and charts completed since submission of the last Title VI Program that contains demographic information and service profiles;
      - (b) Data regarding customer demographics and travel patterns, collected from passenger surveys;
      - (c) Results of the monitoring program of service standards and policies and any action taken, including documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results;

- (d) A description of the public engagement process for setting the “major service change policy” and disparate impact policy;
- (e) A copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the major service change policy and disparate impact policy.
- (f) Results of equity analyses for any major service changes and/or fare changes implemented since the last Title VI Program submission; and
- (g) A copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the equity analysis for any service or fare changes required by this circular.

4. REQUIREMENT TO SET SYSTEM-WIDE SERVICE STANDARDS AND POLICIES.

These requirements apply to all fixed route providers of public transportation service. Title 49 CFR Section 21.5 states the general prohibition of discrimination on the grounds of race, color, or national origin. Section 21.5(b)(2) specifies that a recipient shall not “utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.” Section 21.5(b)(7) requires recipients to “take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.” Finally, Appendix C to 49 CFR part 21 provides in Section (3)(iii) that “[n]o person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.”

All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide. Fixed route modes of service include but are not limited to, local bus, express bus, commuter bus, bus rapid transit, light rail, subway, commuter rail, passenger ferry, etc. These standards and policies must address how service is distributed across the transit system, and must ensure that the manner of the distribution affords users access to these assets.

These system-wide service standards differ from any standards set by the APTA Standards Development Program and other standards development organizations (SDOs), in that they will be set by individual transit providers and will apply agency-wide rather than industry-wide.

Providers of fixed route public transportation shall also adopt system-wide service policies to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin. Service policies differ from service standards in that they are not necessarily based on a quantitative threshold.

- a. Effective Practices to Fulfill the Service Standard Requirement. FTA requires all fixed route transit providers to develop quantitative standards for all fixed route modes of operation for the indicators listed below. Providers of public transportation may set additional standards as appropriate or applicable to the type of service they provide. See Appendix G for an example of how to report this information.
- (1) Vehicle load for each mode. Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. A vehicle load standard is generally expressed in terms of peak and off-peak times. Transit providers that operate multiple modes of transit must describe the specific vehicle load standards for peak and off-peak times for each mode of fixed route transit service (i.e., bus, express bus, bus rapid transit, light rail, heavy rail, commuter rail, passenger ferry, etc., as applicable), as the standard may differ by mode.
- (2) Vehicle headway for each mode. Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour). Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination. A vehicle headway standard is generally expressed for peak and off-peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes). Transit providers may set different vehicle headway standards for different modes of transit service. A vehicle headway standard might establish a minimum frequency of service by area based on population density. For example, service at 15-minute peak headways and 30-minute off-peak headways might be the standard for routes serving the most densely populated portions of the service area, whereas 30-minute peak headways and 45-minute off-peak headways might be the standard in less densely populated areas. Headway standards are also typically related to vehicle load. For example, a service standard might state that vehicle headways will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.
- (3) On-time performance for each mode. On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” For example, a transit provider may consider it acceptable if a vehicle completes a scheduled run between zero and five minutes late in comparison to the established schedule. On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. Some transit providers set an on-time performance standard that prohibits vehicles from running early (i.e., ahead of schedule) while others allow vehicles to run early within a specified window of time (e.g., up to five minutes ahead of schedule). An acceptable level of performance must be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of

performance for the system. For example, a transit provider might define on-time performance as 95 percent of all runs system-wide or on a particular route or line completed within the allowed “on-time” window.

- (4) Service availability for each mode. Service availability is a general measure of the distribution of routes within a transit provider’s service area. For example, a transit provider might set a service standard to distribute routes such that a specified percentage of all residents in the service area are within a one-quarter mile walk of bus service or a one-half mile walk of rail service. A standard might also indicate the maximum distance between stops or stations. These measures related to coverage and stop/station distances might also vary by population density. For example, in more densely populated areas, the standard for bus stop distance might be a shorter distance than it would be in less densely populated areas, and the percentage of the total population within a one-quarter mile walk of routes or lines might be higher in more densely populated areas than it would be in less densely populated areas. Commuter rail service or passenger ferry service availability standards might include a threshold of residents within a certain driving distance as well as within walking distance of the stations or access to the terminal.

- b. Effective Practices to Fulfill the Service Policy Requirement. FTA requires fixed route transit providers to develop a policy for each of the following service indicators. Transit providers may set policies for additional indicators as appropriate. See Appendix H for an example of how to report this information.

- (1) Distribution of transit amenities for each mode. Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Fixed route transit providers must set a policy to ensure equitable distribution of transit amenities across the system. Transit providers may have different policies for the different modes of service that they provide. Policies in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. This subparagraph is not intended to impact funding decisions for transit amenities. Rather, this subparagraph applies after a transit provider has decided to fund an amenity.

This policy does not apply to transit providers that do not have decision-making authority over the siting of transit amenities. Transit providers are not responsible for setting a policy for transit amenities that are solely sited by a separate jurisdiction (e.g., a city, town, or county) unless the transit provider has the authority to set policies to determine the siting of these amenities. Transit providers are responsible for setting a policy for transit amenities that are installed under a contract between the transit provider and a private entity. In these cases, the transit provider shall communicate its service policy to the private entity.

Transit providers shall submit their siting policy where the definition of transit amenities includes but is not limited to:

- (a) Seating (i.e., benches, seats at stops/stations)

- (b) Bus and rail shelters and rail platform canopies
  - (c) Provision of information:
    - i. Printed signs, system maps, route maps, and schedules.
    - ii. Digital equipment such as next vehicle arrival time signs along bus routes and at fixed guideway stations (i.e., electronic signage that depicts when a transit vehicle will next arrive at the station or stop).
  - (d) Escalators
  - (e) Elevators
  - (f) Waste receptacles (including trash and recycling)
- (2) Vehicle assignment for each mode. Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider's system. Policies for vehicle assignment may be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider could set a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, a transit provider may set a policy to assign specific types of vehicles to express or commuter service. Transit providers deploying vehicles equipped with technology designed to reduce emissions could choose to set a policy for how these vehicles will be deployed throughout the service area.
5. REQUIREMENT TO COLLECT AND REPORT DEMOGRAPHIC DATA. This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in Urbanized Areas (UZA) of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. Title 49 CFR Section 21.9(b) requires recipients to keep records and submit compliance reports (a Title VI Program) to FTA. Title VI Programs shall contain "such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part." In addition, 49 CFR 21.9(b) states that recipients "should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." In order to ensure compliance with the regulation, FTA requires these transit providers to prepare data regarding demographic and service profile maps and charts as well as customer demographics and travel patterns.
- In order to comply with the reporting requirements in 49 CFR Section 21.9(b), transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall collect and analyze racial and ethnic data as described below in order to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA.
- a. Demographic and Service Profile Maps and Charts. Transit providers shall prepare demographic and service profile maps and charts after each decennial census and prior to proposed service reductions or eliminations. Transit providers may use decennial census

data to develop maps and charts until the next decennial census or they may use American Community Survey (ACS) data between decennial censuses. These maps and charts will help the transit provider determine whether and to what extent transit service is available to minority populations within the transit provider's service area. These maps may be prepared using Geographic Information System (GIS) technology, although transit providers without access to GIS technology may prepare the maps in alternative formats. FTA requires transit providers to prepare the following maps and charts:

- (1) A base map of the transit provider's service area that overlays Census tract, Census block or block group, traffic analysis zone (TAZ), or other locally available geographic data with transit facilities—including transit routes, fixed guideway alignments, transit stops and stations, depots, maintenance and garage facilities, and administrative buildings—as well as major activity centers or transit trip generators, and major streets and highways. Major activity centers and transit trip generators can include, but are not necessarily limited to, the central business district, outlying high employment areas, schools, and hospitals. This map shall overlay Census tract, block or block group data depicting minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways. Another map shall highlight those transit facilities that were recently replaced, improved or are scheduled (projects identified in planning documents) for an update in the next five years.
  - (2) A demographic map that plots the information listed in (1) above and also shades those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole. Transit providers may elect to produce maps that highlight separately the presence of specific minority populations if this information will assist the transit provider in determining compliance with Title VI and/or LEP. Transit providers shall also prepare a GIS or alternative map overlaying minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways.
  - (3) For purposes of addressing environmental justice, and in order to evaluate the impacts of major service changes on low-income populations, demographic maps shall also depict those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole.
- b. Demographic Ridership and Travel Patterns. Fixed route providers of public transportation that meet the threshold in the Introduction section of this chapter shall collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Transit providers shall use this information to develop a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders. Demographic information shall also be collected on fare usage by fare type amongst minority users and low-income users, in order to assist with fare equity

analyses. The demographic information shall be displayed in tabular format. An example of this analysis is depicted in Appendix I.

The information required in this subparagraph may be integrated into passenger surveys employed by transit providers on a schedule determined by the transit provider but no less than every five years and may be collected at the time that such surveys are routinely performed, such as customer satisfaction surveys and origin and destination surveys used to update travel demand models. Transit providers should contact FTA for further guidance on survey sample sizes, data expansion procedures, and data collection methods suitable to the transit provider's specific situation.

Transit providers shall take steps to translate customer surveys into languages other than English as necessary, or to provide translation services in the course of conducting customer surveys consistent with the DOT LEP guidance and the recipient's language assistance plan.

6. REQUIREMENT TO MONITOR TRANSIT SERVICE. This requirement applies only to providers of public transportation that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. In order to ensure compliance with DOT's Title VI regulations, FTA requires these transit providers to monitor the performance of their transit system relative to their system-wide service standards and service policies (i.e., vehicle load, vehicle assignment, transit amenities, etc.) not less than every three years using the following method:

- a. Transit providers shall use the minority transit route definition to implement this monitoring program. Transit providers shall select a sample of minority and non-minority routes from all modes of service provided, e.g., local bus, bus rapid transit, light rail, etc. The sample shall include routes that provide service to predominantly minority areas and non-minority areas. Transit providers should bear in mind that the greater the sample size, the more reliable the results.

As defined in Chapter I, a minority transit route is one in which at least one-third of the revenue miles are located in a Census block, Census block group, or traffic analysis zone where the percentage minority population exceeds the percentage minority population in the service area. Transit providers may supplement this with ridership data and adjust route designations accordingly. For example, a commuter bus that picks up passengers in generally non-minority areas and then travels through predominantly minority neighborhoods but does not pick up passengers who live closer to downtown might be more appropriately classified as a non-minority route, even if one-third of the route mileage is located in predominantly minority Census blocks or block groups. On the other hand, a light rail line may carry predominantly minority passengers to an area where employment centers and other activities are located, but the minority population in the surrounding Census blocks or block groups does not meet or exceed the area average. This route may be more appropriately classified as a minority transit route. Transit providers should ensure they have

adequate ridership data before making these determinations, and include that data in their analyses.

- b. Transit providers shall assess the performance of each minority and non-minority route in the sample for each of the transit provider's service standards and service policies.
- c. Transit providers shall compare the transit service observed in the assessment to the transit provider's established service policies and standards.
- d. For cases in which the observed service for any route exceeds or fails to meet the standard or policy, depending on the metric measured, the transit provider shall analyze why the discrepancies exist, and take steps to reduce the potential effects.
- e. Transit providers shall evaluate their transit amenities policy to ensure amenities are being distributed throughout the transit system in an equitable manner.
- f. Transit providers shall develop a policy or procedure to determine whether disparate impacts exist on the basis of race, color, or national origin, and apply that policy or procedure to the results of the monitoring activities;
- g. Transit providers shall brief and obtain approval from the transit providers' policy-making officials, generally the board of directors or appropriate governing entity responsible for policy decisions regarding the results of the monitoring program;
- h. Submit the results of the monitoring program as well as documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results to FTA every three years as part of the Title VI Program. See Appendix J for an example of how to report this information.

Transit providers shall undertake these periodic service monitoring activities to compare the level of service provided to predominantly minority areas with the level of service provided to predominantly non-minority areas to ensure the end result of policies and decision-making is equitable. A transit provider at its discretion may choose to conduct service monitoring more frequently than every three years.

If a transit provider determines, based on its monitoring activities, that prior decisions have resulted in a disparate impact on the basis of race, color, or national origin, the transit provider shall take corrective action to remedy the disparities to the greatest extent possible, and shall discuss in the Title VI Program these disparate impacts and actions taken to remedy the disparities.

7. REQUIREMENT TO EVALUATE SERVICE AND FARE CHANGES. This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. These transit providers are required to prepare and submit service and fare equity analyses as described below. Transit providers not



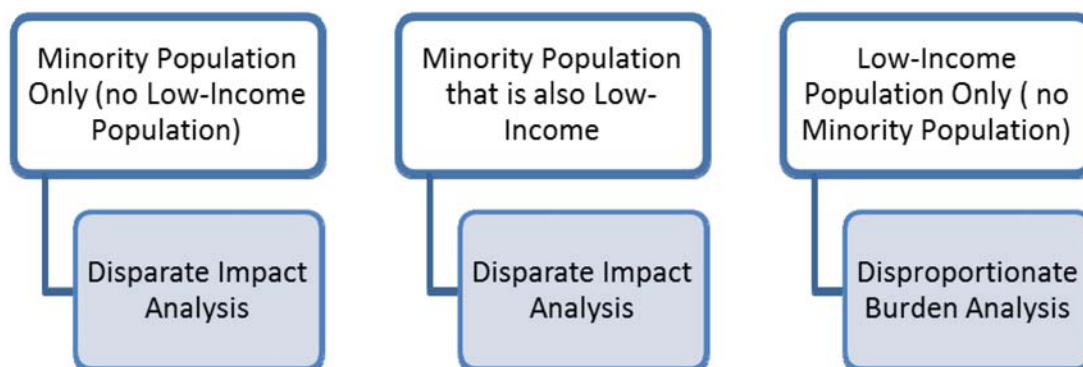
subject to this requirement are responsible for complying with the DOT Title VI regulations which prohibit disparate impact discrimination, and therefore should review their policies and practices to ensure their service and fare changes do not result in disparate impacts on the basis of race, color, or national origin.

To further ensure compliance with 49 CFR Section 21.5(b)(2), 49 CFR Section 21.5(b)(7), and Appendix C to 49 CFR part 21, all providers of public transportation to which this Section applies shall develop written procedures consistent with this Section to evaluate, prior to implementation, any and all service changes that exceed the transit provider's major service change threshold, as well as all fare changes, to determine whether those changes will have a discriminatory impact based on race, color, or national origin. The written procedures and results of service and/or fare equity analyses shall be included in the transit provider's Title VI Program.

One purpose of conducting service and fare equity analyses prior to implementing service and/or fare changes is to determine whether the planned changes will have a disparate impact on the basis of race, color, or national origin.

The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The comparison population for a statistical measure of disparate impact is all persons who are either affected by the service or fare changes or who could possibly be affected by the service or fare change (e.g., potential passengers). When a transit provider uses ridership as the comparison population, the transit provider will compare the ridership of the affected route(s) with the ridership of the system. For example, if the ridership of affected route(s) is 60 percent minority and the system ridership is 40 percent minority, then changes to the route(s) may have a disparate impact. When a transit provider uses the population of the service area as the comparison population, it will compare the population in Census blocks or block groups served by the affected route(s) with the population in the service area. For example, if affected route(s) serves Census blocks that are 40 percent minority and the service area is 45 percent minority, there would likely not be a disparate impact. Examples of this analysis are provided in Appendix K.

Low-income populations are not a protected class under Title VI. However, recognizing the inherent overlap of environmental justice principles in this area, and because it is important to evaluate the impacts of service and fare changes on passengers who are transit-dependent, FTA requires transit providers to evaluate proposed service and fare changes to determine whether low-income populations will bear a disproportionate burden of the changes. As depicted below, when a minority population is present, the correct analysis is a disparate impact analysis:



Transit providers shall use tables similar to those provided in Appendix K to depict the results of the service and/or fare equity analysis. Transit providers should refer to the checklist and examples in the Appendix for additional technical assistance with service and fare equity analyses.

Upon completion of a service or fare equity analysis, the transit provider shall brief its board of directors, top executive, or appropriate governing entity or official(s) responsible for policy decisions regarding the service and/or fare change(s) and the equity impacts of the service and/or fare change(s). The transit provider shall submit documentation such as a board resolution, copy of meeting minutes, or similar documentation with the Title VI Program as evidence of the board or governing entity or official's consideration, awareness, and approval of the analysis.

a. Service Equity Analysis

FTA encourages transit providers to contact their FTA Regional Civil Rights Officer for technical assistance when they have determined that a service equity analysis is necessary. Upon request, FTA can provide technical assistance related to methodology and analysis prior to a transit provider's board of directors taking action.

Transit providers shall evaluate the impacts of their proposed service changes on minority and low-income populations separately, using the following methods:

(1) Service Equity Analysis for Minority Populations:

- (a) Major Service Change Policy. In order to begin the analysis, the transit provider must first identify what constitutes a "major service change" for its system, as only "major service changes" are subject to a service equity analysis. The transit provider must conduct a service equity analysis for those service changes that meet or exceed the transit provider's "major service change policy."

A major service change policy is typically presented as a numerical standard, such as a change that affects "x" percent of a route, "x" number of route miles or hours, or some other route-specific or system-wide change, or the number or concentration of people affected. The major service change policy will include

adding service and reducing service. The threshold for analysis shall not be set so high so as to never require an analysis; rather, agencies shall select a threshold most likely to yield a meaningful result in light of the transit provider's system characteristics.

A transit provider may exempt a temporary addition of service (e.g., demonstration projects), including those that would otherwise qualify as a major service change, from its definition of major service change. If a temporary service addition or change lasts longer than twelve months, then FTA considers the service addition or change permanent and the transit provider must conduct a service equity analysis if the service otherwise qualifies as a major service change.

- (b) Adverse Effects. The transit provider shall define and analyze adverse effects related to major changes in transit service. The adverse effect is measured by the change between the existing and proposed service levels that would be deemed significant. Changes in service that have an adverse effect and that may result in a disparate impact include reductions in service (e.g., elimination of route, shortlining a route, rerouting an existing route, increase in headways). Elimination of a route will generally have a greater adverse impact than a change in headways. Additions to service may also result in disparate impacts, especially if they come at the expense of reductions in service on other routes. Transit providers shall consider the degree of adverse effects, and analyze those effects, when planning their service changes.
- (c) Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impacts. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly, regardless of mode, and cannot be altered until the next Title VI Program submission.

For illustrative purposes only, here is an example: a transit provider adopts a disparate impact policy that provides any time there is a difference in adverse impacts between minority and non-minority populations of plus or minus ten percent, this is statistically significant, and such differences in adverse impacts are disparate. For example, if minorities make up 30 percent of the overall population, but would bear 45 percent of the impacts, and the non-minority group would bear 55 percent, there may be a disparate impact insofar as the minority group bears 15 percent more than its expected share, from 45 percent of the burden to 30 percent of the population; while the non-minority group bears 15 percent less than its expected share of 55 percent of burden compared to 70 percent of population—even though the absolute majority of the burden rests with the non-minority group. Applying the ten percent disparate impact policy, the provider will find a disparate impact and must therefore consider

modifying the proposed changes in order to avoid, minimize, or mitigate the disparate impacts of the proposed changes. [NOTE: Ten percent is not a suggested baseline or standard, and is used here solely as an example. As described above, each transit provider will adopt a disparate impact policy.]

- (d) Public Participation. The transit provider shall engage the public in the decision-making process to develop the major service change policy and disparate impact policy.
- (e) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. For example, passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.
- (f) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on minority populations using the following framework:
  - (i) The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The population for a statistical measure of disparate impact is all persons that are either affected by the service or fare changes or that could possibly be affected by the service or fare change (e.g., potential passengers), thus the comparison population may vary depending on the type of change under evaluation. The transit provider shall include in the analysis the reason for the comparison population selected.

For example, when making headway changes, eliminating a route, or increasing service to an area currently served by the transit system, the appropriate comparison population would likely be ridership, and the transit provider would compare the ridership of the affected route(s) with the ridership of the system.

On the other hand, when proposing to provide new service to a neighborhood or corridor not served by the transit system, the appropriate comparison population would likely be the population of the service area, and the transit

provider would compare the population in Census blocks or block groups served by the proposed route(s) with the population in the service area.

Further, if a transit provider is proposing a major service change that involves both headway changes and new service to a neighborhood or corridor not served by the transit system, the transit provider would not have to use different comparison populations for the different types of changes. The transit provider would select either ridership or population of the service area and conduct an analysis using the same comparison population.

Transit providers are cautioned not to “mix and match” their comparison populations. Ridership of affected route(s) should be compared to ridership of the system, and Census blocks or block groups should be compared with the population of the service area.

In instances where a transit provider does not have adequate ridership data or is otherwise uncertain as to which population to use for comparison purposes, the transit provider should contact their FTA regional office for technical assistance.

- (ii) Ridership Data. When the transit provider determines that the correct population base is ridership, the transit provider shall document the reasons for selecting this population base and analyze any available information generated from ridership surveys to determine the minority and non-minority population ridership of the affected route(s) and the minority and non-minority ridership of the entire system.
- (iii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.
- (iv) Determination of Disparate Impact. Each service change analysis must compare existing service to proposed changes, and calculate the absolute change as well as the percent change. The transit provider shall use its adverse effects definition and disparate impact threshold to determine whether the proposed major service change will result in adverse effects that are disproportionately borne by minority populations, by comparing the proportion of minorities adversely affected to the proportion of non-minorities adversely affected. The transit provider shall consider the degree of the adverse effects when doing this analysis. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.

(v) Analysis of Modifications. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize, or mitigate potential disparate impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.

(vi) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change *only* if:

- the transit provider has a substantial legitimate justification for the proposed service change, **and**
- the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

It is important to understand that in order to make this showing, the transit provider must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

(vii) Examining Alternatives. If the transit provider determines that a proposed service change will have a disparate impact, the transit provider shall analyze the alternatives (identified in the second bullet above) to determine whether alternatives exist that would serve the same legitimate objectives but with less of a disparate effect on the basis of race, color, or national origin. The existence of such an alternative method of accomplishing the transit provider's substantial and legitimate interests demonstrates that the disparate effects can be avoided by adoption of the alternative methods without harming such interests. In addition, if evidence undermines the legitimacy of the transit provider's asserted justification - that is, that the justification is not supported by demonstrable evidence - the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects. At that point, the transit provider must revisit the service changes and make adjustments that will eliminate unnecessary disparate effects on populations defined by race, color, or national origin. Where disparate impacts are identified, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including the less discriminatory alternatives that may be available.

(2) Service Equity Analysis for Low-Income Populations. As noted above, low-income populations are not a protected class under Title VI. However,

recognizing the inherent overlap of environmental justice principles in this area, and because it is important to evaluate the impacts of service and fare changes on passengers who are transit-dependent, FTA requires transit providers to evaluate proposed service and fare changes to determine whether low-income populations will bear a disproportionate burden of the changes.

- (a) Major Service Change Policy. As described under the Service Equity Analysis for Minority Populations, the transit provider must first identify what constitutes a “major service change” for its system, as only “major service changes” are subject to a service equity analysis. The transit provider’s major service change policy will apply to both analyses.
- (b) Adverse Effects. As described under the Service Equity Analysis for Minority Populations, the transit provider shall define and analyze adverse effects related to major changes in transit service. The transit provider’s adverse effects policy will apply to both analyses.
- (c) Disproportionate Burden Policy. The transit provider shall develop a policy for measuring disproportionate burdens on low-income populations. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly, regardless of mode.
- (d) Public Participation. The transit provider shall engage the public in the decision-making process to develop the disproportionate burden policy.
- (e) Selection of Comparison Population. Transit providers may use ridership data or population of the service area for the comparison population. If a transit provider uses ridership as the comparison population for the Title VI (minority populations) service equity analysis, the transit provider should use ridership as the comparison population for the low-income equity analysis. Similarly, if the transit provider uses the service area as the comparison population for the Title VI (minority populations) analysis, the provider should use the service area as the comparison population for the low-income analysis.
- (f) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, or traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. [NOTE: Census tract level may be used if that is the smallest geographic area available for income data]. For example,

passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.

- (g) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on low-income populations using the following method:
- (i) Ridership Data. When the transit provider determines that the correct comparison population is ridership, the transit provider shall document the reasons for selecting this comparison population and analyze any available information generated from ridership surveys to determine the low-income and non-low-income population ridership of the affected route(s) and the low-income and non-low-income ridership of the entire system.
  - (ii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured/rerouted, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.
  - (iii) Determination of Disproportionate Burden. Each service change analysis must compare existing service to proposed service, and calculate the absolute change as well as the percent change. The transit provider shall use its disproportionate burden threshold to determine whether the proposed change will result in adverse effects that are disproportionately borne by low-income populations, by comparing the proportion of low-income persons adversely affected to the proportion of non-low-income persons adversely affected. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.
  - (iv) Avoid, Minimize, Mitigate. At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed major service change, the transit provider should take steps to avoid, minimize, or mitigate impacts where practicable. The provider should also describe alternatives available to low-income passengers affected by the service changes.
  - (v) FTA considers the disproportionate burden analysis for low-income populations described above to be important for planning and environmental justice analysis purposes; however, since low-income populations are not a protected class under Title VI, failure to complete this analysis will not result in a finding of noncompliance under Title VI.



b. Fare Equity Analysis

(1) Fare Changes. The fare equity analysis requirement applies to all fare changes regardless of the amount of increase or decrease. As with the service equity analysis, FTA requires transit providers to evaluate the effects of fare changes on low-income populations in addition to Title VI-protected populations.

(a) Exceptions.

(i) “Spare the air days” or other instances when a local municipality or transit agency has declared that all passengers ride free.

(ii) Temporary fare reductions that are mitigating measures for other actions. For example, construction activities may close a segment of a rail system for a period of time and require passengers to alter their travel patterns. A reduced fare for these impacted passengers is a mitigating measure and does not require a fare equity analysis.

(iii) Promotional fare reductions. If a promotional or temporary fare reduction lasts longer than six months, then FTA considers the fare reduction permanent and the transit provider must conduct a fare equity analysis.

(2) Data Analysis. For proposed changes that would increase or decrease fares on the entire system, or on certain transit modes, or by fare payment type or fare media, the transit provider shall analyze any available information generated from ridership surveys indicating whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type, or payment media that would be subject to the fare change. Notably, Census data will not be effective data for fare analyses, since it is impossible to know, based on Census data, what fare media people are using. The transit provider shall describe the dataset(s) the transit provider will use in the fare change analysis. This section shall also describe what techniques and/or technologies were used to collect the data. The transit provider shall—

(i) Determine the number and percent of users of each fare media being changed;

(ii) Review fares before the change and after the change;

(iii) Compare the differences for each particular fare media between minority users and overall users; and

(iv) Compare the differences for each particular fare media between low-income users and overall users.

Please see Appendix K for a sample analysis.

(3) Assessing Impacts. Transit providers shall evaluate the impacts of their proposed fare changes (either increases or decreases) on minority and low-income populations separately, using the following framework:

- (a) Minority Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impact to determine whether minority riders are bearing a disproportionate impact of the change between the existing cost and the proposed cost. The impact may be defined as a statistical percentage. The disparate impact threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next Title VI Program submission.
- (b) Public Participation Process. The transit provider shall engage the public in the decision-making process to develop the disparate impact threshold.
- (c) Modification of Proposal. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize or mitigate those impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.
- (d) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed fare changes despite the disparate impact on minority ridership, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed fare change, the transit provider may implement the fare change only if:
  - the transit provider has a substantial legitimate justification for the proposed fare change, **and**
  - the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

It is important to understand that in order to make this showing, the transit provider must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

- (e) Examining Alternatives. If the transit provider determines that a proposed fare change will have a disparate impact, the transit provider shall analyze the alternatives (identified in the second bullet above) to determine whether alternatives exist that would serve the same legitimate objectives but with less of a disparate effect on the basis of race, color, or national origin. The existence of such an alternative method of accomplishing the transit provider's substantial and legitimate interests demonstrates that the disparate effects can be avoided by adoption of the alternative methods without harming such interests. In addition, if evidence undermines the legitimacy of the transit provider's asserted justification—that is, that the justification is not supported by demonstrable evidence—the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects. At that point, the transit provider must revisit the fare changes and make

adjustments that will eliminate unnecessary disparate effects on populations defined by race, color, or national origin. Where disparate impacts are identified, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including any less discriminatory alternatives that may be available.

- (f) Low-Income Disproportionate Burden Policy. The transit provider shall develop a policy for measuring the burden of fare changes on low-income riders to determine when low-income riders are bearing a disproportionate burden of the change between the existing fare and the proposed fare. The impact may be defined as a statistical percentage. The disproportionate burden threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next program submission.
  - (i) The transit provider shall engage the public in the decision-making process to develop the disproportionate burden threshold.
  - (ii) At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed fare change, the transit provider should take steps to avoid, minimize or mitigate impacts where practicable. The transit provider should describe alternatives available to low-income populations affected by the fare changes.
- c. Service and Fare Equity Analysis for New Starts and Other New Fixed Guideway Systems. Transit providers that have implemented or will implement a New Start, Small Start, or other new fixed guideway capital project shall conduct a service and fare equity analysis. The service and fare equity analysis will be conducted six months prior to the beginning of revenue operations, whether or not the proposed changes to existing service rise to the level of “major service change” as defined by the transit provider. All proposed changes to parallel or connecting service will be examined. If the entity that builds the project is different from the transit provider that will operate the project, the transit provider operating the project shall conduct the analysis. The service equity analysis shall include a comparative analysis of service levels pre-and post- the New Starts/Small Starts/new fixed guideway capital project. The analysis shall be depicted in tabular format and shall determine whether the service changes proposed (including both reductions and increases) due to the capital project will result in a disparate impact on minority populations. The transit provider shall also conduct a fare equity analysis for any and all fares that will change as a result of the capital project.



## **CHAPTER V**

### **REQUIREMENTS FOR STATES**

1. **INTRODUCTION.** This chapter provides requirements for States. States that receive financial assistance from FTA are also responsible for following:
  - a. The general requirements in Chapter III of this Circular; and
  - b. The requirements in Chapter IV of this Circular if the State is a provider of fixed route public transportation.
2. **REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM.** Title 49 CFR Section 21.9(b) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available “racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.” As stated in Chapter III of this Circular, FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA.

For all recipients (including subrecipients), the Title VI Program must be approved by the recipient’s board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State’s Secretary of Transportation or equivalent. States shall submit a copy of the appropriate documentation demonstrating that the State’s Secretary of Transportation or equivalent official has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information. Subrecipients, including MPOs that receive planning money from the State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, in order to assist the State in its compliance efforts, on a schedule determined by the State. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. See Appendix L for clarification of reporting responsibilities by recipient category.

States shall include the following information in their Title VI Program:

- a. All general requirements set out in section 4 of Chapter III of this Circular;
- b. All requirements for transit providers set out in Chapter IV of this Circular if the State is a provider of fixed route public transportation services;
- c. A demographic profile of the State that includes identification of the locations of minority populations in the aggregate;
- d. Demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in

the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient;

- e. An analysis of impacts identified in paragraph d that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.
  - f. A description of the statewide transportation planning process that identifies the transportation needs of minority populations;
  - g. A description of the procedures the State uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner; and
  - h. A description of the procedures the State uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.
3. PLANNING. All States are responsible for conducting planning activities that comply with 49 U.S.C. Section 5304, Statewide Transportation Planning, as well as subpart B of 23 CFR part 450, Statewide Transportation Planning and Programming. Since States “pass through” planning funds to the MPO, the State as primary recipient is responsible for collecting Title VI programs from MPOs on a schedule to be determined by the State. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. The State is thus responsible for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipient.

Self-certification of compliance with all applicable Federal requirements is required of all States, which is reviewed by FTA and the Federal Highway Administration (FHWA) in the joint Statewide Planning Finding, rendered at the time of update or amendment of the Statewide Improvement Program (STIP). The joint FTA/FHWA planning certification review includes a review of Title VI compliance. The self-certification and joint FTA/FHWA “Finding” include a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review State-developed documentation to determine whether States have:

- a. Analyzed regional demographic data to identify minority populations within the non-urbanized areas of the State.
- b. Where necessary, provided local service providers and agencies with data to assist them in identifying minority populations in their service area.
- c. Ensured that members of minority communities are provided with full opportunities to engage in the Statewide Transportation Planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.

- d. Monitored the activities of subrecipients with regard to Title VI compliance, where the State passes funds through to subrecipients.

4. REQUIREMENTS FOR PROGRAM ADMINISTRATION. In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, States shall document that they pass through FTA funds under the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) program, the Formula Grants for Rural Areas (Section 5311) program, and any other FTA funds, to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

States shall prepare and maintain, but not report unless requested by FTA, the following information:

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the agency develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the agency's criteria for selecting entities to participate in an FTA grant program.

When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a State, the subrecipient/direct recipient reports directly to FTA and the State as designated recipient is not responsible for monitoring compliance of that subrecipient/direct recipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the State as designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.





## **CHAPTER VI**

### **REQUIREMENTS FOR METROPOLITAN TRANSPORTATION PLANNING ORGANIZATIONS**

1. **INTRODUCTION**. This chapter describes the procedures that metropolitan planning organizations (MPOs) shall follow in order to comply with the DOT's Title VI regulations. MPOs are also responsible for following the general requirements in Chapter III of this circular.

An MPO may serve many different roles depending on its "recipient" status, i.e., designated recipient, direct recipient, primary recipient, or subrecipient. This chapter describes the many roles an MPO may fill, and provides guidance on Title VI compliance for each of those roles.

2. **REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM**. Title 49 CFR Section 21.9(b) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." As stated in Chapter III of this Circular, FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA.

For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. FTA will review and concur or request the recipient provide additional information. Subrecipients, including MPOs that receive Federal planning money from the State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, on a schedule to be determined by the State, in order to assist the State in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. See Appendix L for clarification of reporting responsibilities by recipient category.

MPOs shall include the following information in their Title VI Programs.

- a. In its regional transportation planning capacity, the MPO shall submit to the State as the primary recipient, and also to FTA:
  - (1) All general requirements set out in section 4 of Chapter III of this Circular;
  - (2) A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate;
  - (3) A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process;

- (4) Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient;
  - (5) An analysis of impacts identified in paragraph (4) that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.
- b. In its capacity as a direct recipient, the MPO shall submit to FTA:
- (1) The information required under section 2a of this chapter; and
  - (2) If the MPO is a provider of fixed route public transportation service, the information required under section 2 of chapter IV (Requirements and Guidelines for Fixed Route Transit Providers). The reporting requirements that the MPO must follow for the provision of public transportation service will be based on whether the MPO serves a large UZA with 200,000 or more in population and whether the number of fixed route vehicles in peak service is 50 or more.
- c. In its capacity as a primary recipient, the MPO shall submit to FTA:
- (1) The information required under section 2a of this chapter;
  - (2) A description of the procedures the MPO uses to pass through FTA financial assistance to subrecipients in a nondiscriminatory manner; and
  - (3) A description of the procedures the MPO uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.

See Appendix L for clarification of reporting responsibilities by recipient category.

3. **PLANNING.** All MPOs are responsible for conducting planning activities that comply with 49 U.S.C. Section 5303, Metropolitan Transportation Planning, as well as subpart C of 23 CFR part 450, Metropolitan Transportation Planning and Programming, for a specified metropolitan planning area. Since States “pass through” planning funds to the MPO, MPOs are subrecipients of the State and must submit Title VI compliance reports for planning activities to the State in order to assist the State in demonstrating compliance with Title VI. The State is thus responsible for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipient. If the MPO passes planning funds through to one or more subrecipients, the MPO is responsible for ensuring those subrecipients comply with Title VI.

All MPOs are required to self-certify compliance with all applicable Federal requirements. Planning certification reviews conducted jointly by FTA and FHWA of the metropolitan transportation planning processes of transportation management areas include a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review MPO-developed documentation to determine whether MPOs have:

- a. Analyzed regional demographic data to identify minority populations within the region.
  - b. Where necessary, provided member agencies with regional data to assist them in identifying minority populations in their service area.
  - c. Ensured that members of minority communities are provided with full opportunities to engage in the transportation planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.
  - d. Monitored the activities of subrecipients with regard to Title VI compliance, where the MPO passes funds through to subrecipients.
4. DESIGNATED RECIPIENT. MPOs sometimes serve the role of designated recipient. FTA apportions funds each year to the MPO as designated recipient, and the MPO, in turn, suballocates funds (without receiving the actual funds from FTA) to various entities and/or retains funds to carry out its own projects or activities, or to pass through to subrecipients. If the MPO as designated recipient simply suballocates the funds to other entities, and those entities apply to FTA directly for the funds, the MPO and each entity to which it suballocates funds enter into a “supplemental agreement.” Under a supplemental agreement, the direct recipient is responsible for demonstrating compliance with Federal law, including Title VI, and the MPO is not in any manner subject to or responsible for the direct recipient’s compliance with the DOT Title VI regulations.

However, the MPO as designated recipient is responsible for suballocating FTA funds without regard to race, color, or national origin. Suballocations must be based on project implementation priorities in the MTP, which includes a robust public participation process. Each MPO must have a locally developed process that establishes criteria for making determinations of funding priorities in a nondiscriminatory manner.

5. DIRECT RECIPIENT. An MPO that receives funding directly from FTA for its own activities is a direct recipient, and therefore must develop a Title VI Program and report Title VI compliance to FTA for those activities for which it is a direct recipient. As a direct recipient, an MPO may also pass through funds to subrecipients. When an MPO receives funds directly from FTA and then passes funds through to subrecipients, the MPO becomes a primary recipient under the DOT Title VI regulations and is responsible for monitoring the compliance of its subrecipients with Title VI, unless that subrecipient is also an FTA direct recipient. Refer to Appendix L for clarification of reporting responsibilities by recipient category.
6. REQUIREMENTS FOR PROGRAM ADMINISTRATION. In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, MPOs shall document that they pass

through FTA funds under any FTA programs (e.g., 49 U.S.C. 5310, Enhanced Mobility for Seniors and Individuals with Disabilities), to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

MPOs shall prepare and maintain, but not report unless requested by FTA, the following information:

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the MPO's criteria for selecting entities to participate in an FTA grant program.

## **CHAPTER VII**

### **EFFECTING COMPLIANCE WITH DOT TITLE VI REGULATIONS**

1. **INTRODUCTION.** This chapter outlines procedures when FTA determines that a recipient is noncompliant with the DOT Title VI regulations. Title 49 CFR Section 21.13(a) states the following:

If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to: (1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the [Civil Rights] Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

2. **PROCEDURES FOR SECURING VOLUNTARY COMPLIANCE.** FTA may determine a recipient is noncompliant with DOT's Title VI regulations following a compliance review or after FTA completes an investigation in response to a Title VI complaint. Prior to taking measures to effect compliance, FTA will attempt to resolve noncompliance informally and by using the following procedures.
  - a. **Notification to the Recipient.** When FTA has determined that a recipient is noncompliant with DOT's Title VI regulations, it will transmit a letter of finding to the recipient that describes FTA's determination and requests that the recipient voluntarily take corrective action(s) that FTA deems necessary and appropriate.
  - b. **Recipient Response.** Within 30 days of receipt of FTA's letter of finding, the recipient must submit a remedial action plan, including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations. The recipient's plan shall:
    - (1) List all corrective action(s) accepted by the recipient.
    - (2) Describe how the corrective actions will be implemented, and provide a timeline for achieving compliance.
    - (3) Include a written assurance that the recipient will implement the accepted corrective action(s) and has the capability to implement the accepted corrective action(s) in the manner discussed in the plan.
    - (4) A copy of the board resolution, meeting minutes, or similar documentation with evidence that the board of directors or appropriate governing entity or official(s) has approved the remedial action plan.

- c. Request for Reconsideration. A recipient may request that FTA reconsider its finding. A request for reconsideration shall provide a justification for the request to reconsider, including any evidence or information supporting such a request, and include a written assurance that on the basis of the requested reconsideration, the agency is or otherwise will come into compliance with DOT's Title VI regulations. This request shall be submitted within 30 days of FTA's notification to the recipient.
  - d. FTA Review of the Recipient Response. Within 30 days after receiving the recipient's response, FTA will review the submitted remedial action plan and any request for reconsideration and decide what remedial action(s) are necessary and appropriate to bring the recipient into compliance. If necessary, before making a decision, FTA may conduct a site visit to substantiate information or statements contained in the recipient's response. FTA will issue a decision, including its findings and recommendations, as part of a final remedial action plan. The final remedial action plan will be sent to the recipient for review and consent. Consent means the recipient agrees to initiate action(s) specified in the plan.
  - e. Conditions for Declining the Remedial Action Plan. The recipient has 15 days from the date of notification by FTA to agree or disagree with the final remedial action plan. If a recipient disagrees with this plan, it must submit a written statement of its reasons for not agreeing to the remedial actions contained in the plan. Under those circumstances, the recipient will be considered in noncompliance, and FTA will schedule a meeting with the recipient within 30 days to resolve the disagreements.
3. PROCEEDINGS. When FTA and the recipient cannot agree on a final remedial action plan and the recipient continues to be in noncompliance with DOT Title VI regulations, in accordance with 49 CFR Section 21.13, FTA may suspend, terminate, or refuse to grant or continue Federal financial assistance to the recipient. This will generally occur when all means of informal resolution have failed to get the recipient to comply with the law. FTA may refer a matter to DOJ with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.
- a. Termination of or refusal to grant or to continue Federal financial assistance. In accordance with 49 CFR Section 21.13(c), FTA will not suspend, terminate, or refuse to grant or continue Federal financial assistance until:
    - (1) FTA has notified the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means;
    - (2) FTA has found, after opportunity for a hearing, that the applicant or recipient has failed to comply with Title VI regulations;
    - (3) The action has been approved by the Secretary of Transportation; and
    - (4) 30 days have passed after FTA has filed with the Transportation and Infrastructure Committee of the House of Representatives; and the Banking, Housing and Urban

Affairs Committee of the Senate, a full written report of the circumstances and the grounds for such action.

- b. Other means authorized by law. In accordance with 49 CFR Section 21.13(d), FTA will not refer the matter to DOJ or take any other action to effect compliance until:
    - (1) FTA has determined that compliance cannot be secured by voluntary means;
    - (2) FTA has notified the recipient of its failure to comply and the action FTA intends to take; and
    - (3) At least 10 days have passed from the mailing of such notice to the recipient. During this 10-day period, FTA will make additional efforts to persuade the recipient to comply with the regulation and to take such corrective action as may be appropriate.
  - c. Hearings. Whenever FTA has determined that it is appropriate to terminate or refuse to grant or continue Federal financial assistance, prior to such action FTA will provide the applicant or recipient with an opportunity for a hearing, in accordance with 49 CFR Section 21.15. FTA will provide reasonable notice of the hearing by registered or certified mail, return receipt requested, to the applicant or recipient. The notice will advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action. The notice will either:
    - (1) Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the FTA Administrator that the matter be scheduled for hearing; or
    - (2) Advise the applicant or recipient that the matter in question has been scheduled for a hearing at a stated place and time. The time and place will be reasonable and subject to change for cause.
- The complainant, if any, shall be advised of the time and place of the hearing.
- d. Waiver of Hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under Section 602 of the Civil Rights Act of 1964 and 49 CFR Section 21.13(c), and consent to FTA making a decision on the basis of the available information.
  - e. Time and Location of Hearing. Hearings will be held at the FTA Headquarters office in Washington, DC, at a time fixed by the FTA Administrator unless the convenience of the applicant or recipient or of FTA requires that another place be selected.

- f. Hearing officer. Hearings will be held before the Secretary of Transportation or before a hearing examiner appointed in accordance with Section 3105 of title 5, United States Code.
  - g. Right to counsel. In all proceedings carried out under the authority of 49 CFR Section 21.15, the applicant or recipient and FTA shall have the right to be represented by counsel.
  - h. Procedures, evidence, and record. Pursuant to 49 CFR 21.15(d), the hearing, decision, and any administrative review thereof shall be conducted in conformity with Sections 554 through 557 of title 5, United States Code, and in accordance with such rules of procedure as are proper relating to the conduct of the hearing, giving of notices to the applicant or recipient, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. FTA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.
4. JUDICIAL REVIEW. When FTA issues a final order after a hearing on the record, such final action is subject to judicial review.



## **CHAPTER VIII**

### **COMPLIANCE REVIEWS**

1. **INTRODUCTION**. This chapter describes the review process FTA will follow when determining whether a recipient is compliant or noncompliant with DOT Title VI regulations, subsequent to the award of Federal financial assistance, and describes the information and actions expected from recipients that are subject to these reviews.
2. **COMPLIANCE PROCEDURES**. Title 49 CFR Section 21.11(a) requires FTA to conduct compliance reviews of its recipients. These reviews are separate from and may be in addition to a Triennial Review, State Management Review, or Planning Certification Review and will be conducted either as a desk audit or an on-site visit. The review may cover all or a portion of the recipient's compliance with Title VI. Such reviews are conducted at the discretion of FTA, and the scope of a review is defined on a case-by-case basis.
3. **CRITERIA**. The following list of factors will contribute to the selection of recipients for compliance reviews:
  - a. Lawsuits, complaints, or investigations conducted by organizations other than FTA alleging the recipient is noncompliant with DOT Title VI regulations;
  - b. Alleged noncompliance brought to the attention of FTA by other Federal, State, or local agencies;
  - c. A recipient submitting an incomplete or insufficient Title VI Program; and
  - d. Title VI findings or recommendations on prior Triennial, State Management, or Planning Certification Reviews that have not been sufficiently resolved or implemented, or repeat findings in any FTA review concerning Title VI.
4. **SCOPE**. In general, compliance reviews will assess the following information:
  - a. The recipient's documented efforts to meet the requirements under Chapter III and the program-specific sections of this Circular.
  - b. Other information that is necessary and appropriate to make a determination that the recipient is in compliance with Title VI.
5. **DETERMINATIONS**. After reviewing the recipient's or subrecipient's efforts to meet the general reporting and program-specific reporting sections of the Circular, FTA will issue a compliance report that includes findings of no deficiency, deficiency, or noncompliance.
  - a. **Findings of no deficiency** are determinations that no deficiency was found in review of the recipient's Title VI Program or after the results of an investigation or compliance review. Agencies are not expected to take any corrective action in response to findings of no deficiency except with regard to advisory comments. Advisory comments are recommendations that the recipient undertake activities in a manner more consistent with

the guidance provided in the pertaining section of the Circular. FTA expects recipients to notify FTA as to whether the recipient will take action in response to the advisory comments.

- b. Findings of deficiency are determinations that the recipient has not complied with one or more of the pertinent provisions of this circular. Recipients are expected to take corrective actions in response to findings of deficiency and the compliance review will provide specific instructions to the recipient on how the corrective action shall be taken.
  - c. Findings of noncompliance are determinations that the recipient has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding them from participation in, or subjecting persons to discrimination on the basis of race, color, or national origin under the recipient's program or activity; upon such determination, FTA will consider the recipient to be noncompliant with Title VI. If noncompliance cannot be corrected informally, the recipient may be subject to remedial action or proceedings under Chapter VII of this Circular and the DOT Title VI regulations at 49 CFR Sections 21.13, 21.15, and 21.17.
6. RESULTS OF COMPLIANCE REVIEW ACTIVITIES. FTA will summarize the results of the review in a draft compliance report, which will include findings of no deficiency, findings of deficiency, and advisory comments, as appropriate. If findings of deficiency remain in the final compliance report, the recipient will be required to take corrective action, develop a timeline for compliance, and report on its progress to FTA on, at minimum, a quarterly basis. Once FTA determines that the recipient has satisfactorily responded to the review's findings, it will inform the recipient that the review process has ended and release it from further progress reporting in response to the review. FTA may follow up on a compliance review with additional reviews as necessary.
7. EFFECTING COMPLIANCE. Consistent with the provisions of 49 CFR Sections 21.13, 21.15, and 21.17, and as explained in Chapter VII of this Circular, if a recipient fails to take appropriate corrective action in response to the findings of deficiency in the report, FTA may initiate proceedings that could result in action taken by the U.S. DOT to suspend, terminate, refuse to grant or continue Federal financial assistance to a recipient, or may make a referral to the Department of Justice (DOJ) with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.

## **CHAPTER IX**

### **COMPLAINTS**

1. **INTRODUCTION**. This chapter describes how FTA will respond to complaints filed with FTA alleging that an FTA recipient has violated the DOT Title VI regulations. FTA will promptly investigate all complaints in accordance with 49 CFR Section 21.11. FTA may delay its investigation if the complainant and the party complained against agree to postpone the investigation pending settlement negotiations.
2. **RIGHT TO FILE A COMPLAINT**. Any person who believes himself, herself, or any specific class of persons to be subjected to discrimination on the basis of race, color, or national origin may by himself or by a representative file a written complaint with FTA. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.
3. **COMPLAINT ACCEPTANCE**. Once a complaint has been accepted by FTA for investigation, FTA will notify the recipient that it is the subject of a Title VI complaint and ask the recipient to respond in writing to the complainant's allegations. If the complainant agrees to release the complaint to the recipient, FTA will provide the agency with the complaint, which may have personal information redacted at the request of the complainant. If the complainant does not agree to release the complaint to the recipient, FTA may choose to close the complaint.
4. **INVESTIGATIONS**. FTA will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with DOT's Title VI regulations. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with DOT's Title VI regulations occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with DOT's Title VI regulations.
5. **LETTERS OF FINDING**. After FTA has concluded the investigation, FTA's Office of Civil Rights will transmit to the complainant and the recipient one of the following letters based on its findings:
  - a. A letter of finding indicating FTA did not find a violation of DOT's Title VI regulations. This letter will include an explanation of why FTA did not find a violation. If applicable, the letter may include a list of procedural violations or concerns, which will put the recipient on notice that certain practices are questionable and that without corrective steps, a future violation finding is possible.
  - b. A letter of finding indicating the recipient is in violation of DOT's Title VI regulations. The letter will include each violation referenced to the applicable regulation, a brief description of proposed remedies, notice of the time limit on coming into compliance, the consequences of failure to achieve voluntary compliance, and an offer of assistance to the recipient in devising a remedial plan for compliance, if appropriate.

6. ADMINISTRATIVE CLOSURE. FTA will administratively close Title VI complaints before a resolution is reached where (1) the complainant decides to withdraw the case; (2) the complainant is not responsive to FTA's requests for information or to sign a consent release form; (3) FTA has conducted or plans to conduct a related compliance review of the agency against which the complaint is lodged; (4) litigation has been filed raising similar allegations involved in the complaint; (5) the complaint was not filed within 180 days of the alleged discrimination; (6) the complaint does not indicate a possible violation of 49 CFR part 21; (7) the complaint is so weak, insubstantial, or lacking in detail that FTA determines it is without merit, or so replete with incoherent or unreadable statements that it, as a whole, cannot be considered to be grounded in fact; (8) the complaint has been investigated by another agency and the resolution of the complaint meets DOT regulatory standards; (9) the complaint allegations are foreclosed by previous decisions of the Federal courts, the Secretary, DOT policy determinations, or the U.S. DOT's Office of Civil Rights; (10) FTA obtains credible information that the allegations raised by the complaint have been resolved; (11) the complaint is a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that have been found factually or legally insubstantial by FTA; (12) the same complaint allegations have been filed with another Federal, state, or local agency, and FTA anticipates that the recipient will provide the complainant with a comparable resolution process under comparable legal standards; or (13) the death of the complainant or injured party makes it impossible to investigate the allegations fully.

## **INTRODUCTION TO TECHNICAL APPENDICES**

The following Appendices A through M provide sample checklists, templates, standards, policies, tables and maps for FTA recipients to consult when preparing their Title VI Programs. FTA is issuing these appendices in order to provide technical assistance and guidance and thereby increase the level of clarity, organization, and uniformity across Title VI Programs. The samples are provided as guidance; recipients may revise as appropriate for their purposes.



## **APPENDIX A**

### **TITLE VI PROGRAM CHECKLIST**

Every three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Subrecipients shall submit the information below to their primary recipient (the entity from whom the subrecipient receives funds directly), on a schedule to be determined by the primary recipient.

#### **General Requirements (Chapter III)**

*All recipients must submit:*

- ☐ Title VI Notice to the Public, including a list of locations where the notice is posted
- ☐ Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- ☐ Title VI Complaint Form
- ☐ List of transit-related Title VI investigations, complaints, and lawsuits
- ☐ Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- ☐ Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- ☐ A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- ☐ Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions
- ☐ A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- ☐ A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- ☐ Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

#### **Requirements of Transit Providers (Chapter IV)**

*All Fixed Route Transit Providers must submit:*

- ☐ All requirements set out in Chapter III (General Requirements)
- ☐ Service standards

- Vehicle load for each mode
- Vehicle headway for each mode
- On time performance for each mode
- Service availability for each mode
- ☐ Service policies
  - Transit Amenities for each mode
  - Vehicle Assignment for each mode

*Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:*

- ☐ Demographic and service profile maps and charts
- ☐ Demographic ridership and travel patterns, collected by surveys
- ☐ Results of their monitoring program and report, including evidence that the board or other governing entity or official(s) considered, was aware of the results, and approved the analysis
- ☐ A description of the public engagement process for setting the “major service change policy,” disparate impact policy, and disproportionate burden policy
- ☐ Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) considered, was aware of, and approved the results of the analysis

### **Requirements of States (Chapter V)**

*States must submit:*

- ☐ All requirements set out in Chapter III (General Requirements)
- ☐ The requirements set out in Chapter IV (Transit Provider) if the State is a provider of fixed route public transportation
- ☐ Demographic profile of the State
- ☐ Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- ☐ Analysis of the State’s transportation system investments that identifies and addresses any disparate impacts
- ☐ A description of the Statewide planning process that identifies the transportation needs of minority populations
- ☐ Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance
- ☐ Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations

### **Requirements of MPOs (Chapter VI)**

*Metropolitan Planning Organizations and other planning entities must submit:*

- ☐ All requirements set out in Chapter III (General Requirements)



- ☐ The requirements set out in Chapter IV (Transit Provider) if the MPO is a provider of fixed route public transportation
- ☐ Demographic profile of the metropolitan area
- ☐ A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process
- ☐ Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- ☐ Analysis of the MPO's transportation system investments that identifies and addresses any disparate impacts
- ☐ Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance (if requested)
- ☐ Description of the procedures the agency uses to provide assistance to potential subrecipients in a nondiscriminatory manner (if requested)



**APPENDIX B****TITLE VI NOTICE TO THE PUBLIC (GENERAL REQUIREMENT)****Background**

A Title VI Notice to the Public must be displayed to inform a recipient's customers of their rights under Title VI. At a minimum, recipients must post the notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Many agencies display their Title VI Notices in transit facilities (e.g., headquarters, transit shelters and stations, etc.), and on transit vehicles (e.g., buses, rail cars, etc.). The Title VI Notice is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the Notice should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, this statement in the Notice—"If information is needed in another language, then contact [phone number]"—should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold.

*The sample below is provided for the purposes of guidance only.*

**SAMPLE Title VI Notification to the Public**

Notifying the Public of Rights Under Title VI  
**THE CITY OF USA**

- The City of USA operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of USA.
- For more information on the City of USA's civil rights program, and the procedures to file a complaint, contact 800-555-1212, (TTY 800-555-1111); email [title.vi.complaint@city.ca.us](mailto:title.vi.complaint@city.ca.us); or visit our administrative office at 1234 Center Street, City of USA, State 11111. For more information, visit [www.city.ca.us](http://www.city.ca.us)
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact 800-555-1212.
  - *MAKE SURE THE SENTENCE ABOVE IS ALSO PROVIDED IN ANY LANGUAGE(S) SPOKEN BY LEP POPULATIONS THAT MEET THE SAFE HARBOR THRESHOLD*



## **APPENDIX C**

### **TITLE VI COMPLAINT PROCEDURE (GENERAL REQUIREMENT)**

#### **Background**

Recipients' Title VI Programs must include a copy of the agency's Title VI complaint procedure. The complaint procedure and complaint form shall be available on the recipient's website. The Title VI Complaint Procedure is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the complaint procedure should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, the complaint procedure should include a notice—"If information is needed in another language, then contact [phone number]"—should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold.

*The sample below is provided for the purposes of guidance only.*

#### **SAMPLE Title VI Complaint Procedure**

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the City of USA Transit Authority (hereinafter referred to as "the Authority") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The City of USA Transit Authority investigates complaints received no more than 180 days after the alleged incident. The Authority will process complaints that are complete.

Once the complaint is received, the Authority will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The Authority has XX days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has XX business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within XX business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has XX days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.



**APPENDIX D****SAMPLE TITLE VI COMPLAINT FORM (GENERAL REQUIREMENT)****Background**

Recipients must create and make available a Title VI Complaint Form for use by customers who wish to file a Title VI complaint. The complaint form shall be available on the recipient's website. A recipient's Title VI Complaint Form shall specify the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. The Title VI Complaint Form is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the procedure should be provided in English *and* in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

*The sample below is provided for the purposes of guidance only.*

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
[ ] Race [ ] Color [ ] National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information				

of any witnesses. If more space is needed, please use the back of this form.

#### Section IV

Have you previously filed a Title VI complaint with this agency?

Yes

No

#### Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

☐ Yes

☐ No

If yes, check all that apply:

☐ Federal Agency: \_\_\_\_\_

☐ Federal Court \_\_\_\_\_

☐ State Court \_\_\_\_\_

☐ State Agency \_\_\_\_\_

☐ Local Agency \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

Name:

Title:

Agency:

Address:

Telephone:

#### Section VI

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please submit this form in person at the address below, or mail this form to:

City of USA Title VI Coordinator

1234 Center Street

City of USA, State 11111



**APPENDIX E****LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS (GENERAL REQUIREMENT)****Background**

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years.

*The sample below is provided for the purposes of guidance only.*

**SAMPLE List of Investigations, Lawsuits and Complaints**

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
<b>Investigations</b>				
1.				
2.				
<b>Lawsuits</b>				
1.				
2.				
<b>Complaints</b>				
1.				
2.				



**APPENDIX F****TABLE DEPICTING MINORITY REPRESENTATION ON COMMITTEES AND COUNCILS SELECTED BY THE RECIPIENT (GENERAL REQUIREMENT)****Background**

Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the membership of those committees broken down by race, and a description of efforts made to encourage the participation of minorities on such committees.

*The sample below is provided for the purposes of guidance only.*

**SAMPLE Table Depicting Membership of Committees, Councils, Broken Down by Race**

Body	Caucasian	Latino	African American	Asian American	Native American
Population	46%	28%	14%	8%	4%
Access Committee	60%	23%	10%	7%	0%
Citizens Advisory Council	40%	25%	20%	10%	5%
Bicycle Pedestrian Committee	45%	30%	15%	5%	5%



## APPENDIX G

### SERVICE STANDARDS (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)

#### Background

FTA requires all fixed route transit providers of public transportation to develop *quantitative* standards for the following indicators. Individual public transportation providers will set these standards; therefore, these standards will apply to each individual agency rather than across the entire transit industry.

- *Vehicle load for each mode:* Generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle's maximum load point. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. Transit providers can specify vehicle loads for peak vs. off-peak times, and for different modes of transit.
- *Vehicle headways for each mode:* The amount of time between two vehicles traveling in the same direction on a given line or combination of lines.
- *On-time performance for each mode:* A measure of runs completed as scheduled.
- *Service availability for each mode:* A general measure of the distribution of routes within an agency's service area.

*The samples below are provided for the purposes of guidance only.*

#### SAMPLE Standards

##### *SAMPLE Vehicle Load Standards*

##### *1. Expressed in writing*

The average of all loads during the peak operating period should not exceed vehicles' achievable capacities, which are 30 passengers for a 15' mini-bus, 51 passengers for low-floor 40-foot buses, 60 passengers for standard 40-foot buses, and 133 passengers on a light rail car.

##### *2. Expressed in tabular format*

Vehicle Type	Average Passenger Capacities			
	Seated	Standing	Total	Maximum Load Factor
15' Mini-Bus	28	2	30	1.1
40' Low Floor Bus	39	12	51	1.3
40' Standard Bus	43	17	60	1.4
Light Rail Vehicle	64	69	133	2.1

***SAMPLE Vehicle Headway Standards******1. Expressed in writing***

Service operates on regional trunk lines every 15 minutes or better from early morning to late in the evening, seven days a week. On weekdays, 15 minute or better service should begin no later than 6:00 a.m. and continue until 10:30 p.m. On weekends, 15 minute or better service should begin by 8:00 a.m. and continue until 10:30 p.m.

Scheduling involves the consideration of a number of factors including: ridership productivity, transit/pedestrian friendly streets, density of transit-dependent population and activities, relationship to the *Regional Transportation Plan*, relationship to major transportation developments, land use connectivity, and transportation demand management.

***2. Expressed in tabular format*****POLICY HEADWAYS AND PERIODS OF OPERATION**

WEEKDAY	Peak	Base	Evening	Night
Regional Trunk	10	15	15	30
Urban Radial	15	15	30	60
Cross-Town	15	15	30	--
Secondary Radial	30	30	60	--
Feeder	30	30	60	--
Peak Express	30	--	--	--
Employer Feeder	60	--	--	--

\* Peak: 7-9 am and 4-6 pm; Base 9am - 4pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;

-- means no service is provided during that time period.

SATURDAY	Day	Evening	Night
Regional Trunk	15	30	30
Urban Radial	30	60	--
Cross-Town	15	30	--
Secondary Radial	60	60	--
Feeder	60	60	--
Peak Express	--	--	--
Employer Feeder	--	--	--

\* Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm - Midnight;

-- means no service is provided during that time period.

SUNDAY	Day	Evening	Night
Regional Trunk	30	60	--
Urban Radial	30	60	--
Cross-Town	30	--	--
Secondary Radial	--	--	--
Feeder	--	--	--
Peak Express	--	--	--
Employer Feeder	--	--	--

\* Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;  
 "--" means no service is provided during that time period.

### ***SAMPLE On-Time Performance Standards***

#### ***Expressed in writing***

- Sample 1:
  - Ninety-five (95) percent of the City of USA's transit vehicles will complete their established runs no more than 5 minutes early or late in comparison to the established schedule/published timetables.
- Sample 2:
  - A vehicle is considered on time if it departs a scheduled timepoint no more than 1 minute early and no more than 5 minutes late. The City of USA's on-time performance objective is 90% or greater. The City of USA continuously monitors on-time performance and system results are published and posted as part of monthly performance reports covering all aspects of operations.

### ***SAMPLE Service Availability Standards***

#### ***Expressed in writing***

The City of USA will distribute transit service so that 90% of all residents in the service area are within a ¼ mile walk of bus service or within a ½ mile walk of rail service.

#### ***AND/OR***

Local bus stops will be not more than 3 blocks apart. Express bus stops will be one-half to three-quarters of a mile apart.





**APPENDIX H****SERVICE POLICIES (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)****Background**

FTA requires that all providers of fixed route public transportation develop *qualitative* policies for the following procedures. These policies are to be set by individual transit providers; therefore, these policies will apply to individual agencies rather than across the entire transit industry.

- Vehicle Assignment
- Transit Amenities

*The samples below are provided for the purposes of guidance only.*

**Policies*****SAMPLE Vehicle Assignment Policy******Expressed in writing***

Vehicles will be assigned to the South, North, and East depots such that the average age of the fleet serving each depot does not exceed “x” years. Low-floor buses are deployed on frequent service and other high-ridership lines, so these buses carry a higher share of ridership than their numerical proportion of the overall bus fleet. Low-floor buses are also equipped with air conditioning and automated stop announcement systems.

All rail cars are equipped with air conditioning, and high-floor rail cars are always paired with a low-floor car to provide accessibility.

Bus assignments take into account the operating characteristics of buses of various lengths, which are matched to the operating characteristics of the route. Local routes with lower ridership may be assigned 30-foot buses rather than the 40-foot buses. Some routes requiring tight turns on narrow streets are operated with 30-foot rather than 40-foot buses.

***SAMPLE Transit Amenities Policy******Expressed in writing***

Installation of transit amenities along bus and rail routes are based on the number of passenger boardings at stops and stations along those routes.



## APPENDIX I

### DEMOGRAPHIC PROFILE AND TRAVEL PATTERNS (REQUIREMENT FOR TRANSIT PROVIDERS THAT OPERATE 50 OR MORE FIXED ROUTE VEHICLES IN PEAK SERVICE AND ARE LOCATED IN URBANIZED AREAS (UZA) OF 200,000 OR MORE PEOPLE, OR THAT OTHERWISE MEET THE THRESHOLD DEFINED IN CHAPTER IV)

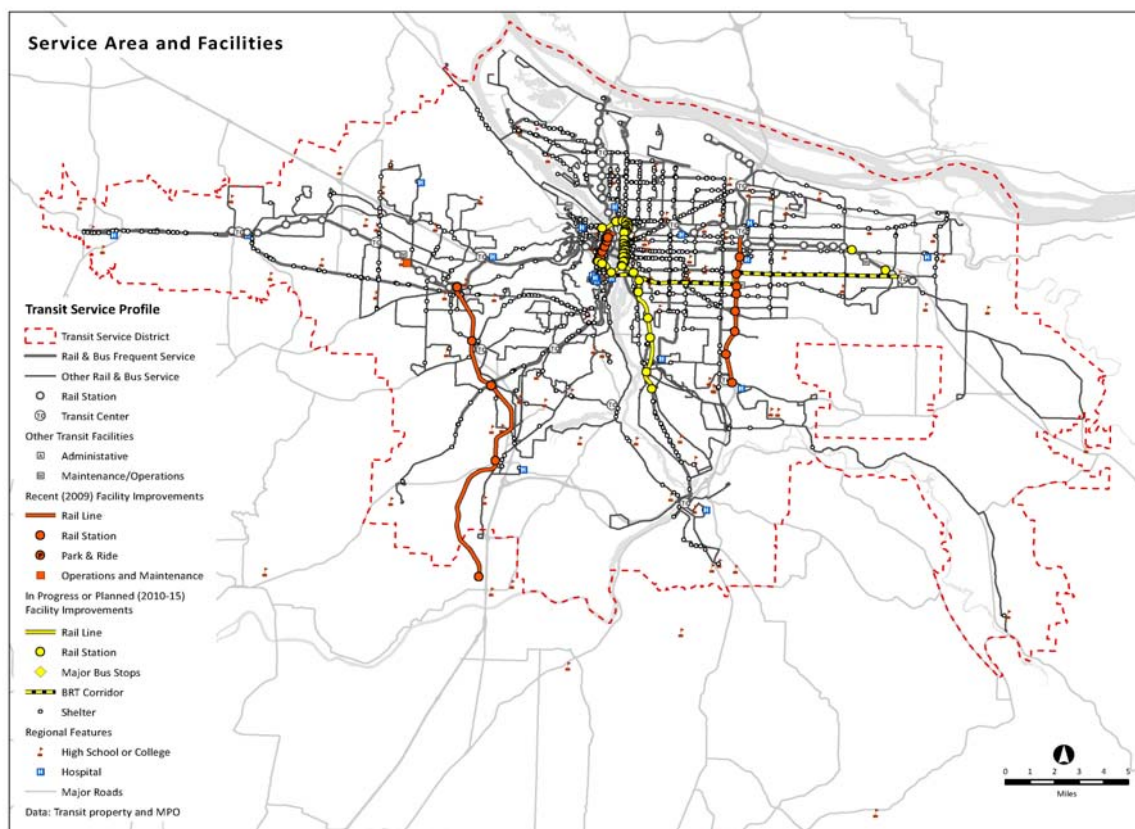
#### Background

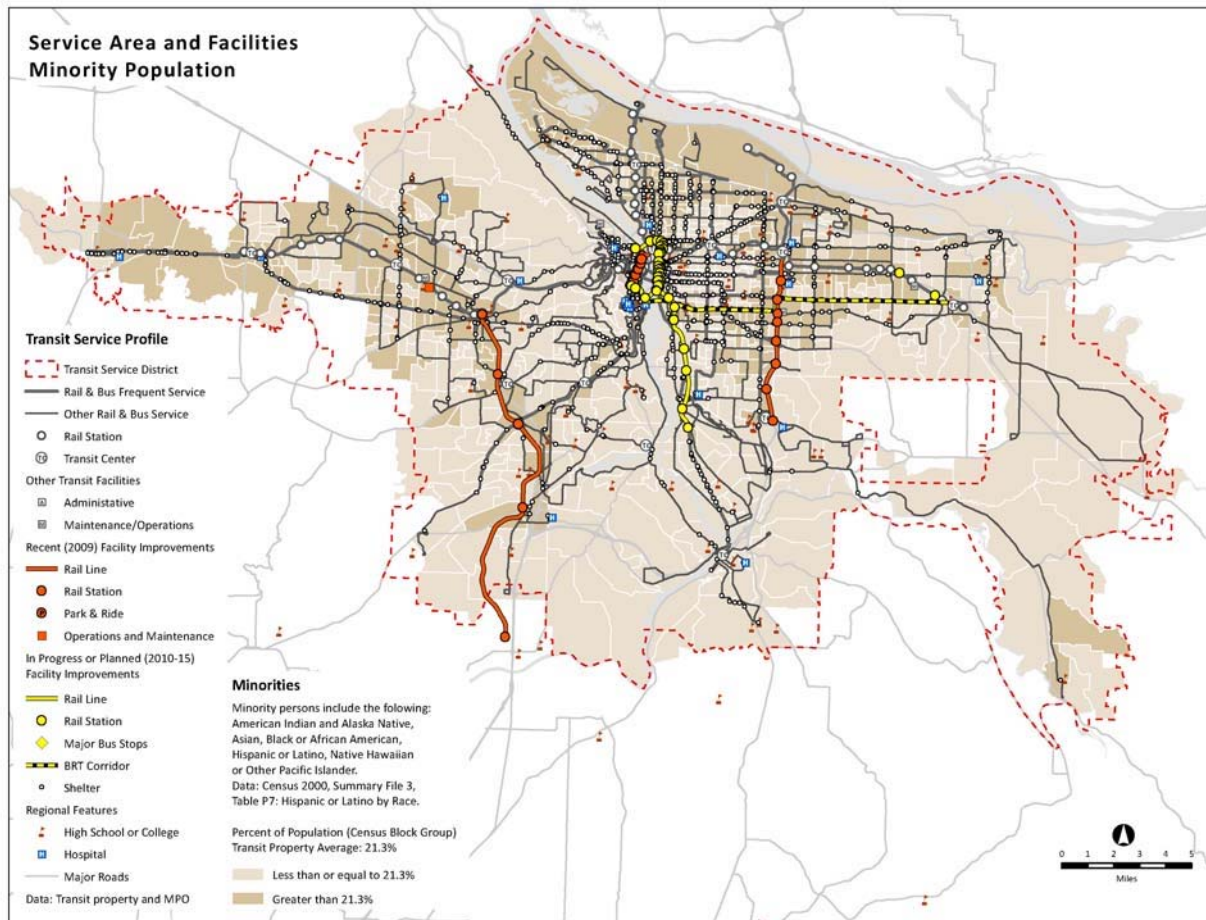
Transit service providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, are required to prepare demographic and service profile maps and charts to determine whether and to what extent transit service is available to minority populations within the recipient's service area. Transit providers shall include charts and tables summarizing data in their Title VI Programs. Transit providers shall not send raw data to FTA unless requested.

The aforementioned transit providers are also required to prepare data regarding customer demographics and travel patterns.

*The sample below is provided for the purposes of guidance only.*

#### SAMPLE Demographic and Service Profile Maps and Charts





### Additional guidance

FTA will publish additional guidance, and/or update this appendix, with detailed approaches to data collection, surveys, and analysis methods.

## **APPENDIX J**

### **REQUIREMENT TO MONITOR TRANSIT SERVICE (REQUIREMENT FOR TRANSIT PROVIDERS THAT OPERATE 50 OR MORE FIXED ROUTE VEHICLES IN PEAK SERVICE AND ARE LOCATED IN URBANIZED AREAS (UZA) OF 200,000 OR MORE PEOPLE, OR THAT OTHERWISE MEET THE THRESHOLD DEFINED IN CHAPTER IV)**

#### **Background**

FTA requires transit providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, to monitor their service standards and policies. Service standards and policies provide the framework for monitoring and assessment of service to compare service provided in areas with a percentage of minority population that exceeds the percentage of minority population in the service area to service provided in areas with a percentage of minority populations that is below the percentage of minority population in the service area.

The following tables and maps are provided as examples of how to assess the performance of service on minority and non-minority routes for each of the transit provider's service standards and service policies. Providers of fixed route public transportation should follow these examples for submitting data in their Title VI Programs. Transit providers should assess transit service and compare actual/observed service to the established service policies and standards. The standards and policies that must be monitored are:

- Standards
  - Vehicle Load for each mode
  - Vehicle Headway for each mode
  - On-Time Performance for each mode
  - Service Accessibility for each mode
- Policies
  - Vehicle Assignment for each mode
  - Distribution of Transit Amenities (Policy and Standards) for each mode

*The samples below are provided for the purposes of guidance only.*

#### **SAMPLE Methodology**

This section describes a sample methodology to determine the minority populations served by each bus and rail line, and provides a framework for comparisons.

For each individual bus and/or rail line, calculate the percentages of all persons residing in areas served by the line who are minority persons. Define a unique geographic area of coverage for each line by including all Census Block Groups within one-quarter mile walking distance of bus stops and/or within one-half mile walking distance of rail stations served by that line. For each

line, calculate the number of minority persons residing in all Block Groups served, and determine the percentage of minority persons among all persons served by the line.

### **SAMPLE Monitoring of Service Standards**

#### ***SAMPLE Vehicle Load Monitoring***

Table 1 below shows passenger capacities for buses and light rail cars as the average maximum number of persons seated and standing during the peak one-hour in the peak direction. Maximum load factors represent the maximum achievable capacity, and are calculated by dividing the total seated and standing capacity by the seated capacity of the vehicle.

**Table 1. SAMPLE Passenger Capacities**

Average Passenger Capacity					
Vehicle Type	Seated	Standing	Total	Load Standard	Maximum Load Factor
30' Bus	28	2	30	1.1	1.5
40' Low-Floor Bus	39	12	51	1.3	1.6
40' Standard Bus	43	17	60	1.4	1.7
Light Rail Vehicle	64	69	133	2.1	2.5

**Assessment:** Average weekday loads on each line were determined for the following time periods and directions of travel:

- AM in peak direction (7-9 a.m.)
- PM in peak direction (4-6 p.m.)
- Midday in both directions (9 a.m. – 4 p.m.)

Transit providers may create a more sensitive set of analyses by breaking routes into quartiles to determine the highest concentration or they may simply compare minority routes with non-minority routes. Either way they must compare the minority routes with non-minority routes in order to monitor the routes compared to the standards and policies.

Table 2 below shows the average vehicle loads by time period for lines in each quartile, for minority lines, for non-minority lines, and for all lines in the system.

In this example the transit provider uses quartiles to identify all Census Block Groups served by bus lines within  $\frac{1}{4}$  mile walking distance from bus stops and  $\frac{1}{2}$  mile walking distance from rail stations. The agency calculated the percentage and number of minority and non-minority populations served by the line. Then, staff ranked all lines by the highest percentage of minority populations and further subdivided the list into four quartiles; Q1, Q2, Q3, Q4; and Q1 being the lines with the lowest percentage of minority populations served and Q4 being the lines with the

highest percentage of minority populations served. The breakpoint for Q4 and Q3 were determined by comparing the percent minority with the median percentage of these populations within the agencies service area.

**Table 2. Vehicle Loads for Minority and Non-Minority Lines**

*Shaded Cells Represent Lines Serving Areas with Minority Populations Above the Service Area Average*

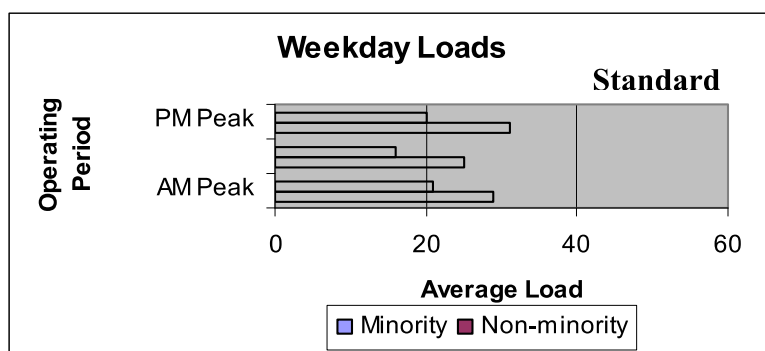
Lines and System	AM Peak IB		Midday IB & OB		PM Peak OB	
	Load/Seats	Avg Load	Load/Seats	Avg Load	Load/Seats	Avg Load
4th Quartile (Minority Population > 29%)	0.62	34	0.55	28	0.65	37
3rd Quartile (Minority Population > 21.6%)	0.60	24	0.54	21	0.62	24
2nd Quartile (Minority Population > 16.6%)	0.59	23	0.49	18	0.59	22
1st Quartile (Minority Population < 16.6%)	0.49	18	0.39	14	0.48	18
Minority Lines (3rd and 4th Quartiles)	0.61	29	0.54	25	0.64	31
Non-Minority Lines (1st and 2nd Quartiles)	0.54	21	0.44	16	0.54	20
System	0.58	25	0.49	21	0.59	26

*Currently, no line exceeds the standard.*

The average load factors in the AM peak were .61 for minority lines and .54 for non-minority lines. The average load factors in the PM peak were .64 for minority lines and .54 for non-minority lines. No lines exceeded the vehicle load standard during the peak periods.

Figure 1 below depicts the average loads for minority and non-minority lines for PM peak, midday, and AM peak as shown in Table 2 above, in comparison to the maximum capacity of 62 passengers for a 40-foot bus.

**Figure 1. Vehicle Loads for Minority and Non-Minority Lines by Peak Period**



### ***SAMPLE Vehicle Headway Monitoring***

***SAMPLE Assessment:*** Table 3 below shows the average headway in minutes for minority and non-minority lines for AM peak, midday, PM peak, evening, and night periods, for weekday, Saturday, and Sunday, respectively. The average span of service in hours and tenths of hours is shown for minority and non-minority lines for weekdays, Saturdays, and Sundays, respectively.

**Table 3. Weekday, Saturday and Sunday Headways and Span of Service on Weekdays, Saturdays, and Sundays, for Minority and Non-Minority Lines**

WEEKDAY	Lines Operating	% Operating	Freq Lines	Rail Lines	Service Begins	AM Peak Headway	Midday Headway	PM Peak Headway	Evening Headway	Night Headway	Service Ends	Span (Hours)
4th Quartile (Minority Population > 29%)	25	100%	5	3	5:14 a	26	28	27	31	41	9:48 p	16.6
3rd Quartile (Minority Population > 21.6%)	24	100%	6		5:14 a	21	26	22	30	44	10:52 p	17.6
2nd Quartile (Minority Population > 16.6%)	24	100%	3		5:33 a	27	39	27	38	42	8:56 p	15.4
1st Quartile (Minority Population < 16.6%)	24	100%	2		5:45 a	30	38	31	45	53	8:13 p	14.5
Minority Lines (3rd and 4th Quartiles)	49	100%	11		5:14 a	24	27	24	30	43	10:19 p	17.1
Non-Minority Lines (1st and 2nd Quartiles)	48	100%	5		5:39 a	29	38	29	41	47	8:35 p	14.9
System	97	100%	16		5:26 a	26	32	27	34	44	9:29 p	16.0

SATURDAY	Lines Operating	% Operating	Freq Lines	Rail Lines	Service Begins	Daytime Headway	Evening Headway	Night Headway	Service Ends	Span (Hours)
4th Quartile (Minority Population > 29%)	18	72%	5	3	5:35 a	33	37	36	10:22 p	16.8
3rd Quartile (Minority Population > 21.6%)	19	79%	6		5:52 a	25	38	45	12:00 a	18.1
2nd Quartile (Minority Population > 16.6%)	16	67%	3		6:50 a	43	48	48	8:56 p	14.1
1st Quartile (Minority Population < 16.6%)	11	46%	2		7:50 a	37	45	50	9:11 p	13.3
Minority Lines (3rd and 4th Quartiles)	37	76%	11		5:43 a	29	38	42	11:13 p	17.5
Non-Minority Lines (1st and 2nd Quartiles)	27	56%	5		7:15 a	40	47	49	9:02 p	13.8
System	64	66%	16		6:21 a	34	41	44	10:19 p	16.0

SUNDAY	Lines Operating	% Operating	Freq Lines	Rail Lines	Service Begins	Daytime Headway	Evening Headway	Night Headway	Service Ends	Span (Hours)
4th Quartile (Minority Population > 29%)	17	68%	5	3	6:08 a	34	39	33	10:38 p	16.5
3rd Quartile (Minority Population > 21.6%)	19	79%	6		6:27 a	32	46	46	11:33 p	17.1
2nd Quartile (Minority Population > 16.6%)	13	54%	3		7:02 a	45	48	48	9:55 p	14.9
1st Quartile (Minority Population < 16.6%)	7	29%	2		7:57 a	34	40	45	8:52 p	12.9
Minority Lines (3rd and 4th Quartiles)	37	76%	11		6:18 a	33	43	42	11:07 p	16.8
Non-Minority Lines (1st and 2nd Quartiles)	27	56%	5		7:21 a	41	46	47	9:33 p	14.2
System	64	66%	16		6:40 a	36	44	44	10:33 p	15.9

*Shaded cells represent minority lines.*

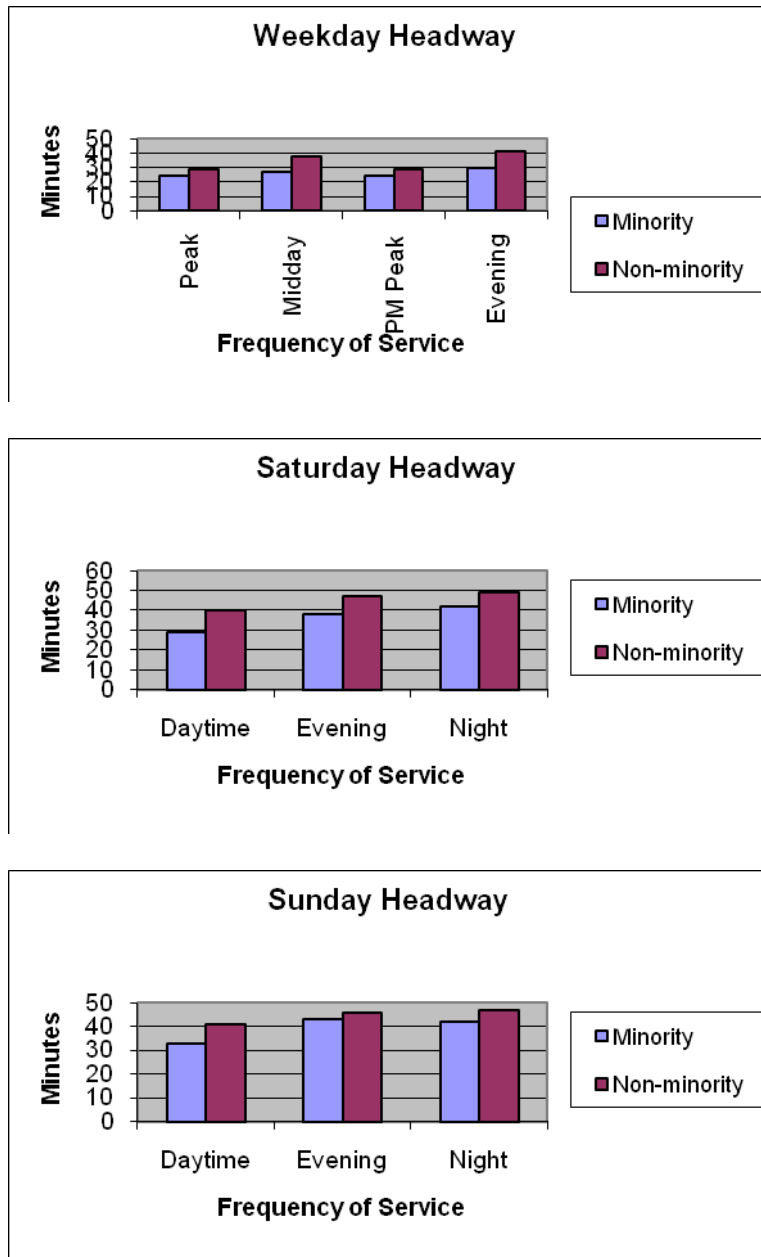
On weekdays, Saturdays, and Sundays, eleven (11) minority lines and five (5) non-minority lines were designated as Frequent Service lines (i.e., Freq Lines). On weekdays, the average AM and PM peak headway on minority lines was 24 minutes, versus 29 minutes on non-minority lines. Average headways on minority lines during weekday midday, evening, and night periods were lower (i.e., provided more frequent service) than on non-minority lines. Minority lines had an average weekday span of service of 17.1 hours, as compared with a 14.9 span of service on non-minority lines.

On Saturdays and Sundays, average daytime headways on minority lines were 29 and 33 minutes, respectively, versus 40 and 41 minutes, respectively, for non-minority lines. Average headways on minority lines during Saturday and Sunday evening and night periods were lower (i.e., provided more frequent service) than on non-minority lines. Minority lines had average Saturday and Sunday span of service of 17.5 and 16.8 hours, respectively, as compared with a 13.8 and 14.2 span of service on non-minority lines.

Figure 2 below depicts weekday headways for minority and non-minority lines for AM peak, midday, PM peak, and evening. Saturday and Sunday headways for minority and non-minority lines are shown for daytime, evening, and night periods. In all days and time periods, average frequency of service on minority lines exceeded frequency of service on non-minority lines (i.e., the average headway in minutes was lower on minority lines).



**Figure 2. Headways for Minority and Non-Minority Lines on Weekdays, Saturdays, and Sundays by Time Period**

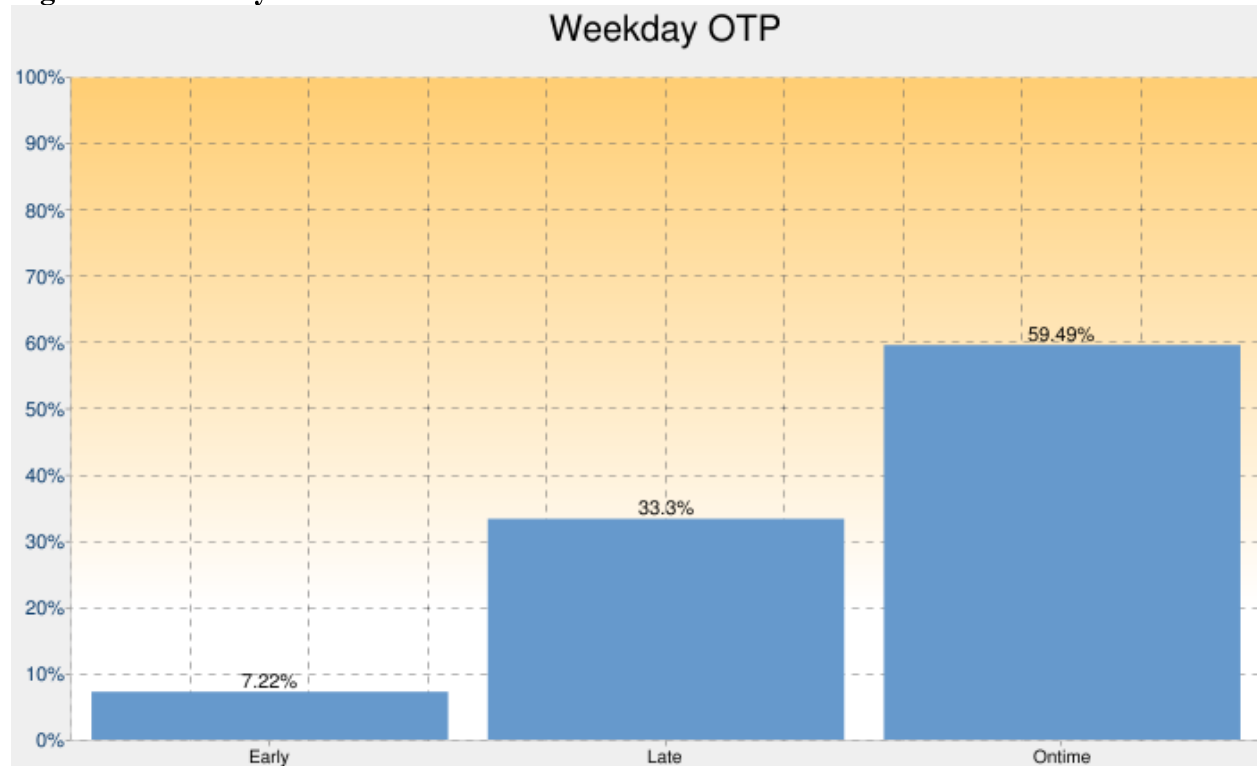


### ***SAMPLE On-Time Performance Monitoring***

- ***SAMPLE Figure:*** Figure 3 below shows that 59.49% of transit vehicles passed time points on time, 7.22% passed time points early, and 33.3% passed time points late. This

information would be compared with the On-Time Performance Standard and analyzed to determine potential disparate impacts.

**Figure 3. Weekday On-Time Performance**



*Courtesy of ACE Transit*

- SAMPLE Assessment:** The City of USA initiated a random spot check program to assess a variety of performance measures, including on-time performance. This “Mystery Rider” program completed a total 77 observations during the past fiscal year. Of the 77 bus trips observed, approximately five (5) percent were found departing a schedule time point late (i.e., more than 5 minutes after the departure time in the printed schedule). These routes on which late departures were observed were:

- B07
- R10
- R24
- B48

Of these four routes, three (B07, R10, and R24) have a greater-than-average proportion of route miles in minority Census blocks. These findings suggest that additional monitoring of on-time performance to assess potential disparate impacts is warranted. The City of USA will initiate additional on-time performance monitoring as part of the “Mystery Rider” spot check program.

### ***SAMPLE Service Availability Monitoring***

**SAMPLE Assessment:** Table 4 below shows the percentages of minority and non-minority households served. The percentage of minority households within a ½ mile walk of stops and/or

stations was 86.6%. The percentage of non-minority households within a ½ mile walk of stops and/or stations was 76.8%.

**Table 4. Service Availability for Minority and Non-Minority Residents**

Households	Within ½ Mile	More than ½ Mile
Minority	86.6%	13.4%
Non-Minority	76.8%	23.2%
System	78.5%	21.5%

*Source: 2000 Census Block Group Data*

*All residents of Census Block Groups where geographic center of the Block Group is within ½-mile walk of a bus stop and/or rail station are considered within ½-mile of service.*

### **SAMPLE Monitoring of Service Policies**

#### ***SAMPLE Vehicle Assignment Monitoring***

***SAMPLE Assessment:*** Table 5 below shows the average age of buses in relation to minority population served. In this case, all rail lines are minority lines, so rail vehicle age is excluded from the calculation of average vehicle age. Buses on minority lines had an average age of 12.1 years, compared to the system bus fleet average age of 12.7 years.

#### ***SAMPLE Table:***

**Table 5. Vehicle Assignment**

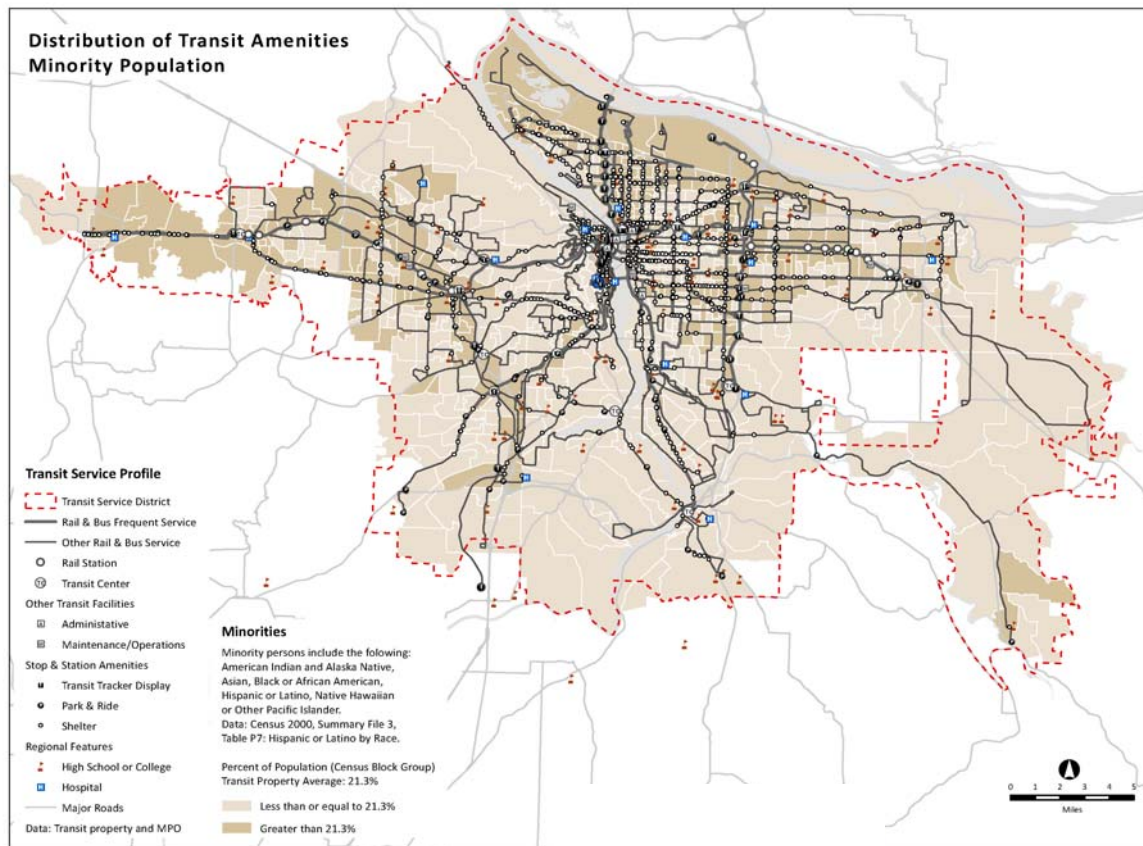
*Shaded Cells Represent Lines Serving Areas with Minority Percentages Above the Median*

Average Vehicle Age	Avg Date of Purchase	Avg Age of Buses	Lines with Low Floor Buses
4 <sup>th</sup> Quartile (Minority Population > 29%)	1994.4	13.1	8
3 <sup>rd</sup> Quartile (Minority Population > 21.6%)	1996.3	11.2	9
2 <sup>nd</sup> Quartile (Minority Population > 16.6%)	1994.3	13.2	4
1 <sup>st</sup> Quartile (Minority Population < 16.6%)	1994.3	13.2	5
Minority Lines (3 <sup>rd</sup> and 4 <sup>th</sup> Quartiles)	1995.4	12.1	17
Non-Minority Lines (1 <sup>st</sup> and 2 <sup>nd</sup> Quartiles)	1994.3	13.2	9
System	1994.8	12.7	26

#### ***SAMPLE Transit Amenities Monitoring***

The overlay map below shows the locations of many of the transit agency's amenities, including park and ride facilities, transit centers, pedestrian improvements, and bus shelters, relative to the locations of bus and rail routes and the locations of minority and non-minority populations. Such a map is one way to demonstrate how amenities are distributed across the transit system.

**Figure 4. Transit Amenities Overlay Map**



**APPENDIX K****SERVICE AND FARE EQUITY ANALYSIS QUESTIONNAIRE CHECKLIST  
(REQUIREMENT FOR TRANSIT PROVIDERS THAT OPERATE 50 OR MORE  
FIXED ROUTE VEHICLES IN PEAK SERVICE AND ARE LOCATED IN  
URBANIZED AREAS (UZA) OF 200,000 OR MORE PEOPLE, OR THAT  
OTHERWISE MEET THE THRESHOLD DEFINED IN CHAPTER IV)****Background**

Transit providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, must conduct a Title VI equity analysis whenever they plan a fare change and/or a major service change. Equity analyses are required regardless of whether proposed changes would cause positive or negative impacts to riders. In other words, transit providers must conduct an equity analysis for all fare changes and for major service reductions and major service expansions. Financial exigencies and other special circumstances (e.g., economic hardships, size of transit provider's service area or staff) do not exempt transit providers from the requirement to conduct equity analyses.

*The checklist below is provided for the purposes of guidance only.*

**Service and Fare Equity Questionnaire Checklist****(1) Considerations for Service Equity Analysis*****A. Major Service Change Policy***

- ☐ We have briefly and clearly stated our Major Service Change Policy.
- ☐ We have briefly and clearly explained how this particular service change meets or exceeds our Major Service Change Policy.
- ☐ Our Major Service Change Policy is presented as a numerical standard, applies to both service reductions and service increases, and is not set so high as to never require an analysis.
- ☐ We have included a description of the public engagement process for setting the major service change policy.
- ☐ We have included a copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the major service change policy.

***B. Adverse Effects***

- ☐ We have defined and analyzed adverse effects related to major service changes, paying attention to the fact that elimination of a route will likely have a greater adverse effect than a reduced frequency (headway change) in service. We have analyzed service between the existing and proposed service, and have considered the degree of the adverse effects when planning service changes.

***C. Disparate Impact Policy***

- ☐ We have briefly and clearly stated our policy to determine when a “disparate impact” occurs in the context of major service changes, including both service reductions and/or expansions. In particular, our agency has established a threshold for determining whether adverse effects are borne disproportionately by minority populations.
- ☐ Our agency applies the disparate impact policy uniformly to all major service changes, regardless of mode.
- ☐ Our policy describes how we engaged the public in developing our policy for measuring disparate impacts.
- ☐ We have included a copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the disparate impact policy.

***D. Disproportionate Burden Policy***

- ☐ We have briefly and clearly stated our policy to determine when a disproportionate burden occurs in the context of major service changes. In particular, our agency has established a threshold for determining whether adverse effects are borne disproportionately by low-income populations.
- ☐ Our agency applies the disparate impact policy uniformly to all major service changes, regardless of mode
- ☐ Our policy describes how we engaged the public in developing the disproportionate burden policy.
- ☐ We have included a copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the disproportionate burden policy.

*E. Analysis Framework*

- ☐ We have described the dataset(s) used in the analysis and provided the reason for the dataset(s) selected, as well as the techniques and/or technologies used to collect the data.
- ☐ If using general population for the comparison population, we have described the geographic level (e.g., Census block, Census block group, TAZ, etc.) at which we have measured minority and low-income concentrations.
- ☐ If using ridership as the comparison population, we have described how we determined the minority and low-income ridership of affected routes and the system as a whole.

*F. Assessing Impacts*

- ☐ We have shown how the proposed major service changes would impact minority and low-income populations at the geographic level by including the following:
  - **Overlay maps** showing proposed service changes as well as demographic data in order to study the affected population
  - **Tables** showing impacts associated with each type of route or service change (e.g., routing, frequency, span of service, addition or elimination of routes).
- ☐ We have used our adverse effects definition and our disparate impact policy and compared the proportion of minorities adversely affected to the proportion of non-minorities adversely affected.
- ☐ We have provided a step-by-step description of the analytical methodology we followed to determine whether the proposed change(s) would have a disparate impact on minority populations.
- ☐ We have identified whether minority populations will experience disparate impacts.
- ☐ If we have determined that a disparate impact exists, we have considered modifying our proposal to remove these impacts. If we modified our proposal, we have analyzed the modified proposal to determine whether minority populations will experience disparate impacts.
- ☐ If we have determined that a disparate impact exists and we will make the service changes despite these impacts, we have also:
  - Clearly demonstrated that we have a substantial legitimate justification for the proposed service changes; and

- Clearly demonstrated that we analyzed alternatives to determine whether the proposed service changes are the least discriminatory alternative.
- ☐ We have used our adverse effects definition and our disproportionate burden policy and compared the proportion of low-income persons adversely affected to the proportion of non-low-income persons adversely affected.
- ☐ We have provided a step-by-step description of the analytical methodology we followed to determine whether the proposed change(s) would have a disproportionate burden on low-income populations.
- ☐ We have identified whether low-income populations will experience disproportionate burdens.
- ☐ If we have determined that a disproportionate burden exists, we have also taken steps to avoid, minimize, or mitigate impacts where practicable. We have also described alternatives available to low-income passengers affected by the service changes.
  - Note: Alternatives could include the availability of other lines or services, potentially involving transfers and/or other modes, which connect affected riders with destinations that they commonly access. Depending on the nature of impacts, service-related mitigation could include strategies such as alignment or frequency changes to nearby lines or services to offer more convenient access to affected areas.
- ☐ If we are proposing a service improvement, we have analyzed accrual of benefits for minority populations as compared to non-minority populations, and low-income populations as compared to non-low-income populations, using the comparison population we selected (i.e., ridership or service area).
- ☐ If service is proposed to be increased and/or expanded, but minority and/or low-income populations are not expected to benefit from the expansion as much as non-minority and/or non-low-income populations, then we have explained how our agency plans to improve service to the minority and/or low-income populations.
- ☐ We have described any plans our agency has developed to restore service as additional funds become available.



*Exhibit 1.***SAMPLE reporting of proposed headway change based on ridership.**

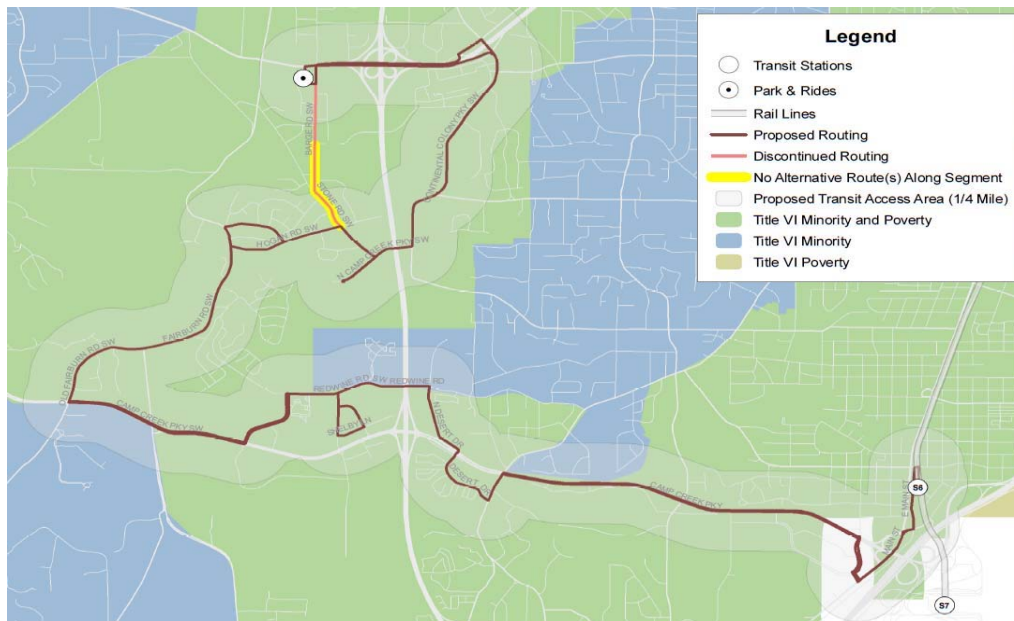
Impact of Potential Service Adjustments on Minority and Low Income Passengers								
Weekly Numbers								
Bus Lines	Wkly Ons	Under20k	Minority	% <20k	% Min	Impacted Ons	Under20k	Minority
1	50,340	25,081	21,602	50%	43%	1,453	724	624
2	56,929	20,727	10,639	36%	19%	4,623	1,683	864
3	39,479	15,902	7,414	40%	19%	2,396	965	450
4	18,396	7,309	4,509	40%	25%	688	273	169
5	52,845	21,450	13,172	41%	25%	1,572	638	392
6	952	446	248	47%	26%	237	111	62
7	4,562	679	2,012	15%	44%	659	98	291
8	1,781	455	414	26%	23%	280	71	65
9	13,596	4,177	4,093	31%	30%	1,161	357	349
10	19,346	7,186	4,965	37%	26%	1,014	377	260
11	65,337	33,005	22,653	51%	35%	998	402	187
12	19,406	7,565	3,864	39%	20%	378	150	93
13	21,728	7,379	4,359	34%	20%	931	378	232
<b>Ridership Adjusted Lines</b>	<b>364,697</b>	<b>151,360</b>	<b>99,943</b>	<b>42%</b>	<b>28%</b>	<b>16,390</b>	<b>6,228</b>	<b>4,037</b>
<b>Total Percent impacted</b>							<b>38%</b>	<b>25%</b>
<b>Ridership All Bus Lines</b>	<b>1,266,568</b>	<b>527,728</b>	<b>381,169</b>	<b>42%</b>	<b>30%</b>			

“Impacted Ons” is calculated by taking the number of trips eliminated in a given hour times the number of passengers per trip during that hour and adding up the number of passengers impacted in a week.

In the table above, an agency has assessed how proposed reductions in service frequency (headway changes) would impact minority and low-income passengers on a bus-only system. Here, the cumulative proposed reduction in service frequency will impact minority and low-income passengers slightly less than their proportion of ridership of the system.

Notably, assessing the cumulative impacts of the route changes appears to reduce the impacts of some of the changes, while increasing the impacts of other changes. Transit providers should consider whether to evaluate changes to routes separately or cumulatively and include this in their disparate impact policy.

If the cumulative impact analysis showed a different result, i.e., a higher percent of minority or low-income populations being impacted than their presence in the overall ridership, the transit provider would likely want to take another look at the routes with high passenger counts and higher-than-system-average minority and/or low-income passengers in order to adjust the changes and reduce the adverse effects.

*Exhibit 2.***SAMPLE GIS map depicting proposed route changes and nearby minority and low-income concentrations.**

Type of Service Change	Minority Proportion of Population		Low-Income Proportion of Population	
	Census blocks along routes	Average population in service area	Census blocks along routes	Average population in service area
Changes in Routing	38.9%	34.3%	13.7%	12.2%
Headway Changes	27.5%	34.3%	11.0%	12.2%
Route discontinuation	30.6%	34.3%	12.8%	12.2%

In the table above, the transit provider has analyzed the cumulative impacts of each type of service change on minority populations and low-income populations in its service area. The analysis is based on block-level Census demographic data and therefore does not represent ridership directly.

The changes in routing appear to affect minority populations more adversely than the population as a whole, and the changes in routing and route discontinuations appear to affect low-income populations more adversely than the population as a whole. The transit provider's ultimate determination of disparate impact on minority riders or disproportionate burden on low-income riders would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

*Exhibit 3.***SAMPLE Population Comparison**

<b>Table 1 - Regional Population Data</b>				
Total Population of Service Area	Minority Population	Percent Minority	Low-income Population	Percent Low-Income
242,916	50,829	21%	43,000	18%

<b>Table 2 - Affected Census Block Area Population Data</b>						
Route #	Change type	Total Population affected Census blocks	Minority Population	Percent Minority	Low-Income Population	Percent Low-Income
Route 6	Discontinued	5870	800	14%	250	4%
Route 7	Discontinued	9500	2500	26%	2100	22%
Total		15370	3300	21%	2350	15%

Here, the transit provider is proposing elimination of two routes, and is using population data, not ridership data. The affected population is the Census blocks with access to the route, generally defined as a one-quarter mile walk to a bus stop or a one-half mile walk to a rail station. While the elimination of Route 7 appears to affect low-income and minority populations more adversely than the population as a whole, the provider's ultimate determination of disparate impact on minority riders or disproportionate burden on low-income riders would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

Notably, assessing the cumulative impacts of the two route changes appears to reduce the impacts of the elimination of Route 7. Transit providers should consider whether to evaluate changes to routes separately or cumulatively and include this in their disparate impact policy. See the example on the next page for a different result.

*Exhibit 4.*

**SAMPLE Ridership Comparison**

<b>Table 3 - Regional Ridership Data</b>				
Total System-wide Riders	Minority Riders	Percent Minority	Low-Income Riders	Percent Low-Income
3,224,000	1,346,000	42%	1,235,000	38%

<b>Table 4 - Affected Route Ridership Data</b>					
	Discontinued Segment - Ridership	Minority Riders	% Minority Riders	Low-Income Riders	% Low-Income Riders
Route 1	20,800	6,000	29%	4,700	23%
Route 2	72,600	33,400	46%	31,200	43%
Total	93,400	39,400	42%	35,900	38%

Here, the transit provider is proposing eliminating segments of two different routes (shortlining). The elimination of a segment of Route 2 appears to affect minority and low-income passengers more adversely than ridership of the system as a whole; however, the provider's ultimate determination of disparate impact on minority passengers or disproportionate burden on low-income passengers would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

Here, assessing the cumulative impacts of two shortlined routes appears to increase the adverse effects of the change to Route 1, and decrease the effects of the change to Route 2. Transit providers should consider whether to evaluate changes to routes separately or cumulatively and include this in their disparate impact policy.

*Exhibit 5.***SAMPLE Impacts to passengers**

Type of Service Change	Ridership of affected route			Ridership of system	
	Total Boardings	% Minority	% Low-Income	% Minority	% Low-Income
Service span (reduction of entire trips)	24	83%	17%	73.7%	10%

Here, a transit provider that operates service into the late evening has proposed to discontinue trips that begin after 10:00 p.m. In this example, the provider's ridership is the basis of the analysis, not the population of adjacent Census blocks. The table shows that both minority populations and low-income populations would bear a disproportionate share of the service change, when comparing the ridership of the affected route with the ridership of the system as a whole. However, the ridership that is affected is relatively small, particularly if it is divided over a number of trips.

As with the other examples, the provider's ultimate determination of disparate impact on minority passengers or disproportionate burden on low-income passengers would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

When changes are disproportionately borne by minority passengers, and the provider determines there is a disparate impact based on its policy, the transit provider can make the change as long as it can clearly demonstrate that it has a substantial legitimate justification for the proposed service changes; and the transit provider clearly demonstrates that it analyzed alternatives to determine whether the proposed service changes are the least discriminatory alternative.

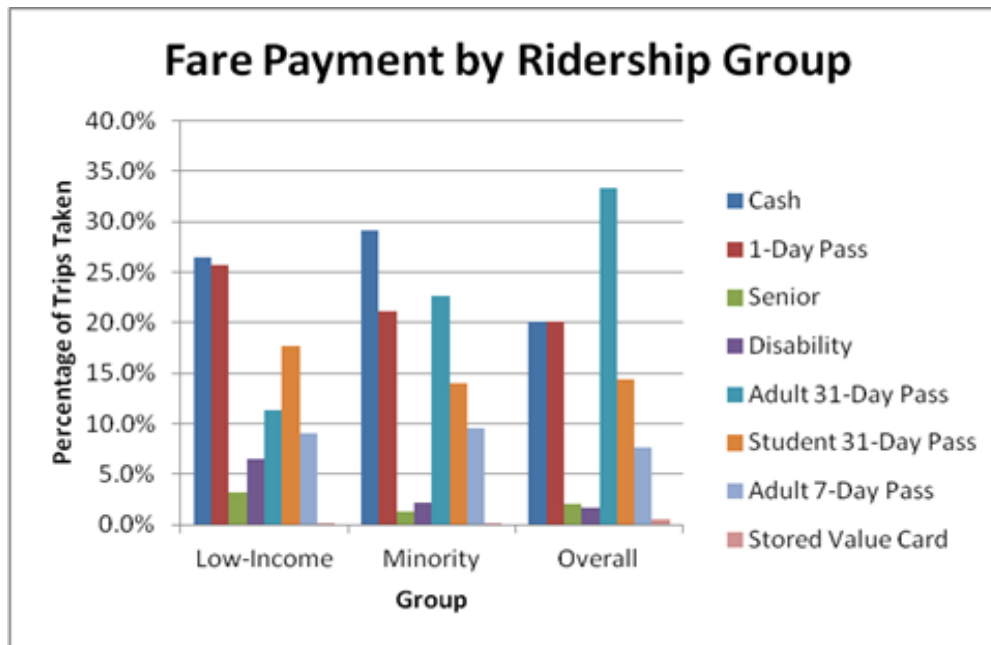
If the transit provider determines there is a disproportionate burden on low-income passengers, the transit provider should review alternatives to see if the impacts on the low-income passengers can be avoided, minimized, or mitigated.

**(2) Considerations for a Fare Equity Analysis**

- ☐ We have briefly and clearly stated our policy to determine when a “disparate impact” occurs in the contexts of fare changes. In particular, our agency has developed policy thresholds (in terms of absolute numbers or proportions) for identifying disparate impacts.
- ☐ Our policy specifies how we engaged the public in developing our policy for measuring disparate impacts.
- ☐ We have briefly and clearly stated our disproportionate burden policy, and our policy describes how we engaged the public in developing the disproportionate burden policy.
- ☐ We have analyzed the fare media generated from ridership surveys indicating whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type, or fare media that would be subject to the fare increase or decrease (see sample, page K-12).
- ☐ We have determined the number and percent of users of each fare media proposed for increase or decrease.
  - Our analysis includes a profile of fare usage by group—minority, low-income, and overall ridership—as shown below.
  - If the proposed changes would only affect certain fare media, the analysis should address whether focusing changes on those fare media may lead to a disparate impact or disproportionate burden.
- ☐ We have clearly depicted the information in tabular format.
  - The table depicts the fare media comparing the existing cost, the percent change, and the usage of minority groups as compared to overall usage and low-income groups as compared to overall usage. We have clearly analyzed fare media for minority groups distinct from low-income.
- ☐ We have compared the differences in impacts between minority users and overall users.
- ☐ We have compared the differences in impacts between low-income users and overall users.
- ☐ We have analyzed any alternative transit modes, fare payment types, or fare media available for people affected by the fare change.
  - Analysis compared the fares paid by the proposed changes with fares that would be paid through available alternatives.

- Analysis shows whether vendors that distribute/sell the fare media are located in areas that would be convenient to impacted populations.
- ☐ We have identified whether minority populations will experience disparate impacts.
- ☐ If we have determined that a disparate impact exists, we have considered modifying our proposal to remove these impacts. If we modified our proposal, we have analyzed the modified proposal to determine whether minority populations will experience disparate impacts.
- ☐ If we have determined that a disparate impact exists and we will make the fare changes despite these impacts, we have also:
  - Clearly demonstrated that we have a substantial legitimate justification for the proposed fare changes; and
  - Clearly demonstrated that we analyzed alternatives to determine whether the proposed fare changes are the least discriminatory alternative.
- ☐ If we have documented a disparate impact or a disproportionate burden, we have explored alternatives and mitigation, including the timing of implementing the fare increases, providing discounts on passes to social service agencies that serve the impacted populations, and other alternatives as appropriate.

Charting fare payment by ridership group (as shown on the next page) can be a useful early step in a fare equity analysis to understand how fare media usage varies between low-income riders, minority riders, and overall ridership. Comparing fare payment patterns for minority versus non-minority and low-income versus higher-income riders can yield even clearer depictions of differences that should be considered when developing fare change proposals.



### SAMPLE Fare Equity Analysis

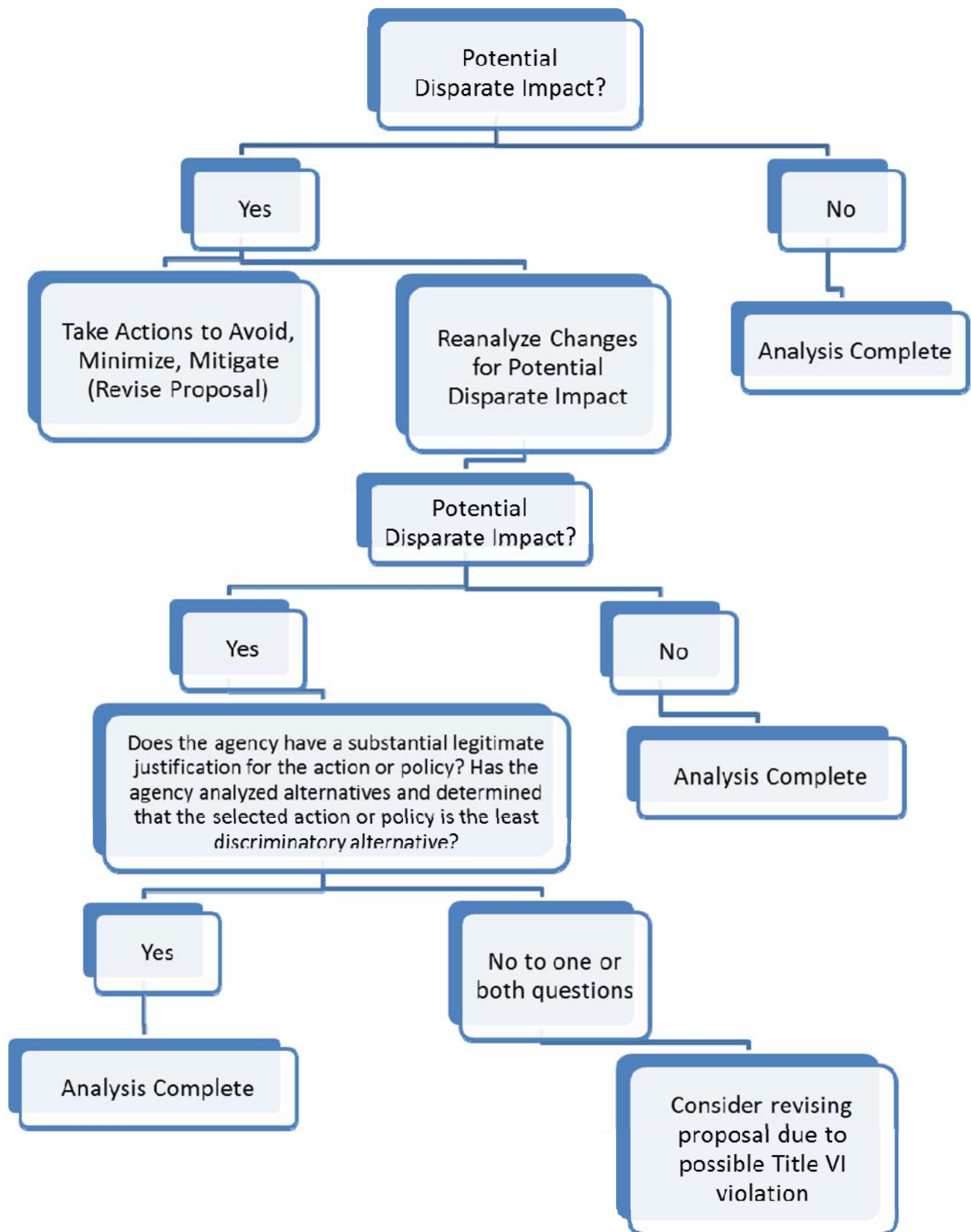
Count	Cost		Change		Usage by Group		
Fare type	Existing	Proposed	Absolute	Percentage	Low-Income	Minority	Overall
Cash	\$1.50	\$2.00	\$0.50	33.3%	308,287	402,021	451,152
1-Day Pass	\$4.50	\$5.50	\$1.00	22.2%	299,880	290,456	448,907
Senior	\$0.50	\$0.75	\$0.25	50.0%	37,536	17,681	46,077
Disability	\$0.50	\$1.00	\$0.50	100.0%	75,440	29,280	38,600
Adult 31-Day Pass	\$57.00	\$63.00	\$6.00	10.5%	132,720	311,225	746,769
Student 31-Day Pass	\$30.00	\$35.00	\$5.00	16.7%	205,708	192,661	323,150
Adult 7-Day Pass	\$15.00	\$17.00	\$2.00	13.3%	105,831	132,135	170,300
10-Ride Card	\$13.50	\$18.00	\$4.50	33.3%	184	780	11,400
<b>Total</b>					<b>1,165,586</b>	<b>1,376,239</b>	<b>2,236,355</b>

% of Total	Cost		Change		Usage by Group		
Fare type	Existing	Proposed	Absolute	Percentage	Low-Income	Minority	Overall
Cash	\$1.50	\$2.00	\$0.50	33.3%	26.4%	29.2%	20.2%
1-Day Pass	\$4.50	\$5.50	\$1.00	22.2%	25.7%	21.1%	20.1%
Senior	\$0.50	\$0.75	\$0.25	50.0%	3.2%	1.3%	2.1%
Disability	\$0.50	\$1.00	\$0.50	100.0%	6.5%	2.1%	1.7%
Adult 31-Day Pass	\$57.00	\$63.00	\$6.00	10.5%	11.4%	22.6%	33.4%
Student 31-Day Pass	\$30.00	\$35.00	\$5.00	16.7%	17.6%	14.0%	14.4%
Adult 7-Day Pass	\$15.00	\$17.00	\$2.00	13.3%	9.1%	9.6%	7.6%
Stored Value Card	\$13.50	\$18.00	\$4.50	33.3%	0.0%	0.1%	0.5%
<b>Total</b>					<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>



Here, an agency has presented a fare increase proposal and determined fare media usage for low-income, minority and overall ridership from a rider survey. Although a price increase is proposed for all fare media, certain media used disproportionately by low-income and/or minority riders (such as cash fares, one-day passes, and disability fares) are proposed for more substantial price increases than other media used more commonly by other riders (particularly the adult 31-day pass). In order to make an appropriate assessment of disparate impact or disproportionate burden, the transit provider must compare the survey data, and show the number and percent of minority riders and low-income riders using a particular fare media. While the changes appear to affect low-income and minority riders more adversely than other riders, the agency's ultimate determination of disparate impact on minority riders or disproportionate burden on low-income riders would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

## Disparate Impact Analysis



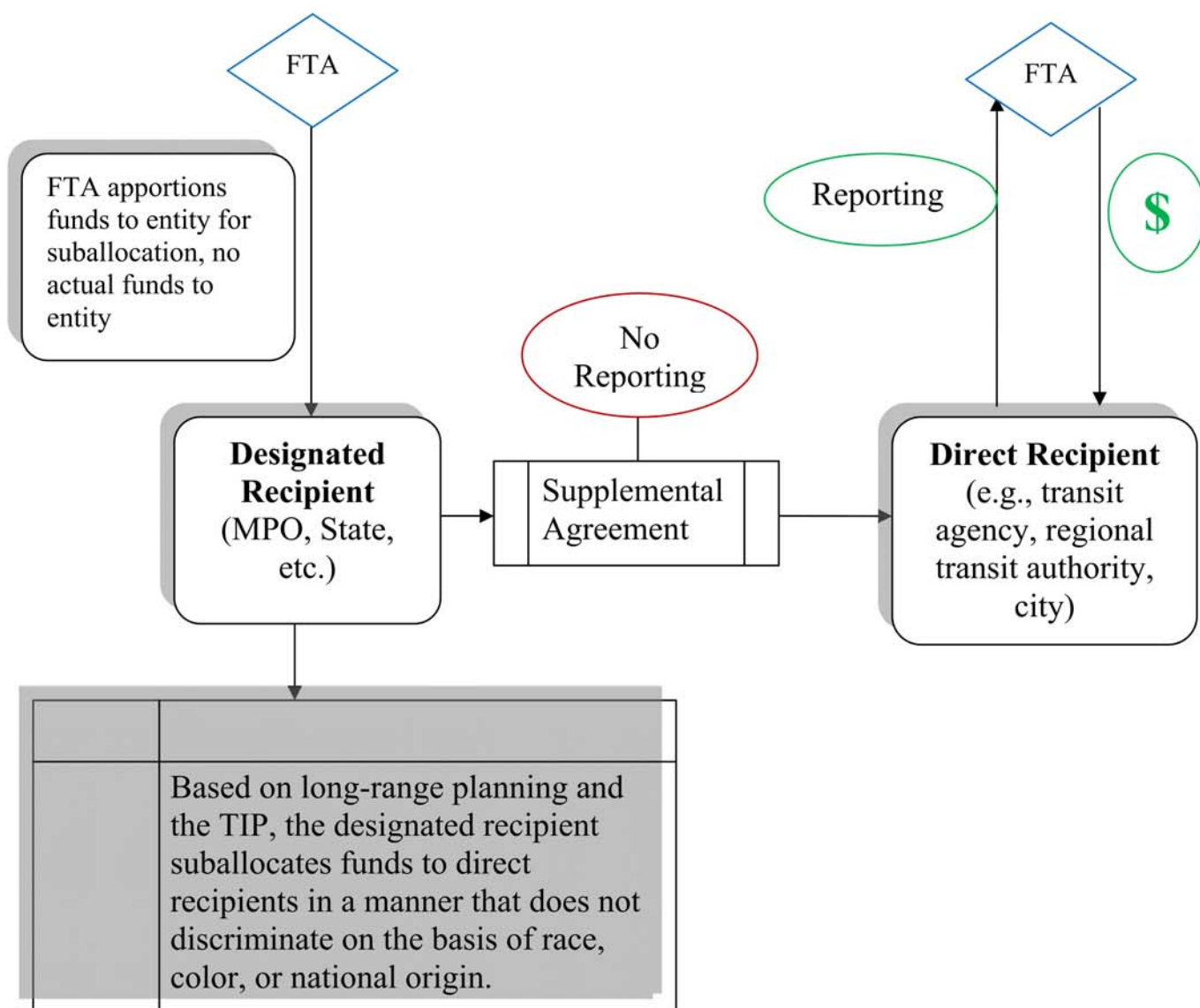
## APPENDIX L

### REPORTING REQUIREMENTS

1. RECIPIENT TYPE. This circular defines many types of recipients of Federal financial assistance: designated recipients, direct recipients, primary recipients and subrecipients. The reporting and monitoring requirements vary depending on what role an entity serves. One entity could be all four types of recipients, and therefore have many different reporting and monitoring requirements. The following questions are designed to assist recipients in determining what their responsibilities are:
  - a. Have you been designated by the Governor of your State or other local officials to receive and apportion funds from FTA? If yes, you are a ***designated recipient***.
  - b. Do you apply to FTA for funds for programs you operate/manage? If yes, you are a ***direct recipient***. You will submit a Title VI Program directly to FTA.
  - c. Do you pass through funds you receive directly from FTA to subrecipients? If yes, then you are a ***primary recipient*** and you must monitor your subrecipients' compliance with Title VI requirements, and collect Title VI Programs from them.
  - d. Do you receive funds from another FTA recipient, that is, are funds "passed through" to you from an entity that received those funds from FTA or another recipient? If yes, then you are a ***subrecipient***. You must submit a Title VI Program to the entity that passed funds through to you.
  - e. Do you suballocate funds to recipients that apply directly to FTA for their funds (i.e., direct recipients)? If yes, have you signed a supplemental agreement? If yes, you do not have any responsibility to monitor the Title VI Program of direct recipients, even if you also "pass through" funds to those recipients (i.e., subrecipients).
  - f. Do you receive discretionary, specialized funding (e.g., TIGER, Livability Urban Circulator)? If yes, do you regularly apply for funds from FTA, i.e., are you a traditional recipient of FTA funds? If you are not a traditional recipient of FTA funds, or are a first-time applicant for FTA funds, special rules may apply.

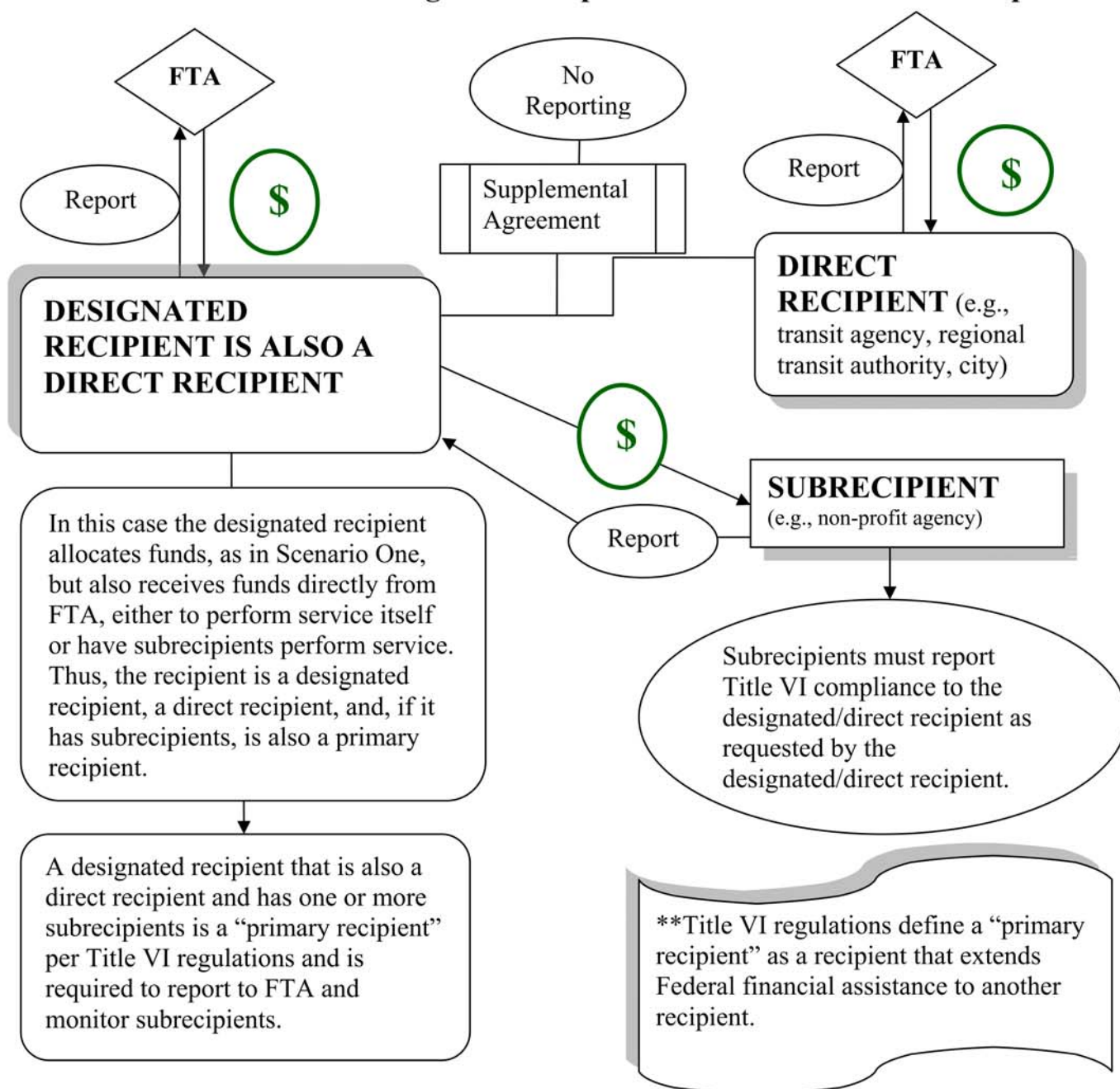
On the following pages are flowcharts that demonstrate the reporting requirements of various types of entities.

### Scenario One—States, Designated Recipients, MPOs, and Other Entities That Suballocate FTA Funds

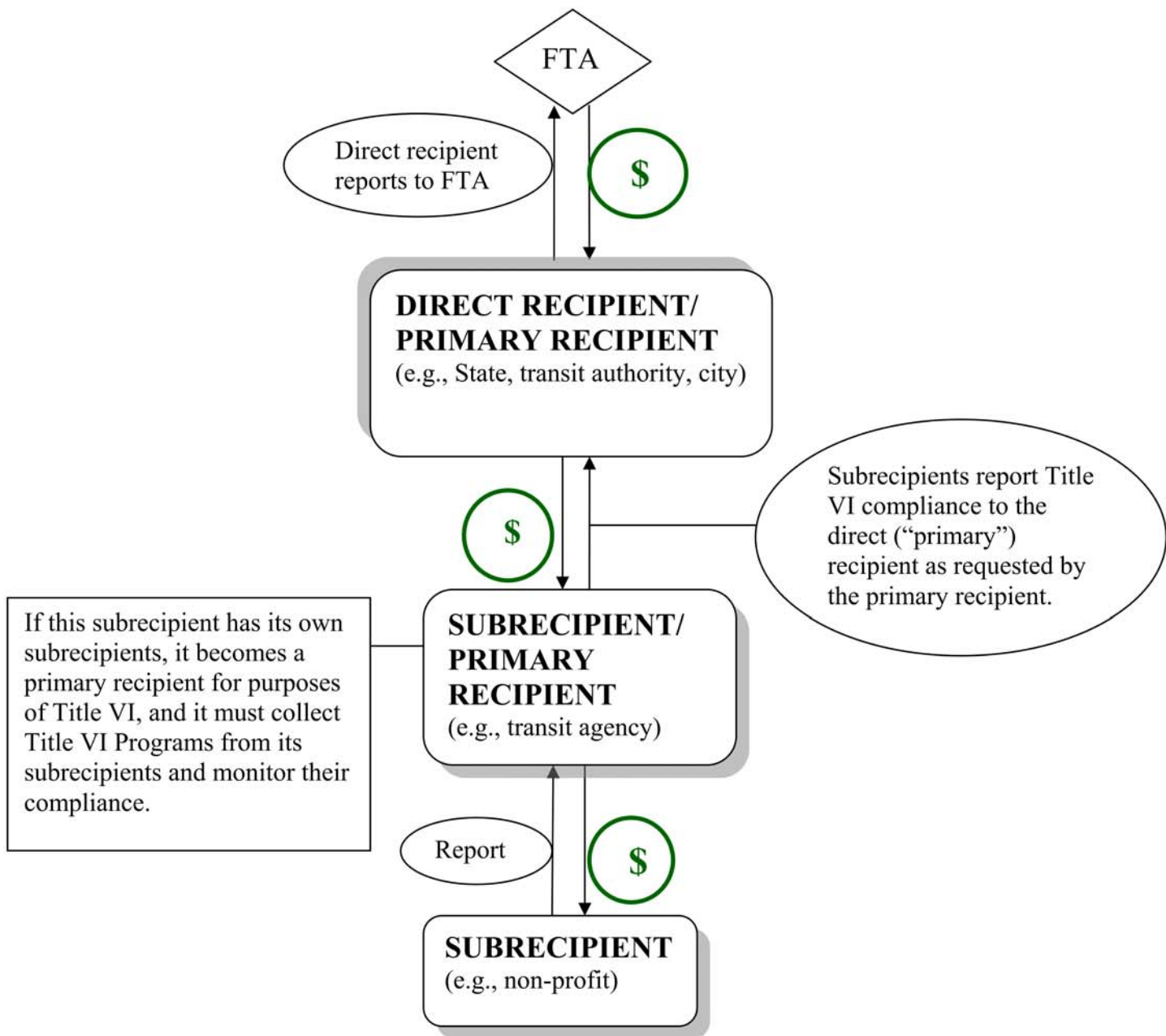


**Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives no funding from FTA; it only receives notice of an apportionment and then suballocates funds to direct recipients; therefore, the designated recipient has no oversight responsibility for direct recipients that receive their funding directly from FTA. Direct recipients submit Title VI reports to FTA.**

### Scenario Two—Designated Recipients That Are Also Direct Recipients



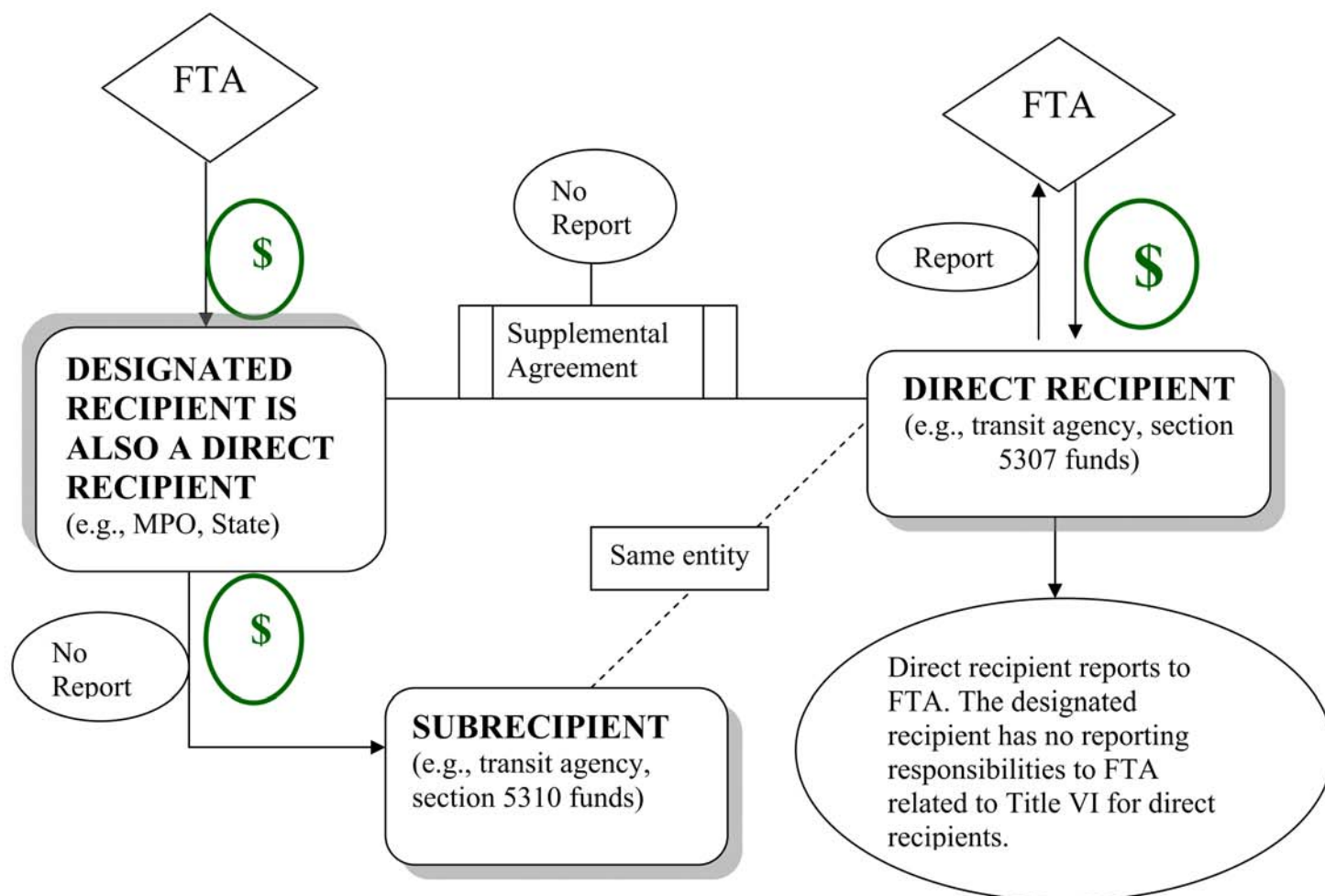
**Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives funding from FTA; therefore the designated recipient submits a Title VI Program to FTA and includes a description of how it monitors subrecipients. The designated recipient does not collect Title VI Programs from direct recipients to whom it only allocates funds. Direct recipients submit Title VI Programs to FTA.**

**Scenario Three—Direct Recipients, Including States**

**Reporting requirements follow the source of Federal funds. In this case, the direct (primary) recipient submits a Title VI Program to FTA and monitors subrecipients at all tiers.**



### Scenario Four—Designated Recipients That Pass Funds Through to Direct Recipients That Are Covered by a Supplemental Agreement

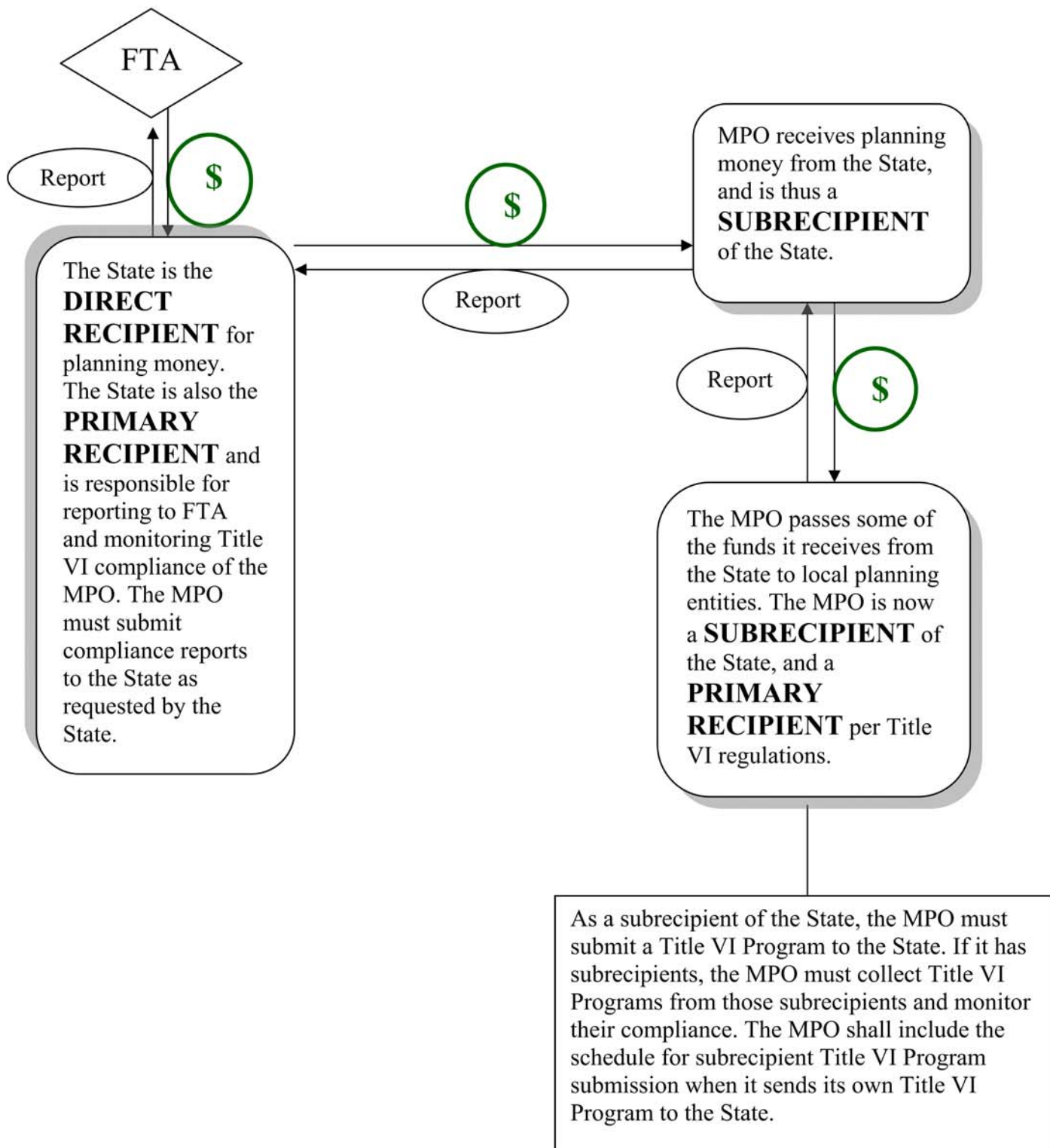


A subrecipient that is also a direct recipient is required to have an FTA approved Title VI Program in place, and the funds the subrecipient receives through the designated recipient must be utilized in accordance with that Title VI Program. Since the subrecipient/direct recipient must report compliance to FTA, it is not required to report to the designated recipient, and the designated recipient, consistent with the supplemental agreement, is not required to oversee the subrecipient's Title VI Program.

**NOTE:** If the direct recipient relationship with FTA changes, such that the entity becomes only a subrecipient of the designated recipient, then the subrecipient will report to the designated recipient, and the designated recipient will report to FTA.

**NOTE also** that while the designated recipient is not reporting to FTA for the direct/subrecipient, when the designated recipient is also a direct recipient it will report directly to FTA, and it may also have other reporting responsibilities, as when the designated recipient is an MPO or provides transit service itself.

**Scenario Five—Role of MPOs and States With Regard to Planning Funds  
(Other Scenarios May Also Apply)**





## **APPENDIX M**

### **TITLE VI AND LIMITED ENGLISH PROFICIENCY TECHNICAL ASSISTANCE RESOURCES**

The following resources should help recipients integrate the guidance and procedures of this circular into their planning and operations. Recipients seeking additional resources that may have been published subsequent to the date of this circular may inquire with their local FTA Regional Office or FTA's Office of Civil Rights. Technical assistance resources will be published on the FTA Office of Civil Rights website, [http://www.fta.dot.gov/civil\\_rights.html](http://www.fta.dot.gov/civil_rights.html), on an ongoing basis.

1. **Relevant Websites.** Recipients and subrecipients are encouraged to review information on the following websites:
  - a. **FTA's Title VI Website.** [www.fta.dot.gov/civilrights/civil\\_rights\\_5088.html](http://www.fta.dot.gov/civilrights/civil_rights_5088.html). This website provides an overview of FTA's Title VI activities, including links to recent compliance reviews of recipients, related websites, policy guidance and procedures, and instructions on how to file a Title VI complaint.
  - b. **Federal Interagency Working Group on Limited English Proficiency.** [www.lep.gov](http://www.lep.gov) promotes a cooperative understanding of the importance of language access to Federal programs and Federally-assisted programs. The site acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for Federal agencies, recipients of Federal funds, users of Federal programs and Federally-assisted programs, and other stakeholders.
  - c. **U.S. Department of Justice Civil Rights Division.** <http://www.justice.gov/crt/> The Civil Rights Division of the Department of Justice, established in 1957, is the program institution within the Federal government responsible for coordinating the implementation and enforcement of Federal statutes prohibiting discrimination on the basis of race, color, national origin, and other protected classes.
  - d. **Community Impact Assessment Website.** <http://www.ciatrans.net>. The Community Impact Assessment (CIA) website seeks to inform transportation officials and the general public about the potential impacts of proposed transportation actions on communities and their subpopulations.
  - e. **United We Ride.** [www.unitedweride.gov](http://www.unitedweride.gov). United We Ride is an interagency Federal national initiative that supports States and their localities in developing coordinated human service delivery systems originating from the Office of Program Management or the Federal Transit Administration. In addition to State coordination grants, United We Ride provides State and local agencies a transportation-coordination and planning self-assessment tool, help along the way, technical assistance, and other resources to help their communities succeed.

2. Technical Assistance Products. Recipients and subrecipients are encouraged to review information on the following technical assistance products. Interested parties can access these products through the relevant website or by contacting FTA's Office of Civil Rights.
  - a. "How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision-making." <http://www.fhwa.dot.gov/hep/lowlim/>. This report documents "best practices" in identifying and engaging low-literacy and limited-English-proficiency populations in transportation decision-making. These "best practices" were collected during telephone interviews with individuals in 30 States.
  - b. "Disaster Response and Recovery Resource for Transit Agencies" <http://transit-safety.volpe.dot.gov/Publications/order/singledoc.asp?docid=437>. This resource provides local transit agencies and transportation providers with useful information and best practices in emergency preparedness and disaster response and recovery, including information on how to respond to the needs of low-income persons, limited English proficient persons, persons with disabilities, and older adults.

**REFERENCES**

- a. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000d.
- b. Federal Transit Laws, Title 49, United States Code, Chapter 53.
- c. National Environmental Policy Act of 1969, as amended, 42 U.S.C. Section 4321 *et seq.*
- d. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601, *et seq.*
- e. U.S. Department of Justice regulations, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs,” 28 CFR part 42, Subpart F.
- f. U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR part 21.
- g. Joint FTA/Federal Highway Administration (FHWA) regulations, “Environmental Impact and Related Procedures,” 23 CFR part 771 and 49 CFR part 622.
- h. Joint FTA/FHWA regulations, “Planning Assistance and Standards,” 23 CFR part 450 and 49 CFR part 613.
- i. Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” Feb. 11, 1994, 59 FR 7629 (Feb. 16, 1994).
- j. Executive Order 13166, “Improving Access to Services for Persons With Limited English Proficiency,” Aug. 11, 2000, 65 FR 50121 (Aug. 16, 2000).
- k. U.S. Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations, 62 FR 18377 (Apr. 15, 1997).
- l. U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, 70 FR 74087 (Dec. 14, 2005).
- m. FTA Master Agreement, FTA MA (17), Oct. 1, 2010.



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## Board Report

File #: 2016-0642, File Type: Informational Report

Agenda Number: 41.

### EXECUTIVE MANAGEMENT COMMITTEE OCTOBER 20, 2016

**SUBJECT: METRO EXPRESSLANES OPERATION AND MAINTENANCE**

**ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXERCISE CONTRACT OPTION AND MODIFY CONTRACT**

#### **RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to exercise Option 4.4, Additional Year of Operation and Maintenance (O&M) - Year 4, Modification No. 71 for Contract No. PS0922102333 with **Atkinson Contractors, LP (Atkinson) for Metro ExpressLanes Operation and Maintenance** in the amount of \$3,096,000, increasing the total Contract price from \$136,236,656 to \$139,332,656.
- B. AUTHORIZING the CEO to execute Contract Modification No. 72 for additional **O&M Support Costs** for Option Year 4 in the amount of \$12,636,000, increasing the total contract price from \$139,332,656 to \$151,968,656.
- C. AUTHORIZING the CEO to negotiate and execute Contract Modification No. 73 for **Additional Transponders** in the amount not-to-exceed \$12,200,000, increasing the total contract price from \$151,968,656 to \$164,168,656; and
- D. APPROVING an increase in Contract Modification Authority (CMA) for Contract No. PS0922102333, to Atkinson in the amount of \$29,216,913 increasing the total CMA from \$78,138,041 to \$107,354,954 to cover the costs of the recommended Contract Modifications above, and any pending and future changes listed in the Contract Modification/Change Order Log (Attachment C).

#### **ISSUE**

In December 2010, Atkinson was awarded a Design, Build, Operate and Maintain (DBOM) contract for the Metro ExpressLanes project that included all activities needed to implement and operate the ExpressLanes through the demonstration period. The DBOM contract included various options including five, one year options for operation and maintenance beyond the demonstration period, but none of these was authorized at the time of contract award. The exercising of the third of the one-

year options was approved by the Board on December 3, 2015 and expires on February 23, 2017.

The ExpressLanes continue to be a successful program with over 512,000 accounts opened and 600,000 transponders distributed since opening in November 2012. To continue the operation of the ExpressLanes, staff is asking the Board to approve exercising the fourth of the five, one-year options to extend O & M to February 23, 2018.

## **DISCUSSION**

### **Recommendation A: Additional Year of O & M**

Staff is currently working on new specifications for ExpressLanes O & M services. The Requests for Proposals (RFPs) are scheduled to be advertised in early 2017. Until we are in a position to execute new contracts for these services, it will be necessary to continue to execute the existing Option Years in the current contract. Since Option Year Three will expire in February 2017, staff is requesting Board authorization to enter into the fourth of the five, one-year options for O & M to continue to operate and maintain the Metro ExpressLanes.

### **Recommendation B: Additional O & M Support**

The recommended funding action is required due to the successful launch of the ExpressLanes and includes many activities driven mainly by customer and non-customer demand - additional account support for new accounts, costs for mailing of customer correspondence and violations and fees related to the processing of payments.

The base O & M contract for the ExpressLanes includes customer service related activities for up to 100,000 transponders, which was the target for the demonstration period. However, there are currently in excess of 600,000 transponders in circulation exceeding all expectations for the program and requiring more effort related to customer service than originally included in the base contract. The distribution of additional transponders results in establishment of new accounts that requires order fulfillment and additional contractor staffing support to service these accounts. Servicing activities include answering calls, handling correspondence, responding to customer inquiries, postage, and processing transactions.

Correspondingly, the success of the Metro ExpressLanes has increased violation processing beyond the original contract numbers, generating additional costs associated with license plate image processing, postage and mailing, phone services, and responding to online inquiries.

In addition, resources will continue to be needed for the maintenance of the tolling equipment and real-time traffic monitoring utilizing "EarthCam" cameras and staffing of the Traffic Management Center for incident management and monitoring of all toll-related systems. The Contract Modification in Recommendation B addresses this additional operational support required to operate and maintain the ExpressLanes through the balance of O & M Option Year 4.

### **Recommendation C: Additional Transponders**

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Since there continues to be steady growth in transponder distribution at a rate of 10,000 to 12,000 transponders issued per month, additional funds will be required to purchase transponders for new accounts. In addition, since the useful life of a transponder is approximately 5 years, funds are needed to purchase transponders to replace those that have been in circulation since the opening of the ExpressLanes. Over the next 12 to 18 months we expect to replace more than 250,000 transponders. The recommended funding action ensures that the supply of transponders continues to be sufficient to fulfill customer orders, replace existing aging transponders, and keeps us in the queue for manufacturing which requires a long lead item.

**Recommendation D: Additional CMA**

The additional CMA request of \$29,216,913, when combined with previous Board Approved CMA remaining, will be used to authorize Recommendations A, B and C (O & M Option Year Four, associated O & M Support Costs and Additional Transponders) as well as additional pending Modifications.

The request for authorization to increase the CMA will serve as a management tool for staff to issue contract modifications to compensate the contractor for additional costs incurred for the completion of the above services.

To ensure there is no interruption in O & M services, staff requests authority be granted to the CEO to execute a Contract Modification for the additional O&M support costs for Option Year 4.

**DETERMINATION OF SAFETY IMPACT**

Approval of these recommendations will improve safety for Metro ExpressLanes patrons.

**FINANCIAL IMPACT**

Because this is a multi-year program, the cost center manager and Executive Officer, Congestion Reduction will be responsible for budgeting the remaining CMA in future years.

**Impact to Budget**

The funding for this action will come from toll revenues generated from the Metro ExpressLanes operation. No other funds were considered for this activity.

**ALTERNATIVES CONSIDERED**

The Board may decline to approve the recommended actions. This is not recommended as staff cannot immediately re-procure a new contractor to operate and maintain the ExpressLanes and ensure uninterrupted operations. Additionally, this will most likely require re-negotiation of all rates under the existing contract and result in higher costs.

**NEXT STEPS**

Upon Board approval of the Recommendations, staff will take the necessary steps to amend the

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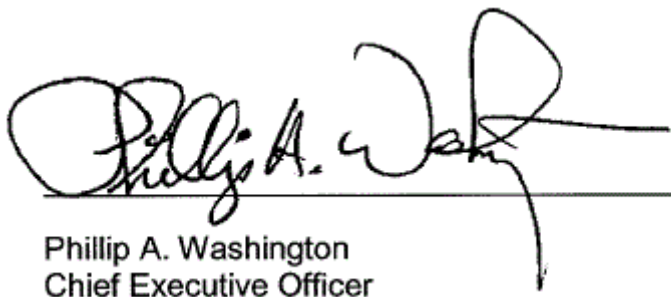
budget, notify the contractor of the exercising of Option Year Four for O & M and execute all required Contract Modifications.

**ATTACHMENTS**

- A. Procurement Summary
- B. Contract Modification Authority Summary
- C. DEOD Summary

Prepared by: Joe O'Donnell, Director, (213) 922-7231  
Tim Lew, Sr. Mgr, Transportation Planning, (213) 922-1071  
Kathy McCune, DEO (213) 922-7241  
Shahrzad Amiri, Executive Officer, (213) 922-3061

Reviewed by: Debra Avila, Chief, Vendor/Contract Management Officer,  
(213) 418-3051  
Stephanie Wiggins, Deputy CEO, (213) 922-1023



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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## METRO EXPRESSLANES OPERATIONS AND MAINTENANCE

1.	<b>Contract Number:</b> PS092210233			
2.	<b>Contractor:</b> Atkinson Contractors, LP			
3.	<b>Mod. Work Description:</b> Exercise Option 4.4: Additional Year of O&M - Year 4; Additional O&M Support Costs for Option Year 4; Additional Transponders			
4.	<b>Contract Work Description:</b> Design, Build, Operate and Maintain the Metro ExpressLanes			
5.	<b>The following data is current as of:</b> September 6, 2016			
6.	<b>Contract Completion Status:</b>			
	<b>Bids/Proposals Due:</b>	8/31/10	<b>% Completion \$s:</b>	86.4%
	<b>Contract Awarded:</b>	12/16/10	<b>% Completion time:</b>	97%
	<b>NTP:</b>	01/11/11	<b>Original Contract Days:</b>	990
	<b>Original Complete Date:</b>	09/28/13	<b>Change Order Days:</b>	1,244
	<b>Current Est. Complete Date:</b>	02/23/16	<b>Suspended Days:</b>	0
	<b>Total Revised Days:</b>			2,234
7.	<b>Financial Status:</b>			
	<b>Contract Award:</b>		\$72,363,702	
	<b>Total Contract Modifications Approved:</b>		\$63,872,954	
	<b>Current Contract Value:</b>		\$136,236,656	
	<b>Contract Administrator:</b> Joe O'Donnell		<b>Telephone Number:</b> 213-922-7231	
8.	<b>Project Manager:</b> Shahrzad Amiri		<b>Telephone Number:</b> 213-922-3061	

**A. Contract Action Summary**

This Board Action is to approve Contract Modification No. 71 issued in support of Contract Option 4.4: Operations and Maintenance of the ExpressLanes - Year 4, Contract Modification No. 72, for Additional O&M Support Costs for Option Year 4, and Contract Modification No. 73, for Additional Transponders.

These Contract Modifications will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed priced price.

On December 16, 2010, Contract No. PS0922102333 was awarded to Atkinson Contractors, LP in the amount of \$72,363,702, to Design, Build, Operate and Maintain the Metro ExpressLanes Project.

Attachment B shows that 66 Contract Modifications/change orders have been issued to date to add and/or delete work, and shows the exercise of Option Years 1 through 3 for Operations and Maintenance. Nine Contract Modifications are currently pending or in negotiations.

The recommended Contract Modifications are for a total amount of \$27,933,000.

## **B. Cost/Price Analysis**

The recommended price for Contract Modification No. 71 is at the amount originally bid for Option Year 4. A market survey was performed that confirmed the Option price is fair and reasonable.

The recommended price for Contract Modification No. 72 has been determined to be fair and reasonable based upon an independent cost estimate, cost analysis, technical evaluation, fact finding, and negotiations. An audit of Option Year 3 rates was conducted and found no issues with those additional O&M support costs. The Contractor has agreed to maintain all Option Year 3 rates for Option Year 4, except those that were increased due to collective bargaining agreements, therefore it was determined and agreed with MASD that an audit of the proposed amount for Option Year 4 was not necessary.

The amount shown for Contract Modification No. 73, is a not-to-exceed amount for additional transponders. A pre-negotiation plan is prepared. The final value for this Modification will be determined, based unit prices, to be fair and reasonable based upon an independent cost estimate, cost analysis, technical evaluation, fact finding, and negotiations.

<b>Mod No.</b>	<b>Changes</b>	<b>Proposal amount</b>	<b>Metro ICE</b>	<b>Negotiated or NTE amount</b>
71	Additional Year of O&M – Option Year 4	\$3,096,000	N/A*	\$3,092,000
72	Additional O&M Support Costs for Option Year 4	\$12,636,920	\$12,593,590	\$12,636,000
73	Additional Transponders	N/A*	N/A*	\$12,200,000

\* Mod. No. 71 price was a bid rate. Mod. No. 72 pricing is based OY3 rates with affected rates escalated per 2016 collective bargaining agreements. Pricing for Mod No. 73 is an estimated NTE amount.

## CONTRACT MODIFICATION AUTHORITY (CMA) SUMMARY

## METRO EXPRESSLANES OPERATIONS AND MAINTENANCE

Mod. No.	Description	Status	Contract Value	Mods	Board Approved CMA (C)
		(Approved or Pending)	(A)		
N/A	Initial Award	Approved	\$72,363,702		\$7,236,370
1	Exercise Options 1 and 2	Approved		\$4,250,000	
2	Admin Modification of Audit Requirements	Approved		\$0	
3	Install Fiber Cables & Splice Vaults on I-110	Approved		\$470,487	
4	Toll System Digital Visual Aids	Approved		\$65,100	
5	Modification to Field Office	Approved		\$3,228	
6	Drainage Improvements on I-110 (Const.)	Approved		\$1,867,000	
7	Exercise Option 3	Approved		\$2,475,000	
N/A	Board Approved CMA Increase (1/12)	Approved			\$11,592,445
8	Construction of Divider Wall	Approved		\$821	
9	Drainage Improvement on I-110 (Design)	Approved		\$234,440	
10	Harbor Gateway Transit Center	Approved		\$0	
11	Retail Transponder Sales	Approved		\$347,854	
12	Differing Site Condition – CIDH Pile Install.	Approved		\$384,768	
13	Modified Striping for Toll Lanes	Approved		\$607,964	
14	Audible and Visible Warning System	Approved		\$316,334	
15	Adams Blvd/Flower St. OCS (Construction)	Approved		\$80,061	
16	DSC – CIDH Piles Along I-10 Fwy	Approved		\$78,448	
17	Retail Packaging for Add'l Transponders	Approved		\$337,500	
18	Additional Design Support	Approved		\$137,879	
19	Rehabilitation of I-10 Shoulder	Approved		\$633,414	
20	Perforated Steel Pipe	Approved		\$160,276	
21	Temporary Customer Service Center	Approved		\$193,383	
22	Closure of Patsaouras Plaza Ramps	Approved		\$69,524	
23	Modify Conflicting Expo Signs	Approved		\$25,508	
24	Metro's TAP Interface Program	Approved		\$25,734	
25	I-10 Traffic Loops	Approved		\$126,598	
26	Additional Traffic Monitoring Support	Approved		\$957,186	
27	Additional Video Cameras	Approved		\$726,288	
28	Adams Blvd/Flower St. OCS (Design)	Approved		\$59,331	
29	Mobile Van Retail Unit/Extended Hours	Approved		\$50,000	
30	Additional Barrier Markers	Approved		\$39,128	
31	Toll System Software Modifications for Grace Period	Approved		\$9,724	
32	Release of Additional Transponders	Approved		\$450,000	
33	Mailing Costs	Approved		\$450,000	
34	Additional Account Support	Approved		\$1,000,000	
35	Contract Milestone Revision	Approved		\$2,749,778	
N/A	Board Approved CMA Increase (9/13)	Approved			\$2,335,035
36	Reduction of Provisional Sum Line Items	Approved		(\$2,147,709)	
38	Add'l Transponders Option 3 and Retail Packaging	Approved		\$459,375	
39	Additional Contaminated Material	Approved		\$150,000	
40	Additional Mailing Costs	Approved		\$1,000,000	

41	Additional Static and Digital Messaging Signs	Approved		\$432,463	
42	Permanent. Redundant Fiber Comm Network	Approved		\$341,738	
43	Digital Messaging Sign at Santa Anita	Approved		\$481,827	
CO12	Additional Computer Programming	Approved		\$250,000	
CO13	Credit Card Transaction Costs	Approved		\$270,000	
44	Exercise Option 4.1, Add'l Year of O&M – Year 1	Approved		\$3,024,000	\$3,024,000
45	Additional Account Support for Option Year 1	Approved		\$2,900,000	\$2,900,000
46	Add'l Transponders Option 3 and Retail Packaging	Approved		\$1,350,000	\$1,350,000
47	Additional Mailing Costs - Option Year 1	Approved		\$1,700,000	\$1,700,000
N/A	Board Approved CMA Increase (2/14)	Approved			\$1,254,862
48	Interface Configuration Document	Approved		\$35,924	
49	Additional TMO Labor - Option Year 1	Approved		\$445,000	
50	Additional Marketing Support – Option Year 1	Approved		\$304,399	
52	Additional Credit Card Transaction Fees – Option Year 1	Approved		\$300,000	
53	Additional Violations Processing Beyond Base Contract	Approved		\$750,000	\$750,000
54	Additional Transponders – Option Year 1	Approved		\$432,000	
55	Exercise Option 4.2, Add'l Year of O&M – Year 2	Approved		\$3,048,000	\$3,048,000
56	Additional O&M Support Costs for Option Year 2	Approved		\$6,717,874	\$6,717,874
57	Additional Transponders and Retail Packaging	Approved		\$4,999,986	\$4,999,986
60	Replacement of Pavement Stencils and Striping and New Delineators on I-10/I-110	Approved		\$1,708,334	\$1,708,334
62	Add Funds for Additional Violation Processing and Violation Credit Card Fees	Approved		\$605,000	
63	Exercise Option 4.3, Add'l Year of O&M – Year 3	Approved		\$3,072,000	\$3,072,000
64	Additional O&M Support Costs for Option Year 3	Approved		\$10,383,408	\$10,383,408
N/A	Board Approved CMA Increase (12/15)	Approved			\$507,655
66	Preliminary Design for Additional Toll Sites, Signage, Improvements	Approved		\$157,043	
67	Additional Funding for Operations Support Costs	Approved		\$900,000	
68	Marketing Data Analysis	Approved		\$90,470	
69	Earthcam Permanent Locations	Approved		\$250,622	
70	New CHP Beacon Light System - Design	Approved		\$78,444	
<b>Subtotal (Approved)</b>				<b>\$63,872,954</b>	<b>\$62,579,969</b>
58	Replacement and Additional Static Message and Dynamic Message Signs for I-10/I-110 and I-105	In-Process		\$2,650,000	\$2,650,000
59	New Toll Gantries	In-Process		\$2,500,000	\$2,500,000
65	Additional Transponders and Retail Packaging	In-Process		\$3,240,000	\$3,240,000
<b>Subtotal (In-Process)</b>				<b>\$8,390,000</b>	<b>\$8,390,000</b>
71	Exercise Option 4.4, Add'l Year of O&M – Year 4	Recommended		\$3,096,000	



72	Additional O&M Support Costs for Option Year 4	Recommended	\$12,636,000	
73	Additional Transponders	Recommended	\$12,200,000	
<b>Subtotal (Recommended)</b>			<b>\$27,932,000</b>	
61	Pavement Markings, Signage and Tolling Equipment at I-710/I-10 Interchange	Pending	\$2,250,000	\$2,250,000
TBD	Upgrade all CHP Gantry Enforcement Lights Construction	Pending	\$300,000	
TBD	Maintenance of Additional Tolling Equipment and DMS	Pending	\$260,000	
TBD	Additional Bond and Insurance Costs	Pending	\$250,000	
TBD	Unforeseen Potential Changes	Pending	\$3,900,000	<b>\$3,900,000</b>
TBD	Modification of Toll System Software for New & Replacement Sensys Equipment and Informational Dashboard	Pending	\$200,000	
<b>Subtotal (Pending)</b>			<b>\$7,160,000</b>	<b>\$6,150,000</b>

Subtotal - Approved Modifications			\$63,872,954	
Subtotal - In-Process Modifications			\$8,390,000	
Subtotal - Recommended Modifications			\$27,932,000	
Subtotal - Pending Changes/Modifications			\$7,160,000	
Total Modifications and Pending Changes			\$107,354,954	
Total Contract Value (including Approved, In-Process, Recommended and Pending Modifications)		\$179,718,656		
Board Approved CMA (C)				\$78,138,041
Requested CMA – Total Modifications and Pending Changes (\$107,354,954, minus Board Approved CMA, \$78,138,041)				\$29,216,913

## DEOD SUMMARY

## METRO EXPRESSLANES OPERATION AND MAINTANANCE

**A. Small Business Participation**

This Contract, funded by the Federal Highway Administration, falls under the Caltrans Underutilized Disadvantaged Business Enterprise Program (UDBE) requirements. Atkinson Contractors, LP (Atkinson) made a 16.20% UDBE, and a 1.87% DBE (race neutral) commitment. Atkinson is exceeding its commitment with current UDBE participation of 16.56%, and DBE participation of 2.40%. UDBE and DBE participation covers Design, Civil, and Operation & Maintenance work.

<b>SMALL BUSINESS COMMITMENT</b>	<b>16.20% UDBE 1.87% DBE</b>	<b>SMALL BUSINESS PARTICIPATION</b>	<b>16.56% UDBE 2.40% DBE</b>
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<b>UDBE Subcontractors</b>	<b>Commitment</b>	<b>Participation</b>
1. MARRS Corp (Design)	0.18%	0.11%
2. Lin Consulting (Design)	1.20%	0.77%
3. Abratique & Assoc. (Civil)	0.16%	0.07%
4. SafeProbe (Civil)	0.27%	0.43%
5. G&C Equipment Corp (Civil)	4.02%	4.12%
6. Mariman Security (Civil)	0.35%	0.48%
7. Davis Blue Print Co. (Civil)	Added	0.01%
8. Payco Specialties (Civil)	1.19%	1.17%
9. Fine Grade Equipment (Civil)	1.82%	1.92%
10. American Steel Placers (Civil)	0.79%	0.60%
11. DNS Solutions (Civil)	0.07%	0.04%
12. R.J. Lalonde (Civil)	Added	0.01%
13. Ace Fence (Civil)	0.28%	0.23%

14. Sequoia Consultants (Civil)	Added	0.18%
15. Rivera Trucking (Civil)	Added	0.24%
16. JC Supply & Manufacturing (Civil)	Added	0.07%
17. TEC Management Consultants (Civil)	0.19%	0.19%
18. G&F Concrete	0.14%	0.28%
18. E-Nor Innovations (Civil)	Added	0.05%
19. G&C Equipment (O&M)	5.30%	4.64%
20. G&C Equipment/Xerox (O&M)	Added	0.43%
21. Noble Insight (O&M)	0.24%	0.52%
<b>Total</b>	<b>16.20%</b>	<b>16.56%</b>

<b>DBE Subcontractors</b>	<b>Commitment</b>	<b>Participation</b>
1. Intueor Consulting (Design)	0.65%	0.39%
2. Diaz Yourman Assoc. (Design)	0.19%	0.19%
3. Seville Construction (Civil)	1.03%	1.82%
<b>Total</b>	<b>1.87%</b>	<b>2.40%</b>

**B. Project Labor Agreement / Construction Careers Policy (PLA/CCP)**

Project Labor Agreement/Construction Careers Policy is not applicable to this contract because the Contract was awarded prior to the Metro approved PLA.

**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. Living Wage / Service Contract Worker Retention Policy Applicability**

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



Metro

## Board Report

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

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**File #:** 2016-0848, **File Type:** Oral Report / Presentation

**Agenda Number:** 3.

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**REGULAR BOARD MEETING  
OCTOBER 27, 2016**

Report by the **Chair**.



# Chair John Fasana's Report

*October 27, 2016*



**Metro**

# Kinkisharyo 50<sup>th</sup> Rail Car Celebration



Metro



# Kinkisharyo 50<sup>th</sup> Rail Car Celebration



**Metro**

# Mobility 21 Summit



**Metro**



# Cal State Northridge U-Pass Celebration



**Metro**



# La Brea Decking Early Completion



Metro

# La Brea Decking Early Completion



**Metro**



## Regional Connector Angeli, the TBM, Lowering



**Metro**



## Regional Connector Angeli, the TBM, Lowering



**Metro**

## Regional Connector Angeli, the TBM, Lowering



**Metro**



# Regional Connector Angeli, the TBM, Lowering



**Metro**

# Harriet, the TBM, Breakthrough at Leimert Park



Metro



## Harriet, the TBM, Breakthrough at Leimert Park



**Metro**



## Board Report

File #: 2016-0607, File Type: Resolution

Agenda Number: 6.

### FINANCE, BUDGET & AUDIT COMMITTEE OCTOBER 19, 2016

**SUBJECT: MEASURE R BONDS**

**ACTION: AUTHORIZE NEGOTIATED SALE OF BONDS AND APPOINT UNDERWRITERS**

#### **RECOMMENDATION**

ADOPT a Resolution that:

- A. AUTHORIZES the negotiated bond sale and issuance of up to \$600 million of bonds ( **Measure R Senior Sales Tax Revenue Bonds, 2016**) in one or more series, to finance capital projects and to repay outstanding short-term revolving debt;
- B. APPROVES the forms of the supplemental trust agreement, continuing disclosure certificate, preliminary official statement and such other documents as required for the issuance of the bonds, and approves related documents on file with the Board Secretary as set forth in the resolution all as subject to modification as set forth in the Resolution;
- C. APPROVES the form of the bond purchase contract on file with the Board Secretary, that will be entered into with the underwriters as listed in Attachment B hereto; and
- D. AUTHORIZES taking all action necessary to achieve the foregoing, including, without limitation, the further development and execution of the bond purchase contract and bond documentation associated with the issuance of the Measure R 2016 Bonds.

**(REQUIRES SEPARATE, SIMPLE MAJORITY BOARD VOTE.)**

#### **ISSUE**

Currently, low long-term interest rates provide the opportunity to issue bonds to finance capital project expenditures and to repay short-term debt that was used to pay capital project expenses with permanent fixed rate financing in order to keep Measure R projects moving forward.

#### **DISCUSSION**

The Measure R Ordinance anticipated and authorized the use of debt to finance projects in the Measure R Expenditure Plan. Metro's Long Range Transportation Plan (LRTP) assumed the

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issuance of long-term debt to deliver projects faster than possible on a “pay as you go” basis. The proposed \$600 million tax-exempt fixed rate bond issue is needed to bridge the gap between annual Measure R tax receipts and the money needed to fund Measure R capital projects. Metro’s Board-approved Debt Policy permits new debt issues for financing capital projects and certain capital equipment where financing over time, with interest, allows us to meet certain public policy goals such as accelerating the completion of projects and/or improvements. The issue size is based on the FY17 budget assumption of \$300 million of non-TIFIA debt primarily for Measure R project construction expenses. The \$300 million balance will refinance on a permanent basis existing short-term debt that was used to pay Measure R project expenses in order to lock in currently low long-term interest rates and to restore capacity under the short-term program for continued use. Current long-term rates are at or near historical lows, making it a good time to lock in long-term interest rates by refinancing short-term debt with fixed rate debt.

In accordance with Section 8(i)(4) of the Measure R Ordinance, the Proposition R Independent Taxpayers Oversight Committee of Metro (Measure R Oversight Committee) is required to find that the benefits of any proposed Measure R debt financing for accelerating project delivery, avoiding cost escalation and related factors exceed issuance and interest costs prior to the Board authorizing the debt issuance. The Measure R Oversight Committee made the finding of benefit at its July 19, 2016 meeting, see Attachment C.

The negotiated sale method is recommended for this sale of Measure R Senior Bonds in accordance with the Debt Policy criteria for determining the method of bond sale due to the relatively large size of the bond sale and because the bond markets have been experiencing increased interest rate volatility owing to economic uncertainty and geopolitical events. If market conditions change suddenly, a negotiated sale puts us in the best position to alter the sale date and/or bond structure as needed. A negotiated sale method allows Metro to further its DBE/SBE/DVBE firm participation goals as well. The underwriter’s sales force will also be helpful to address any investor concerns about the new sales tax measure that Metro is placing on the November 2016 ballot, litigation associated with the projects, and general uncertainty about the direction of the economy that is typically generated during an election season. Also, we have not issued any Measure R Senior Bonds since the initial and only issuance in 2010, so a negotiated sale will be helpful in making sure that the bond issue is marketed to as many investors as possible. The underwriters will pre-market the issue, assist with the rating process and advise on market timing for pricing the bonds.

Consistent with our Debt Policy, in order to select underwriters for this transaction, a competitive Request for Proposal (RFP) process was conducted by Fieldman Rolapp, our Financial Advisor. RFPs were distributed to the 12 firms in Metro’s Underwriter Pool, approved by the Board in October 2015. Treasury staff and our financial advisors reviewed the proposals, evaluating them based on the criteria listed in the RFP. Staff is recommending a team of underwriters to be led by Bank of America Merrill Lynch, who was ranked first in the selection process. The additional underwriting team members are JP Morgan Securities LLC, Loop Capital Markets LLC, Citigroup Global Markets Inc., RBC Capital Markets, and Drexel Hamilton LLC. Including this transaction, Metro has utilized 75% (9 out of 12 firms) of the underwriter pool that was approved in October, 2015. Attachment B sets forth the “take down” the underwriters will receive as consideration for underwriting the transaction, and the percentage of bonds to be sold to each of the underwriters. If any of the selected underwriters decide not to participate in the transaction, their percentage of bonds will be distributed

among the remaining underwriter team members.

### **DETERMINATION OF SAFETY IMPACT**

Approval of this item will not impact the safety of Metro's patrons or employees.

### **FINANCIAL IMPACT**

The costs of issuance for the bonds will be paid from proceeds of the financing and will be budget neutral. Funding for the bond principal and interest expense for this financing will be included in future budgets as follows: bond principal, account 51101 and bond interest account 51121.

### **ALTERNATIVES CONSIDERED**

Authorization of the sale and the appointment of the underwriters could be delayed. This is not recommended as it would expose us to higher interest costs in the future should interest rates rise and could delay the construction of projects if Measure R funds are not available.

### **NEXT STEPS**

- Obtain ratings on the bonds
- Complete legal documentation and distribute the preliminary official statement to potential investors, initiate the pre-marketing effort
- Negotiate the sale of the bonds with the underwriters

### **ATTACHMENTS**

Attachment A - Authorizing Resolution  
Attachment B - Summary of Underwriter Selection  
Attachment C - Finding of Benefit Resolution

Prepared by: Donna R. Mills, Treasurer, (213) 922-4047  
LuAnne E. Schurtz, Assistant Treasurer, (213) 922-2554

Reviewed by: Nalini Ahuja, Chief Financial Officer, (213) 922-3088



Phillip A. Washington  
Chief Executive Officer

**Authorizing Resolution**

RESOLUTION OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE SERIES OF ITS LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY MEASURE R SENIOR SALES TAX REVENUE BONDS, APPROVING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL TRUST AGREEMENT, A PURCHASE CONTRACT, A CONTINUING DISCLOSURE CERTIFICATE AND PRELIMINARY AND FINAL OFFICIAL STATEMENTS, AND THE TAKING OF ALL OTHER ACTIONS NECESSARY IN CONNECTION THEREWITH

**(MEASURE R SALES TAX)**

**W I T N E S S E T H :**

WHEREAS, the Los Angeles County Metropolitan Transportation Authority (the "LACMTA") is a county transportation commission duly organized and existing pursuant to Section 130050.2 of the California Public Utilities Code; and

WHEREAS, the LACMTA is authorized by Sections 130350.4 and 130350.5 of the California Public Utilities Code to impose a retail transactions and use tax at a rate of 0.5% that is applicable in the incorporated and unincorporated areas of the County of Los Angeles, California (the "County") if authorized by at least two-thirds of the electors voting on the issue; and

WHEREAS, in accordance with such provision, the LACMTA, on July 24, 2008, adopted Ordinance No. 08-01, known as the Traffic Relief and Rail Expansion Ordinance, Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization (the "Ordinance") imposing the transactions and use tax for a period of 30 years, and the Ordinance was submitted to the electors of the County in the form of Measure R and approved by more than a two-thirds vote at an election held on November 4, 2008; and

WHEREAS, the Ordinance, as so approved, imposes for a period of 30 years, beginning July 1, 2009, a tax upon the sale of tangible personal property at retail at a rate of 1/2 of 1% of the gross receipts of the sale and a complementary tax upon the storage, use or other consumption in the County at a rate of 1/2 of 1% of the sales price of the property whose storage, use or other consumption is subject to the tax (the "Measure R Sales Tax"); and

WHEREAS, Section 130500 et seq. of the California Public Utilities Code (the "Act") provides that the LACMTA may issue bonds, which terms includes indebtedness and securities of any kind or class, including bonds, notes, bond anticipation notes, commercial paper and other obligations, and all of such obligations shall be special obligations of the LACMTA, payable from the proceeds of the Measure R Sales Tax; and

WHEREAS, pursuant to the Act and the provisions of the Amended and Restated Trust Agreement, dated as of February 1, 2014 (as supplemented and amended from time to time, the "Trust Agreement"), between the LACMTA and U.S. Bank National Association (the "Trustee"), the LACMTA is authorized to issue Senior Bonds, Subordinate Obligations and Junior Subordinate Obligations (each as defined in the Trust Agreement); and



WHEREAS, the LACMTA has determined that the issuance of one or more series of Senior Bonds, in an aggregate principal amount not to exceed \$600,000,000, is necessary in order to (a) finance and refinance the costs of projects authorized in the Expenditure Plan adopted as part of the Ordinance (the “Expenditure Plan”); (b) refund and repay certain Subordinate Obligations previously issued to finance and refinance the costs of projects authorized in the Expenditure Plan; and (c) pay the costs of issuance incurred in connection with such Senior Bonds (collectively, the “Financing”); and

WHEREAS, the LACMTA has determined that such Senior Bonds shall be entitled “Los Angeles County Metropolitan Transportation Authority Measure R Senior Sales Tax Revenue Bonds,” with such series designations and other additions and modifications as may be appropriate (collectively, the “Series 2016 Bonds”); and

WHEREAS, the LACMTA has determined that it is in its best interest to sell the Series 2016 Bonds to the public through a negotiated sale to the underwriters selected through a competitive process by the LACMTA and approved by the Board pursuant to this Resolution (the “Underwriters”); and

WHEREAS, forms of the following documents are on file with the Secretary of the Board of Directors of the LACMTA and have been made available to the members of the Board of Directors of the LACMTA (the “Board”):

(a) a Supplemental Trust Agreement (the “Series 2016 Supplemental Trust Agreement”) by and between the LACMTA and the Trustee, which, along with the Trust Agreement, shall set forth the terms and provisions of the Series 2016 Bonds;

(b) a Purchase Contract (the “Purchase Contract”), to be entered into by one or more of the Underwriters and the LACMTA, which shall set forth the terms of the sale of the Series 2016 Bonds;

(c) a Preliminary Official Statement (the “Preliminary Official Statement”), which will provide information about the Series 2016 Bonds, the LACMTA, the Measure R Sales Tax and certain other related matters, and will be used, from time to time, in connection with the offer and sale of the Series 2016 Bonds; and

(d) a Continuing Disclosure Certificate (the “Continuing Disclosure Certificate”), to be executed by the LACMTA, which will be used in order to assist the Underwriters in complying with Securities and Exchange Commission Rule 15c-12(b)(5); and

WHEREAS, the LACMTA has been advised by its Bond Counsel that such documents are in appropriate form, and the LACMTA hereby acknowledges that said documents will be modified and amended to reflect the various details applicable to the Series 2016 Bonds and said documents are subject to completion to reflect the results of the sale of the Series 2016 Bonds; and

WHEREAS, the LACMTA is duly authorized and empowered, pursuant to each and every requirement of law, to authorize the Financing and to authorize the execution and delivery

of the Series 2016 Supplemental Trust Agreement, the Purchase Contract and the Continuing Disclosure Certificate, the preparation of the Preliminary Official Statement and the execution and delivery of the Official Statement (as hereinafter defined) for the purposes, in the manner and upon the terms provided; and

WHEREAS, the LACMTA has pledged the Pledged Revenues pursuant to the terms of the Trust Agreement to secure the Senior Bonds and certain other obligations of the LACMTA, and once issued, the Series 2016 Bonds will be Senior Bonds as defined in the Trust Agreement and will be secured by the pledge of the Pledged Revenues under the Trust Agreement; and

WHEREAS, terms used in this Resolution and not otherwise defined herein shall have the meanings assigned to them in the Trust Agreement and the Series 2016 Supplemental Trust Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, AS FOLLOWS:

**Section 1. Findings.** The Board finds and determines that the foregoing recitals are true and correct.

**Section 2. Issuance of Series 2016 Bonds.** The Board hereby authorizes the issuance by the LACMTA of one or more series of Series 2016 Bonds in a total aggregate principal amount not to exceed \$600,000,000 to (a) finance and refinance the costs of projects authorized in the Expenditure Plan, (b) refund and repay certain Subordinate Obligations previously issued to finance and refinance the costs of projects authorized in the Expenditure Plan, and (c) pay the costs of issuance incurred in connection with the Series 2016 Bonds. The LACMTA hereby specifies that each series of Series 2016 Bonds shall not mature later than June 30, 2039. The Series 2016 Bonds shall be issued in a manner by which the interest thereon is excludable from gross income under the Internal Revenue Code of 1986, as amended. The Chief Executive Officer (“CEO”) of the LACMTA, the Chief Financial Officer of the LACMTA, any Treasurer of the LACMTA, any Assistant Treasurer of the LACMTA, or any such officer serving in an acting or interim capacity, and any written designee of any of them (each a “Designated Officer”), acting in accordance with this Section 2, are each hereby severally authorized to determine the actual aggregate principal amount of each series of Series 2016 Bonds to be issued (not in excess of the maximum amount set forth above), and to direct the execution and authentication of the Series 2016 Bonds in such amount. Such direction shall be conclusive as to the principal amounts hereby authorized. Payment of the principal of, interest on and premium, if any, on the Series 2016 Bonds shall be made at the place or places and in the manner provided in the Trust Agreement and the Series 2016 Supplemental Trust Agreement.

**Section 3. Terms of Series 2016 Bonds.** The Series 2016 Bonds shall be issued as current interest bonds and shall be available in denominations of \$5,000 and integral multiples thereof. The Series 2016 Bonds shall, when issued, be in the aggregate principal amounts and shall be dated as shall be provided in the final form of the Series 2016 Supplemental Trust Agreement. The Series 2016 Bonds may be issued as serial bonds or as term bonds or as both serial bonds and term bonds, all as set forth in the Series 2016 Supplemental Trust Agreement.



Interest on the Series 2016 Bonds shall be paid at the rates and on the dates set forth in the Series 2016 Supplemental Trust Agreement. No Series 2016 Bond shall bear interest at a rate in excess of 6.00% per annum. The Series 2016 Bonds shall be subject to redemption at the option of the LACMTA on such terms and conditions as shall be set forth in the Series 2016 Supplemental Trust Agreement and the Purchase Contract. The Series 2016 Bonds issued as term bonds also shall be subject to mandatory sinking fund redemption as shall be set forth in the Series 2016 Supplemental Trust Agreement and the Purchase Contract.

Execution and delivery of the Series 2016 Supplemental Trust Agreement, which document will contain the maturities, interest rates and the fixed interest payment obligations of the LACMTA within parameters set forth in this Resolution, shall constitute conclusive evidence of the LACMTA's approval of such maturities, interest rates and payment obligations.

**Section 4. Form of Series 2016 Bonds.** The Series 2016 Bonds and the Trustee's Certificate of Authentication to appear thereon shall be in substantially the form set forth in Exhibit A to the Series 2016 Supplemental Trust Agreement on file with the Secretary of the Board and made available to the Board, with such necessary or appropriate variations, omissions and insertions as permitted or required by the Trust Agreement or the Series 2016 Supplemental Trust Agreement or as appropriate to adequately reflect the terms of such Series 2016 Bonds and the obligation represented thereby.

**Section 5. Execution of Series 2016 Bonds.** Each of the Series 2016 Bonds shall be executed on behalf of the LACMTA by any Designated Officer and any such execution may be by manual or facsimile signature, and each bond shall be authenticated by the endorsement of the Trustee or an agent of the Trustee. Any facsimile signature of such Designated Officer(s) shall have the same force and effect as if such officer(s) had manually signed each of such Series 2016 Bonds.

**Section 6. Approval of Series 2016 Supplemental Trust Agreement.** The form, terms and provisions of the Series 2016 Supplemental Trust Agreement on file with the Secretary of the Board and made available to the Board, within the parameters set forth in this Resolution, are in all respects approved, and each of the Designated Officers is hereby severally authorized, empowered and directed to execute, acknowledge and deliver in the name of and on behalf of the LACMTA the Series 2016 Supplemental Trust Agreement, including counterparts thereof. The Series 2016 Supplemental Trust Agreement, as executed and delivered, shall be in substantially the form now on file with the Secretary of the Board and made available to the Board and hereby approved, or with such changes therein as shall be approved by the Designated Officer executing the same; the execution thereof shall constitute conclusive evidence of the Board's approval of any and all changes or revisions therein from the form of the Series 2016 Supplemental Trust Agreement now on file with the Secretary of the Board and made available to the Board; and from and after the execution and delivery of the Series 2016 Supplemental Trust Agreement, the officers, agents and employees of the LACMTA are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Series 2016 Supplemental Trust Agreement.

## **Section 7. Sale of Series 2016 Bonds.**

(a) The Board hereby authorizes the initial sale of the Series 2016 Bonds to the public through a negotiated sale to the Underwriters. The Series 2016 Bonds shall be sold subject to an underwriters' discount (excluding original issue discount and premium) not to exceed \$1.50 per \$1000 of principal amount of the Series 2016 Bonds and subject to the terms and conditions set forth in the form of the Purchase Contract. The form, terms and provisions of the Purchase Contract on file with the Secretary of the Board and made available to the Board, within the parameters set forth in this Resolution, and the Underwriters named therein, are in all respects approved, and each of the Designated Officers is hereby severally authorized, empowered and directed to execute, acknowledge and deliver from time to time the Purchase Contract, including counterparts thereof, in the name of and on behalf of the LACMTA. The Purchase Contract, as executed and delivered, shall be in substantially the form now on file with the Secretary of the Board and made available to the Board and hereby approved, or with such changes therein as shall be approved by the Designated Officer executing the same; the execution thereof shall constitute conclusive evidence of the LACMTA's approval of any and all changes or revisions therein from the form of the Purchase Contract now on file with the Secretary of the Board and made available to the Board; and from and after the execution and delivery of the Purchase Contract, the officers, agents and employees of the LACMTA are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Contract.

(b) The form of the Preliminary Official Statement on file with the Secretary of the Board and made available to the Board is hereby approved. The Preliminary Official Statement shall be substantially in the form of the Preliminary Official Statement on file with the Secretary of the Board and made available to the Board with such changes as a Designated Officer approves (such approval to be conclusively evidenced by the execution and delivery of the certificate referenced in the following sentence). The Preliminary Official Statement shall be circulated for use in selling the Series 2016 Bonds at such time or times as a Designated Officer shall deem such Preliminary Official Statement to be final within the meaning of Rule 15c2-12 promulgated under the Securities Exchange Act of 1934, as amended, said determination to be conclusively evidenced by a certificate signed by said Designated Officer to said effect. The Preliminary Official Statement shall contain a description of the finances and operations of the LACMTA, a description of the Measure R Sales Tax and a description of historical receipts of sales tax revenues substantially in the form of the Preliminary Official Statement on file with the Secretary of the Board and made available to the Board with such changes as any Designated Officer determines are appropriate or necessary. The Preliminary Official Statement shall also contain a description of the applicable Series 2016 Bonds and the terms and conditions of the Trust Agreement and the Series 2016 Trust Agreement together with such information and description as a Designated Officer determines is appropriate or necessary. The Underwriters are hereby authorized to circulate (via written format and/or through electronic means) the Preliminary Official Statement for use in selling the Series 2016 Bonds from time to time. The Underwriters are hereby further authorized to distribute (via written format and/or through electronic

means) copies of the LACMTA's most recent annual audited financial statements and such other financial statements of the LACMTA as any Designated Officer shall approve.

(c) Upon the execution and delivery of the Purchase Contract, from time to time, one or more of the Designated Officers shall provide for the preparation, publication, execution and delivery of one or more final Official Statements in substantially the form of the Preliminary Official Statement deemed final by a Designated Officer with such changes as any Designated Officer approves, such approval to be conclusively evidenced by the execution of such final Official Statement. Any Designated Officer is hereby authorized and directed to execute and deliver one or more final Official Statements in the name and on behalf of the LACMTA. One or more supplements to the final Official Statement(s) or revised final Official Statement(s) may be prepared and delivered to the Underwriters reflecting updated and revised information as shall be acceptable to the Underwriters and as the Designated Officers, or any one of them, approve. Each final Official Statement shall be circulated (via written format and/or through electronic means) for use in selling the Series 2016 Bonds at such time or times as a Designated Officer deems appropriate after consultation with the Underwriters, the LACMTA's Financial Advisor and Bond Counsel and such other advisors as a Designated Officer believes to be useful. The Underwriters are hereby authorized to circulate (via written format and/or through electronic means) the final Official Statement, any supplement to the final Official Statement and any revised final Official Statement, as the case may be.

(d) The form, terms and provisions of the Continuing Disclosure Certificate on file with the Secretary of the Board and made available to the Board, within the parameters set forth in this Resolution, are hereby approved and the LACMTA's obligation to provide the information as described therein is approved, and each of the Designated Officers is hereby severally authorized, empowered and directed to execute, acknowledge and deliver in the name of and on behalf of the LACMTA the Continuing Disclosure Certificate. The Continuing Disclosure Certificate, as executed and delivered, shall be in substantially the form on file with the Secretary of the Board and made available to the Board and hereby approved, or with such changes therein as shall be approved by the Designated Officer executing the same; the execution thereof shall constitute conclusive evidence of the LACMTA's approval of any and all changes or revisions therein from the form of the Continuing Disclosure Certificate on file with the Secretary of the Board and made available to the Board, and from and after the execution and delivery of the Continuing Disclosure Certificate, the officers, agents and employees of the LACMTA are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Continuing Disclosure Certificate.

(e) Any Designated Officer, on behalf of the LACMTA, is further authorized and directed to cause written notice to be provided to the California Debt and Investment Advisory Commission ("CDIAC") of the proposed sale of the Series 2016 Bonds, said notice to be provided in accordance with Section 8855 et seq. of the California Government Code, to file the notice of final sale with CDIAC, to file the rebates and notices required under section 148(f) and 149(e) of the Internal Revenue Code of 1986,

as amended, if necessary, and to file such additional notices and reports as are deemed necessary or desirable by such Designated Officer in connection with the Series 2016 Bonds, and any such notices are hereby ratified, confirmed and approved.

(f) Each Designated Officer's authority to approve the final terms of the sale of the Series 2016 Bonds and to execute or to direct the execution of the Purchase Contract shall commence upon the date of adoption of this Resolution and shall continue for twelve calendar months thereafter unless rescinded or modified by subsequent action of the LACMTA prior to the time that a Purchase Contract has been duly signed and delivered.

**Section 8. Bond Insurance.** In connection with the sale of all or a portion of the Series 2016 Bonds, any Designated Officers is hereby authorized on behalf of the LACMTA to purchase or otherwise arrange for the provision of (including the payment of such premiums, fees and other costs and expenses as such Designated Officer determines acceptable), one or more policies of municipal bond insurance to support the timely payment of principal of and interest on all or a portion of the Series 2016 Bonds, said municipal bond insurance to contain such terms and conditions as such Designated Officer(s) shall determine is appropriate or necessary for the issuance of the Series 2016 Bonds.

**Section 9. Investments.** Each Designated Officer is hereby authorized to invest the proceeds of the Series 2016 Bonds in accordance with the Trust Agreement and the Series 2016 Supplemental Trust Agreement and the LACMTA's Investment Policy and is further authorized to enter into or to instruct the Trustee to enter into one or more investment agreements, float contracts, swaps or other hedging products (hereinafter collectively referred to as the "Investment Agreement") providing for the investment of moneys in any of the funds and accounts created under the Trust Agreement and the Series 2016 Supplemental Trust Agreement, on such terms as the Designated Officer shall deem appropriate. Pursuant to Section 5922 of the California Government Code, the LACMTA hereby finds and determines that the Investment Agreement will reduce the amount and duration of interest rate risk with respect to amounts invested pursuant to the Investment Agreement and is designed to reduce the amount or duration of payment, rate, spread or similar risk or result in a lower cost of borrowing when used in combination with the Series 2016 Bonds or enhance the relationship between risk and return with respect to investments.

**Section 10. Additional Authorizations.** All actions heretofore taken by the officers, employees and agents of the LACMTA with respect to the Financing and the issuance and sale of the Series 2016 Bonds are hereby ratified, confirmed and approved. The officers, employees and agents of the LACMTA are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the LACMTA, to do any and all things and to take any and all actions and to execute and deliver any and all agreements, certificates and documents, including, without limitation, any tax certificates or agreements, any agreements for depository services, and any agreements for rebate compliance services, which they, or any of them, may deem necessary or advisable in order to consummate the Financing and the issuance and sale of the Series 2016 Bonds, to manage and administer the Financing after the issuance and sale of the Series 2016 Bonds and otherwise to carry out, give effect to and comply with the terms and intent of the Ordinance, this Resolution, the Series 2016 Bonds and the documents approved hereby.

All approvals, consents, directions, notices, orders, requests and other actions permitted or required by any of the documents authorized by this Resolution, whether before or after the issuance of the Series 2016 Bonds, including, without limitation, any of the foregoing that may be necessary or desirable in connection with any investment of proceeds of the Series 2016 Bonds, or in connection with the addition, substitution or replacement of underwriters, or any agreements with paying agents or the Trustee or any similar action may be given or taken by any Designated Officer without further authorization or direction by the LACMTA, and each Designated Officer is hereby authorized and directed to give any such approval, consent, direction, notice, order, request, or other action and to execute such documents and take any such action which such Designated Officer may deem necessary or desirable to further the purposes of this Resolution.

**Section 11. Continuing Authority of Designated Officers.** The authority of any individual serving as a Designated Officer under this Resolution by a written designation signed by the CEO of the LACMTA, the Chief Financial Officer of the LACMTA, any Treasurer of the LACMTA, or any Assistant Treasurer of the LACMTA shall remain valid notwithstanding the fact that the individual officer of the LACMTA signing such designation ceases to be an officer of the LACMTA, unless such designation specifically provides otherwise.

**Section 12. Further Actions.** From and after the delivery of the Series 2016 Bonds, the Designated Officers and each of them are hereby authorized and directed to amend, supplement or otherwise modify the Series 2016 Supplemental Trust Agreement and the Continuing Disclosure Certificate at any time and from time to time and in any manner determined to be necessary or desirable by the Designated Officer executing such amendment, supplement, or modification, upon consultation with the LACMTA's Financial Advisor and Bond Counsel, the execution of such amendment, supplement or other modification being conclusive evidence of the LACMTA's approval thereof. Further, the Designated Officers and each of them are hereby authorized and directed to terminate any municipal bond insurance policy or investment agreement and enter into one or more municipal bond insurance policies or investment agreements as any such Designated Officer shall determine is appropriate or necessary.

**Section 13. Costs of Issuance.** The LACMTA authorizes funds of the LACMTA, together with the proceeds of the Series 2016 Bonds, to be used to pay costs of issuance of the Series 2016 Bonds, including, but not limited to, costs of attorneys, accountants, financial advisors, trustees, the costs associated with rating agencies, bond insurance and surety bonds, printing, publication and mailing expenses and any related filing fees.

**Section 14. Severability.** The provisions of this Resolution are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared to be invalid, such sections, phrases and provisions shall not affect any other provision of this Resolution.

**Section 15. Effective Date.** The effective date of this Resolution shall be the date of its adoption.

**Authorizing Resolution**

**CERTIFICATION**

The undersigned, duly qualified and acting as Board Secretary of the Los Angeles County Metropolitan Transportation Authority, certifies that the foregoing is a true and correct copy of the Resolution adopted at a legally convened meeting of the Board of Directors of the Los Angeles County Metropolitan Transportation Authority held on \_\_\_\_\_, 2016.

[SEAL]

By \_\_\_\_\_  
Board Secretary, Los Angeles County  
Metropolitan Transportation Authority

Dated: \_\_\_\_\_, 2016

**Summary of Underwriter Selection****Recommended Firms for 2016 Measure R New Money Bonds**

<b>Position</b>	<b>Firm</b>	<b>Alloc.</b>
Senior Manager	Bank of America Merrill Lynch	45%
Co-Senior Manager	JP Morgan Securities	15%
Co-Senior Manager	Loop Capital Markets	15%
Co-Manager	Citigroup Global Markets	10%
Co-Manager	RBC Capital Markets	10%
Manager	Drexel Hamilton	5%

Proposed Price (Takedown): \$1.00 per \$1,000 of Bonds (0.1% of the bond issue)

The takedown is normally the largest component of the spread, similar to a commission, which represents the income the selling broker or dealer derives from the sale of the bonds. It compensates the underwriters for their work in structuring the transaction, marketing the transaction, and underwriting any bonds that are not sold to investors. Note that the actual takedown rate will be in accordance with the senior manager's proposal. The takedown rates for all of the underwriting team will be at the rates of the senior manager. Out of pocket expenses will be an additional charge.

**Evaluation of Proposals**

The Request For Proposals ("RFP") was sent on August 1, 2016 to all 12 firms that are in our underwriter pool, which was approved by the Board in October, 2015. Proposals were due August 10, 2016 and were received from the 12 firms listed below:

<b>List of Proposers</b>
Bank of America Merrill Lynch
Barclays Capital Inc.
Citigroup Global Markets Inc.
Drexel Hamilton LLC (Disabled Veteran Business Enterprise)
J.P. Morgan Securities LLC
Loop Capital Markets LLC (Minority Owned)
Morgan Stanley
Ramirez & Co., Inc. (Minority Owned)
RBC Capital Markets
Siebert Cisneros Shank & Co., LLC (Minority Owned)
Stifel, Nicolaus & Company, Incorporated
Wells Fargo Bank, N.A.

Proposals were evaluated in accordance with the guidelines and the following criteria established in the RFP:

- Relevant experience of the firm and its individuals 30%
- Quality of the proposal 30%
- Capabilities of the firm of underwriting & distributing the 2016 Bonds 40%

Relevant experience included transportation debt, sales tax revenue secured debt, experience working directly with TIFIA and working on debt that was secured by revenues that also secured TIFIA loans. One factor that was considered in evaluating the capabilities of a firm was the demonstrated commitment of a firm in bidding on our recent competitive bond issues. The RFP also included questions about providing specific suggestions for the structuring of the 2016 Measure R Bonds. The selection committee made up of four staff and one of our financial advisors reviewed all proposals and scored the firms based on the evaluation criteria. These recommendations also reflect the LACMTA's Debt Policy of finding opportunities to contract with small, local, disadvantaged and disabled veteran firms; given the relatively large size of the transaction, this bond issue provides an opportunity to fulfill this policy goal. One co-senior manager is minority owned and the manager on this transaction is a disabled veteran business enterprise. Given the size of the transaction the other members of the recommended syndicate are large broker-dealer firms with strong marketing and distribution capabilities.



**Finding of Benefit Resolution**

**RESOLUTION PURSUANT TO MEASURE R ORDINANCE FINDING THAT THE  
BENEFITS OF A MEASURE R BOND ISSUANCE EXCEED ISSUANCE AND  
INTEREST COSTS**

WHEREAS, the Measure R Ordinance provides sales tax revenues for the construction of 12 transit capital projects over 30 years; and

WHEREAS, accelerated construction would avoid inflationary cost growth; and

WHEREAS, the proposed \$600 million debt financing would provide additional funds to meet the cash flow necessary to pay for an accelerated construction program for Measure R transit capital projects ; and

WHEREAS, the Measure R transit capital projects are estimated to generate more than 77 million additional annual transit boardings; 568,458 fewer pounds of reactive organic gases, nitrous oxides, carbon monoxide and particulate matter; 207,942,017 less vehicle miles traveled annually; and 10,294,159 fewer gallons of gasoline consumed annually; and

WHEREAS, the Los Angeles Economic Development Corporation estimates that the Measure R transit construction program has generated 49,850 annual full-time and part-time jobs since 2010; and is expected to generate 124,030 annual full-time and part-time jobs during the remaining construction program.

NOW, THEREFORE, the Proposition R Independent Taxpayers Oversight Committee of Metro finds that the economic, environmental and transit benefits of the \$600 million debt financing, which would accelerate project delivery and avoid inflationary cost growth, exceed issuance and interest costs.

Adopted this 19<sup>th</sup> day of July, 2016

Signed:

  
Michele Jackson  
LACMTA Board Secretary



# **Measure R Bonds**

**Board Meeting  
October 27, 2016**

# Issue

**We are seeking authorization to issue \$600 million of Measure R bonds through a negotiated sale to finance capital expenditures in order to keep Measure R projects moving forward:**

<b>Refinancing outstanding short term debt:</b>	<b>\$300 million</b>
<b>New Money for projects:</b>	<b>\$300 million</b>

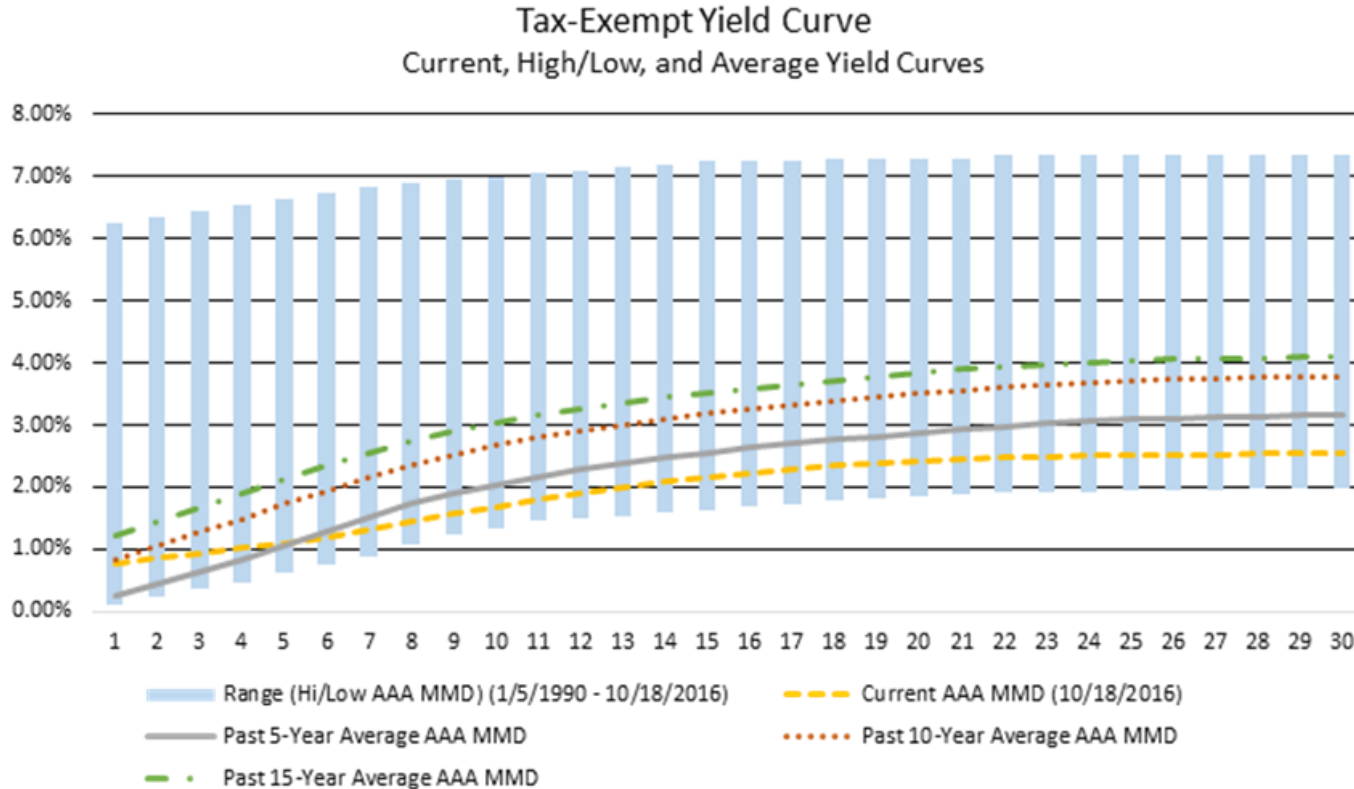
- **Tax-exempt fixed rate bonds**
- **Final maturity expected to be 2039**
- **Fall 2016 sale**

# Issue

- **The underwriting team was selected from the underwriter pool approved by the Board in October 2015.**
- **With this transaction we will have utilized 75% of the underwriter pool.**
- **The Measure R Oversight Committee made a finding that the benefits of the proposed debt financing for accelerating projects and avoiding cost escalation exceed issuance and interest cost at its July 19, 2016 meeting.**

# Issue

**Current long-term rates are low compared to historical averages making it a good time to issue long-term fixed rate debt.**



# Recommendation & Next Steps

- **Adopt a Resolution:**

- A. Authorizing the negotiated sale of \$600 million of Measure R Bonds;
- B. Approve the forms of the supplemental trust agreement, continuing disclosure certificate, Preliminary Official Statement and other documents;
- C. Approve the form of the bond purchase agreement; and
- D. Authorize taking all action necessary to achieve the foregoing.

- **Next Steps**

- Obtain credit ratings on the bonds
- Complete legal documentation and initiate the pre-marketing effort
- Price the bonds

# **End Presentation**

## **Discussion**



## Board Report

File #: 2016-0284, File Type: Motion / Motion Response

Agenda Number: 9.

**REVISED**  
**PLANNING AND PROGRAMMING COMMITTEE**  
**OCTOBER 19, 2016**

**SUBJECT: BURBANK-GLENDALE-LOS ANGELES CORRIDOR**

**ACTION: AUTHORIZE STUDIES**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to:

- A. CONDUCT a study for providing up to **two additional stations in the City of Glendale and up to two additional stations in the City of Los Angeles** as well as providing increased train service throughout the day from Union Station to the City of Burbank with opportunities to include expanded service to the Antelope Valley as a first step in examining increased rail connectivity in the Los Angeles, Glendale and Burbank Corridor. ~~Additional stations would need to be spaced appropriately and limited so as not to severely affect travel time for those travelling beyond Burbank to the outer terminus of the lines in Ventura and the Antelope Valley;~~
- B. PROGRAM AND AMEND the FY 17 budget to add \$900,000 in Measure R Commuter Rail service funds to conduct this study; and
- C. INVENTORY the options for increasing the City of Glendale's access to the Regional Transit System given the existing baseline Metrolink and future High Speed Rail service. This inventory will examine the existing infrastructure, planned and funded projects and potential future initiatives to improve connectivity to the greater Metro system.

**ISSUE**

At the March 24, 2016 Board meeting, the Board directed the CEO to look at creating a new Metrolink station at Rio Hondo College on the Riverside Line and relocating the Northridge Station on the Ventura County Line. This motion was amended to direct the CEO to look at the environmentally cleared Burbank-Glendale-Los Angeles Light Rail Transit Line as it relates to the Doran Street Grade Separation and the County, City and Army Corps of Engineers Los Angeles River Master Plans and projects. Attachment A contains the adopted Board motion and amendments. This report responds to the Board directive.

This is in response to the March 24, 2016 Board directive to report back on the Burbank-Glendale-



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Los Angeles Rail Transit Project which was environmentally cleared in 1994, as it relates to today's plans for the corridor.

## **DISCUSSION**

### **Background**

Between 1988 and 1994 the Los Angeles County Transportation Commission (predecessor agency to Metro) undertook studies and ultimately certified the Environmental Impact Report (EIR) for a 13-mile Light Rail Transit Project that was planned to operate between Union Station and the Hollywood-Burbank Airport. The project would have included 10 stations and would have operated along a segment of what is now the Metro Gold Line near Chinatown before branching off to generally follow the railroad right-of-way along San Fernando Road and the Los Angeles River through Glassell Park, Atwater Village, Glendale and Burbank to a terminus at the Hollywood-Burbank Airport. Attachment B contains a map of the certified alignment.

Prior to the preparation of the above EIR, this railroad right-of-way served freight rail and Amtrak service only. However, in October 1992, Metrolink service was initiated and previously planned light rail stations in Glendale, Burbank and the Burbank Airport were developed as Metrolink Stations instead of light rail stations.

### **Existing Conditions**

Metro owns an approximate 100-foot wide right-of-way along the Burbank-Glendale-Los Angeles Corridor which currently accommodates two tracks serving Metrolink, Amtrak and freight rail service. There is potential room for two additional tracks with certain widening that would be needed at Metrolink rail transit stations to accommodate boarding platforms and other station features. The California High Speed Rail Authority proposes to use the remaining right-of-way in this corridor for up to two main line tracks to provide High Speed Rail service in Southern California. In addition, as Metrolink service expands in the future, there will be a need for additional mainline tracks and/or platforms in the right-of-way. For the above reasons, no additional planning has been considered prudent or feasible for implementation of the light rail service that was considered in the early 1990s. There is, however, opportunity to examine additional stations along the Metro right-of-way such as in Glendale, Glassell Park, Taylor Yard and other locations as appropriate, as well as increased Metrolink service to provide greater access to the regional transit system. Additional stations would need to be carefully considered and limited so as not to severely affect travel time for those travelling beyond Burbank to the outer terminus of the lines in Ventura and the Antelope Valley.

The Doran Street Grade crossing is one of the hazardous grade crossings in the City of Glendale. Metro proposes to separate vehicles, bicycles and pedestrian crossings with an aerial bridge over the existing railroad tracks as part of the Doran Street and Broadway/Brazil Grade Separation Project to enhance safety and traffic flow as well as increase transit regional mobility to Glendale. The project will be designed with accommodations for the High Speed Rail system and/or expansion of the Metrolink tracks.

The California High Speed Rail Authority is currently working on its environmental document for the segment of the proposed line from Palmdale to Los Angeles which is expected to be completed by December 2017. The draft environmental document is anticipated to be released in Spring 2017 for

public review at which time more will be known about the alignment, profile and track needs through Burbank, Glendale and Los Angeles to Union Station.

### **Other Studies**

In July and October 2014, the Board directed staff to undertake a technical study for implementing Bus Rapid Transit (BRT) between North Hollywood (NoHo) and Pasadena (BRT Connector Orange/Red Line to Gold Line). This study was initiated in July 2015. It is using the Line 501 NoHo to Pasadena Express Bus Pilot as a basis for analysis and should be completed in early winter 2017. The Study is examining both arterial and freeway alignments through the Cities of Los Angeles, Burbank, Glendale and Pasadena and will inform future work in this corridor.

### **Los Angeles River Restoration Coordination**

Staff met with representatives of the LA River to gain a better understanding of future plans. These discussions focused on the possibility of adding stations in Glassell Park and potentially adjacent to Taylor Yard. This will be examined as part of the proposed Metrolink Study.

### **Meeting with Cities of Los Angeles, Glendale and Burbank**

Staff met with representatives of the Cities of Los Angeles, Glendale, and Burbank to discuss the above findings concerning the Burbank-Glendale-Los Angeles line and to better understand local connectivity needs to the emerging Regional and Urban Transit System. The City of Glendale discussed their existing and future plans and needs for transit connectivity. Based on this discussion, there seemed to be general agreement that additional Metrolink stations and increased train service throughout the day should be explored including the potential for additional service to the Antelope Valley. Additionally, Metro staff will prepare an inventory to determine the existing and proposed transit infrastructure, what is planned and funded to improve connectivity and potential future initiatives. Upon Board authorization, this inventory would be completed later in the fiscal year when more is known about the status of Measure M. The study of additional stations and expansion of Metrolink service would take approximately six to eight months to complete once Notice to Proceed is authorized.

### **DETERMINATION OF SAFETY IMPACT**

These studies will have no impact on the safety of our passengers and employees.

### **FINANCIAL IMPACT**

With Board approval, \$900,000 in Measure R 3% funds will be added to the FY 2016-17 budget in cost center 2415, Regional Rail, for the additional Metrolink stations and service expansion study.

#### Impact to Budget

Measure R 3% funds are designated for Metrolink commuter rail capital improvements in Los Angeles County. These funds are not eligible to be used for Metro bus/rail operating or capital budget expenses.

### **ALTERNATIVES CONSIDERED**

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The Board could elect not to authorize the study of additional Metrolink stations and expansion of Metrolink services from Union Station to Burbank and potentially the Antelope Valley or to prepare an inventory of current, planned and funded transit programs for the corridor. This alternative is not recommended as the corridor could benefit from additional Metrolink stations and service and the inventory would assist in identifying connectivity gaps to the regional transit system.

### **NEXT STEPS**

With Board authorization, both planning efforts will be initiated. Upon completion of the work, staff will meet with the Cities of Glendale, Burbank and Los Angeles and then return to the Board with the results of the findings.

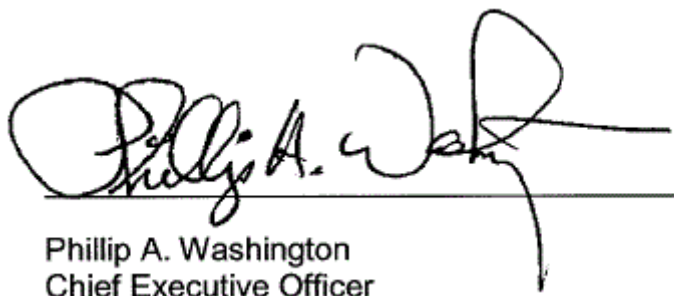
### **ATTACHMENTS**

Attachment A - March 2016 Board Motion

Attachment B - Burbank-Glendale-Los Angeles Light Rail Corridor Alignment Map

Prepared by: David Mieger, Executive Officer, Transit Corridors (213) 922-3040  
Renee Berlin, Senior Executive Officer, Transit Corridors (213) 922-3035  
Jeanet Owens, Senior Executive Officer, Regional Rail (213) 922-6877

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



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Phillip A. Washington  
Chief Executive Officer



# Metro

## Board Report

**File #:**2016-228, **File Type:**Motion / Motion Response

Agenda Number:39

### PLANNING AND PROGRAMMING COMMITTEE MARCH 16, 2016

#### Motion by:

**Solis, Najarian, Krekorian, Antonovich and DuBois**

March 16, 2016

#### **New Station on the Metrolink Riverside Line and Multimodal Transit Hub**

The Greater Whittier Narrows area encompasses the many communities that surround the Whittier Narrows Recreation Area including the cities of South El Monte, Pico Rivera, Whittier, Industry, Montebello and unincorporated communities of Avocado Heights, Pellissier Village, and Puente Hills. These communities are home to major regional destinations like Rio Hondo College, Rio Hondo Police & Fire Academy, Puente Hills Landfill Park and Rose Hills Cemetery. The area is also a large employment center with a high level of industrial and commercial facilities, such as the Sanitation Districts of Los Angeles County's Materials Recovery Center, FedEx distribution centers, the Shops at Montebello and Fry's Electronics among many others.

Based on the regional appeal and significant levels of activity, the Greater Whittier Narrows area is experiencing transportation capacity and operational deficiencies on local streets, arterials, and highways. The *I-605 Needs Assessment and Initial Corridor Study* identified the I-605/SR-60 interchange as a high priority "Hot Spot" due to increasing passenger vehicle and freight truck traffic. Although freeway improvements are justifiable and necessary, the region stands to benefit most from a comprehensive, multimodal approach aimed at shifting vehicle trips to transit alternatives and active transportation.

Currently, there are separate but related transportation projects and services that aim to achieve the common goals of reducing traffic congestion, improving safety for all road users, and improving air quality. These projects include:

- Sanitation Districts of Los Angeles County Waste-by-Rail project (near complete);
- Rio Hondo College Multimodal Transit Hub project (early planning);
- LA County Department of Public Works Rosemead Blvd. Complete Streets project (early planning);
- Metro & Caltrans I-605/SR-60 Interchange Capacity Improvement project (early design);
- San Gabriel Valley Active Transportation Greenway Network project (i.e. Rio Hondo, San Gabriel River, San Jose Creek bike paths);

- Metro Gold Line Eastside Extension Phase 2 (SR-60 and Washington alignment);
- Gateway Cities Council of Governments Lakewood Ave./Rosemead Blvd. Complete Streets Corridor Master Plan;
- Regional and local transit providers (i.e. LA County shuttles, Foothill Transit, Metro, Montebello, Norwalk, etc.)

Combined with the Metrolink Riverside Line that transects the Greater Whittier Narrows area, there is a unique opportunity to explore a robust multimodal transit hub - including a new Metrolink station - at the base of Rio Hondo College.

**APPROVE Motion by Directors Solis, Najarian, Krekorian, Antonovich and DuBois** that the Board directs the CEO, the Countywide Planning and Development Department and the Regional Rail Unit to return in 60 days with a review of the following:

- A. The feasibility, general cost estimate, funding sources (including Measure R 3%) and potential cost-sharing structure for creating a new station on the Metrolink Riverside Line at the base of Rio Hondo College;
- B. The potential for consolidating and streamlining multiple transit related projects and services in the Greater Whittier Narrows area by establishing a multimodal transit hub; and
- C. An evaluation of opportunities, benefits and/or impacts related to increasing transit ridership and reducing vehicular traffic on local streets, arterials, and highways;

FURTHER MOVE that the MTA Board direct the CEO to establish a working group of stakeholders in the Greater Whittier Narrows Area to help advance this concept. The working group shall consist of, but not be limited to the cities of South El Monte, Pico Rivera, Whittier, Industry, Montebello and the unincorporated communities of Avocado Heights, Pellissier Village, and Puente Hills. The group shall also include other relevant stakeholders such as Rio Hondo College, transit service providers, government agencies, local businesses and community groups.

**AMENDMENT by Directors Garcetti, Krekorian, Dupont-Walker, Kuehl and Antonovich** that the Board direct the CEO to report back on the following:

- A. an analysis of the feasibility of relocating the existing Northridge Metrolink Station at Wilbur Avenue to Reseda Boulevard. The analysis shall include the following:
  - 1. identifying, and recommendation on maximizing, Metro and local bus connectivity usage
  - 2. coordination with California State University Northridge (CSUN) officials to improve

connectivity to the university.

3. identify Transit Oriented Development and other land-use opportunities to maximize the use of a station at Reseda Boulevard;

B. identify and recommend funding sources (including Measure R 3%) to support the relocation of the station;

C. create a working group which includes, but is not limited to, CSUN officials, local transit service providers, Metrolink, local businesses, community groups, San Fernando Valley Service Council for coordination purposes; and

D. report back on all the above during the May 2016 Board cycle.

## **AMENDMENT BY DIRECTORS NAJARIAN, GARCETTI AND ANTONOVICH**

March 24, 2016

Item # 39

In 1992, an Environmental Impact Report was completed for a Burbank-Glendale-Los Angeles Rail Transit Project. Subsequent to its completion, the project was ranked #10 on the Long Range Transportation Plan and remained in the top ten until the passage of Measure R. The project is referenced in the current draft Expenditure Plan on Attachment I, Systemwide Connectivity. With the advent of High Speed Rail and its intention to reconfigure along this alignment near Doran Street at upwards of \$100 million, it would be prudent to review this document to better coordinate with High Speed Rail, MTA staff and the cities of Los Angeles and Glendale.

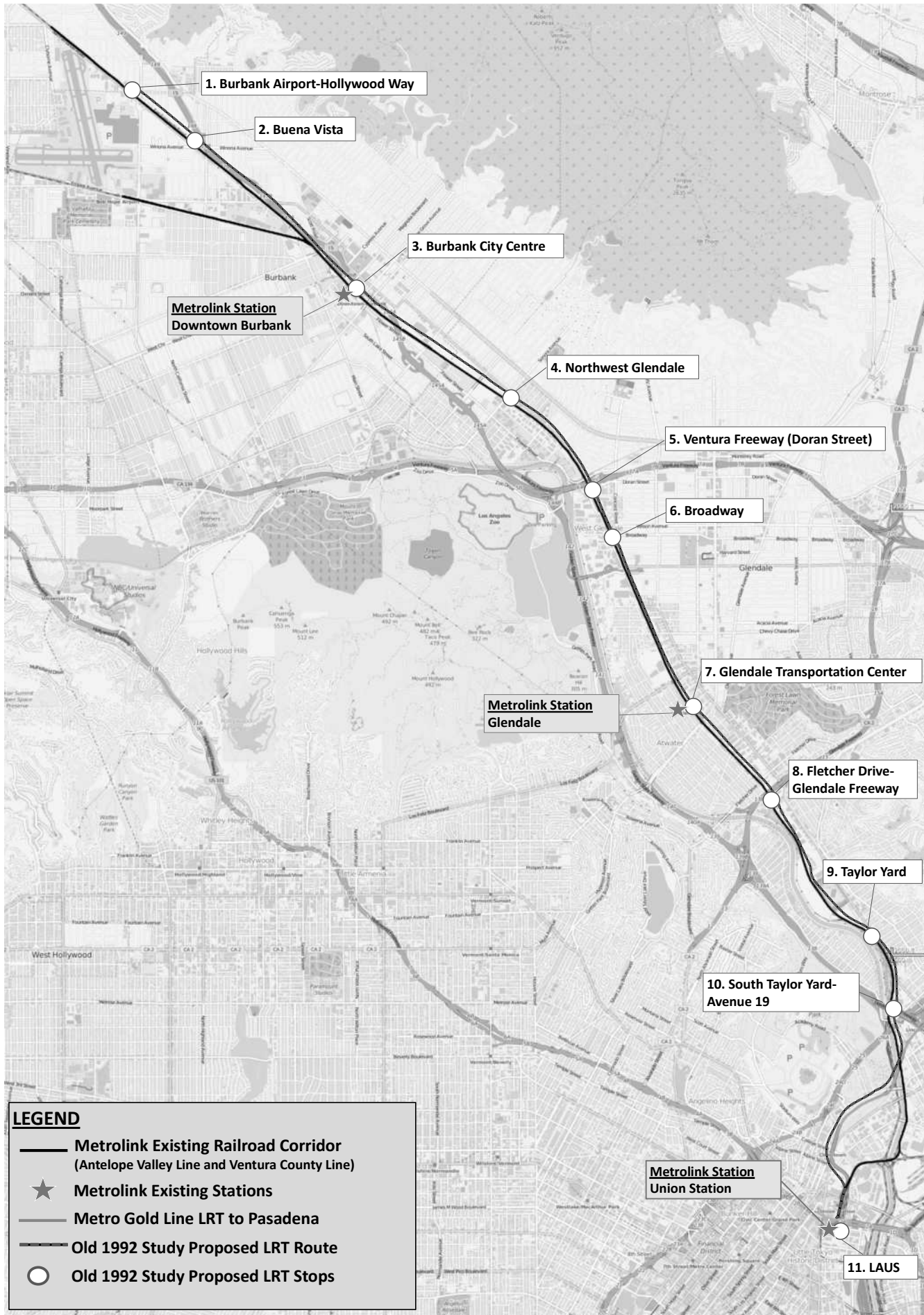
### **WE THEREFORE MOVE:**

- The Board direct the CEO to assign staff to review the above named document as it relates to today's plans for this corridor, including Doran Street and County, City, and Army Corps of Engineers LA River master plans and projects; and
- Identify any cost-saving measures, including but not limited to High Speed Rail reconfiguration; and
- Identify potential rail connectivity with Metrolink, High Speed Rail and Burbank-Glendale-Los Angeles Rail project and local bus services; and
- Explore possible TOD and TOC opportunities and opportunities to support revitalization and/or restoration of the LA River; and
- Identify possible funding sources to support recommendations; and
- Form a working group, including but not limited to the Cities of Glendale, Los Angeles, MTA planning staff and community relations; and
- Report back on all the above during the ~~May~~ 2016 Board cycle.

July

**Burbank-Glendale-Los Angeles  
Rail Transit Corridor  
1992 – 1994 Certified EIR Alignment**

**ATTACHMENT B**







Metro

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

## Board Report

File #: 2016-0649, File Type: Contract

Agenda Number: 11.

### PLANNING AND PROGRAMMING COMMITTEE OCTOBER 19, 2016

**SUBJECT: RESTORATION OF HISTORIC STREETCAR SERVICE IN DOWNTOWN LOS ANGELES**

**ACTION: EXECUTE CONTRACT MODIFICATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer (CEO) to:

- A. EXECUTE Modification No. 13 to Contract No. PS10-4320-2618 with HDR Engineering, Inc. to prepare the Draft and Final Environmental Assessment (EA) for the **Restoration of Historic Streetcar Service in Downtown Los Angeles**, in the firm fixed amount of \$361,149, increasing the total contract value from \$3,075,793 to \$3,436,942; and
- B. INCREASE Contract Modification Authority (CMA) specific to Contract No. PS10-4320-2618 in the amount of \$200,000, increasing the total authorized CMA amount from \$476,000 to \$676,000 to support potential additional environmental assessment work.

#### **ISSUE**

As directed by the Board in February 2010, Metro has been serving as a technical consultant and project manager under contract to the City of Los Angeles for purposes of completing an Alternatives Analysis, environmental review, and Small Starts application for the Downtown Los Angeles Streetcar Project (Project). The next step in the environmental process is compliance with the National Environmental Policy Act (NEPA).

As the Project Sponsor, federal co-lead agency and local lead agency, the City of Los Angeles (City) has requested that Metro proceed with NEPA clearance, including the preparation of the Draft and Final EA. This requires a modification to the scope of work in the existing consultant contract and extension of the performance period from December 31, 2016 to June 30, 2017. An increase in CMA is requested to support unforeseen additional environmental assessment work. Los Angeles Streetcar, Inc. (LASI) has provided sufficient funds necessary for Metro staff and third party consultant services for this work. Board approval of the contract modification and CMA increase is being requested so that work may proceed.

## **DISCUSSION**

### **Background**

At the February 25, 2010 meeting, the Metro Board authorized Metro staff assistance to the City for the Downtown Streetcar Project, predicated on the receipt of funds from the Community Redevelopment Agency of the City of Los Angeles (CRA/LA) and execution of reimbursement agreements with Metro. On May 5, 2010, Metro entered into a funding commitment and repayment agreement with CRA/LA for this effort. This agreement states that Metro agrees to dedicate the staffing resources necessary to support the Project and that the City agrees to reimburse Metro for one hundred percent (100%) of the staff and consultant costs incurred by Metro.

At the March 24, 2011 meeting, the Metro Board awarded the firm fixed price Contract No. PS10-4320-2618 to HDR Engineering, Inc. to provide professional services for the Restoration of Historic Streetcar Service in Downtown Los Angeles for the preparation of the Alternatives Analysis (AA), Advanced Conceptual Engineering (ACE), environmental documentation, and Small Starts application. Metro, on behalf of the City and in cooperation with Federal Transit Administration (FTA), completed the AA which resulted in the selection by the City and CRA/LA of the Locally Preferred Alternative (LPA). The LPA was adopted by the Los Angeles City Council in January 2012.

Prior to the dissolution of CRA/LA in 2012, Project funds dedicated for completing the environmental document, ACE, and Small Starts application were transferred from CRA/LA to the City and LASI. A portion of these funds were advanced to Metro for related Project costs.

The environmental document was initially prepared as an Environmental Impact Report (EIR)/ EA. In March 2014, after completing an Administrative Draft EIR/EA, FTA requested that additional ridership analysis be conducted.

After discussion with FTA in 2015, the CEQA EIR and the NEPA EA were separated and are to be completed sequentially. Work on the Draft EIR began in July 2015. It was released for public comment on June 24, 2016. The Final EIR is being prepared.

The next step in the environmental process is compliance with NEPA. Metro and LASI completed an amendment to the funding agreement to fund this work effort. LASI has advanced funds to Metro to cover anticipated project costs for Metro staff and consultants.

## **DETERMINATION OF SAFETY IMPACT**

There is no impact to the safety of our customers and/or employees.

## **FINANCIAL IMPACT**

The additional cost to complete the environmental process for compliance with NEPA is \$674,754

including both consultant services and Metro labor, which had been paid by LASI to Metro as advanced payment. This additional cost is within the FY17 approved budget in Cost Center 4350, Transit Corridors, Project Number 405553, Downtown Streetcar Project Environmental.

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

#### Impact to Budget

The source of funding for this contract is the City of Los Angeles through LASI. As these funds are specified for this project under agreement with LASI, they are not eligible for bus and rail capital or operating expenses.

### **ALTERNATIVES CONSIDERED**

The Board could choose not to authorize execution of the contract modification. This is not recommended as Metro and the City have reviewed and approved the proposed contract modification, and delay may compromise the pursuit of federal funding.

### **NEXT STEPS**

Upon Board approval, staff will execute Modification No. 13 to Contract No. PS10-4320-2618 for the preparation of federal environmental documentation. Staff will continue to coordinate with the City and assist with the steps necessary to meet federal environmental and funding eligibility requirements for Small Starts.

### **ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - Contract Modification/Change Order Log

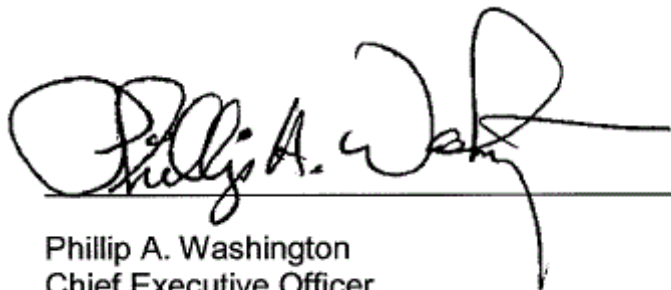
Attachment C - Proposed Downtown Los Angeles Streetcar Route

Attachment D - Board Motion, February 18, 2016, Item No. 34

Attachment E - DEOD Summary

Prepared by: Peter Carter, Project Manager, (213) 922-7480  
David Mieger, Executive Officer, (213) 922-3040  
Renee Berlin, Senior Executive Officer, (213) 922-3035

Reviewed by: Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051  
Therese W. McMillan, Chief Planning Officer (213) 922-7077



Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

**RESTORATION OF HISTORIC STREETCAR SERVICE IN DOWNTOWN  
LOS ANGELES/PS10-4320-2618**

1.	<b>Contract Number:</b> PS10-4320-2618			
2.	<b>Contractor:</b> HDR Engineering, Inc.			
3.	<b>Mod. Work Description:</b> Preparation of Draft Environmental Assessment (EA) and Final EA			
4.	<b>Contract Work Description:</b> Professional services for the restoration of historic streetcar in downtown Los Angeles			
5.	<b>The following data is current as of:</b> 9/12/16			
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>	
	<b>Contract Awarded:</b>	03/24/11	<b>Contract Award Amount:</b>	\$2,260,000
	<b>Notice to Proceed (NTP):</b>	04/01/11	<b>Total of Modifications Approved:</b>	\$815,793
	<b>Original Complete Date:</b>	02/28/13	<b>Pending Modifications (including this action):</b>	\$361,149
	<b>Current Est. Complete Date:</b>	12/31/16	<b>Current Contract Value (with this action):</b>	\$3,436,942
7.	<b>Contract Administrator:</b> Samira Baghdikian		<b>Telephone Number:</b> (213) 922-1033	
8.	<b>Project Manager:</b> Peter Carter		<b>Telephone Number:</b> (213) 922-7480	

**A. Procurement Background**

This Board Action is to approve Contract Modification No.13 issued in support of the preparation of the Draft Environmental Assessment (EA) and Final EA for the restoration of historic streetcar service in downtown Los Angeles. This Modification will also extend the period of performance from December 30, 2016 to June 30, 2017.

This Contract Modification was processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

On March 24, 2011, the Board approved award of Contract No. PS10-4320-2618 to HDR Engineering, Inc. in the firm fixed-price amount of \$2,260,000 for professional services for the restoration of historic streetcar service in downtown Los Angeles.

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

**B. Cost**

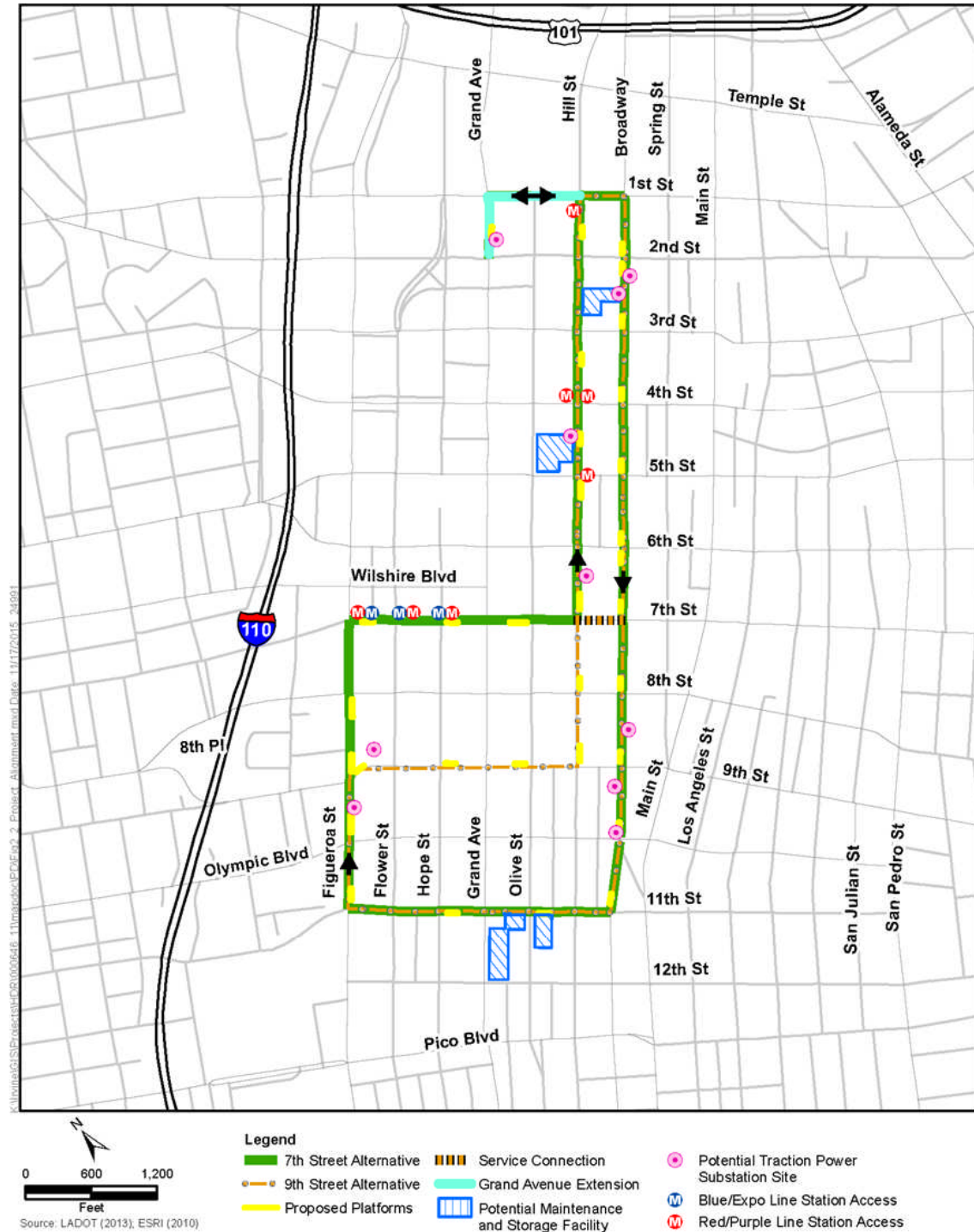
The recommended price has been determined to be fair and reasonable based upon an independent cost estimate, cost analysis, technical analysis, and fact finding.

<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>
\$361,138	\$366,689	\$361,149

## CONTRACT MODIFICATION/CHANGE ORDER LOG

**RESTORATION OF HISTORIC STREETCAR SERVICE IN DOWNTOWN  
LOS ANGELES/PS10-4320-2618**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>Amount</b>
1	Task 1: further develop the purpose and need for the Alternative Analysis	Approved	06/06/12	\$145,912
2	Task 5A: move from initial study to environmental impact report (EIR)	Approved	11/05/12	\$75,170
3	Task 5A: expanded scope of the EIR	Approved	02/28/13	\$339,793
4	Reallocation of funds from Task 5 to Task 1	Approved	08/11/13	\$0
5	Reallocation of funds from Task 5 to Task 2	Approved	03/06/14	\$0
6	Traffic study: increased level of effort	Approved	07/15/14	\$34,269
7	Administrative Draft EIR/EA: increased level of effort	Approved	10/03/14	\$84,722
8	Initial phase to consider two additional maintenance and storage facilities	Approved	11/21/14	\$25,530
9	Three-dimensional Massing Survey	Approved	12/18/14	\$6,220
10	Exercise Option "C"/Task 6 and extension of period of performance	Approved	06/30/15	\$0
11	Small Starts Speed Improvement Analysis and extension of period of performance	Approved	03/31/16	\$70,024
12	Final EIR, reallocation of funds from Task 5A and Task 6, and extension of period of performance	Approved	08/08/16	\$34,153
<b>13</b>	Preparation of Draft Environmental Assessment (EA) and Final EA and extension of period of performance	<b>Pending</b>	<b>Pending</b>	<b>\$361,149</b>
	<b>Modification Total:</b>			<b>\$1,176,942</b>
	<b>Original Contract:</b>			<b>\$2,260,000</b>
	<b>Total:</b>			<b>\$3,436,942</b>

**Figure ES-2. Proposed Downtown Los Angeles Streetcar Route<sup>1</sup>**<sup>1</sup> Platform locations subject to change in final design.



**HUIZAR  
MOTION****34**

On December 1, 2009, Federal Transportation Secretary Ray LaHood announced plans to award \$280 million in grants to support the Obama Administration's Livability Initiative.

Two distinct, non-competing programs have been developed and separate Notices of Funding Availability have been issued for \$130 million in exempt discretionary grants for Urban Circulator Systems on fixed rail (streetcars) to be funded through unallocated Discretionary New Starts/Small Starts Program funds; and \$150 million for bus and bus facility projects unallocated Discretionary Bus and Bus Facilities Program funds.

According to Secretary LaHood, the funds will be used to support "urban circulator projects such as streetcars, buses and bus facilities to support communities, expand business opportunities and improve people's quality of life while also creating jobs." According to the Federal Transit Administration, a maximum amount of \$25 million will be made available for individual projects that foster the redevelopment of districts into walkable, mixed use and high density environments.

The City of Los Angeles is preparing an application for a grant through the urban circulator / streetcar program, which **does not compete** with any other METRO funding applications.

A requirement of the grant is that environmental review be completed and construction be underway by the end of 2011. Based on the urgent need to expedite environmental review in order to move forward with this important job creation project, the Community Redevelopment Agency of the City of Los Angeles, which is working to advance the streetcar effort is requesting a partnership with METRO to complete the environmental review in a timely manner.

Federal Transit Administration staff has recognized the METRO'S considerable expertise and prior history related to environmental review of transit projects. CRA/LA is requesting that METRO serve as the "responsible agency" for the environmental review of the project and preparation of environmental documents to be submitted to the City of Los Angeles Bureau of Engineering as the lead agency.

This partnership will include CRA/LA reimbursing METRO for the expenses incurred, making this a budget-neutral partnership for METRO.

**I THEREFORE MOVE that:**

1. METRO serve as the lead agency for the coordination of expedited environmental review for the Downtown L.A. Streetcar and integrated Broadway Streetscape Master Plan.
- ~~2. METRO approve the appropriate budget and staffing resources necessary to do this work, subject to a legally binding agreement with the CRA/LA to reimburse Metro for 100% of the costs.~~
3. The Board authorize the CEO to execute this agreement.



**Metro**

Metropolitan Transportation Authority

One Gateway Plaza  
Los Angeles, CA 90012-2952

213.922.2000 Tel  
metro.net

**35**

**PLANNING & PROGRAMMING COMMITTEE**

**FEBRUARY 18, 2010**

**SUBJECT: DEVELOPMENT OF THE BRINGING BACK BROADWAY, LLC LOS ANGELES STREET CAR INITIATIVE**

**ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO SUPPORT THE CITY OF LOS ANGELES FTA NEW STARTS SUBMITTAL AND ENVIRONMENTAL CLEARANCE FOR THE LOS ANGELES STREET CAR INITIATIVE INCLUDING ENTERING INTO AGREEMENTS WITH THE CITY OF LOS ANGELES.**

**RECOMMENDATION**

Authorize the Chief Executive Officer to:

1. Support the City of Los Angeles' application to the Federal Transit Administration (FTA) under its 5309 Discretionary Grant program for development of the Bringing Back Broadway Los Angeles Street Car initiative;
2. Assist the City in completing the required environmental analysis and clearances;
3. Execute agreement(s) with the City of Los Angeles for MTA to be the responsible agency for the appropriate environmental clearances for this project;
4. Execute appropriate agreements with the City of Los Angeles to insure that MTA is reimbursed for all MTA incurred costs, including staff and consultant services, for environmentally clearing this project, and;
5. Initiate actions necessary to procure environmental consultants for this project.

**ISSUE**

The Los Angeles City Council passed a motion on December 16, 2009 authorizing the City of Los Angeles Community Redevelopment Agency (CRA) to prepare and submit an application to the FTA to seek funding under the Urban Circulator Systems discretionary grants component of the unallocated Discretionary New Starts/Small Starts Program funds. Subsequent to City Council action MTA received a request from

the Los Angeles Streetcar Initiative, Inc, representing the “Bringing Back Broadway” stakeholders for MTA to also manage the environmental clearances of this project consistent with FTA guidelines. The application will seek funding for the purpose of developing and constructing the proposed downtown Los Angeles Streetcar project, which is a major component of the City’s “Bringing Back Broadway” downtown revitalization initiative. The motion and subsequent City requests recognize Metro’s expertise in developing rail projects and a history of working with FTA.

## **POLICY IMPLICATIONS**

The Los Angeles Street Car project is included in the strategic unfunded section of the Long Range Transportation Plan (LRTP). The project has not previously been the recipient of MTA development or planning funds. The proposed street car would provide additional circulation and transport options in the City’s Central Business District (downtown) for MTA patrons and serve to link via rail transit presently under-served areas in the downtown area. Staff participation with the City on the proposed project has been consistent with the intent and purpose of the recently Board adopted LRTP and is consistent with the priorities adopted by the Board.

The Downtown Streetcar project has the potential to create opportunities for Metro to refocus the bus service operations plan for the CBD. This could have the effect of allowing a reduction in the level of bus service in and to the downtown area, allow for potential reorganization of the City’s DASH service, and thereby reduce operating costs. Improvement of transit operations and reduction of operations costs are among the distinct advantages of this project.

MTA has historically provided technical support and information for City/County jurisdictions but has limited that role to technical advice. MTA has focused its limited resources to complete the LRTP and Measure R funded projects. MTA has also performed as the Lead Agency for other agencies in the preparation of environmental analyses and documentation.

## **OPTIONS**

The Board of Directors could limit MTA’s involvement to technical support and not take on the additional efforts to environmentally clear this project. Clearing a project through both the FTA new starts process and the NEPA/CEQA environmental processes requires a specific level of detailed experience. MTA’s staff efforts are already dedicated to accelerating Measure R projects.

## **FINANCIAL IMPACT**

Funding for this project is not included in the FY10 budget. However, it is anticipated that there will be minimal administrative costs to perform the recommendations for the remainder of FY10 and these costs could be absorbed within the FY10 budget. The City of Los Angeles will be reimbursing us for the costs associated with this project and will therefore be cost neutral. Since this is a multi-year project it will be the responsibility of the cost center manager and the Chief Planning Officer for budgeting expenditures in future years.

### **Impact to Bus and Rail Operating and Capital Budget**

The funding for the environmental work to support this project will be from Proposition A, C, and TDA Administration funds. The Planning activities proposed in this report will have no impact on bus and rail operating and capital costs.

## **BACKGROUND**

The Downtown Streetcar project is a key component of the Downtown Los Angeles Bringing Back Broadway revitalization initiative. The proposed streetcar project has been designed from the ground up to be a public-private partnership to finance planning and construction of the streetcar system. The core alignment is envisioned to connect the LA Live/Convention Center/Staples Center complex on the south of downtown with destinations such as Bunker Hill-City Hall-Little Tokyo in the north via Broadway. The project is designed to be extensible in the future when additional funds become available. The public/private partnership includes LA Streetcar, Inc. (LASI), CRA, downtown property and business owners and the City of Los Angeles. LASI is a non-profit entity organized to provide project management and planning functions for development of the project. Metro has provided technical assistance for the streetcar project and review of the initiatives potential impacts on current transit operations in the downtown area.

The City of Los Angeles is preparing an application for a grant through the urban circulator/streetcar program, which does not compete with any other MTA funding applications. FTA periodically allocates Section 5309 Bus and New Starts funds to innovative transit projects and Urban Circulator projects (including streetcars) to advance six livability principles adopted by the DOT-HUD-EPA Partnership for Sustainable Communities:

1. Provide more transportation choices.
2. Promote equitable, affordable housing.
3. Enhance economic competitiveness.

4. Support existing communities.
5. Coordinate policies and leverage investment.
6. Value communities and neighborhoods.

On December 1, 2009, Federal Transportation Secretary Ray LaHood announced plans to award \$280 million in grants to support the Livability Initiative.

Two distinct, non-competing programs and separate Notices of Funding Availability (NOFA) were issued for \$130 million in exempt discretionary grants for Urban Circulator Systems on fixed rail (streetcars) to be funded through unallocated Discretionary New Starts/Small Starts Program funds; and \$150 million for bus and bus facility projects unallocated Discretionary Bus and Bus Facilities Program funds. Per FTA guidelines, a maximum amount of \$25 million will be made available for projects that foster the redevelopment of districts into walkable, mixed use and high density environments.

The City of Los Angeles is preparing an application for a grant through the urban circulator/streetcar program, which does not compete with any other MTA funding applications. FTA staff has advised the city that detailed knowledge and experience with the FTA process is critical to meet the performance dates listed in the funding application. An additional requirement of the grant is that environmental review be completed during 2011 with a construction start beginning by the end of 2011. Based on this timeframe, the City has indicated the urgent need to expedite the environmental review requires that MTA agree to function as Lead Agency to prepare the environmental analysis in time.

In addition, the City of Los Angeles has requested MTA to secure and manage a project consultant in the preparation of the environmental analysis. The City is proposing to reimburse Metro for the cost of the environmental analysis.

### **NEXT STEPS**

- Work with the City to complete a scope of work for the project in cooperation with the City of Los Angeles.
- Coordinate meetings with FTA to assure an agreed upon NEPA and CEQA process including an acceptable Alternatives Analysis.
- Assist in procuring an environmental consultant under the previously approved consultant bench.
- Commence environmental review.
- Initiate discussions with the CPUC for preliminary review of “street running” options.

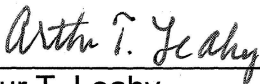
Prepared by: Irv Taylor, TPM V, TDI

Robin Blair, Director, Central Area Planning, TDI

Diego Cardoso, Executive Officer, Transportation Development and  
Implementation



Douglas R. Failing, P.E.  
Interim Chief Planning Officer



Arthur T. Leahy  
Chief Executive Officer

## DEOD SUMMARY

**RESTORATION OF HISTORIC STREETCAR SERVICE IN DOWNTOWN  
LOS ANGELES/PS10-4320-2618**

**A. Small Business Participation**

HDR Engineering, Inc. (HDR) made a 20.06% Disadvantaged Business Enterprise Anticipated Level of Participation (DALP) commitment. Current DALP participation is 18.22%, a shortfall of 1.84%. The project is 89% complete. According to HDR, the DALP shortfall is due to scope changes by Metro that had negative impacts to DALP commitments. Metro's project manager confirmed the scope changes.

HDR's plan to mitigate its shortfall is to add Terry A. Hayes Associates, a DBE subcontractor, to perform on Contract Modification No. 13, subject to Metro approval. Based on this plan, HDR expects to increase its DALP Participation by 1.23%, and exceed its commitment by achieving DALP participation of 21.29%.

<b>Small Business Commitment</b>	<b>DALP 20.06%</b>	<b>Small Business Participation</b>	<b>DALP 18.22%</b>
----------------------------------	--------------------	-------------------------------------	--------------------

	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Coast Surveying	Hispanic American	7.46%	2.79%
2.	Intueor Consulting	Asian Pacific American	6.62%	11.69%
3.	The Robert Group	African American	1.68%	1.00%
4.	V&A Inc.	Hispanic American	4.30%	2.74%
	<b>Total</b>		<b>20.06%</b>	<b>18.22%</b>

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

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

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

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this modification.



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

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.



Metro

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

## Board Report

File #: 2016-0706, File Type: Informational Report

Agenda Number: 14.

**REVISED**  
**CONSTRUCTION COMMITTEE**  
**EXECUTIVE MANAGEMENT COMMITTEE**  
**OCTOBER 20, 2016**

**SUBJECT: PROGRAM MANAGEMENT PLAN**

**ACTION: RECEIVE AND FILE**

### **RECOMMENDATION**

**RECEIVE AND FILE report on [Metro's Program Management Plan](#).**

### **ISSUE**

Metro's Program Management Plan (PMP) provides a capital project delivery roadmap on how Metro will manage and implement the Los Angeles County ~~Transportation~~ Traffic Improvement Plan (LACTIP). Metro's PMP outlines Metro's program structure, management control systems, and processes that guide the full range of activities required. Metro is prepared and is ready to execute the PMP to deliver the transportation infrastructure program in the LACTIP.

### **DISCUSSION**

In June 2016, the Metro Board of Directors approved placing a sales tax ballot measure titled Los Angeles County ~~Transportation~~ Traffic Improvement Plan, officially designated as Measure M, on the November 2016 general election ballot. The LACTIP was crafted through a collaborative process with regional stakeholders and with input from the public. As Metro prepares an implementation plan, staff presents a capital project delivery roadmap in Metro's Program Management Plan. This document is a dynamic tool, which will be updated as required to best deliver the LACTIP.

The development of the PMP was a collaborative agency-wide effort led by the Program Management Department. The major objectives of the PMP are as follows:

- Summarize the LACTIP Program, including the scope, schedule and capital budget.
- Establish goals and objectives that form the basis of the LACTIP Program.
- Provide information about the organization, control systems, processes, roles and responsibilities, and lines of authority within the LACTIP Program.
- Cite definitive and authoritative references, including specific policies and procedures.
- Describe inter-relationships between the LACTIP practices and agency-wide policies and

procedures.

- Establish consistent management practices.
- Establish mechanisms for managing technical and financial risks.
- Demonstrate to stakeholders that the plan is structured in accordance with the regional planning process and federal requirements.

A summary of the Program Management Plan is outlined in Attachment A and the Executive Summary is included in Attachment B.

### **FINANCIAL IMPACT**

Metro's Program Management Plan does not have any specific budgetary impact or financial impacts. Staff will return to the Board with any adjustments to approved budgets through the FY2017 mid-year budget adjustments and/or separate Board action items.

### **NEXT STEPS**

Staff will execute and implement the Program Management Plan, if the voters approve Measure M in November. In addition to this capital project delivery roadmap, staff will prepare and present to the Board a Program Support Plan outlining the support plan necessary to administer and manage the Program.

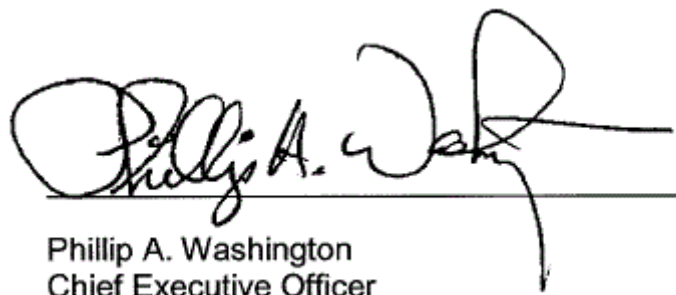
### **ATTACHMENTS**

Attachment A - Program Management Plan Presentation

Attachment B - Program Management Plan Executive Summary

Prepared by: Brian Boudreau, Sr. Executive Officer, Program Control (213) 922-2474  
Julie Owen, Deputy Executive Officer, Program Control (213) 922-7313

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



Phillip A. Washington  
Chief Executive Officer

# Program Management Plan

Program Management  
Last updated: October 6, 2016

Construction Committee  
October 20, 2016



# PRESENTATION OVERVIEW

- PMP Objectives
- PMP Document Framework
- Contributing Departments
- Master Schedule
- Expenditure Plan
- Resources
- Strategic Initiatives
- Next Steps

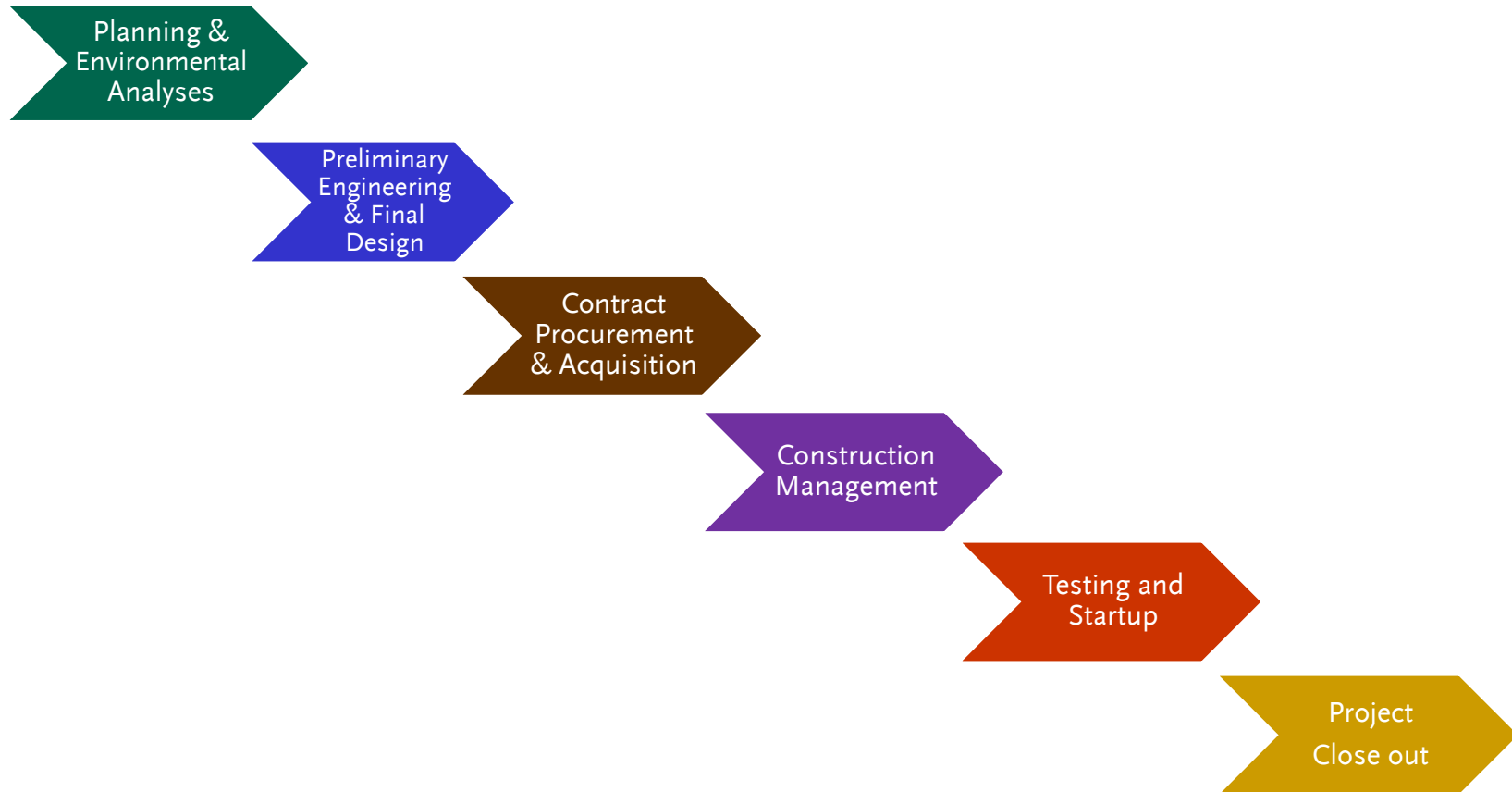
# PMP OBJECTIVES

- Outlines Measure M Capital Project Delivery for Major Transit and Highway Projects
- Summarizes program, scope, schedule and budget
- Provides organization information for control systems, processes, responsibilities and authority
- Describes agency policies, procedures, and inter-relationships
- Establishes mechanisms for managing technical and financial risks
- Demonstrates stakeholder accountability and transparency

# PMP DOCUMENT FRAMEWORK

- Measure M
  - Program Description
  - Program Budget
  - Program Schedule
  - Strategic Initiatives
- Roadmap to Implement Measure M
  - Agency Organization
  - Department-by-Department
    - Processes
    - Roles
    - Responsibilities

# CAPITAL PROJECT LIFECYCLE PHASES





# CONTRIBUTING DEPARTMENTS

Chief Executive Office	Communications
Office of Management and Budget	Employee/Labor Relations
Countywide Planning and Programming	Congestion Reduction
Program Management	Office of Extraordinary Innovation
Vendor/Contract Management	Civil Rights
County Counsel	Management Audit Services
Risk, Safety, Emergency, and Asset Management	Information Technology
System Security and Law Enforcement	Operations and Maintenance

# MEASURE M TRANSIT & HIGHWAY PROJECTS



# MEASURE M - MAJOR PROJECT LEGEND

## Highway/Street Projects

- 3** High Desert Multi-Purpose Corridor Project (Right-of-Way)
- 4** I-5 N Capacity Enhancements (SR-14 to Lake Hughes Rd)
- 12** SR-71 Gap: I-10 to Rio Rancho Rd
- 18** SR-57/SR-60 Interchange Improvements
- 21** I-105 ExpressLane: I-405 to I-605
- 15 16** Sepulveda Pass Corridor (Busway)
- 20** I-710 South Corridor Project Phase 1
- 33** I-605/I-10 Interchange
- 29** I-5 Corridor Improvements: I-605 to I-710
- 37** I-405 South Bay Curve Improvements
- 28** I-710 South Corridor Project Phase 2
- 36** I-110 ExpressLanes Extension to I-405/I-110 Interchange
- 34** SR-60/I-605 Interchange HOV Direct Connectors
- 32** I-405/I-110 Interchange HOV Connect Ramps & Interchange Improvements
- 45** High Desert Multi-Purpose Corridor Project (Construction)
- 61** I-605 Corridor "Hot Spot" Interchange Improvements

Not shown on map: Las Virgenes/Malibu Transportation Improvements, and North County Transportation Improvements

## Transit Projects

- 1** Airport Metro Connector/Green Line Extension
- 9** East San Fernando Valley Transit Corridor
- 7 8** BRT Connector Orange/Red Line to Gold Line
- 5** Gold Line Foothill Extension Phase 2B
- 2** Purple Line Extension Transit Project Section 3
- 10** West Santa Ana Transit Corridor Segment 1
- 6** Orange Line BRT Improvements (Locations TBD)
- 24 25** Gold Line Eastside Extension Phase 2 (one alignment)
- 19** Green Line Extension to Crenshaw Bl in Torrance
- 17** Vermont Transit Corridor
- 22 23** Sepulveda Pass Corridor (Rail)
- 26** West Santa Ana Transit Corridor Segment 2
- 30 31** Crenshaw Line Northern Extension
- 41** Orange Line Conversion to Light Rail
- 35** Lincoln Bl BRT
- 38** Green Line to Norwalk Metrolink Station
- 40** Sepulveda Pass Corridor Westwood to Airport Metro Connector
- 44** Gold Line Eastside Extension Phase 2 (second alignment)

Not shown on map: Crenshaw/LAX Track Enhancement Project, Complete LA River Bike Path and LA River Waterway, System Bike Path, City of San Fernando Bike Master Plan, Historic Downtown Streetcar, North San Fernando Valley BRT Improvements, Arroyo Verdugo Transportation Improvements, Regional Rail and Metrolink Improvements, and South Bay Transportation Improvements

# MASTER PROJECT SCHEDULE & BUDGET

[illegible]

*This document is a working draft meant for discussion purposes only and may contain preliminary conclusions not necessarily reflected in the final decision.*



Subregion
@ - Indicates Measure R Related Projects
AV - Arroyo Verdugo
LVM - Las Virgenes Malibu
CC - Central City Area
SG - San Gabriel Valley
NC - North County
SB - South Bay
W - Westside
GC - Gateway Cities
SF - San Fernando Valley

Subregion
@ - Indicates Measure R Related Projects
AV - Arroyo Verdugo
LVM - Las Virgenes Malibu
CC - Central City Area
SG - San Gabriel Valley
NC - North County
SB - South Bay
W - Westside
GC - Gateway Cities
SF - San Fernando Valley

Footnotes	
Proj #	Included Projects
R#	Project # from previous "FY 2010 - 2039 Expenditure Plan"
7	8 - BRT Connector Orange/Red Line to Gold Line
15	16 - Sepulveda Pass Transit Corridor (Ph 1) @
21	Restripe, PASED could start FY18. Construction anticipated 1 year.
22	23 - Sepulveda Pass Transit Corridor (Ph 2) @
24	25 - Gold Line Eastside Extension (One Alignment) @
26 & 27	Showing accelerated schedule with P3 delivery method
30	31 - Crenshaw Northern Extension
45	3 - High Desert Multi-Purpose Corridor (HDMC) @

Footnotes	
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Environmental	Environmental Refresher
Engineering	Right of Way
Bid	Program Implementation
D/B Construction	Possible Acceleration
D/B/B Construction	
Testing	
Opening Date	

Environmental	Environmental Refresher
Engineering	Right of Way
Bid	Program Implementation
D/B Construction	Possible Acceleration
D/B/B Construction	
Testing	
Opening Date	



# MEASURE M EXPENDITURE PLAN

Subfund	Program	% of Sales Tax (net of Admin)	First Year Amount (FY 2018)	FY 2018 - FY 2032 (15 Years)	FY 2033 - FY 2047 (15 Years)	FY 2048 - FY 2057 (10 Years)	FY 2018 - FY 2057 (40 Years)
Transit Operating & Maintenance	Metro Rail Operations	5%	\$ 42	\$ 850	\$ 2,320	\$ 2,810	\$ 5,980
	Transit Operations (Metro & Municipal Providers)	20%	\$ 169	\$ 3,400	\$ 9,280	\$ 11,240	\$ 23,920
	ADA Paratransit for the Disabled; Metro Discounts for Seniors and Students	2%	\$ 17	\$ 340	\$ 930	\$ 1,120	\$ 2,390
Transit, First/Last Mile (Capital)	Transit Construction (Includes System Connectivity Projects - Airports, Union Station, and Countywide BRT)	35%	\$ 296	\$ 5,960	\$ 16,230	\$ 19,670	\$ 41,860
	Metro State of Good Repair	2%	\$ 17	\$ 340	\$ 930	\$ 1,120	\$ 2,390
Highway, Active Transportation, Complete Streets (Capital)	Highway Construction (includes System Connectivity Projects - Ports, Highway Congestion Programs, Goods Movement)	17%	\$ 144	\$ 2,890	\$ 7,880	\$ 9,560	\$ 20,330
	Metro Active Transportation Program (Bicycle, Pedestrian, Complete Streets)	2%	\$ 17	\$ 340	\$ 930	\$ 1,120	\$ 2,390
Local Return / Regional Rail	Local Return - Base (Local Projects and Transit Services)	16%	\$ 136	\$ 2,720	\$ 7,420	\$ 8,990	\$ 19,130
	Local Return / Regional Rail (Beginning FY 2040)				3% / 1% → \$ 690	\$ 2,240	\$ 2,930
	Regional Rail	1%	\$ 8	\$ 170	\$ 460	\$ 560	\$ 1,200
<b>TOTAL PROGRAMS</b>			<b>\$ 847</b>	<b>\$ 17,010</b>	<b>\$ 46,380</b>	<b>\$ 56,190</b>	<b>\$ 119,590</b>
Administration /Local Return	0.5% for Administration	0.5%	\$ 4	\$ 85	\$ 230	\$ 280	\$ 600
	1.0% Local Return	1.0%	\$ 8	\$ 170	\$ 460	\$ 560	\$ 1,200
<b>GRAND TOTAL</b>			<b>\$ 860</b>	<b>\$ 17,265</b>	<b>\$ 47,070</b>	<b>\$ 57,030</b>	<b>\$ 121,390</b>

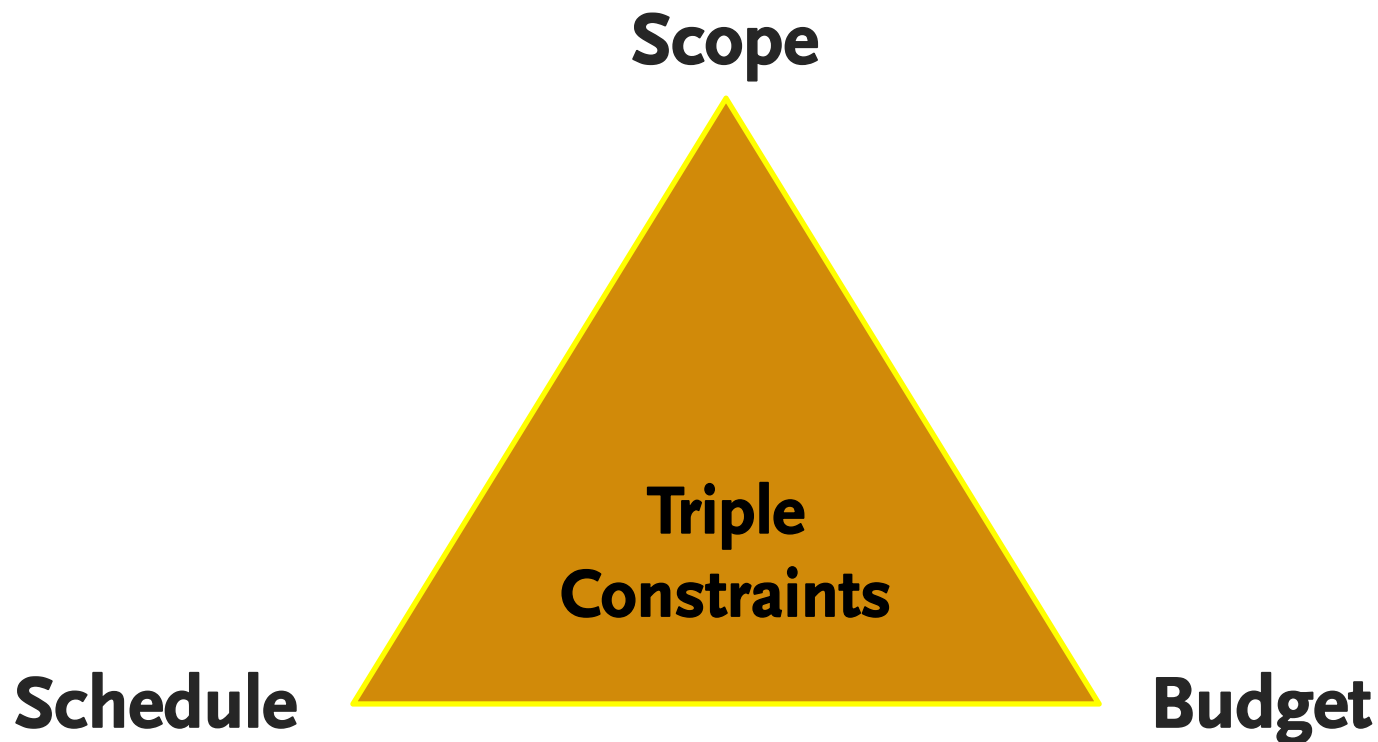


Metro

# PROJECT MANAGEMENT



One side of the triangle cannot be changed without affecting the other sides:

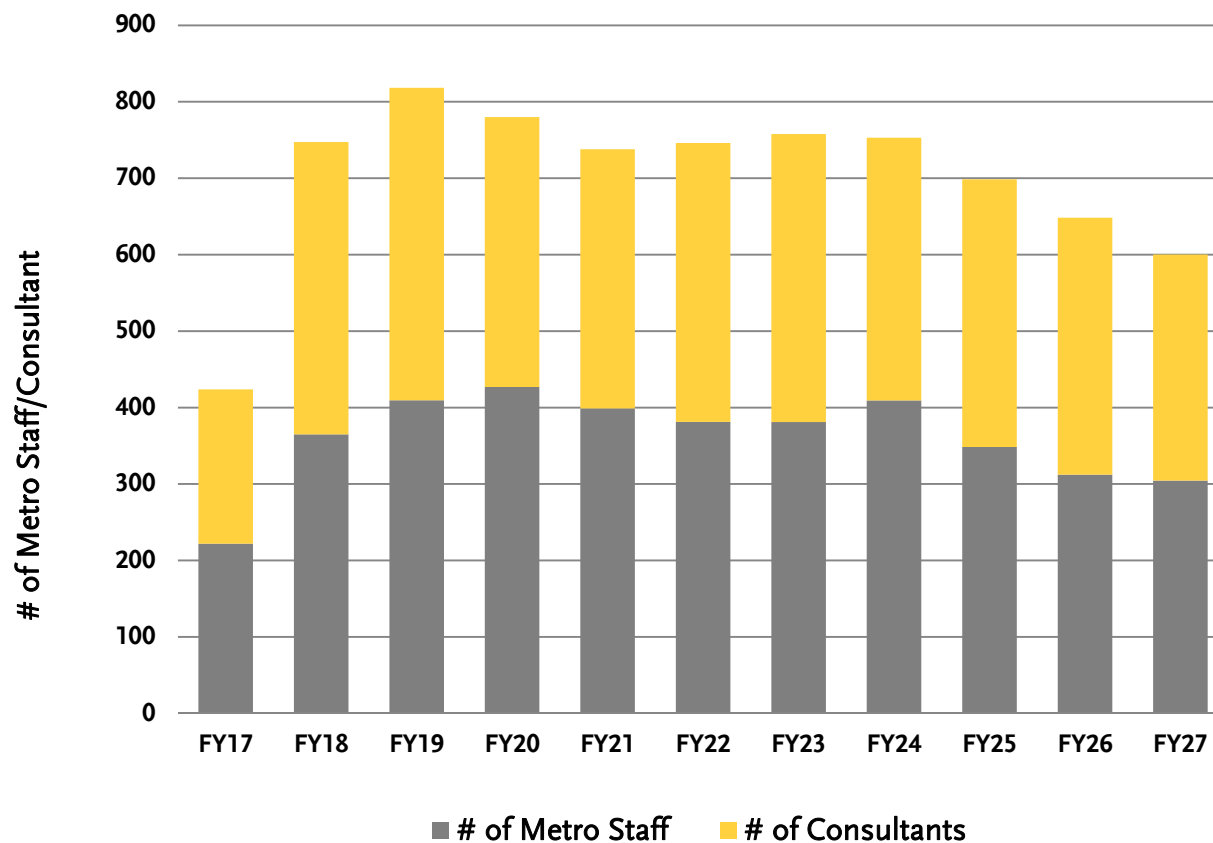


# PROJECT DELIVERY STAFFING

- **Focus on Project Delivery Staffing**
  - Utilize recent project historical staffing levels for project staff modelling
  - Apply 50/50 blend of Metro staff/consultants
  - Re-assign staff to new projects upon completion
  - Actual staffing will depend on exact timing of projects, delivery methods, and streamlining initiatives
- **Preliminary Projections for 1<sup>st</sup> Decade**
  - Metro staff averages approximately 374
  - Consultant staff averages approximately 390

# PRELIMINARY STAFFING

- Preliminary Project Delivery Staffing First Decade





# STRATEGIC INITIATIVES - INTERNAL

- **Staff Capacity/Capability**
  - Right-size the Metro Organization
  - Strategic Consultant Use
  - Attract, Train, Retain Core Staff
  - Grow Through Succession Planning
  - Partner with Community Colleges to Develop Transportation Discipline Curriculums
  - Streamline/Automate Processes for Efficiency

# STRATEGIC INITIATIVES - INTERNAL

- **Strengthen Project Budgeting Process**
  - Engage and Expand Cost Estimating in Development of Project Estimates/Budgets
  - Estimates to Reflect Current Project Scope, Schedule, and Costs
  - Commence Risk Assessments Early and Factor Effects into Project Estimates
  - Establish LOP Budget After Adequate Engineering and Design or Bids are Received for Construction
  - Conduct Annual Program Evaluation (APE) Review
  - Manage Project Scope to Deliver Projects On-time and Within Budget

# STRATEGIC INITIATIVES - INTERNAL

- **Quality Management**
  - Quality Strategic Planning
  - Incorporate Best Practices
  - Establish Quality Audits
- **Update Technical Documents**
  - Incorporate Lessons Learned
  - Review Parameters Prescriptive vs. Performance
  - Reduce Submittals and Approvals
  - Promote Emerging Technologies
  - Analyze Commercial/Claims Perspective

# STRATEGIC INITIATIVES - INTERNAL

- **Innovate Procurement Process**
  - Review Potential Alternative Delivery Methods/PPP
  - Facilitate Private Sector Innovation
  - Streamline Process and Documentation
  - Procurement Strategic Planning
  - Project Pre-Planning
  - Increase Competition
  - Increase Small Business Opportunities

# STRATEGIC INITIATIVES - INTERNAL

- **Third Party Utilities**
  - Incorporate Lessons Learned
  - Perform Utility Strategic Planning
  - Establish Municipal/Utility Task Force
  - Analyze Organizational Structure/Co-Location
  - Establish Bench Contractors
  - Expand Pool of Contractors
  - Expedite Lead-In Activities

# STRATEGIC INITIATIVES - EXTERNAL

- **Teaming With External Jurisdictions**
  - Establish Executive Level Single Point of Contact
  - Perform Joint Strategic Pre-Planning
  - Streamline Master Cooperative Agreement
  - Establish Joint Oversight Committee
  - Establish Mutually Acceptable Design Criteria
  - Co-locate Key Staff
  - Define Maintenance Responsibilities
  - Streamline Approval and Permit Processes

# STRATEGIC INITIATIVES - EXTERNAL

- **Teaming With Caltrans**
  - Initiate Partnering Program
  - Implement Lessons Learned Program
  - Establish Management/Communications Plan
  - Establish Strategic Implementation Plan
  - Establish Project Management Plans
  - Develop Interagency Agreement
  - Promote Staff Co-Location
  - Provide Joint Coordination with COG's

# NEXT STEPS

- Ballot Measure Success
- Implement PMP
- Continue Extensive Community Outreach
- Update Plan as Required
- Develop Program Support Plan
- Deliver Projects On Time and Within Budget







**PROGRAM MANAGEMENT PLAN**

**EXECUTIVE SUMMARY**

MEASURE M  
October 2016

**Draft**

## EXECUTIVE SUMMARY

The Los Angeles County Metropolitan Transportation Authority (Metro) has developed the Los Angeles County Traffic Improvement Plan (LACTIP) or “Measure M” as a way to address new transit and highway projects, enhanced bus and rail operations, and several other transportation improvements in Los Angeles County. Metro’s Program Management Plan serves as a strategic framework for Measure M Capital Project Delivery and provides a roadmap on how Metro will manage and implement this ambitious transportation infrastructure program if voters approve the Measure in November. The Program Management Plan summarizes program scope, schedule and budget; provides organizational information for control systems, processes, responsibilities and authority; describes agency policies, procedures and interrelationships; establishes mechanisms for managing technical and financial risks and demonstrates stakeholder accountability and transparency.

Measure M is expected to generate an estimated \$860 million a year in 2017 dollars. Based on the latest economic forecast by the Los Angeles Economic Development Corporation, the LACTIP would add 465,690 new jobs across the region, stimulate \$79.3 billion in economic output in Southern California, and fund 40 major highway and transit projects in the first 40 years. The goals of Measure M include easing traffic congestion, improving freeway traffic flow; expanding rail and rapid transit systems and improving system connectivity; repaving local streets, repairing potholes, and synchronizing signals; making public transportation more accessible, convenient and affordable for seniors, students, and the disabled; earthquake retrofitting bridges and keeping the transit and highway system safe and in good working condition; embracing technology and innovation; creating jobs, reducing pollution and generating local economic benefits; providing accountability and transparency by protecting and monitoring the public’s investment.

The overall program budget for the first 40 years focuses on Capital Project Delivery which includes \$41.8 billion Transit Construction, \$2.39 billion Metro State of Good Repair, and \$20.33 billion Highway Construction. The Measure M Program Master Schedule outlines project delivery across the lifecycle including planning and environmental analysis, preliminary engineering and final design, contract procurement and real estate acquisition, construction management, testing and start-up as well as outlines opportunities for acceleration of projects. A Program Support Plan will be issued at a future date to address other elements of Measure M.

### Strategic Initiatives

A series of strategic initiatives have been identified to address planned enhancements for Measure M Capital Project Delivery and how this transportation infrastructure program will be managed and implemented:

- **Staff Capacity Planning** - Capital project delivery of the infrastructure program in the Plan is highly dependent on providing sufficient staffing resources. Staffing needs for the Measure M projects were forecasted based on utilizing the right size for Metro, strategic consultant use, the ability to attract, train and retain core staff, growing through succession planning, streamlining /automating processes for efficiency, and partnering with community colleges to develop transportation in discipline curriculums.

- **Acquisition Process Innovation** - The construction industry differs from most other industries as contracts developed for individual projects, while containing a core set of standard requirements, are developed and adapted to suit the specific requirements of each project. This can be further complicated by the different types of contract delivery methods that have evolved over the years. Any efficiency that can be developed in either the procurement process or the procurement document can, when repeated over the life of a program of projects, save significant time and cost and improve the flow of procurements and implementation. Procurement process initiatives include reviewing potential Alternative Delivery Methods / PPP, facilitating private sector innovation, streamlining process and documentation, procurement strategic planning, project pre-planning, increasing competition, and increasing small business opportunities.
- **Strengthen the Project Budget Process** – With the large increase in both the number and value of projects being delivered under Measure M, it is essential that accurate Life of Project (LOP) budgets be developed for each project. Strengthening the project budget process includes expanding the use of Cost Estimating staff in the development of independent cost estimates and project budgets, working closely with the respective Departments during the early stages of project development, commencing risk assessments at the earliest practicable time in the project life, ensuring continuity of approach across the program, continuing Annual Program Evaluation process, establishing the LOP budget once projects have completed adequate engineering and design or bids are received for construction, and actively manage project scope to deliver projects on-time and within budget.
- **Technical Documents** – The Technical Documents initiative will entail the review of Metro's Design Criteria, Specifications, Standard and Directive Drawings, in conjunction with the innovation of Metro's procurement process and related documentation. This includes incorporating lessons learned, reviewing contract specification parameters (prescriptive vs performance), reducing submittals and approvals, promoting emerging technologies, and analyzing contract documents from a commercial/claims perspective.
- **Quality Management** – The Quality Management initiative will involve a thorough review and revision of Metro's Quality Management Program (QMP) and of the Quality Management Program Manual (QMPM) to incorporate Lessons Learned from Metro's projects and taking into account national Best Practices and experience from other transit agencies. The establishment of Quality Audit strategies, schedules and requirements, the capturing of quality records and audit data and tailored quality reporting will be automated, using State of the Art technology.
- **Third Party Utilities** – One area that has the most impact on the success of project delivery, and thus the cost and schedule of a project, is the third party interface, particularly utility relocations. Utilities are widely recognized as one of the top two causes of delay in project development and delivery. Third Party Utility initiatives being implemented include incorporating lessons learned, performing utility strategic planning, establishing Municipal/Utility Task Force, analyzing organizational structure/co-location, establishing bench contractors, expanding the pool of contractors and expediting lead-in activities or undertaking them earlier in the Project Life.

- **Teaming with External Jurisdictions** – The success of Stakeholder and Third Party Coordination is a major contributor to project delivery. While this section references good cooperation and coordination between the City of Los Angeles and Metro, close coordination with all interfacing governmental entities is important and this section applies equally to all such entities and cities. This strategic initiative involves establishing Executive Level single point of contact, performing joint strategic pre-planning, streamlining Master Cooperative Agreements, establishing a Joint Oversight Committee, establishing mutually acceptable design criteria, co-locating key staff, defining maintenance responsibilities, and streamlining the approval and permit process.
- **Teaming with Caltrans** – The Metro Highway Program is responsible for the programming and delivery of transportation improvements on the State Highway System and local arterials in Los Angeles County consistent with the Metro Long Range Transportation Plan (LRTP) and the projects/programs approved by the Metro Board under various sales tax measures. In this capacity, Metro works closely with the California Department of Transportation (Caltrans), the subregional Councils of Governments (COGs) and the cities in Los Angeles County to deliver regional, subregional, and local highway/roadway improvement projects. As local funding for project implementation increases, so does the need for greater coordination and communication between the parties. This strategic initiative involves initiating a Partnering Program, implementing a Lessons Learned Program, establishing a Management / Communications Plan, establishing a Strategic Implementation Plan, establishing Project Management Plans, developing an Interagency Agreement, promoting staff co-location and providing joint coordination with the Council of Governments.

## **Metro Department Functions**

The Management Organization in the Program Management Plan describes Metro organizational structure and the responsibilities of staff that will be involved in the Capital Program. There are three management levels overseeing delivery of Metro Capital Program: the Board of Directors, who provide policy direction; the Chief Executive Officer and his direct reports, who provide executive direction; and the Projects Teams, who are responsible for implementation of the projects.

**The Office of the CEO (OCEO)** – The OCEO supports the CEO in carrying out his vision for the agency. The OCEO is the central point of contact for the Board of Directors, Board staff, and employees. Supporting the CEO requires understanding the vision, mission, and goals, maintaining frequent communication with the Board offices, working with staff to elevate issues, ensuring crossing departmental coordination and collaboration.

**Finance & Budget** - Metro's Finance & Budget participates extensively in Metro's fiscal and project delivery cycles. Metro's Finance Business Unit is charged with maintaining long term fiscal stability in an aggressive construction environment. In support of Metro's project delivery efforts, the Finance & Budget Business Unit is comprised of five sub-units as follows: Treasury, Office of Management and Budget (OMB), Accounting, Local Programming and Transit Access Pass (TAP).

**Countywide Planning and Development** – The Countywide Planning and Development Department is responsible for long range planning, regional transit planning and systems analysis and research within Los Angeles County. This department develops and implements complex countywide plans and programs such as Long Range and Short Range Transportation Plans and manages the Biennial Call for Projects competitive grant process. Major efforts include the implementation of the Congestion Management Program (CMP) which enables cities to receive annual gas tax apportionments for meeting statutory CMP requirements and coordination with South Coast Air Quality Management District to ensure that the \$297.6 billion of LRTP projects are in compliance with the federal Clean Air Act. This unit also provides technical planning analysis including travel demand modeling, geographic information system analysis, and census data analysis. These tools are essential to the development of corridor and countywide studies, and are required for the approval of federal transportation funds.

The Strategic Financial Planning group is responsible for integrating diverse federal, state, local, and private financial resources to accomplish the Long Range Transportation Plan, as periodically updated by the Metro Board of Directors. In doing so, this unit seeks to preserve local financial resources and funding flexibility to enable the delivery of planned services and capital projects, including existing operating commitments, state of good repair needs and improvements to the regional transportation system in Los Angeles County. Grants management and administration activities include grant development, project and program monitoring, reporting and financial oversight. Working with federal, state and regional/local funding policy makers and partners, this group seeks to optimize policies and maximize funding for Los Angeles County transportation programs and projects by obtaining and overseeing formula and discretionary federal, state and regional/local grant funds and federal loans for the agency and its sub-grantees.

The Transit, Highway and Regional Rail Planning group provides integrated support through all phases of a project's life, from early project planning through construction. While Planning's role evolves through the life of the project, their involvement is essential to each project's success. As the lead through the Planning and Environmental phases, the Planning group acquires a trove of project knowledge and builds stakeholder relationships that help mitigate areas of development risk during the design/construction phases. Looking forward, more effective coordination between Planning and Program Management and early community engagement will be critical to the departments' collective ability to deliver on the Metro capital program. Property acquisition and management of real property is the responsibility of the Real Estate section in Transit Planning.

**Program Management** – The Program Management Department is focused on the successful delivery of capital projects, including transit, highway, and regional rail projects. Safety, quality, and on-time/on-budget delivery while mitigating stakeholders issues are major goals. The department comprises of the following functions: Program Control; Engineering; Transit, Highway and Regional Rail and Facility Capital Project Delivery; Environmental Compliance & Sustainability.

Program Control assists in managing scope, project status, budgets, schedules, estimates, document control, change control, risk management and reporting. Program Control serves as

the central point of coordination across departments to ensure projects are delivered within cost, schedule, and risk expectations. Program controls support is also provided for activities including program reporting, enterprise standards and tool development, project management training and process improvements. Staff support is provided for the environmental planning and preliminary engineering, final design engineering and construction, and maintenance and operations phases.

Engineering is composed of engineering staff across all Engineering and Architectural fields needed for the design and construction of Metro rail systems including tunnel engineering, structural engineering, geotechnical engineering, civil and track work engineering, architectural, mechanical, electrical and plumbing (MEP) engineering and systems engineering. In addition, the Engineering group supports Metro's projects for their coordination with all Third Parties including the City of Los Angeles departments, mainly Bureau of Engineering (BOE) and Department of Transportation (DOT), but also Bureau of Sanitation (BOS), Bureau of Street Services (BSS), Bureau of Street Lighting (BSL) and Contract Administration (CONAD). Engineering also houses the Quality Assurance/Quality Control (QA/ QC) Department, which provides Quality Management to all Metro projects.

The Transit unit of the Program Management Department manages Transit projects from the Project Development Phase, through Construction and Project Handover. Metro's Transit projects include a broad range of infrastructure and technology, from vertical structures required to support operations and security activities to horizontal infrastructure such as Light Rail Transit and Subways.

The Metro Highway Program is responsible for the cost effective and timely delivery of safe and sustainable transportation improvements on streets and freeways across Los Angeles County. In line with the Metro Long Range Transportation Plan, the Highway Program advances the planning, environmental clearance, design and construction of major capital projects such as carpool lanes, mainline widening, freeway connectors, auxiliary lanes, freeway ramp improvements, grade crossings, and sound walls. In addition, the Highway Program works with regional and local stakeholders to implement lower-cost operational improvements such as ramp metering, traffic signal synchronization, and corridor management solutions to alleviate congestion and improve travel time reliability on freeways and local arterials.

The Regional Rail unit of the Program Management Department oversees the coordination with key stakeholders including Southern California Regional Rail Authority (SCRRA), Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN), California High Speed Rail Authority (CHSRA), local municipalities, as well as the communication with Metro Board of Directors and their staff. Working in coordination with SCRRA, the Regional Rail unit also manages select capital projects for major Regional Rail and other Metro capital projects and provides overall leadership of Regional Rail staff to ensure that all Regional Rail capital projects and planning efforts are completed on time and within budget.

The Facilities Capital Projects Unit is responsible for all vertical construction and capital improvements for Metro's operational bus and rail facilities. The Unit supports other capital projects with construction and design support for projects not directly managed by the Facilities Capital Projects. The Unit is also responsible for management and coordination of all joint



development projects at Metro stations, for engineering support and design work for Facilities Maintenance and General Services at facilities and headquarters, and technical support for sustainability projects. The Unit assists in other major rail programs and planning with management of their rail facility projects, such as the yards, new stations, etc.

The Environmental Compliance and Sustainability Unit provides general support services and project management to Metro's Planning, Construction, and Operations Business units. The Unit is comprised of three functions: Environmental Services (including compliance, remediation, and liabilities reduction); Sustainability Services (including Policy Implementation, Environmental Management System, and Carbon Credits Administration); and Project Management of Sustainability Related Projects/Infrastructure.

**Vendor / Contract Management** – The Vendor/Contract Management Department (V/CM) has the responsibility to procure goods and services for Metro at a fair and reasonable price while exercising good business practices and the post award administration for contract compliance. All construction contracts (Design-Bid-Build (DBB), Design-Build (DB), Design-Build-Operate-Maintain (DBOM), Public-Private Partnership (P3), etc.) that exceed \$2,500,000 shall be subject to Metro's Project Labor Agreement and Construction Career Policy and Local Hire Initiative. Metro's Vendor Portal (Metro/Business.net) links contractors, vendors, small businesses (DBE/SBE/DVBE), medium size businesses, and suppliers to all necessary information for contracting opportunities, how to do business with Metro, and requirements for all solicitations.

**Risk, Safety, Emergency Management, & Asset Management** – The Risk, Safety, Emergency Management & Asset Management Department protects the assets of the public by identifying, evaluating and responding to the risk exposures of Metro. The Risk section assess individual project risk and potential for damages across a wide variety of risk sources. Insurance provides an acceptable method of risk transference that ensures the adequate capital is required in the event of claims. Insurance also helps ensure that all of the various risk exposures are addressed by contractors. The Corporate Safety section provides leadership and dedicates its resources to promote the philosophy of continuous safety improvement (Safety's First!) for the benefit of Metro's employees, customers, community, and business partners.

**System Security & Law Enforcement** – The Systems Security and Law Enforcement Department is responsible to develop, distribute, implement, and administer comprehensive security and law enforcement procedures for all Metro operations.

**Communications** –The Metro Communications Department will develop a Strategic Communications Plan to establish and maintain a high level of communication and outreach to various stakeholders throughout the implementation of the Measure M program. The public outreach, engagement and communication functions are essential parts of keeping communities informed and engaged throughout the Measure M implementation process.

**Employee / Labor Relations** – Metro has organized services that recruit, develop and support the workforce within the Department of Employee and Labor Relations. The Department is organized with three Units; General Services, Labor Relations and Talent Management. These services are designed to support the core business of Metro. The General Services division manages all printing services, travel coordination and the maintenance of the Gateway Headquarters facilities. The Labor Relations division conducts all of Metro's negotiations leading to Collective Bargaining Agreements with the Union partners. The Talent Management

division is responsible for talent acquisition and talent development. Team members manage recruitment and selection, including testing and background checking for over 2500 hires each year.

**Congestion Reduction Department** – The Congestion Reduction Department directs and manages the development of congestion reduction operating plans and implementation schedules, including revenue projections, environmental effects, mobility impacts on legislative requirements and technical feasibility. The Congestion Reduction department manages the maintenance of the tolling infrastructure on the I-10 and I-110 ExpressLanes. This includes the toll gantries, signage, in pavement sensors, cameras, enforcement beacons, and dynamic message signs. Roadway related items such as pavement maintenance and striping, median barriers, and graffiti removal are managed by Caltrans in coordination with ExpressLanes staff.

**Office of Extraordinary Innovation** – The Office of Extraordinary Innovation (OEI) provides support to the Program Management Department in all matters relating to innovation, unsolicited proposals, and public-private partnerships, such as procurement support, project delivery support, research to support program delivery, evaluation of unsolicited proposals, and analysis supporting the incorporation of new technologies on projects. Support to the Program Management Department may include such things as assistance in contract negotiations, the establishment of contract performance measures, consultant advisory services, and other assistance throughout the project delivery process, as requested by the Program Management Department or Metro's Senior Leadership Team.

**Civil Rights** – The Civil Rights Department ensures that Metro meets or exceeds Federal, State, and Local Civil Rights requirements by promoting universal equity for customers and employees. Civil Rights Program Compliance will evaluate services, programs, and facilities; educate employees and customers; monitor and advise on Civil Rights compliance; conduct investigations and make recommendations on corrective actions; and eliminate barriers in employment opportunities and ensure equal access and participation in the Metro transportation system.

**Management Audit Services** - Metro's Management Audit Services (MAS) Department is responsible for ensuring the integrity and efficiency of Metro policies and practices, the protection of assets and revenues, compliance with law, and adequacy of internal controls. MAS performs and/or manages the following types of engagements: performance audits (efficiency and effectiveness of operations, projects, or programs, suitability of the design and effectiveness of internal controls, reliability of operational and financial information), financial and compliance audits (grant agreements, Memorandum of Understanding, audits required by Proposition A, and Proposition C, Measure R, etc.), and contract audits (pre-award, incurred cost, close out, and contract change orders).

**Information Technology (IT) Services** – ITS enables the achievement of Metro's business goals and objectives through the use of innovation and technology. Key functions include Information Security, IT Operation and Service Delivery, System Architecture & Technology, Business Applications, IT Project Management Office, Corporate IT, delivering services & facilities on transportation projects, Digital Strategy & Innovation, and Research & Records Information.



**Operations and Maintenance** – Metro’s Operations and Maintenance department ensures the safe and reliable operation of regional bus and rail transportation infrastructure and equipment. Their focus is to continually improve the performance of Metro’s assets and to conduct Metro’s efforts in an efficient and professional manner. This mission is met by keeping all facilities, equipment, structures and utilities in good working order and at maximum efficiency. The Operations and Maintenance department works to advance preventative, predictive and responsive management of resources and to provide safe and comfortable environments for passengers and employees. Metro Operations works with Planning and Program Management to establish criteria, planning, design and construction of projects.

Metro is prepared and is ready to implement the Program Management Plan, continue extensive community outreach, develop a Program Support Plan, and continue planning and delivering one of the largest capital improvement programs in the nation.



## Board Report

File #: 2016-0610, File Type: Contract

Agenda Number: 1.

### SPECIAL BOARD MEETING NOVEMBER 17, 2016

**SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 2 PROJECT  
CONSTRUCTION MANAGEMENT SUPPORT SERVICES**

**ACTION: AWARD PROFESSIONAL SERVICES CONTRACT**

#### **RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to execute a nine-year cost-plus fixed fee contract plus two one-year options, Contract No. AE5818600MC072-PLE2, to Purple Line 2 CM Partners, a Joint Venture to provide **Construction Management Support Services** in an amount not-to-exceed \$8,890,488 through Fiscal Year 2018, subject to resolution of protest(s), if any; and
- B. ESTABLISHING Contract Modification Authority for 15% of the not-to-exceed contract award value and authorize the CEO to execute individual Contract Modifications within the Board approved Contract Modification Authority.

#### **ISSUE**

Construction management support services will be required to assist Metro Project staff in overseeing and managing the work through each phase of the Westside Purple Line Extension Section 2 Project from the start of pre-construction activities throughout construction; such as system testing, system activation, revenue operations and contract close-out.

The recommended Board action will provide initial funding through the end of FY18 as part of a multi-year contract with an anticipated contract value of \$54,718,942. Future work will be funded on an Annual Work Program, year-to-year basis. This approach will result in more accurate budgeting for each year, while providing better control over consultant services costs. The contract would be awarded to the joint venture of Purple Line 2 CM Partners (PL2CM). PL2CM consists of AECOM and three SBE/DBE companies - Safework, Inc., Morgner Construction Management, and TEC Management Consultants.

#### **DISCUSSION**

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Westside Purple Line Extension Section 2 (WPLE 2) is a \$2.5 billion project that consists of 2.59 miles of twin-bored tunnels and includes two underground stations located at Wilshire/Rodeo (City of Beverly Hills) and Century City Constellation (City of Los Angeles). Advanced utility relocation work has begun under pre-award authority that was granted by the Federal Transit Administration, prior to the execution of a Full Funding Grant Agreement that is expected in December 2016. The major construction work will be performed under Contract C1120 which includes the design and construction of tunnels, stations, systems, trackwork and utilities. Proposals for the C1120 Contract are still being evaluated by Metro Vendor/Contract Management, with contract award by the Metro Board anticipated in January 2017.

The Construction Management Support Services (CMSS) consultant will provide administration, inspection services and technical support during the final design, construction, pre-revenue operations and closeout phases of the Project. The primary role of the CMSS is to provide highly skilled and qualified individuals to assist Metro with the construction management of the Project by becoming part of a fully-integrated construction management team residing in the project field office, under direction of Metro Project Management. Staff augmentation by the CMSS consultant is necessary to efficiently provide resources and technical expertise that will vary throughout each phase of the WPLE 2 Project.

### **DETERMINATION OF SAFETY IMPACT**

This Board action will not have an impact on established safety standards for Metro's construction projects. The CMSS contract will provide services that support Metro's internal safety staff on the WPLE 2 Project. The scope of services for the CMSS contract includes provisions for staff members to follow the direction of the Metro construction safety policies and procedures to ensure that safety is the highest priority during oversight of all phases of construction.

### **FINANCIAL IMPACT**

Funding for the CMSS contract is included in the FY17 budget under Project 865522 (Westside Purple Line Section 2 Project), Cost Center 8510 (Construction Project Management), and Account 50316 (Professional Services). Since this is a multiyear contract, the Chief Program Management Officer and the Project Manager will be accountable to budget the cost for future years, including the exercise of any options for future phases.

#### **Impact to Budget**

The sources of funds for the actions under Recommendations A and B are Federal 5309 New Starts, Federal CMAQ funds, Federal TIFIA Loan, Measure R funds, and Repayment of Capital Project Loan funds. The approved FY17 budget is designated for the Westside Purple Line Extension Section 2 Project and does not have an impact to operations funding sources. These funds were assumed in the LRTP for the Westside Purple Line Extension Section 2 Project. This Project is not eligible for Propositions A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

## **ALTERNATIVES CONSIDERED**

The Metro Board may reject the recommended action and direct staff to perform all construction management tasks with in-house resources. This alternative is not practical or cost effective because Metro would have to hire a large workforce and attract high-paid expertise whose need vary throughout the life of the Project. The use of CMSS consultant staff provides flexibility of hiring staff with appropriate experience and background that are needed for specific activities and durations throughout the life of the Project.

## **NEXT STEPS**

After the recommended Board actions are approved, staff will complete the process to award Contract No. AE5818600MC072-PLE2.

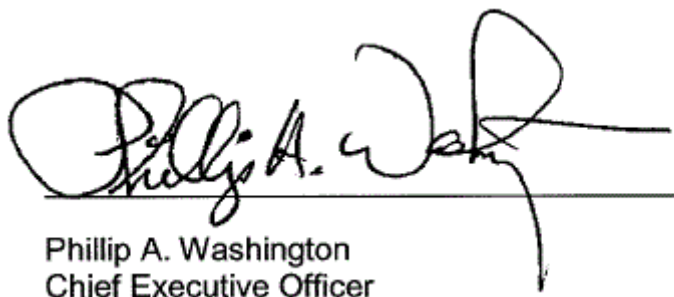
## **ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by: Michael McKenna, Deputy Executive Officer, Project Manager (213) 312-3132  
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(213) 312-3108

Reviewed by: Richard Clarke, Chief Program Management Officer  
(213) 922-7557  
Debra Avila, Chief, Vendor/Contract Management Officer  
(213) 418-3051



Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

**Westside Purple Line Extension Section 2 Project  
Construction Management Support Services/  
AE5818600MC072-PLE2**

1.	<b>Contract Number:</b> AE5818600MC072-PLE2	
2.	<b>Recommended Vendor:</b> Purple Line 2 CM Partners, a Joint Venture	
3.	<b>Type of Procurement (check one):</b> <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.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> January 29, 2016	
	<b>B. Advertised/Publicized:</b> January 30, 2016	
	<b>C. Pre-proposal/Pre-Bid Conference:</b> February 10, 2016	
	<b>D. Proposals/Bids Due:</b> April 5, 2016	
	<b>E. Pre-Qualification Completed:</b> August 10, 2016	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> April 14, 2016	
	<b>G. Protest Period End Date:</b> October 26, 2016	
5.	<b>Solicitations Picked up/Downloaded:</b> 52	<b>Bids/Proposals Received:</b> 4
6.	<b>Contract Administrator:</b> Zachary Munoz	<b>Telephone Number:</b> 213-922-7301
7.	<b>Project Manager:</b> Michael McKenna	<b>Telephone Number:</b> 213-312-3132

**A. Procurement Background**

This Board Action is to approve Contract No. AE5818600MC072-PLE2 issued in support of Section 2 of the Westside Purple Line Extension Project. The Construction Management Support Services Consultant (CMSSC) will be required to assist Metro Project staff in overseeing and managing the work through each phase of the Westside Purple Line Extension Section 2 Project from the start of pre-construction activities throughout construction, including system testing, system activation, revenue operations and contract close-out. The primary role of the CMSSC is to provide highly skilled and qualified individuals to assist Metro with the construction management of the Project by becoming part of a fully-integrated construction management team residing in the project field office, under direction of Metro Project Management. Staff augmentation by the CMSSC is necessary to efficiently provide resources and technical expertise that will vary throughout each phase of the Project. Board approval of contract awards are subject to resolution of all properly submitted protests.

The RFP was issued in accordance with Metro's Acquisition Policy and the contract type is a cost plus fixed fee.

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

- Amendment No. 1, issued on February 19, 2016, clarified the Letter of Invitation Supplement ;
- Amendment No. 2, issued on March 7, 2016, clarified Regulatory Requirements, DBE Instructions to Proposers, the Submittal Requirements, and Evaluation Criteria;
- Amendment No. 3, issued on March 18, 2016, clarified the proposal due date, and Scope of Work ;
- Amendment No. 4, issued on March 25, 2016, clarified the Submittal Requirements

A total of four proposals were received on April 5, 2016. Sealed cost proposals were received at the oral interview/presentations on May 17, 2016. After the recommendation of the most qualified proposer was approved by the Executive Officer, Vendor/Contract Management (Interim), the most qualified proposer's cost proposal was opened. V/CM commenced its cost analysis, enlisted the support of Audit to review the adequacy of the proposer and subconsultant overhead rates and accounting systems, and engaged in negotiations with the recommended proposer. Also, Organizational Conflict of Interest issues were addressed in a Round Table with Ethics and County Counsel for some subconsultants and resolutions were reached in accordance with Metro procedures.

## **B. Evaluation of Proposals**

A Proposal Evaluation Team (PET) consisting of staff from Metro Engineering, Metro Construction Management, and from the City of Los Angeles Bureau of Engineering was convened and conducted a comprehensive technical evaluation of the proposals received.

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

- Experience and Qualifications of Firms on the Team (35%)
- Skill and Experience of Project Personnel (30%)
- Project Understanding and Approach (35%)

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Architect and Engineers procurements. Several factors were considered when developing these weights, giving the greatest importance to the Experience and Qualifications on Firms on the Team and Project Understanding and Approach.

Metro reviewed the proposed prime and subconsultant firms for potential organizational conflict of interest and determined a number of firms that proposed on this contract have also been proposed on Contract C1120, Westside Purple Line Extension Section 2 Design Build, which did not impact the evaluation and recommendation of the most qualified firm. If any of those subconsultant firms elect to pursue Contract C1120 instead of this contract, then the contractor will need to

substitute those firms with equally qualified firms and with the same small business status.

This is an Architect and Engineers, qualifications based procurement. Price cannot be used as an evaluation factor pursuant to state and federal law.

Of the four proposals received, all four were determined to be within the competitive range and are listed below in alphabetical order:

1. EPC Consultants, Inc.
2. Purple Line 2 CM Partners, a Joint Venture (PL2CM) – (AECOM Technical Services, Inc. Safework, Inc., Morgner Construction Management, and TEC Management Consultants)
3. Purple Line Partners, a Joint Venture – (PGH Wong Engineering, Inc., Stantec Consulting Services, Inc., Jenkins/Gale & Martinez, Inc., and DHS Consulting, Inc.)
4. Team PLX2, a Joint Venture – (HNTB Corporation, CH2MHill, Inc., and Kal Krishnan Consulting Services, Inc.

During the months of April and May of 2016, the PET reviewed the four technical proposals and on May 17, 2016, the evaluation committee met and interviewed the firms. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's questions. In general each team's presentation addressed the requirements of the RFP, experience with aspects of the required tasks, and stressed each firm's commitment to the success of the project.

### **Qualifications Summary of Recommended Firm:**

Purple Line 2 CM Partners (PL2CM) provides a team that has an exceptionally qualified combination of firms with experience working on similar Metro projects. The team offers an exceptionally qualified combination of "Key Role" individuals and a very strong combination of qualified "Specialty Technical" individuals that will be responsible for supporting Metro in its management of the construction of the Westside Purple Line Extension Section 2 Project. PL2CM demonstrated a good understanding of how to use the project schedule to keep the project on track with emphasis on the importance of the critical path and baseline schedule, as well as, offering excellent pragmatic and realistic optimization considerations to expedite project completion. In addition, the team represented an understanding of issues threatening the success of DBE's and proposed ideas and plans to help DBE's mitigate and overcome those issues.

The Proposal Evaluation Team (PET) ranked the proposals and assessed strengths, weaknesses and associated risks of each of the Proposers to determine the most qualified firm. The evaluation performed by the PET determined PL2CM as the most

qualified firm to provide the construction management support services, as provided in the RFP. What distinguished PL2CM was that they offered a team that has more extensive technical experience managing construction projects of a similar nature that strongly demonstrated the necessary experience required for all phases of this contract. PL2CM showed that it is very familiar with the project context and potential issues and mitigations, which are critical to the project's success. Therefore, the PET recommended PL2CM as the most qualified firm to provide construction management support services for Section 2 of the Westside Purple Line Extension Project.

1	Proposer/ Criteria	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>Purple Line 2 CM Partners, J.V.</b>				
3	Experience and Qualifications of Firms on the Team	84.00	35.00%	29.40	
4	Skill and Experience of Project Personnel	84.67	30.00%	25.40	
5	Project Understanding and Approach	89.67	35.00%	31.38	
6	<b>Total</b>		<b>100.00%</b>	<b>86.18</b>	<b>1</b>
7	<b>Purple Line Partners, J.V.</b>				
8	Experience and Qualifications of Firms on the Team	81.67	35.00%	28.58	
9	Skill and Experience of Project Personnel	82.67	30.00%	24.80	
10	Project Understanding and Approach	84.67	35.00%	29.63	
11	<b>Total</b>		<b>100.00%</b>	<b>83.01</b>	<b>2</b>
12	<b>Team PLX2, J.V.</b>				
13	Experience and Qualifications of Firms on the Team	82.67	35.00%	28.93	
14	Skill and Experience of Project Personnel	78.00	30.00%	23.40	
15	Project Understanding and Approach	84.00	35.00%	29.40	
16	<b>Total</b>		<b>100.00%</b>	<b>81.73</b>	<b>3</b>
17	<b>EPC Consultants, Inc.</b>				
18	Experience and Qualifications of Firms on the Team	84.00	35.00%	29.40	
19	Skill and Experience of Project Personnel	79.33	30.00%	23.80	
20	Project Understanding and Approach	80.00	35.00%	28.00	
21	<b>Total</b>		<b>100.00%</b>	<b>81.20</b>	<b>4</b>



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

The recommended price has been determined to be fair and reasonable based upon cost analysis of labor rates, overhead rates and other costs factors were completed in accordance with Metro's Procurement Policies and Procedures. The analysis includes, among other things, a comparison with similar firms offering the same services; an analysis of rates and factors for labor, equipment, and other unit prices that comprise the billing rates upon which the consultant will base its invoices. Audit evaluated the propriety of the firms accounting system, indirect cost rates, and exclusion of unallowable costs in accordance with both the Federal Acquisition Regulation (FAR) guidelines and Generally Accepted Accounting Principles (GAAP). Metro negotiated and established provisional overhead rates plus a fixed fee based on the total estimated cost to compensate the consultant.

	<b>Proposed</b>	<b>Metro ICE</b>	<b>Negotiated</b>
FY '17 – FY '18	\$8,890,488 <sup>(1)</sup>	\$9,353,665 <sup>(2)</sup>	\$8,890,488 <sup>(1)</sup>
Total Contract	\$128,172,301 <sup>(3)</sup>	\$54,718,942	N/A

(1) The amount of \$8,890,488.00 is the negotiated amount for the 20-month period of November 2016, through June 2018. Future work will be funded on an Annual Work Program, on a year-to-year basis.

(2) Straight-line proration of Metro ICE: (\$54,718,942 / 117months x 20 months = \$9,353,665).

(3) Proposal amount includes value-added resources that Metro has not accepted.

### **D. Background on Recommended Contractor**

The recommended firm, Purple Line 2 CM Partners (PL2CM), is a joint venture of AECOM Technical Services, Inc., and three certified DBE firms, Morgner Construction Management, Inc., Safework, Inc., and TEC Constructors and Engineers, Inc., in conjunction with major sub-consultant McMillen Jacobs Associates. The PL2CM team is comprised of firms that offer an accomplished construction management team that has worked together on Metro projects such as Regional Connector, Crenshaw Corridor, Gold Line Eastside Extension, and Expo 1 and 2.

AECOM and McMillen Jacobs Associates (MJ) are presented as leaders in transit tunneling and underground station construction with 400 tunnel practitioners in AECOM and 200 in MJ. The two firms combined have a declared delivery of more than \$30 billion and 1,600 miles of large diameter tunnels. AECOM and MJ are described as partners for construction management of San Francisco's 1.7 mile Central Subway, constructed in challenging ground conditions under the city's most populous districts. AECOM and MJ have collaborated on other transit projects such as DC Water's Clean River Project, Ottawa Light Rail Transit, and Puerto Rico's Tren Urbano.

PL2CM provides an innovative approach with DBE firms serving as joint venture partners and in leadership roles. The PL2CM team is structured to provide DBE firms with central leadership and technical delivery roles. The organization and staff

selections demonstrate that their DBE partners will play essential roles in the project. The firm's proven success in DBE involvement and mentoring reflects an enduring commitment to the growth and success of their DBE partners and to keeping jobs and dollars in the local community.

## DEOD SUMMARY

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES FOR PURPLE LINE  
EXTENSION (PLE) SECTION 2 – AE24663MC072**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 38% Disadvantaged Business Enterprise (DBE) goal for this solicitation. The Purple Line 2 CM Partners, Joint Venture made a 38.12% DBE commitment.

DEOD determined that New York Geomatics is not certified to perform survey work. Accordingly, the Purple Line 2 CM Partners, Joint Venture adjusted its DBE participation to meet its original DBE commitment.

SMALL BUSINESS GOAL		DBE 38%	SMALL BUSINESS COMMITMENT	DBE 38.12%	
	DBE Subcontractors	Scope of Work	NAICS Codes	Ethnicity	% Committed
1	Morgner Construction Services, JV Partner	Construction Administration/ Management	<b>541611</b> -Management Consulting Services; <b>237110</b> - Water & Sewer Line & Related Structures (Const. Mgmt. only) <b>237310</b> - Highway, Bridge & Street Construction (Const. Mgmt. only)	Hispanic American	<del>6.66%</del> <u>6.92%</u>
2	Safework, Inc., JV Partner	Construction Management and Safety Oversight	<b>236210</b> - Industrial Building Construction; <b>237110</b> - Water & Sewer Line & Related Structures (Const. Mgmt. only) <b>237310</b> - Highway, Bridge & Street Construction (Const. Mgmt. only) <b>237990</b> - Other Heavy and Civil Engineering Construction <b>541690</b> - Other Scientific and	Non-Minority Female	<del>6.35%</del> <u>8.82%</u>

			Technical Consulting		
3	TEC Construction and Engineering, JV Partner	Construction Administration/ Management	<b>237310</b> - Highway, Bridge & Street Construction (Const. Mgmt. only) <b>237990</b> - Other Heavy and Civil Engineering Construction	African American	<del>6.31%</del> <u>10.89%</u>
4	Anil Verma Associates	Station Construction Management. and Engineering Services	<b>541330</b> — Engineering Services <b>237310</b> - Highway, Bridge & Street Construction (Const. Mgmt. only) <b>237990</b> - Other Heavy and Civil Engineering Construction	Subcontinent Asian American	<del>8.62%</del> <u>8.96%</u>
5	Dakota Communications	Public Outreach and Public Relation Communications	<b>541820</b> - Public Relations <b>541611</b> - Management Consulting	African American	<del>2.43%</del> <u>2.53%</u>
6	New York Geomatics	Surveying	<del><b>541370</b></del> — Surveying and Mapping	Hispanic American	7.75%
				<b>Total DBE Commitment</b>	<b>38.12%</b>

#### **B. Contracting Outreach and Mentoring Plan (COMP)**

To be responsive, Proposers were required to submit a DBE COMP, which included its plan to mentor a minimum of four (4) DBE firms for protégé development. The Purple Line 2 CM Partners have selected to mentor the following DBE firms: 1) Morgner Construction Services, JV Partner, 2) Safework, Inc., JV Partner, 3) TEC Construction and Engineering, JV Partner, 4) Anil Verma.

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

Project Labor Agreement/Construction Careers 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). Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection, construction management and other support trades.

**E. Living Wage Service Contract Worker Retention Policy**

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



## Board Report

**File #:** 2016-0742, **File Type:** Motion / Motion Response

**Agenda Number:** 22.

**REVISED**  
**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE**  
**OCTOBER 20, 2016**

**SUBJECT: RESPONSE TO BOARD MOTION ON LINE 501 TO PRESENT PROPOSED MARKETING PLAN, IMPROVED SPAN OF SERVICE, AND A TEMPORARY REDUCTION IN FARE**

**ACTION: RECEIVE AND FILE**

**RECOMMENDATION**

RECEIVE AND FILE informational report in response to Board Motion on **Line 501 to present proposed marketing plan, improved span of service and a temporary reduction in fare.**

**ISSUE**

At the August 18, 2016, System Safety, Security and Operations Committee Meeting, Board Members Antonovich and Najarian presented a motion (Attachment A) directing the CEO to direct staff to implement the following:

- 1) Place wayfinding signage at stops along Line 501, including North Hollywood station, Burbank, Glendale, Del Mar Station and Memorial Park Station to ensure that riders can easily locate Line 501; and
- 2) Ensure that Line 501 is included in existing informational signage at each stop that lists connections and destinations.

In addition, the CEO is to return in October with an informational report from staff on the following:

- A: Conduct a feasibility/cost study for reducing fares to match MTA's regular fare and transfer structure and/or promotional programming that offers free or discounted fares for a specified period of time (i.e. 60 days);
- B: Identification of weekend sporting, concert, holiday, cultural and other major events in the City of Los Angeles and cities along the SR-134 and I-210 corridors, coupled with a cost-effective marketing plan that promotes Line 501 service as a preferred mode of transportation to those events;

C: Inventory new eye-catching marketing materials such as seat drops and signage on the Orange and Gold Lines that promote destinations by way of Line 501 connections, such as Hollywood Burbank Airport;

D: Conduct a cost estimate and the feasibility of including Line 501 on system map kiosks; and

E: Conduct a cost estimate and the feasibility of increasing span of service by adding trips earlier in the morning and later into the evening up to midnight.

## **DISCUSSION**

As directed, placing wayfinding signage at individual stops outside of Metro owned property is simple. However, doing the same in the cities of Burbank, Glendale and Pasadena requires considerable coordination. Besides placing additional signs on Metro's existing bus stop pole, separate wayfinding signage would require Metro to obtain permits to install signage on city property that will require considerably more time and resources. As a low cost effective alternative, Stops and Zones will install bus stop cubes (four sided) on existing Metro poles at each stop, these are available in inventory. Each cube will be customized by Marketing and Communications to provide wayfinding and connections information for each particular area.

The following discusses the directed informational report and costs associated with implementing a promotional fare amount and period, expanded Marketing and Communications plan, and potential expanded span of service.

### **Promotional Fare**

The Board Motion directed staff to investigate implementing a reduced fare program for Line 501. Currently, Line 501 charges patrons the same express fare as charged on all of the other six express lines (422, 460, 487/489, 550, 577 and 910/950). All express lines have a regular and college cash fare of \$2.50, students at \$1.75 and \$1.35 for seniors and disabled (\$0.95 during off-peak periods). The 30-day regular express pass costs \$122, senior & disabled are priced at \$20, college students at \$43 and other students at \$24. It is proposed that the promotional fare be \$1.75 for a period of six months.

It is estimated that at the current express fare rates, Line 501 is generating about \$366,000 in annual passenger revenue at the present ridership numbers. Converting this line to a promotional Metro local fare structure of \$1.75 would produce an estimated annual passenger revenue total of about \$256,000, also at the current ridership levels. This would cause a reduction in annual passenger revenue of about \$110,000. Thus, using the Simpson-Curtin transit elasticity model of a three percent fare change results in a one percent ridership change, it would be expected that the proposed fare reduction would generate a 14 percent increase in ridership. This would be equivalent to an annual increase of 47,000 passenger boardings generating about \$36,000 per year. If the reduced fares on Line 501 did produce this level of increased ridership, the net annual decrease in passenger revenue would be \$73,000.

### **Marketing Line 501**

An extensive marketing and communications plan was developed along the guidelines of the motion, combining items B, C and D into one program as described in Attachment B. Implementation of the entire plan is estimated to cost \$275,360.

The plan includes extensive efforts that require printed matter, outdoor advertising including digital billboards and other digital assets, radio spots, new audio announcements on trains and Line 501 (providing wayfinding/connections information), an expanded wayfinding effort dedicated to North Hollywood and Pasadena rail stations, expanded use of TAP products, and game day public relations outreach efforts that includes UCLA and other Rose Bowl events.

### **Expanded Span of Service**

Operating expanded weekday service from 5AM to Midnight will add an additional 11 Vehicle Hours at a cost of \$305,550 annualized. There are no resources available at this time to implement an expanded service. Patronage after 7:00pm is very lightly patronized with average loads of 7 per trip.

### **FINANCIAL IMPACT**

Adoption of any of the described programs in this report would require additional resources of \$580,910.

~~Funding of \$580,910 for this action is included in the FY17 budget in Cost Center 3591 – North Region, Account 50801 – Purchased Transportation, in Project 306001 – Operations Transportation~~

~~The cost center manager and project manager will ensure that funds for this scope of work are budgeted in future fiscal years.~~

#### **Impact to Budget**

None of the described actions including the promotional fare proposal, marketing/communications plan, and widening of the weekday span of service are included in the FY17 budget.

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

### **ALTERNATIVES CONSIDERED**

Prior to expending resources to expand the span of service, as an option, staff could report back in April 2017 with an update report on ridership, as the board just approved improving the weekday service from every 15 to 12 minutes. If the improvement did not attract anticipated ridership, the Board could consider expending funds in the FY18 budget to implement the proposed temporary fare



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reduction, marketing/communications plan, and modify the span of service (all to be implemented in June 2017), at a combined unfunded cost of \$580,910.

**NEXT STEPS**

Receive and file staff report.

**ATTACHMENTS**

Attachment A - Amendment to Item 30

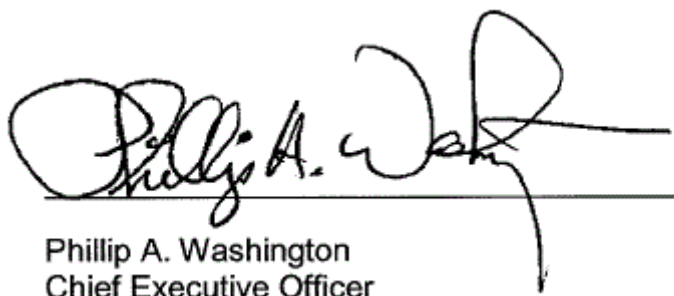
Attachment B - Line 501 Marketing Campaign

Prepared by: Scott Page, Senior Director, Service Performance and Analysis,  
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Jon Hillmer, Senior Executive Officer, Service Development, Schedule Analysis, (213)  
922-6972

Glen Becerra, Deputy Director, Communications  
(213) 922-5661

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 922-4424



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Phillip A. Washington  
Chief Executive Officer

## ATTACHMENT A

### MOTION BY DIRECTORS ANTONOVICH AND NAJARIAN

#### System Safety, Security and Operations Committee

August 18, 2016

#### Amendment to Item #30: Performance Updates on Line 501 Pilot Express Bus Service

MTA's 501 Pilot Express Bus (Line 501) began service March 1, 2016, providing a quick connection between the Orange and Gold Lines. While Line 501 has yet to meet its anticipated performance measures, ridership appears to be slowly but steadily increasing. The Los Angeles Department of Transportation runs a similar line that serves an additional 300 daily peak riders. If combined, weekday ridership between the two lines has reached 1371. MTA staff is recommending that the Line 501 Pilot be extended an additional 180 days and that service modifications be approved to improve scheduling efficiencies and increase service.

We believe, in addition to the staff recommendations above, that new wayfinding signage, an expanded marketing plan, and a reduction in fares may result in Line 501 exceeding its anticipated performance measures.

**WE THEREFORE MOVE THAT**, the CEO direct staff to:

1. Place wayfinding signage at stops along Line 501, including North Hollywood station, Burbank, Glendale, Del Mar station and Memorial Park station to ensure that riders can easily locate Line 501; and
2. Ensure that Line 501 is included on existing informational signage at each stop that lists connections and destinations;

**WE FURTHER MOVE THAT**, the CEO report back to the board at the October 2016 board meeting with:

An expanded plan to increase Line 501 ridership that includes, but is not limited to:

1. A feasibility study for reducing fares to match MTA's regular fare and transfer structure and/or promotional programming that offers free or discounted fares;
2. Identification of weekend sporting, concert, holiday, cultural and other major events in the City of Los Angeles and the cities along the SR-134 and I-210 corridors, coupled with a cost-effective marketing plan that promotes Line 501 service as a preferred mode of transportation to those events;
3. New eye-catching marketing materials such as seat drops and signage on the Orange and Gold Lines that promote destinations by way of Line 501 connections, such as Hollywood Burbank Airport; and
4. A cost estimate and the feasibility of including Line 501 on system map kiosks.

## ATTACHMENT B

### Line 501 NoHo to Pasadena

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*Dec 2016 Marketing + Outreach Plan*

#### Objective:

- To remind new and current riders of the benefits of Line 501, express non-stop service from North Hollywood

#### Target Audience:

- New Metro riders, existing Metro Riders, Metro Red & Gold Line Commuters, Commuters of Pasadena Transit, and Commuters of Line 549 looking for alternate service.

#### New Messages

- Take advantage of our promotional fare of \$1.75 for the next 6 months
- Greater connectivity from North Hollywood to Pasadena
- More options to make your commute easier

#### Strategies

- Reach non-riders through print, web and outdoor advertising
- Reach current riders via onboard materials
- Partner with local businesses and to promote destination based events in Los Angeles
- Partner with Colleges/Universities to promote daily commute

**Tactics** *(December launch with new promotional fare)*

Printed Materials (60-day period) <i>(Section C)</i>	QTY	Cost
Take One Brochure <i>(system drop)</i>	2 drops	\$3500
Car Card <i>(entire fleet)</i>	3250	\$3000
Rail Poster <i>(Red, Orange &amp; Gold)</i>	2500	\$3000
Newspaper Ads 50+ major publications		\$40K

<b>Outdoor Advertising</b> <i>(Section C)</i>		
Bus Shelters	20	\$23k
Jr. Posters	30	\$15K
Bus Benches	30	\$11K
Updated Bus Wraps	10	\$29K
King Ads on selected lines <i>(NoHo &amp; Pas Bus Div's)</i>	200 (\$60 ea)	\$12K
<b>Digital Assets</b> <i>(Section B,C)</i>		
Web Banners Paid Media	12 weeks	\$35K
Social Media Promotion	2 months	\$15K
Digital Billboards	6	\$13k
15-sec spot Pandora/Spotify	8 weeks	\$8K
<b>Radio</b> <i>(Section B, C)</i>		
15-sec spot major stations	2 weeks	\$30K
<b>Audio Announcements on Board Bus/Rail</b> <i>(Section B, C)</i>		
Red Line, Orange Line, Gold Line, Line 501	4	\$600
<b>Wayfinding</b> <i>(Section D)</i>		
System Map	170	\$17K
System Map (Cartography)	-	\$1000
NoHo Connections Map	6	\$600
NoHo Connection Map (Cartography)	-	\$1975
Central Pasadena Connections Map	8	\$800
Central Pasadena Connections Map (Cartography)	-	\$1975
Installation of Maps (covered by advertising contract)	-	-
NoHo Bus Shelter Ads at Bus Bays	2	\$260
NoHo Bus Shelter Ads at Bus Bays (Production)	-	\$100
Stanchion Directional signage	2	\$50

Avalon Del Mar Station Ad Space	TBD	TDB
Station Screen notice (TPIS Ad)	93	0
<b>Other B-TAP promotion (Section B)</b>		
Business outreach ( 100 locations) over 6 months	5 people	Labor hours
3-month promotional Employer Pass Program (Discount 50% )	-	-
U-Pass Promo (CSUN, APU, Citrus, Pierce, Mission, PCC)	-	-
<b>PR Initiatives (Section B)</b>		
Issue Go Metro to UCLA Games at the Rose Bowl	1	0
Conduct press event to promote 501 bus Line to Pasadena for UCLA Games at Rose Bowl	1	\$5k
Produce YouTube video on benefits of Line 501 (add paid promotion placement)	1	\$1k
Draft news Source posts on new destinations available along Line 501	3	0
Tournament of Roses Promotion on NoHo to Pasadena Express	1	\$5k
Total		\$275,360



## Board Report

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**File #:** 2016-0566, **File Type:** Contract

**Agenda Number:** 11.

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**REGULAR BOARD MEETING  
OCTOBER 27, 2016**

**SUBJECT: JOINT DEVELOPMENT BENCH CONTRACTS**

**ACTION: AWARD JOINT DEVELOPMENT BENCH CONTRACTS**

**RECOMMENDATION**

CONSIDER:

- A. ESTABLISHING 16 contract agreements under the **Joint Development Bench, solicited as Request for Information and Qualification (RFIQ)** No. PS26132, with the contractors recommended in Attachment A-1 for a three-year period with two one-year options for professional services not-to-exceed a cumulative total value of \$6 million; and
- B. AUTHORIZING the CEO to award Task Orders within the approved not-to-exceed cumulative total value of \$6 million.

**ISSUE**

The Metro Joint Development (JD) Program evaluates Metro-owned properties for potential joint development and selects properties that are good candidates. Metro's JD Program staff requires professional services support for the related community engagement, proposal generation, evaluation and due diligence activities for joint development, as well as support for other projects generated by the Transit Oriented Communities (TOC) Demonstration Program. The recommendations in this report will establish a JD Bench (Bench), from which the Metro JD team can procure these needed professional services. The Bench will allow task orders to be awarded more efficiently since the initial qualification reviews have been completed.

**DISCUSSION**

The Bench will provide expertise and resources across five (5) disciplines critical to successful JD project delivery: community engagement, solicitation support, urban design, financial feasibility and grant writing. The bench will also support implementation of the TOC Demonstration Program. It is expected that services will be required for selected projects identified as a function of staff activity otherwise approved by the Metro Board and also for smaller scale, shorter term projects, or components of projects with JD potential including adjacent development review, land acquisitions, transportation-ancillary facilities, or other revenue-generating real estate projects. Other potential

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services could include grant writing for projects or programs that support TOC goals around Metro's transit stations and JD Program sites.

The JD Program staff continues to receive requests for conceptual analysis and project development for potential JD projects. Having access to Bench contractors for preparation of the technical data required for the analyses will enable staff to more efficiently manage resources in the preliminary phases of JD work. Some of the services provided by the Bench contractors may be coordinated and overseen by staff or may sometimes complement developer teams to fulfill approval and review obligations. Recent JD consultant contracts have ranged from \$20,000 to \$420,000 depending on the nature of the work. The JD Program staff expects to carry out approximately eight Bench procurements over the coming three-year period.

The JD Bench is comprised of 16 prime contractors. Of the 16 prime contractors, eight firms, or 50%, are certified as a Small Business Enterprise(s) (SBE).

Metro's Diversity and Economic Opportunity Department has established a 25% SBE participation goal and a 3% goal for Disabled Veterans' Business Enterprises (DVBE) on the JD Bench. Each prime contractor, both SBE and non-SBE, has committed to meet these goals. In addition, the SBE Set-Aside Policy will apply to the community engagement discipline on the Bench.

### **Policy Implications**

The recommended action is consistent with Metro's Joint Development Policies and Procedures and the TOC Demonstration Program.

### **DETERMINATION OF SAFETY IMPACT**

Approval of this item will have no impact on safety.

### **FINANCIAL IMPACT**

Funding for joint development activities related to the Bench and any subsequent development activity related thereto, including the solicitation for development proposals, is included in the FY17 budget in Cost Center 2210 (Joint Development), under Project 610011 (Economic Development) or other JD-specific project tasks.

Since this is a multi-year contract, the Chief Planning Officer will be responsible for budgeting costs in future years.

### **Impact to Budget**

The source of funds for joint development activities is local right-of-way lease revenues, which are eligible for bus/rail operating and capital expenses. Award of the contracts will not impact ongoing bus and rail operating and capital costs, Proposition A and C and TDA administration budget or the Measure R administration budget.

### **ALTERNATIVES CONSIDERED**

The Board could choose not to approve the recommendation. This is not recommended as the award of these task orders would then be pursued as separate procurements, which, for each task order, could potentially take six months or longer to complete. This would limit staff's ability to implement the JD work plan, and to respond quickly to JD project needs as well as requests from Executive Management and Board of Directors.

### **NEXT STEPS**

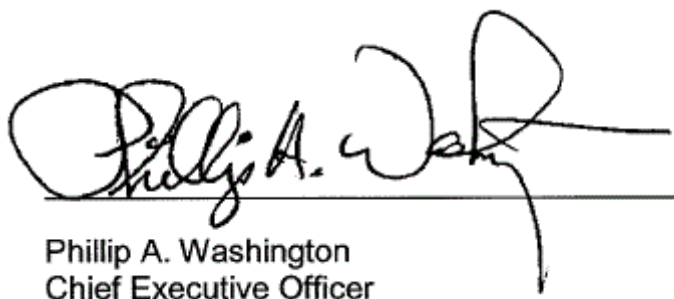
Upon Board approval, staff will execute the Bench Contracts. As needed, staff will solicit responses for individual task orders from specific disciplines.

### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment A-1 - Recommended Firms by Discipline  
Attachment B - DEOD Summary

Prepared by: Alexander E. Kalamaros, Manager, Transportation Planning  
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(213) 922-6383  
Therese W. McMillan, Chief Planning Officer, (213) 922-7077



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Phillip A. Washington  
Chief Executive Officer



**RECOMMENDED FIRMS SELECTED BY DISCIPLINE**  
**JOINT DEVELOPMENT BENCH/PS26132**

Discipline	Primes
Discipline 1: Community Outreach Services	<ol style="list-style-type: none"> <li>1. Community Arts Resource (CARS) (SBE)</li> <li>2. Estolano Lesar Perez Advisors (ELP) (SBE)</li> <li>3. Gwynne Pugh Urban Studio (SBE)</li> <li>4. Lee Andrews Group (SBE)</li> <li>5. MIG</li> </ol>
Discipline 2: Urban, Architectural, Wayfinding Design Services	<ol style="list-style-type: none"> <li>1. Cityworks Design (SBE)</li> <li>2. Gruen Associates</li> <li>3. Gwynne Pugh Urban Studio (SBE)</li> <li>4. IBI Group</li> <li>5. Johnson Fain</li> <li>6. Studio One Eleven</li> </ol>
Discipline 3: Financial Feasibility Analysis Services	<ol style="list-style-type: none"> <li>1. BAE Urban Economics (SBE)</li> <li>2. HR&amp;A Advisors</li> <li>3. Keyser Marston</li> <li>4. The Maxima Group (SBE)</li> </ol>
Discipline 4: RFP and Project Support Services	<ol style="list-style-type: none"> <li>1. Estolano Lesar Perez Advisors (ELP) (SBE)</li> <li>2. Epic Land Solutions, Inc. (SBE)</li> <li>3. HR&amp;A Advisors</li> </ol>
Discipline 5: Grant Writing Services	<ol style="list-style-type: none"> <li>1. Estolano Lesar Perez Advisors (ELP) (SBE)</li> <li>2. IBI Group</li> <li>3. Los Angeles Neighborhood Initiative (LANI)</li> </ol>

## PROCUREMENT SUMMARY

## JOINT DEVELOPMENT BENCH/PS26132

1.	<b>Contract Number:</b> PS26132 (Contracts and any task orders will be identified by sequential numbers)	
2.	<b>Recommended Vendor:</b> 16 Contractors (see Attachment A-1)	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input checked="" type="checkbox"/> Task Order RFIQ	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> 04/11/16	
	<b>B. Advertised/Publicized:</b> 04/12/16	
	<b>C. Pre-Proposal/Pre-Bid Conference:</b> 04/25/16	
	<b>D. Proposals/Bids Due:</b> 05/26/16	
	<b>E. Pre-Qualification Completed:</b> 08/25/16	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> 07/29/16	
	<b>G. Protest Period End Date:</b> 09/21/16	
5.	<b>Solicitations Picked up/Downloaded:</b> 124	<b>Bids/Proposals Received:</b> 38
6.	<b>Contract Administrator:</b> Ben Calmes	<b>Telephone Number:</b> (213) 922-7341
7.	<b>Project Manager:</b> Alexander Kalamaros	<b>Telephone Number:</b> (213) 922-3051

**A. Procurement Background**

This Request for Information and Qualification (RFIQ) was issued to create and establish a pre-qualified contractor pool, a bench, with contract agreements in order to issue Task Orders for a specific scope of services in the future, in support of the Joint Development (JD) program. These bench contract agreements with the pre-qualified subject experts will provide JD expertise and resources necessary to assist Metro in viable JD projects in the following five disciplines:

1. Community Outreach Services
2. Urban, Architectural & Wayfinding Design Services
3. Financial Feasibility Analysis Services
4. Request for Proposals (RFP) and Project Support Services
5. Grant Writing Services

The RFIQ was issued in accordance with Metro's Acquisition Policy and the task orders will be issued on a Cost Reimbursable or Firm Fixed Price basis, depending on the individual task order statements of work. The RFIQ was issued with an SBE/DVBE goal of 28% (SBE 25% and DVBE 3%).

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

- Amendment No. 1, issued on April 22, 2016, clarified the Letter of Invitation due date for proposals; and

- Amendment No. 2, issued on May 4, 2016, clarified SBE/DVBE requirements; revised the contract document to clarify the task order process; revised the Statement of Qualifications for Discipline 2, Urban, Architectural, Wayfinding Design Services; clarified submittal requirements; and extended the proposal due date to May 26, 2016.

Individual task orders under the Bench Contracts will be issued to the pre-qualified contractors within a specific discipline according to the following procedures. Within each bench discipline, if there are at least three certified, small businesses within the discipline, the Task Order solicitation shall be set aside for small businesses only. Prime firms that are otherwise qualified, but are not small business, will not be eligible for a task order award unless there are fewer than three certified, small businesses on the bench discipline or if Metro receives no qualified proposals to the task order request and the requirement is re-solicited. All task order awards will be made to the highest rated proposer with price being a consideration for non-Architect and Engineering tasks.

A pre-proposal conference was held on April 25, 2016, and attended by 36 participants representing 33 companies, including 20 SBE and DVBE firms. There were 60 questions asked and responses were released prior to the proposal due date.

A total of 124 firms downloaded the RFIQ and were included in the planholders' list.

A total of 38 proposals from 26 separate firms were received on May 26, 2016, covering five disciplines.

## **B. Evaluation of Proposals/Bids**

Separate Proposal Evaluation Teams (PET) were established for each of the five bench disciplines consisting of staff from Metro Countywide Planning and Development and conducted a comprehensive technical evaluation of the proposals received.

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

- |   |     |
|---|-----|
| • Prime and Team Qualifications                               | 30% |
| • Project Manager and Key Staff Qualifications & Availability | 50% |
| • Effective Scheduling/Cost Management Plan                   | 20% |

The evaluation criteria are appropriate and consistent with criteria developed for other, similar procurements for professional services. The intent of the JD Bench is to have a pool of qualified contractors who are pre-qualified/pre-screened in one or more disciplines that will compete for task orders. Placement on the Bench will not guarantee an award of any task order.

The PET members, for each discipline, independently evaluated and scored the technical proposals from May 31, 2016, to June 30, 2016. Based on the proposals, the PET for each discipline unanimously agreed that interviews were not necessary.

Twenty six (26) firms submitted 38 proposals; 16 firms were determined to be within the competitive range and qualified for inclusion on the Bench and are listed in Attachment A-1. Ten firms were determined to be outside the competitive range, and as a result, were not included for further consideration. The PETs did not find satisfactory demonstration of the requirements of the RFIQ in the qualifications submitted by the ten proposers outside the competitive range.

Of the 16 selected proposers, 8 are Metro certified SBE firms. Four proposers qualified for more than one discipline.

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

#### **BAE Urban Economics**

The firm was founded in 1986 in San Francisco as a regional consulting practice under the name of Bay Area Economics (BAE) with offices in Sacramento, Washington, DC, New York City, and Los Angeles. BAE is an urban economics and development advisory consulting practice. BAE has served over 2,000 clients across the United States including public agencies, non-profit organizations, universities, and private developers. BAE's work emphasizes the triple bottom line of economics, equity, and environment. The firm is a Metro certified SBE.

#### **Cityworks Design (CWD)**

CWD, with headquarters in Pasadena, California, was founded in 2006. The firm provides landscape design, urban design and architecture services and specializes in community-based planning and design including pedestrian/bicycle access, transit-oriented development, and transit alignment. CWD has successfully led several projects for Metro, the Exposition Line Construction Authority, and for the cities of Long Beach, Glendale, and Pasadena. The firm is a Metro certified SBE.

#### **Community Arts Resources Center (CARS)**

CARS is a diverse collective of creatively minded planners and producers engaged in the changing dynamics of the urban environment. Based in Los Angeles, CARS focuses on urban planning, event planning and production, public engagement and marketing. CARS partners with neighborhoods, nonprofits, foundations, cities, cultural institutions, developers and designers to create public programs and events that highlight the unique character and untapped potential of a particular place. With more than a quarter of a century of experience in activating the urban realm, CARS creates experiences where arts, culture, community and civic life collide. The firm is a Metro certified SBE.

### **Epic Land Solutions Inc. (Epic)**

Epic is a multi-faceted real property/right-of-way consulting firm, whose purpose is to acquire and manage real property interests needed by clients to construct infrastructure facilities. Based in Los Angeles with four west coast offices, Epic has extensive experience performing services for transportation agencies including Metro. Epic is a DBE/WBE firm and is certified by Metro as an SBE.

### **Estolano Lesar Perez Advisors (ELP)**

ELP specializes in managing multi-stakeholder processes to address complex public policy issues. ELP has led efforts to promote transit oriented development and sustainable economic strategies. ELP has led strategic planning processes and designed performance management measures that tie action to goals, vision, and mission, for many public sector clients, including Metro. The firm is a Metro certified SBE.

### **Gruen Associates (Gruen)**

Gruen is a planning and architecture firm with a portfolio of landmark projects spanning 70 years. Gruen's professionals provide architecture, retail architecture, transportation, urban design, streetscape design, planning and landscape architecture services and solutions that have created multi-purpose, engaging spaces for community interaction, and social and economic growth. Gruen has extensive experience providing services to public agencies, including the Los Angeles Union Station Master Plan for Metro.

### **Gwynne Pugh Urban Studio**

Gwynne Pugh Urban Studio was founded in 2010, marking a new venture from architect and engineer Gwynne Pugh. Gwynne Pugh Urban Studio is structured to ensure Gwynne Pugh's participation in each project, capitalizing on his expertise in architectural and urban design, planning, sustainability and consultation. The firm is a Metro certified SBE.

### **HR&A Advisors (HR&A)**

HR&A is a consulting firm with offices in Los Angeles, New York, Dallas and Washington DC. The firm provides services in real estate, economic development, and program design and implementation. HR&A has provided strategic advisory services for some of the most complex mixed-use, neighborhood, downtown, campus, and regional development projects across North America and abroad for 40 years. HR&A understands the importance of linking accretive private investment with public resources to support investors and communities' responsibilities and aspirations.

### **IBI Group**

IBI Group is a globally integrated architecture, planning, engineering, and technology firm. IBI provides a full range of services related to the movement of people and goods for public and private sector clients. The firm has won numerous awards for

their approach to transportation master plans, multimodal integration, transit-oriented development, and rapid transit designs.

### **Johnson Fain**

With headquarters in downtown Los Angeles, Johnson Fain has established itself as an architecture, planning and interior design firm known for its creative approach to the built environment over the past 25 years. Projects have included master plans, new town plans, facilities master planning, general and specific plans, site feasibility, and land use analysis for a variety of clients and diverse industries including: aviation, universities, media, public agencies, cities, the United States and international governments, resorts, private and public development, and redevelopment.

### **Keyser Marston Associates**

Keyser Marston Associates is a boutique real estate advisory firm, with offices in San Francisco, Los Angeles and San Diego, that specializes in real estate deal structuring, developer selection and transaction negotiation. The firm focuses on the following specialties: public/private partnerships, structuring affordable housing financing and implementation transactions, fiscal analysis and municipal services financing to ensure new development generates sufficient reserves to fund needed services, and traditional real estate market and financial feasibility pro forma analysis.

### **Lee Andrews Group**

Lee Andrews Group is a full-service public affairs and strategic planning firm that specializes in public outreach, government relations, project/construction management support, media communications, media spokesperson and event planning for complex projects. Lee Andrews Group has provided successful outcomes for over 20 years serving Southern and Northern California. Lee Andrews Group serves a wide range of industries including aviation, transportation and infrastructure, energy, school districts/facilities, municipal government, environment, public agencies, ports, developers and smart new companies. The firm is a Metro certified SBE.

### **Los Angeles Neighborhood Initiative (LANI)**

LANI is a non-profit social services organization founded 20 years ago by former Los Angeles Mayor Richard Riordan. The mission of LANI is to stimulate community-driven neighborhood revitalization. LANI facilitates stakeholder participation and decision-making, and promotes public/private partnerships that result in catalytic community improvement projects. LANI achieves this through: community consensus building; transportation and pedestrian corridor improvements; business district revitalization; urban greening development; and support of community organizations. LANI has delivered tangible results to 32 communities across Los Angeles County.

### **MIG**

MIG is a multi-disciplinary firm with headquarters in Berkeley, California, with branch offices nationwide, including Pasadena. MIG designs and implements multi-leveled, well-documented involvement processes aimed at increasing public confidence in decision-making. With more than 25 years of expertise, MIG's community outreach process focuses on developing common objectives and providing a full range of successful strategies for achieving those objectives.

#### **Studio One Eleven**

Based in downtown Long Beach, California, Studio One Eleven is an integrated practice of architecture, landscape, and urban design dedicated to creating more vibrant communities. From master plans to individual buildings, each endeavor aims at making a more humane and sustainable urban whole. Studio One Eleven views every project as an opportunity to physically enhance the urban context that sustains it.

#### **The Maxima Group**

An independent professional services firm founded in 1995, The Maxima Group has offices in northern and southern California. The firm takes pride in its high standards for creative solutions, quality services and value creation when working with organizations to address their complex and sophisticated business issues or transactions. Drawing on their experience and strong technical capabilities, the firm provides reliable, focused, collaborative and responsive services in several areas including fiscal impact and economic analysis. The firm is a Metro certified SBE.

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

The RFQ contained neither price nor a specific Statement of Work. Each future Task Order RFP will contain a specific Statement of Work which will be competed with the firms within the appropriate discipline. The contractors within each discipline will propose according to the requirements of the task order and a cost/price analysis will be performed, as appropriate, on all task orders issued.

### **D. Background on Recommended Contractor**

Refer to Procurement Summary, Section B, Qualifications Summary, for background on the recommended contractors.

## DEOD SUMMARY

## JOINT DEVELOPMENT BENCH/PS26132

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 28% goal inclusive of a 25% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. Joint Development Bench Proposers were required to submit a "SBE/DVBE Affidavit" confirming their commitment to the 25% SBE and 3% DVBE goal. Additionally, Proposers were required to list all known SBE and DVBE firms that will perform any portion of the work without specific dollar commitments.

The Joint Development Bench is subject to the Small Business Prime Program requirements. If there are at least three SBE Primes within a bench discipline, the task order solicitation shall be set aside for small businesses only. If a task order solicitation is not issued through the Small Business Prime Program, participants on the Bench will be required to meet the 25% SBE and 3% DVBE contract-specific goal. One Discipline currently has at least three SBE Primes: Discipline 1 – Community Outreach Services. SBE and DVBE commitments will be determined based on the aggregate of all Task Orders issued.

<b>Small Business Goal</b>	SBE 25% DVBE 3%	<b>Small Business Commitment</b>	Various SBE and DVBE Commitments
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	<b>Proposer</b>	<b>SBE Commitment %</b>	<b>DVBE Commitment %</b>
1.	IBI Group	25%	3%
2.	Community Arts Resource Center (SBE)	97%	3%
3.	Gwynne Pugh Urban Studio (SBE)	50%	3%
4.	Estolano Lesar Perez Advisors (SBE)	97%	3%
5.	HR&A Advisors, Inc.	25%	3%
6.	Epic Land Solutions, Inc. (SBE)	97%	3%
7.	MIG, Inc.	25%	3%
8.	BAE Urban Economics (SBE)	97%	3%



9.	Keyser Marston Associates, Inc.	25%	3%
10.	Los Angeles Neighborhood Initiative	25%	3%
11.	Lee Andrews Group, Inc. (SBE)	97%	3%
12.	The Maxima Group LLC (SBE)	65%	3%
13.	Studio One Eleven	25%	3%
14.	Gruen Associates	25%	3%
15.	Cityworks Design (SBE)	25%	3%
16.	Johnson Fain	25%	3%

**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.



## Board Report

**File #:** 2016-0616, **File Type:** Contract

**Agenda Number:** 29.

### REGULAR BOARD MEETING OCTOBER 27, 2016

**SUBJECT: DIGITAL INCIDENT MANAGEMENT SYSTEM**

**ACTION: AWARD AN 18-MONTH CONTRACT TO DESIGN AND IMPLEMENT A DIGITAL INCIDENT MANAGEMENT SOLUTION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award an 18 month firm-fixed price Contract No. PS5782700 to **Axiom xCell Inc. in the amount of \$746,160 to design and implement a digital incident management solution.**

#### **ISSUE**

The manual process of downloading and distributing video is time consuming and inefficient for staff. Valuable maintenance time is spent supporting the video download process, administrating and managing the video distribution and storage of the various videos clips once they are received for follow up investigations. Metro currently manages approximately 15,000 video clips per year related to accidents, customer inquiries, on-board law enforcement issues and related operator training issues. Streamlining Metro's video process will save time and help us meet the increasing demand for incident based video inquiries.

Over time Metro has acquired multiple and disparate video systems. Bus, Rail, Facilities and security systems are provided by different vendors. The recommended contractor will implement an agency-wide, integrated, video file management solution to support the video incident management process regardless of vendor and type. This single source of management will replace the largely manual process currently deployed with an electronic process.

Under this initiative, Metro will implement an integrated video file management software and solution to achieve Metro's Digital Incident Management System (DIMS) objectives. The DIMS core features include the following capabilities:

1. Process user video requests and fetch bus, rail and fixed facility video segments from a central database through a common system.
2. Transfer a copy of video files which have evidentiary value from the source DVR or intermediate storage device to a central DIMS file repository.
3. Provide features to securely manage, with chain of custody, these video files throughout their

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lifecycle from acquisition to deletion regardless if the files are downloaded via Wi-Fi or manually added to DIMS.

4. Securely delete the video files after the assigned retention period.

Metro expects a full chain of custody over the DIMS video files including the logging of user access, file usage, metadata/attributes changes, distribution and disposition of the video files managed through DIMS.

## **DISCUSSION**

The current process for collecting and distributing videos on the bus is primarily manual. Once the bus pulls into a division, an Electronic Communication Technician has to manually download and burn the video to a CD and distribute it. This requires large number of labor-hours and limits the capability of Metro to meet the increasing demand of incident based video. There are approximately 1200 downloads requested per month for bus operations alone. Even though Metro is moving toward automatic download of video through Wi-Fi, video distribution process is still manual and time consuming.

Rail video is currently being collected through various systems. There are new California Public Utility Commission (CPUC) requirements to review operator activity on rail via video. The system needs to be able to document this information based on the operator review. Currently there are different methods for requesting rail versus bus video. Staff has to either contact different departments or go through different systems to get videos for incidents.

Videos collected from cameras at various Metro facilities are currently stored on different storage devices. A work order is created to download and burn the videos as needed.

The intent of the new system is to streamline this process for rail, bus and various Metro facilities as required and to use a common entry request and processing system for video.

## **Future Network Infrastructure Improvements**

DIMS will provide improvement via the centralized, integrated management of video files using the current network infrastructure. That said, future investment in wireless network improvements at bus and rail facilities would further streamline the collection of relevant video files. The current Wi-Fi networks at bus and rail locations can download video using the current infrastructure when the bus or rail car is parked close to a Wi-Fi access point. However, if the bus or rail car is parked in the middle or at the outer edges of the parking area the current Wi-Fi signal coverage cannot support the DIMS system because the bandwidth requirements. Therefore, as a separate, future initiative the ITS and Operations teams will refine detailed requirements to improve the Wi-Fi coverage at the divisions to support this and other initiatives as funding and resources become available.

## **DETERMINATION OF SAFETY IMPACT**

DIMS will help Metro streamline the digital video collection and distribution process. Streamlining and centralizing the digital video management process allows Metro to expedite video requests as well as

address potential hardware maintenance issues with the video system. Digital videos are critical in resolving safety concerns to transit riders. The timely turnaround of video requests helps Metro improve safety on our transit systems as well as fixed facilities by allowing law enforcement and operational staff to review and address potential safety issues for our passengers.

### **FINANCIAL IMPACT**

Funding for this service has been approved under a capital project (CP 207120) and is included in the FY17 budget under cost center 9210, Information Management - Transit Applications. Since this project will span over one year, the project manager and the Chief Information Officer will be responsible for budgeting the cost in future years.

#### **Impact to Budget**

The funding for this action is TDA Article 4 which is eligible for bus and rail operations and capital.

### **ALTERNATIVES CONSIDERED**

The alternative is to not award a contract for the Digital Incident Management System and continue to use the current systems. This option is not recommended because of the current deficiencies of having multiple systems and the current labor costs of downloading the approximate 15,000 video clips per year.

### **NEXT STEPS**

Upon approval by the Board, staff will execute Contract No. PS5782700 with Axiom xCell, Inc. for the implementation of Digital Incident Management System. Staff expects to come back to the Board to request authorization for a Wi-Fi improvement project to increase the coverage area at the divisions to enhance DIMS and other initiatives.

### **ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by:

Patrick Astredo, DEO, Enterprise Transit Applications, ITS (213) 922-4290

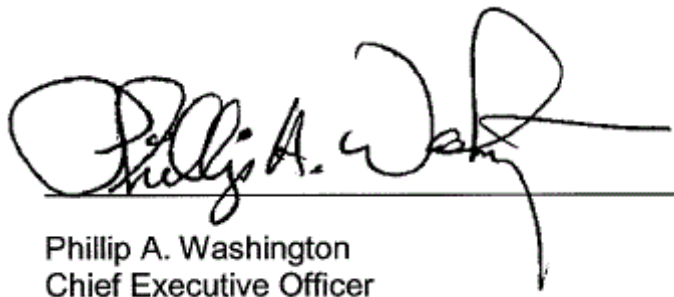
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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## DIGITAL INCIDENT MANAGEMENT SYSTEMS (DIMS) / PS5782700

1.	<b>Contract Number:</b> PS5782700	
2.	<b>Recommended Vendor:</b> Axiom xCell, Inc.	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> February 19, 2016	
	<b>B. Advertised/Publicized:</b> February 20, 2016	
	<b>C. Pre-Proposal/Pre-Bid Conference:</b> March 1, 2016	
	<b>D. Proposals/Bids Due:</b> April 4, 2016	
	<b>E. Pre-Qualification Completed:</b> June 30, 2016	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> August 2, 2016	
	<b>G. Protest Period End Date:</b> September 27, 2016	
5.	<b>Solicitations Picked up/Downloaded:</b> 24	<b>Bids/Proposals Received:</b> 4
6.	<b>Contract Administrator:</b> Mark Lu	<b>Telephone Number:</b> (213) 922-4689
7.	<b>Project Manager:</b> Bahram Chaudhry	<b>Telephone Number:</b> (213) 922-6411

**A. Procurement Background**

This Board Action is to approve Contract No. PS5782700 issued in support of furnishing, implementing, and maintaining an enterprise-wide video file management solution to support the incident management process.

Request for Proposals (RFP) No. PS25055 was issued in accordance with Metro's Acquisition Policy and the contract type is firm fixed price. The RFP was issued as a small business prime and was open to SBE certified small businesses only.

One amendment was issued during the solicitation phase of this RFP. Amendment No. 1, issued on March 23, 2016, extended the proposal due date from March 28, 2016 to April 4, 2016.

On March 1, 2016, a pre-proposal conference was held and representatives from three firms attended the meeting. Potential firms submitted 21 questions that were asked during the meeting and submitted via e-mail, and answers to those questions were provided in writing on March 17, 2016.

A total of four proposals were received on April 4, 2016. The four proposals are listed in alphabetical order:

1. Axiom xCell, Inc.
2. JM Fiber Optics, Inc.
3. Synexxus Inc.
4. Zehner Group

Staff received a protest of award from Synexxus, Inc. on September 12, 2016. Metro responded to the protest on October 6, 2016 and the protest was denied. Synexxus did not file an appeal to the protest decision.

## **B. Evaluation of Proposals/Bids**

A Proposal Evaluation Team (PET) consisting of staff from Information Technology Services (ITS), System Security & Law Enforcement, Revenue Collection Equipment Maintenance, and Rail Communications was convened and conducted a comprehensive technical evaluation of the proposals received.

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

- |  |            |
|--|------------|
| • Contractor's Business & Service Profile        | 10 percent |
| • Contractor's Resource's Skillsets & Experience | 20 percent |
| • Technical Solution                             | 30 percent |
| • Project Methodology, Approach & Schedule       | 20 percent |
| • Price  | 20 percent |

The evaluation criteria are appropriate and consistent with criteria developed for other, similar type of procurements. Several factors were considered when developing these weights, giving the greatest importance to the Technical Solution.

The PET conducted the initial independent technical evaluation of the four proposals received and determined that one firm did not meet the minimum requirements listed in the RFP.

The three firms within the competitive range are listed below in alphabetical order:

1. Axiom xCell, Inc.
2. JM Fiber Optics, Inc.
3. Synexxus Inc.

During the weeks of May 16 and May 23, 2016, the PET met and interviewed the three firms. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's questions.

In general, 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. Also highlighted were staffing plans, work plans, schedule, and perceived project issues. Each team was asked questions relative to each firm's proposed alternatives and previous experience. The firms were asked to submit Best and Final Offers (BAFO) based on the discussions and clarification communicated in the interviews.

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

### **Axiom xCell, Inc.**

Axiom xCell, Inc. (Axiom) is located in San Diego, California. Axiom was founded in 2004 to provide testing services and qualifying applications for the Qualcomm BREW mobile eco-system. Due to customers' demand, Axiom's integration, design, development and hosting services evolved into server, database, iOS, Android, Windows Mobile, and support services. For over 10 years, Axiom has provided these services to Hewlett Packard, Disney, Qualcomm, Electronic Arts, Warner Brothers, Yahoo!, Real Networks, LA Metro, LA SAFE, Hawaii DOT, Nevada DOT, and the Federal Highway Administration.

For this project, Axiom proposed as a Metro certified Small Business Enterprise (SBE) prime contractor to manage the contract and serve as client interface to Metro. Axiom proposes TASER International, Inc. (TASER) as its subcontractor.

TASER is a 22 year old publicly traded company focused exclusively on making communities safe through innovative public safety solutions. TASER has a proven track record of successfully implementing and supporting video solutions for agencies of all sizes.

### **JM Fiber Optics, Inc.**

JM Fiber Optics, Inc. was established in 1992, with headquarters located in Chino, California. JM Fiber Optics provides fiber optic communication and security products, integrated systems, and technician certification training to customers worldwide, and is a full service communications company servicing commercial and governmental agencies.

JM Fiber Optics is a Metro certified SBE, and has been providing fiber optic communication and security products and related training services to Metro since 1996.

For this project, JM Fiber Optics proposed as the prime contractor and partnered with LexRay, to manage the contract and team as a whole, and serve as the client interface to Metro.

LexRay specializes in video integration and customization. The firm began as a company with heavy engineering culminating from requests received from Naval Research and other Department of Defense projects. LexRay's clients range from law enforcement to public transportation and Major League Baseball. Since 2013,



Metro has awarded contracts to LexRay for land-based camera integration on Metro Rail Lines and related projects.

### **Synexxus Inc.**

Synexxus is an electronic software and hardware design, manufacturing, data collection, and system integration company founded in 2006. Headquartered in Arlington, Virginia, with assembly facilities in Chantilly, Virginia, Synexxus specialized in military mobile sensor integration, video and data distribution systems that connect, collect, integrate, display and access any sensor or communication device on military vehicles.

Synexxus has the ability to leverage its ten years of Department of Defense combat experience in designing, manufacturing, and fielding complex sensor and video storage, retrieval and access architectures on military vehicles and apply to the Integration of Metro video into a seamless DIMS architecture.

Synexxus is a disabled veteran owned small business and a Metro certified SBE. For this project, Synexxus proposed as the prime contractor to provide hardware, software and integration services, and partnered with Microsoft for the video repository by using Microsoft Azure cloud service.

As a result of the proposals, interviews, and BAFO responses, the PET recommendation for contract award is the following:

1	FIRM	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>Axiom xCell, Inc.</b>				
3	Contractor's Business & Service Profile	95.00	10.00%	9.50	
4	Contractor's Resource's Skillsets & Experience	87.50	20.00%	17.50	
5	Technical Solution	85.00	30.00%	25.50	
6	Project Methodology, Approach & Schedule	90.00	20.00%	18.00	
7	Price		20.00%	20.00	
8	<b>Total</b>		<b>100.00%</b>	<b>90.50</b>	<b>1</b>
9	<b>Synexxus, Inc.</b>				
10	Contractor's Business & Service Profile	82.50	10.00%	8.25	
11	Contractor's Resource's Skillsets & Experience	88.75	20.00%	17.75	
12	Technical Solution	81.27	30.00%	24.38	

13	Project Methodology, Approach & Schedule	83.75	20.00%	16.75	
14	Price		20.00%	8.11	
15	<b>Total</b>		<b>100.00%</b>	<b>75.24</b>	<b>2</b>
16	<b>JM Fiber Optics, Inc.</b>				
17	Contractor's Business & Service Profile	67.50	10.00%	6.75	
18	Contractor's Resource's Skillsets & Experience	63.75	20.00%	12.75	
19	Technical Solution	63.77	30.00%	19.13	
20	Project Methodology, Approach & Schedule	62.50	20.00%	12.50	
21	Price		20.00%	4.30	
22	<b>Total</b>		<b>100.00%</b>	<b>55.43</b>	<b>3</b>

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

The recommended price has been determined to be fair and reasonable based upon independent cost estimate, price analysis, technical evaluation, fact finding, and negotiations. Axiom proposed a system where the majority of the requirements for Metro have been fully developed and their solution has also been implemented with other agencies. The other two firms proposed to develop their solution for Metro which resulted in higher prices.

	<b>Proposer Name</b>	<b>BAFO Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
1.	Axiom xCell, Inc.	<b>\$746,160</b>	<b>\$1,134,173</b>	<b>\$746,160</b>
2.	Synexxus, Inc.	\$1,839,846		
3.	JM Fiber Optics, Inc.	\$3,473,293		

### **D. Background on Recommended Contractor**

The recommended firm, Axiom xCell, Inc., located in San Diego, California, has been in business for 10 years, is a leader in design, development, integration, testing, operations and management of Application Programming Interfaces (API) to optimize extensible markup language (XML) data feeds for server dissemination to mobile, web, and other platforms providing end-to-end solutions to its customers.

In the last 5 years, Metro awarded 4 technology integration projects to Axiom: Mobile Media Application program interface (MMAPI) solution, Transit Access Pass (TAP) Mobile Phone Validation Solution, Go Metro and Go 511, and Axiom has completed the projects satisfactorily.

TASER International, Inc. is the sub-contractor for Axiom for this project. TASER is the market leader in both body-worn video solutions and conducted electrical device

("CED") technologies, and has sold its products to more than 100 countries around the world.

The proposed Digital Incident Management System (DIMS), Axon Commander, is a software package designed as an enterprise Digital Evidence Management solution. Agencies such as Toronto Police Department and Charlotte-Mecklenburg Police Department use this solution in various capacities. Axon Commander has streamlined process by creating a single repository for all digital evidence to be ingested, managed, stored, and shared.

## DEOD SUMMARY

## DIGITAL INCIDENT MANAGEMENT SYSTEMS (DIMS) / PS5782700

**A. Small Business Participation**

Effective June 2, 2014, per Metro's Board-approved policy, competitive acquisitions with three or more Small Business Enterprise (SBE) certified firms within the specified North American Industry Classification System (NAICS) as identified for the project scope, shall constitute a Small Business Prime/Set-Aside procurement. Accordingly, the Contract Administrator advanced the solicitation, including posting the solicitation on Metro's website, advertising, and notifying certified small businesses as identified by NAICS code(s) that this solicitation was open to **SBE Certified Small Businesses Only**.

Axiom xCell, Inc., an SBE Prime, is performing 36.68% of the work with its own workforce and made a total SBE commitment of 36.68%. The prime listed one major firm, TASER International, Inc., as a subcontractor on this project.

	<b>SBE Firm Name</b>	<b>SBE % Committed</b>
1.	Axiom xCell, Inc. (Prime)	36.68%
	<b>Total Commitment</b>	36.68%

**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.



## Board Report

File #: 2016-0556, File Type: Policy

Agenda Number: 46.

### REGULAR BOARD MEETING OCTOBER 27, 2016

**SUBJECT: GROUP INSURANCE PLANS**

**ACTION: RENEW GROUP INSURANCE POLICIES**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to **renew existing group insurance policies covering Non-Contract and AFSCME employees** for the one-year period beginning January 1, 2017.

#### **ISSUE**

A comprehensive package of health resources provides existing employees a foundation to maintain or improve health, and helps to attract and retain qualified employees. Los Angeles County Metropolitan Transportation Authority (LACMTA), including the Public Transportation Services Corporation (PTSC), seeks to offer benefit plans that promote efficient use of health resources and are cost effective for the company and our employees.

#### **DISCUSSION**

The Non-Contact Group Insurance Plan, a flexible benefits program, was implemented in August 1994. Roughly 99% of the employees covered by the benefit plans are PTSC employees. With the closing of Expo at the end of 2016, there will no longer be a need to provide benefit plans for this small group. Healthcare benefits and employee contributions for those represented by SMART-TD, ATU, and TCU unions are determined by the respective Health and Welfare Trust Funds, and the employer subsidy is established through contract negotiations.

On an annual basis, Non Contract, AFSCME, and Teamster employees are encouraged to review their enrollment and may choose medical, dental, vision, supplemental life, long-term disability, and accidental death and dismemberment plans that meet their needs. Alternatively, employees may opt to waive medical and/or dental coverage and receive a taxable cash benefit, provided proof of other coverage is submitted. Employees may also participate in the flexible spending accounts, a vehicle to pay for certain out-of-pocket healthcare and dependent care expenses on a pre-tax basis.

The overall premium increase for calendar year 2017 is 2.2%. This reflects \$1.05 million in negotiated reductions from the initial renewal quotes. The recommended medical, dental, and vision premiums are shown on Attachment A. As previously established by the Chief Executive Officer, Non

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-Contract and AFSCME employees contribute 10% of the actual premium for each medical and dental plan selected. The monthly employee contributions are shown in Attachment B.

### **DETERMINATION OF SAFETY IMPACT**

Approval of this item will have no impact on safety.

### **FINANCIAL IMPACT**

Funding for the group insurance plans is included in each department's FY17 budget and allocated based on the approved federal cost allocation plan. Based on the current employee participation by plan, estimated employer costs of \$45.4 million, an increase of \$1 million over 2016, are expected to be within the adopted budget of \$49.4 million.

Implementation of the 40% excise tax (Cadillac Tax), a part of Health Care Reform, has been postponed from 2018 to 2020. The Cadillac Tax is intended to be assessed on the cost of coverage for health plans that exceed an annual limit, currently set at \$10,200 for individual coverage and \$27,500 for family coverage. For fully-insured plans like ours, the excise tax is the responsibility of the insurance carrier, though it is anticipated that carriers may pass these costs back to the employer. The Anthem Blue Cross PPO plan currently exceeds the annual limits by approximately \$4,000 per participant. However, since the excise tax does not take effect until 2020, we will continue to monitor regulatory requirements and evaluate our plan provisions such as copays, out-of-pocket maximums and other features in order to mitigate exposure to the excise tax.

### **ALTERNATIVES CONSIDERED**

Plan design changes such as increasing office and prescription copays, annual deductibles, and out-of-pocket maximums were considered. However, with the favorable 2017 renewal, and the postponement of the Excise Tax until 2020, it is recommended that current plan designs be renewed, thereby avoiding provider access/disruption for 2017.

The Board could decide to self-insure and self-administer health benefits. However, this is not recommended due to the resources required to establish the medical expertise and operational infrastructure required to review and process claims as well as the liability that would be assumed.

### **NEXT STEPS**

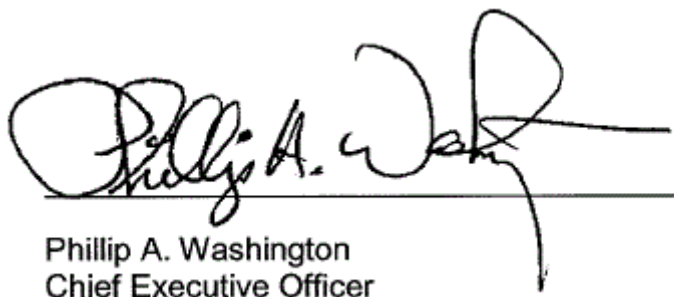
- Conduct annual open enrollment for Non Contract and AFSCME employees during November 2016.
- Implement elections effective January 1, 2017.

### **ATTACHMENTS**

Attachment A - Monthly Premium Rates

Attachment B - Monthly Employee Contributions

Prepared by: Jan Olsen, Manager, Pension & Benefits, (213) 922-7151  
Donna Mills, Treasurer, 213-922-4047  
Reviewed by: Nalini Ahuja, Chief Financial Officer, (213) 922-3088



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Phillip A. Washington  
Chief Executive Officer

# **Renew Group Insurance Policies**

**Board Meeting  
September 22, 2016**



# Group Insurance Plans 2017 Renewal

Comprehensive health benefits:

- Promote efficient use of health resources while being cost effective for the company and our employees
- Help attract and retain qualified employees as a component of the total compensation system
- Provide a foundation for employees to maintain and improve health

# Group Insurance Plans 2017 Renewal

## Governance and Policy

- Affordable Care Act mandates offering medical coverage
- Metro's Medical/Dental Policy covering NC and AFSCME reflects regulatory requirements and company goals
- Health benefits for SMART-TD, ATU, TCU and Teamster represented employees determined by the respective Health and Welfare Trust Funds

# Group Insurance Plans 2017 Renewal

- Non Contract/AFSCME premiums approved annually by Board
- Employer per capita contributions to SMART-TD, ATU, TCU and Teamsters Health and Welfare Trust Funds per Collective Bargaining Agreements

	<b>Est. Budget FY17 (\$ Millions)</b>	<b># Active Employees</b>	<b># Retirees</b>
SMART – TD	\$ 69.6	4,866	884
ATU	\$ 53.8	2,458	1,169
TCU	\$ 17.0	896	149
TEAMSTERS	\$ 1.6	96	Included as NC Retirees
AFSCME	\$ 16.0	765	30
NON-CONTRACT	\$ 33.4	1,347	206
TOTAL	\$191.4	10,428	2,438

# Group Insurance Plans 2017 Renewal

- Overall increase for CY 2017 is 2.2% which translates to \$1M increase over 2016
- Based on current participation by plan, estimated employer cost of \$45.4M expected to be within the adopted budget of \$49.4M

# Group Insurance 2017 Renewal

## Recommendation and Next Steps

- Authorize the CEO to renew existing group insurance policies covering Non-Contract and AFSCME employees for a one year period beginning January 1, 2017
- Next Steps:
  - Configure the annual open enrollment system for 2017 with new premiums and enrollment data
  - Conduct Annual Open Enrollment in November
  - Audit elections and integrate with payroll system
  - Implement elections effective January 1, 2017

# Group Insurance 2017 Renewal

- Questions

## Proposed Monthly Premium Rates

Provider	Coverage Option	CY 2016	CY 2017	%Change	Est # of Employees (1/1/17)
Blue Cross (PPO)	Single	\$1,113.90	\$1,186.53	6.52%	216
	Couple	\$2,242.25	\$2,388.45	6.52%	206
	Family	\$3,007.50	\$3,203.59	6.52%	278
Blue Cross (HMO)	Single	\$746.93	\$795.45	6.50%	84
	Couple	\$1,568.54	\$1,670.44	6.50%	74
	Family	\$2,240.64	\$2,386.19	6.50%	175
Kaiser (HMO)	Single	\$643.04	\$610.89	-5.0%	253
	Couple	\$1,286.08	\$1,221.78	-5.0%	222
	Family	\$1,819.80	\$1,728.81	-5.0%	385
Delta Dental (PPO)	Single	\$57.20	\$57.20	0.00%	383
	Couple	\$99.41	\$99.41	0.00%	432
	Family	\$149.37	\$149.37	0.00%	623
DeltaCare (DHMO)	Single	\$20.21	\$20.21	0.00%	75
	Couple	\$36.71	\$36.71	0.00%	51
	Family	\$54.32	\$54.32	0.00%	122
Dental Health Services (DHMO)	Single	\$16.82	\$16.82	0.00%	72
	Couple	\$32.60	\$32.60	0.00%	56
	Family	\$49.15	\$49.15	0.00%	110
Vision Service Plan	Single	\$10.15	\$10.15	0.00%	284
	Couple	\$14.68	\$14.68	0.00%	300
	Family	\$26.30	\$26.30	0.00%	459
Voluntary Waiver of Coverage:*					
	Medical	\$230.00	\$235.00	2.4%	155
	Dental	\$33.00	\$34.00	2.4%	94

\* Waiver of Medical coverage requires proof of alternative coverage.

## Proposed Monthly Employee Contributions

Provider	Coverage Option	NC & AFSCME Employee Contribution (Current)	NC & AFSCME Employee Contribution (Proposed) Effective 1/1/17	Change
Blue Cross (PPO)	Single	\$111.00	\$119.00	\$8.00
	Couple	\$224.00	\$239.00	\$15.00
	Family	\$301.00	\$320.00	\$19.00
Blue Cross (HMO)	Single	\$75.00	\$80.00	\$5.00
	Couple	\$157.00	\$167.00	\$10.00
	Family	\$224.00	\$239.00	\$15.00
Kaiser (HMO)	Single	\$64.00	\$61.00	\$-3.00
	Couple	\$129.00	\$122.00	\$-7.00
	Family	\$182.00	\$173.00	\$-9.00
Delta Dental (PPO)	Single	\$6.00	\$6.00	\$0.00
	Couple	\$10.00	\$10.00	\$0.00
	Family	\$15.00	\$15.00	\$0.00
DeltaCare (DHMO)	Single	\$2.00	\$2.00	\$0.00
	Couple	\$4.00	\$4.00	\$0.00
	Family	\$5.00	\$5.00	\$0.00
Dental Health Services (DHMO)	Single	\$2.00	\$2.00	\$0.00
	Couple	\$3.00	\$3.00	\$0.00
	Family	\$5.00	\$5.00	\$0.00
Vision Service Plan	Single	\$1.00	\$1.00	\$0.00
	Couple	\$1.00	\$1.00	\$0.00
	Family	\$3.00	\$3.00	\$0.00

Non-Contract and AFSCME Employees contribute 10% (rounded to the nearest whole dollar) towards their individually selected plan's medical and dental premiums.





## Board Report

**File #:** 2016-0554, **File Type:** Contract

**Agenda Number:**

### REGULAR BOARD MEETING OCTOBER 27, 2016

**SUBJECT: CONSULTING SERVICES FOR THE A650 HEAVY RAIL VEHICLE (HRV)  
OVERHAUL PROGRAM, TECHNICAL AND PROGRAM MANAGEMENT SUPPORT  
SERVICES**

**ACTION: AWARD PROFESSIONAL SERVICES CONTRACT**

#### **RECOMMENDATION**

AWARD a cost plus fixed fee contract **for Technical and Program Management Support Services under Contract No. OP3043-3488, to LTK Engineering Services**, in the not-to-exceed amount of \$3,897,599 for a period of 46 months from issuance of a Notice-to-Proceed (NTP) for the **overhaul of 38 Heavy Rail Vehicles** (HRV) which are the base quantity, and for an additional not-to-exceed amount of \$597,238 for a period of 10 additional months for the Option balance of 36 HRVs when funding becomes available, for a total contract value of \$4,494,837.

#### **ISSUE**

This action authorizes LTK Engineering Services to support Metro's designated Project Manager, or his/her designee, with the engineering, technical oversight, program management support services of the Rail Vehicle Contractor to ensure performance is consistent with the requirements of the A650 Overhaul Program. Subject to Metro's direction, the Consultant shall apply appropriate engineering, technical and program management support services and resources to facilitate the timely overhaul and delivery of the A650 HRVs and associated deliverables.

#### **DISCUSSION**

The Los Angeles County Metropolitan Authority (Metro) operates the Metro Red Line (MRL) with a fleet of 104 Vehicles, consisting of the Original 30 (Base-Buy) HRVs and Newest 74 (Option-Buy) HRVs manufactured by Breda Costruzioni-Ferrovie between 1992 and 2000. The Original HRVs have an average age of 23.5 years and average mileage of 790,000 miles per vehicle. The Newer 74 HRVs have an average age of 17.6 years with average mileage greater than 1.3 million miles per vehicle.

The Consultant shall provide Metro with expert professional engineering, technical oversight, and program management support services as directed and required by Metro's staff to ensure the Rail

Vehicle Contractor's performance is consistent with the delivery requirements of the Contract. Subject to Metro's direction, the Consultant shall apply appropriate engineering, technical and program management resources to ensure the timely overhaul and delivery of the overhauled Vehicles and associated deliverables.

The scope of services shall include, but not be limited to reviewing and preparation of correspondence in response to technical submissions; provide oversight of the project status; identify any variances from schedule and deliverable requirements and recommend corrective action; assess and report on project performance; support of Project Reviews; document control; oversight of the Rail Vehicle Contractor's supply chain process; performing Buy America audit and reviewing Change Order requests; testing and inspection activity oversight; and other technical and program management support services as directed by Metro.

The Consultant shall provide, on an as needed basis, highly experienced and qualified passenger heavy rail transit engineers and program management staff with demonstrated expertise in all subject areas listed in the Statement of Qualifications for the duration of the Contract.

The Diversity & Economic Opportunity Department (DEOD) has completed its initial evaluation of the Proposer's commitment to meet the twenty percent (20%) Race Conscious Disadvantage Business Enterprise (RC DBE) goal established for this project. LTK Engineering Services exceeded the goal by making a 30.74% DBE commitment and is deemed responsive to the DBE requirements.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this Contract award will have a direct and positive impact to system safety, service quality, system reliability, maintainability and overall customer satisfaction. The A650 Overhaul Program will permit Metro to maintain a "State of Good Repair (SGR)" on the 74 Newest A650 HRVs.

### **FINANCIAL IMPACT**

The planned expenditure of \$760,000 is included in the FY17 budget in cost center 3043, Rail Vehicle Acquisition, Account 50316, Professional and Technical Services, under project number CP206038, Heavy Rail Vehicle Midlife Overhaul Program.

Since this is a multi-year project, the cost center manager, project manager, and Senior Executive Officer, Rail Maintenance and Engineering will ensure that funds are budgeted in future Fiscal Years.

#### **Impact to Budget**

The current source of funds for the overhaul program and Consulting Services is Proposition A 35% which are eligible for transit operations. Staff will pursue additional federal funds that may become available through MAP-21 or other federal sources for this project to maximize and conserve the use

of local funding sources before considering debt financing.

### **ALTERNATIVES CONSIDERED**

Staff considered the following alternatives: using in-house Metro resources to perform this work. This approach is not recommended as Metro does not have sufficient resources and Subject Matter Experts available to perform this work. This approach is not recommended for the lack of staff capabilities listed above.

The Board of Directors may choose not to authorize the Contract award for this project; however, this alternative is not recommended by Metro staff because the Overhaul Program is critical in maintaining a SGR on the 74 Newest A650 HRVs and enables the Maintenance department to effectively plan and schedule its work.

### **NEXT STEPS**

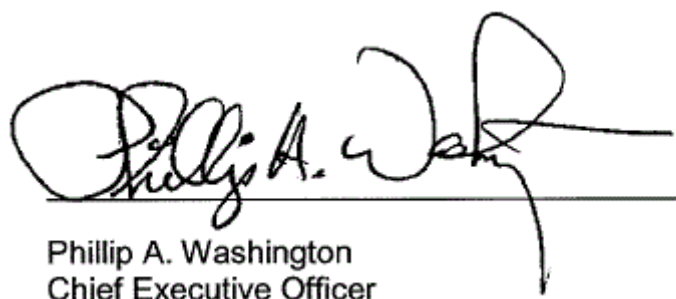
Upon Board approval, a contract will be awarded and a Notice-to-Proceed will be issued to LTK Engineering Services. Metro and LTK Engineering Services will mobilize required resources and SMEs to ensure timely completion of deliverables by the Rail Vehicle Contractor.

### **ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - DEOD Summary  
Attachment C - Funding/Expenditure Plan

Prepared by: Cop Tran, Sr. Manager, Project Control, Rail Vehicle Acquisition, (213) 922-3188  
Jesus Montes, Sr. Executive Officer, Vehicle Acquisitions, (213) 922-3838

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 922-4424  
Ivan Page, Chief, Vendor/Contract Management (Interim), (213) 922-6383

  
Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

**CONSULTING SERVICES FOR THE A650 HEAVY RAIL VEHICLE (HRV)  
OVERHAUL PROGRAM, TECHNICAL AND PROGRAM CONTROL SUPPORT  
SERVICES / OP30433488**

1.	<b>Contract Number:</b> OP30433488	
2.	<b>Recommended Vendor:</b> LTK Engineering Services	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> 07.27.15	
	<b>B. Advertised/Publicized:</b> 07.27.15	
	<b>C. Pre-proposal/Pre-Bid Conference:</b> 08.11.15	
	<b>D. Proposals/Bids Due:</b> 09.17.15	
	<b>E. Pre-Qualification Completed:</b> 08.22.16	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> 08.22.16	
	<b>G. Protest Period End Date:</b> 09.08.16	
5.	<b>Solicitations Picked up/Downloaded:</b> 48	<b>Bids/Proposals Received:</b> 2
6.	<b>Contract Administrator:</b> Wayne Okubo	<b>Telephone Number:</b> (213)922-7466
7.	<b>Project Manager:</b> Cop Tran	<b>Telephone Number:</b> (213)922-3188

**A. Procurement Background**

This Board Action is to approve Contract No. OP30433488 issued in support of the A650 Heavy Rail Vehicle Overhaul and Critical Component Replacement Program. The recommended consultant shall provide engineering and administrative resources to support Metro's Project Manager in the technical and program management of the overhaul. The intent of the overhaul program is to replace vital systems and components, and to update relevant technology to ensure the continued safety, reliability, availability, and maintainability of the fleet for full revenue service and maintain the fleet's State of Good Repair.

The RFP was issued in accordance with Metro's Acquisition Policy and the contract type is a cost plus fixed fee.

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

- Amendment No. 1, issued on August 19, 2015 extended the proposal due date to September 17, 2015;
- Amendment No. 2, issued on July 15, 2016 after receipt of proposals requested Best and Final Offers (BAFOs);

A total of two proposals were received on September 17, 2015. A Pre-Proposal conference was held on August 11, 2015 with a total of 12 attendees.

Uncertainty over the A650 overhaul program caused delays in completing the procurement process for this Technical and Program Management Support contract. The award of this contract is contingent upon proceeding with the overhaul of the A650 fleet. Proposal negotiations were delayed until a determination to continue with the overhaul program was made. After oral presentations were conducted on October 29, 2015 both proposers were advised that Metro would not proceed until the status of the overhaul program was determined. Discussions with the proposers resumed once the decision to continue was made.

## **B. Evaluation of Proposals/Bids**

A Proposal Evaluation Team (PET) consisting of staff from Rail vehicle Acquisition and Rail Fleet Services was convened and conducted a comprehensive technical evaluation of the proposals received.

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

- |  |            |
|--|------------|
| • Team's Degree of Skill and Experience                                    | 30 percent |
| • Price  | 30 percent |
| • Staff Quality and Technical Expertise                                    | 20 percent |
| • Understanding of Work and Appropriateness of Approach for Implementation | 20 percent |

The evaluation criteria are appropriate and consistent with criteria developed for other, similar professional services procurements. Several factors were considered when developing these weights, giving the greatest importance to skill and experience of the firm in performing similar work.

Both of the proposals received were determined to be within the competitive range. The firms are listed below in alphabetical order:

- CH2M HILL, Inc.
- LTK Engineering Services

During the week of September 28, 2015, the evaluation committee met and started the review of the proposals. Proposal clarifications were necessary from both firms with requests sent on October 6, 2015. After clarifications were received and accepted, oral presentations were conducted on October 29, 2015. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's questions. In general 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. Also highlighted were staffing plans, work plans, and perceived project issues. Each team adequately responded to questions relative to each firm's proposed alternatives and previous experience.

Discussions were held with both firms during the week of July 11, 2016. Each firm had adjusted the labor hour base in their initial price proposal by reducing the total hours for some of the labor categories. Best and Final Offers (BAFOs) were requested on July 15, 2016 and both firms were explicitly instructed to use the labor categories and hours provided by Metro on their BAFOs. Metro's BAFO request also contained a division of the work into base and option elements. This segmenting of the work follows the same base and option breakdown applied on the actual vehicle overhaul program. The Option for these services must be exercised by Metro no later than 12 months after Notice to Proceed.

BAFOs were received from both firms and evaluated by the PET. Each proposer made changes to their team, either based on discussions or out of their own best interests. LTK's organization was strengthened by the changes reflected in its BAFO.

LTK proposed a new Senior Schedule Analyst who strengthened the team's skill, quality, technical expertise, and experience based on the scheduler's education and experience background. LTK proposed a new Systems Integrator Engineer who's well rounded background and systems integration experience improves LTK's team in the critical area of system integration. The firm also moved its originally propose Systems Integrator Engineer to the Senior Electrical Engineer role. This move enhances the quality and experience of the engineering team proposed by LTK.

LTK submitted a comprehensive technical proposal that provided a clear implementation approach and a concise plan that addressed design, qualification, production, inspection, and testing phases of the overhaul. The proposal also included "lessons learned" from prior engagements that utilized a similar overhaul approach.

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

##### **LTK**

LTK is headquartered in Ambler, PA with regional offices in Los Angeles, Atlanta, Boston, Chicago, Dallas, Denver, Houston, Minneapolis, Newark, New York, Petaluma, Portland, San Francisco, Seattle, and Washington, D.C. LTK has assisted in the design, procurement, rehabilitation, inspection and acceptance testing of over 26,000 passenger railcars operating in North America. LTK has an estimated 360 employees which includes 290 engineers and technicians with expertise in rail vehicle systems planning, engineering, and economic analyses. LTK has provided various engineering, technical, and management services in support of other transit agencies as well as Metro on the P3010 vehicle acquisition project.

## **CH2M HILL**

CH2M HILL has over 30 years of experience in providing vehicle engineering and program management services. CH2M has supported both procurement and overhaul of rail vehicles, managing more than 110 projects totaling more than 13,300 vehicles, working to resolve the range of design, production, testing, and delivery issues that can arise. CH2M HILL has provided various engineering, technical, and management services in support of other transit agencies as well as Metro on the specification development for the A650 overhaul project.

The PET evaluated the proposals and assessed strengths, weaknesses, and associated risks of each proposal utilizing the evaluation criteria factors and sub-factors defined in the RFP. LTK Engineering Services was determined to be the PET's highest rated firm.

Although LTK's final price offer was higher than CH2MHill's price, LTK provided Metro with the "Best Value" for critical technical elements in System Integration, System Engineering, Quality Assurance Engineering and greater availability of key personnel. **These technical advantages in team and individual skill, experience, approach and availability provide Metro with the highest degree of probability of program success.**

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>LTK</b>				
3	Team's Degree of skill and Experience	83.33	30.00%	25.00	
4	Price	92.44	30.00%	27.73	
5	Staff Quality and Technical Expertise	80.00	20.00%	16.00	
6	Understanding of Work and Appropriateness of Approach for Implementation	85.00	20.00%	17.00	
7	<b>Total</b>		<b>100.00%</b>	<b>85.73</b>	<b>1</b>
8	<b>CH2M HILL</b>				
9	Team's Degree of skill and Experience	70.00	30.00%	21.00	
10	Price	100.00	30.00%	30.00	
11	Staff Quality and Technical Expertise	66.67	20.00%	13.33	
12	Understanding of Work and Appropriateness of Approach for Implementation	70.00	20.00%	14.00	
13	<b>Total</b>		<b>100.00%</b>	<b>78.33</b>	<b>2</b>

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

The recommended price has been determined to be fair and reasonable based upon adequate competition, MAS audit findings, an Independent Cost Estimate, cost analysis, technical evaluation, fact finding, and negotiations. Metro has negotiated fixed billing rates for direct labor, overhead rates, and a fixed fee based on the total estimated cost for each Task Order. The pricing for each Task Order will use the Contract defined fixed direct labor rates, overhead rates, other direct costs (ODC) plus a portion of the negotiated fixed fee to establish a lump sum price.

	<b>Proposer Name</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated or NTE amount</b>	
1.	LTK	\$4,368,578	\$6,235,300	Base Option	<b>\$3,897,599</b> <b>\$ 597,238</b>
2.	CH2M HILL	\$3,969,582	\$6,235,300	Base Option	\$3,576,485 \$ 578,602

### **D. Background on Recommended Contractor**

The recommended firm, LTK Engineering Services, located in Los Angeles, California, has been in business for 32 years and is an experienced rail vehicle consultant in North America. LTK specializes in rail vehicle and systems engineering with a pool of resources with expertise in rail vehicle procurement, engineering, and component systems. LTK has supported transit car procurements in Los Angeles, Boston, New York City, New Jersey, Philadelphia, and Washington, DC.

LTK has provided engineering expertise for over 20 years to Metro's vehicle procurement projects that include program management for the Blue Line and Green Line Light Rail Vehicles (LRVs). LTK was also selected to provide engineering support for the recent acquisition of the P3010 LRV.



## DEOD SUMMARY

**CONSULTING SERVICES FOR THE A650 HEAVY RAIL VEHICLE (HRV)  
OVERHAUL PROGRAM, TECHNICAL AND PROGRAM CONTROL SUPPORT  
SERVICES / OP30433488**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 20% Disadvantaged Business Enterprise (DBE) goal for this solicitation. LTK Engineering Services exceeded the goal by making a 30.74% DBE commitment.

<b>Small Business Goal</b>	20% DBE	<b>Small Business Commitment</b>	30.74% DBE
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	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>
1.	Virginkar & Associates	Sub-Continent Asian American	18.35%
2.	Ramos Consulting Services	Hispanic American	12.39%
	<b>Total Commitment</b>		<b>30.74%</b>

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

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

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

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

Project Labor Agreement/Construction Careers Policy is not applicable to this contract.

ATTACHMENT B - Funds Uses and Sources Tables

		From Inception to Date (ITD) thru FY15 Jun	7/1/15 - 6/30/16	7/1/16 - 6/30/17	7/1/17 - 6/30/18	7/1/18 - 6/30/19	7/1/19 - 6/30/20	7/1/20 - 6/30/21		
	Use of Funds		FY16	FY17	FY18	FY19	FY20	FY21	Total	% of Project
1	Overhaul 38 Option-Buy Vehicles		\$0	\$4,946,536	\$8,656,439	\$11,954,129	\$15,664,032	\$0	\$41,221,136	79.1%
2	Professional Services	\$744,000	\$320,000	\$760,000	\$870,000	\$880,000	\$890,000	\$0	\$4,464,000	8.6%
3	MTA Administration	\$500,000	\$422,000	\$420,000	\$420,000	\$400,000	\$420,000	\$0	\$2,582,000	5.0%
4	Contingency		\$0	\$0	\$0	\$0	\$0	\$3,822,864	\$3,822,864	7.3%
5	Base Order Summary	\$1,244,000	\$742,000	\$6,126,536	\$9,946,439	\$13,234,129	\$16,974,032	\$3,822,864	\$52,090,000	100.0%
6	Overhaul 38 Option-Buy Vehicles (Increase Requested)							\$13,500,000	\$13,500,000	20.6%
7	Total Base Order Summary	\$1,744,000	\$1,164,000	\$6,546,536	\$10,366,439	\$13,634,129	\$17,394,032	\$21,145,728	\$65,590,000	100.0%
8	Overhaul 36 Option-Buy Vehicles (Increase Requested)	\$0	\$0	\$0	\$0	\$0	\$0	\$18,272,000	\$18,272,000	86.7%
9	Professional Services (Increase Requested)	\$0	\$0	\$0	\$0	\$0	\$0	\$800,000	\$800,000	3.8%
10	MTA Administration (Increase Requested)	\$0	\$0	\$0	\$0	\$0	\$0	\$600,000	\$600,000	2.8%
11	Contingency (Increase Requested)	\$0	\$0	\$0	\$0	\$0	\$0	\$1,400,000	\$1,400,000	6.6%
12	Option Order Summary	\$0	\$0	\$0	\$0	\$0	\$0	\$21,072,000	\$21,072,000	100.0%
13	Overhaul 74 Option-Buy Vehicles	\$0	\$0	\$4,946,536	\$8,656,439	\$11,954,129	\$15,664,032	\$31,772,000	\$72,993,136	84%
14	Professional Services	\$744,000	\$320,000	\$760,000	\$870,000	\$880,000	\$890,000	\$800,000	\$5,264,000	6%
15	MTA Administration	\$500,000	\$422,000	\$420,000	\$420,000	\$400,000	\$420,000	\$600,000	\$3,182,000	4%
16	Contingency	\$0	\$0	\$0	\$0	\$0	\$0	\$5,222,864	\$5,222,864	6%
17	Total Order Summary Total	\$1,244,000	\$742,000	\$6,126,536	\$9,946,439	\$13,234,129	\$16,974,032	\$38,394,864	\$86,662,000	100.0%
18	Sources of Funds		FY16	FY17	FY18	FY19	FY20	FY21	Total Sources	%
19	Measure R 2% (206038)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
20	Cap and Trade; Other State & Federal sources (206038)*			\$0	\$0	\$0	\$0	\$0	\$0	
21										
22										
23	* Future Local, State & Federal Funds to be identified as they become available.									
24	Total Funding Sources	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	

\* Staff will pursue additional funding sources to supplement Project 206038 budget which may become available through MAP-21 or other federal sources for this project and also utilize other State and Local funding sources as opportunities arise such as Cap and Trade or other new sources.