

Metro

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



Agenda - Final

Thursday, June 20, 2019

10:00 AM

NOTE: Closed Session 10 AM / Open Session 11:30 AM

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

Executive Management Committee

Sheila Kuehl, Chair

James Butts, Vice Chair

John Fasana

Eric Garcetti

Paul Krekorian

Hilda Solis

John Bulinski, non-voting member

Phillip A. Washington, Chief Executive Officer

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

PUBLIC INPUT

A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for one (1) minute per item, or at the discretion of the Chair. A request to address the Board 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.

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

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:

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

INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE BOARD

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

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

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323.466.3876 x2

Español

323.466.3876 x3

한국어

日本語

中文

русский

ភាសាខ្មែរ

ภาษาไทย

Tiếng Việt

ភាសាជប៉ុន

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

CALL TO ORDER**ROLL CALL****RECESS TO CLOSED SESSION AT 10:00 A.M.****44. SUBJECT: CLOSED SESSION** [2019-0499](#)

A. Personnel Matters - G.C. 54957

Public Employment

Title: Chief Ethics Officer

RECONVENE OPEN SESSION AT 11:30 A.M.**40. SUBJECT: STATE AND FEDERAL REPORT** [2019-0046](#)**RECOMMENDATION**

RECEIVE AND FILE State and Federal Legislative Report.

41. SUBJECT: STATE LEGISLATION [2019-0455](#)**RECOMMENDATION**

ADOPT staff recommended position:

A. Assembly Bill 1112 (Friedman) - Shared mobility devices: local regulation.

OPPOSE UNLESS AMENDED

Attachments: [Attachment A - AB 1112 Friedman](#)

42. SUBJECT: FEDERAL LEGISLATION [2019-0457](#)**RECOMMENDATION**

ADOPT staff recommended position:

A. Senate Bill 846 (Cornyn) / House Resolution 2739 (Rouda) - Federal Funding Prohibition on State-Owned Rolling Stock Firms Based in China

WORK WITH AUTHOR

Attachments: [Attachment A - S 846 H R 2739](#)

43. SUBJECT: CHIEF COMMUNICATIONS OFFICER FY19 YEAR-END REPORT[2019-0371](#)**RECOMMENDATION**

RECEIVE the Chief Communications Officer FY19 Year-End Report.

Attachments: [Presentation](#)

SUBJECT: GENERAL PUBLIC COMMENT[2019-0472](#)

RECEIVE General Public Comment

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

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



Board Report

File #: 2019-0455, **File Type:** Federal Legislation / State Legislation (Position)

Agenda Number: 41.

**EXECUTIVE MANAGEMENT COMMITTEE
JUNE 20, 2019**

SUBJECT: STATE LEGISLATION

ACTION: ADOPT STAFF RECOMMENDED POSITION

RECOMMENDATION

ADOPT staff recommended position:

- A. Assembly Bill 1112 (Friedman) - Shared mobility devices: local regulation. **OPPOSE UNLESS AMENDED**

ATTACHMENT

Attachment A - AB 1112 (Friedman) Legislative Analysis

Prepared by: Desarae Jones, Senior Manager, Government Relations, (213) 922-2230
Michael Turner, DEO, Government Relations (213) 922-2212

Reviewed by: Yvette Rapose, Interim Chief Communications Officer, (213) 418-3154

Phillip A. Washington
Chief Executive Officer

The signature is a stylized, handwritten cursive script in black ink, written over a horizontal line. Below the line, the name and title are printed in a clean, sans-serif font.

ATTACHMENT A

BILL: ASSEMBLY BILL 1112
AS AMENDED JUNE 3, 2019

AUTHOR: ASSEMBLYMEMBER LAURA FRIEDMAN (D-BURBANK)

SUBJECT: SHARED MOBILITY DEVICES: LOCAL REGULATION

STATUS: SENATE TRANSPORTATION COMMITTEE
HEARING SCHEDULED: JUNE 11, 2019

ACTION: OPPOSE UNLESS AMENDED

RECOMMENDATION

Staff recommends that the Board of Directors adopt an OPPOSE UNLESS AMENDED position on Assembly Bill 1112 (Friedman) as amended on June 3, 2019.

ISSUE

This bill was amended on June 3, 2019 to add and clarify provisions in the California State Vehicle Code related to the local regulation of shared mobility devices.

Specifically the bill would:

- Define a “shared mobility device” as a bicycle, electric bicycle, motorized scooter, electrically motorized board or other similar personal transportation device that is made available to the public for shared use and transportation, as provided.
- Require shared mobility providers to include a visible, single unique alphanumeric ID on every shared mobility device.
- Allow a local authority to require a shared mobility device provider to provide the local authority with deidentified and aggregated trip data as a condition for operating a shared mobility device program within its jurisdiction.
- Prohibit the sharing of individual trip data, except as provided by the Electronic Communications Privacy Act.
- Prohibit a local authority from imposing unduly restrictive requirements on mobility device providers that would prevent these providers from operating within its jurisdiction.
- Allow a local authority to require shared mobility device providers to deploy shared mobility devices in a manner that addresses geographic equity, capacity, insurance, access and indemnification.
- Prohibit a local authority from subjecting users of shared mobility devices to adhere to more restrictive requirements than those applicable to users of personally owned similar transportation devices.
- Includes findings that shared mobility device regulation is a matter of statewide concern rather than a local/municipal issue, with applicability to all cities and counties, including charter cities and counties.

DISCUSSION

Assembly Bill 1112 (Friedman) was introduced as a measure that seeks to provide minimum standards for regulating shared mobility devices across the state.

Existing law provides local authority for regulation of vehicles and mobility devices for purposes of maintaining public safety and levying fees for operation within a particular jurisdiction. Existing consumer privacy law related to the use of electronic data provides certain protections for users with respect to the use of their data for criminal cases, warrants, etc. The Consumer Privacy Act of 2018 provides for protections for consumers interacting and providing their personal data with businesses. The Consumer Privacy Act goes into effect January 1, 2020.

Metro currently does not have the authority to regulate or levy fees on transportation network companies or shared mobility device providers; however LA County's Board of Supervisors and the 88 cities within its boundaries currently have this authority. A number of cities within Los Angeles County and LA County Board of Supervisors have established pilot programs and other regulatory frameworks for the deployment and operation of shared mobility devices within their jurisdictions. The provisions of AB 1112 (Friedman) seem to run counter to the efforts put forward by the cities and County of LA and undermine the authority and goals of local entities. Cities have worked with shared mobility device providers to establish pilot programs that outline regulations and specified fees to address a number of issues related to safety, equity, and traffic congestion management the deployment and use of shared mobility devices.

Metro's primary concerns with AB 1112 are shared by the cities that have written in opposition to the measure, including the City of Los Angeles Mayor, City of Santa Monica, League of California Cities and Los Angeles Department of Transportation.

- The provisions outlined in the legislation would limit cities and local entities ability to provide a regulatory framework that addresses the needs and safety of users and traffic congestion within their jurisdictions.
- The timing of the legislation is problematic. Many of the regulatory programs that are currently being established in Los Angeles County and parts of Northern California that are being implemented have been created within the last year. This bill does not allow ample time for cities and local agencies to really assess the impacts of the regulations and fees imposed under their respective programs.
- The legislation would roll back various elements of agreements previously entered into by a number of shared mobility providers and local jurisdictions.
- Access to trip data is paramount to be able to fully understand the impact of the shared mobility devices on congestion and transit use.

Metro's Vision 2028 strategic plan Goal 1.3 sets forth the Board's intentions to manage transportation demand in a fair and equitable manner. It outlines the goals of studying the impact of shared mobility on transportation in LA County, building a coalition of support and exploring how fees and regulations can be incorporated into an overall county-wide system.

For these reasons, staff recommends that the Board adopt an OPPOSE UNLESS AMENDED position on the measure AB 1112 (Friedman).

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation.

FINANCIAL IMPACT

The estimated financial impact of this action is still being evaluated.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Staff recommendation supports strategic plan goal # 4.2: Metro will help drive mobility agendas, discussions and policies at the state, regional and national levels.

ALTERNATIVES CONSIDERED

Staff has considered adopting either a support or neutral position on the bill. An oppose or neutral position would be inconsistent with Metro's Board approved 2019 State Legislative Program Goal #8: Support legislative and regulatory actions that enhance and protect Metro's ability to deliver innovative transportation projects and services in Los Angeles County.

NEXT STEPS

Should the Board decide to adopt an OPPOSE UNLESS AMENDED position on this legislation; staff will communicate the Board's position to the author and work to ensure inclusion of the Board's priorities in the final version of the bill. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.



Board Report

File #: 2019-0457, **File Type:** Federal Legislation / State Legislation (Position)

Agenda Number: 42.

**EXECUTIVE MANAGEMENT COMMITTEE
JUNE 20, 2019**

SUBJECT: FEDERAL LEGISLATION

ACTION: ADOPT STAFF RECOMMENDED POSITION

RECOMMENDATION

ADOPT staff recommended position:

- A. Senate Bill 846 (Cornyn) / House Resolution 2739 (Rouda) - Federal Funding Prohibition on State-Owned Rolling Stock Firms Based in China **WORK WITH AUTHOR**

ATTACHMENT

Attachment A - S. 846 / H.R. 2736 (Cornyn/Rouda) Legislative Analysis

Prepared by: Marisa V. Yeager, Senior Manager, Government Relations, (213) 922-2262
Michael Davies, Senior Manager, Federal Affairs (213) 314-8090

Reviewed by: Yvette Rapose, Interim Chief Communications Officer, (213) 418-3154

Phillip A. Washington
Chief Executive Officer

The signature is a stylized, handwritten cursive script in black ink, written over a horizontal line. Below the line, the name and title are printed in a clean, sans-serif font.

BILL: S. 846/H.R. 2739

AUTHORS: U.S. SENATOR JOHN CORNYN (R-TX) AND CONGRESSMAN HARLEY ROUDA (D-CA)

SUBJECT: FEDERAL FUNDING PROHIBITION ON STATE-OWNED ROLLING STOCK FIRMS BASED IN CHINA

STATUS: REFERRED TO THE U.S. SENATE BANKING, HOUSING AND URBAN AFFAIRS COMMITTEE AND THE HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

ACTION: WORK WITH AUTHOR

RECOMMENDATION

Staff recommends that the Board of Directors adopt a WORK WITH AUTHOR position on S. 846 and H.R. 2739.

ISSUE

The bills, S. 846 and H.R. 2739, have been introduced in the 116th Congress as federal legislators have significantly increased their scrutiny over the role of foreign state-owned enterprises in securing rolling stock contracts with transportation agencies across the United States. Both bills would prohibit the use of federal funds to procure rolling stock from firms based in China and both pieces of legislation include a provision exempting contracts that have been entered into prior to their potential passage.

BACKGROUND

As part of the broad and ongoing “trade war” between the United States and the People’s Republic of China, Congress began last year to aggressively explore placing federal funding restrictions on rolling stock from firms based in China. Specifically, the House Committee on Appropriations, Subcommittee on Transportation, Housing and Urban Development had language in their Fiscal Year 2019 spending bill that would have barred the use of federal transit funds from being used by “entities owned, directed, or subsidized by a country identified as a priority watch list country by the United States Trade Representative (USTR) in the most recent report required under section 182 of the Trade Act of 1974 (19 U.S.C. 2242) and is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).” This language was clearly aimed towards rolling stock firms based in China, which has been identified as a priority watch list country by the USTR.

Likewise, actions were taken last year in the U.S. Senate to bar the use of federal funds for rolling stock from firms based in China. Ultimately, the final funding bill passed by Congress – following a 35-day partial shutdown of the federal government - did not include any language barring the use of federal funds for rolling stock produced by firms based in China.

Metro entered into a Heavy Rail Car Contract with the Chinese firm CRRC MA Inc. (CRRC) in February 2017 for up to 282 Heavy Rail Cars valued at \$647 million. Metro has exercised only the Base portion of that Contract for 64 vehicles to support Purple Line Extension Section 1 and to replace the 30 oldest A650 heavy rail cars which are scheduled to be retired. There remains a total of five Contract Options available to Metro to support all Purple Line Extension sections, support service expansions, and replace the balance of Metro's A650 heavy rail car fleet.

Metro also entered into Zero Emission Bus (ZEB) Contracts with the Chinese firm Build Your Dreams (BYD) in June and October 2017 for 40-foot and 60-foot ZEBs. The 40-foot ZEB contract valued at \$77.8 million is for up to 100 vehicles. Metro has exercised a Base order of 60 vehicles from the 40-foot ZEB Contract. The 60-foot ZEB Contract is valued at \$6.6 million for five ZEBs. All orders have been placed for the 60-foot ZEB Contract.

For these reasons, staff recommends that the Board of Directors adopt a WORK WITH AUTHOR position on S. 846 and H.R. 2739.

DISCUSSION

On April 9, 2019 U.S. Senator John Cornyn (R-TX) was joined by Senators Tammy Baldwin (D-WI), Mike Crapo (R-ID) and Sherrod Brown (D-OH) in introducing the Transit Infrastructure Vehicle Security Act (S. 846) that would bar the use of federal funds for rolling stock procurements from state owned firms in China.

On May 15, 2019, Congressman Harley Rouda (D-CA) introduced legislation nearly identical to the Transit Infrastructure Vehicle Security Act, with the following original cosponsors; U.S. Representatives Eric Crawford (R-AL), Scott Perry (R-PA), Kay Granger (R-TX), Tim Ryan (D-OH), Eleanor Holmes-Norton (D-DC At-Large), Randy Weber (R-TX) and John Garamendi (D-CA).

Proponents of both bills have cited two broad concerns related to Chinese rolling stock companies doing business in the United States. First, Chinese firms are undercutting competition to win contracts aided by an unfair subsidy by the Chinese Government. Second, supporters of the bills are concerned that the Chinese Government could impact our national security by implanting tools in the rolling stock to harm the United States through cyber capabilities.

While the Rouda/Cornyn bills have strong, bipartisan support throughout Congress, some Members have expressed concern regarding the unintended consequences this legislation could have on workers currently manufacturing products for Chinese firms, as well as the unintended impact that the legislation could have on environmental goals. "I have heard from sheet metal, air, rail, and transportation workers' unions that represent most of these employees and they have raised real concerns about the loss of jobs should BYD be prohibited from doing business with our local transit agencies," said Representative Julia Brownley (D-CA) during a recent hearing held by the U.S. House Committee on Transportation and Infrastructure. Representative Brownley went

on to say, “I’m also concerned at how this issue relates to addressing climate change,” citing California’s mandate to transition to zero-emission bus fleets.

One notable feature of the Transit Infrastructure Vehicle Security Act (S. 846) and H.R. 2739 is an exception clause, which according to the congressional legislative counsel’s office, would not apply any ban on the use of federal funding for rolling stock to transportation agencies that have already entered into contracts with firms targeted by the legislation. This means that our agency would not be subject to this potential congressional restriction on the use of federal funds for exercising its Contract Options with either CRRC or BYD. However, future rolling stock contracts with such firms by our agency would be subject to the federal restrictions sought in both the Cornyn/Rouda bills.

On May 16, 2019, Metro Chief Executive Officer Phillip A. Washington testified before the House Transportation and Infrastructure Committee at a hearing entitled, “The Impacts of State-Owned Enterprises on Public Transit and Freight Rail Sectors.” At this hearing, the CEO shared with Chairman Peter DeFazio (D-OR), Ranking member Sam Graves (R-MO) and other distinguished members of the committee that our agency would welcome Congress taking clear and decisive steps to support his drive to establish a rail/bus manufacturing center in Los Angeles County. The CEO emphasized in his congressional testimony (see attached) that “there is a large delta between the benefits of simply assembling rolling stock in the United States as opposed to manufacturing rolling stock in our nation.”

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation.

FINANCIAL IMPACT

The estimated financial impact has yet to be determined.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Staff recommendation supports strategic plan goal # 4.2: Metro will help drive mobility agendas, discussions and policies at the state, regional and national levels.

ALTERNATIVES CONSIDERED

Staff has considered adopting either a support or oppose position on these bills. Staff believes a WORK WITH AUTHOR position best positions our agency to continue its work with Congress to advance our goal of establishing a rail/bus manufacturing facility in Los Angeles County – not just facilities in which foreign and domestic equipment is assembled.

NEXT STEPS

Should the Board decide to adopt a WORK WITH AUTHOR on this legislation; staff will communicate the Board’s position to the authors and work to ensure inclusion of the exemption language for pre-existing rolling stock contracts in the final version of the bills. Additionally, staff will work to include language in the bill that will enhance our agency’s effort to develop a rail/bus manufacturing center in Los Angeles County. Staff

will continue to keep the Board informed as this issue is addressed throughout the 116th Congress.



Board Report

File #: 2019-0371, **File Type:** Oral Report / Presentation

Agenda Number: 43.

**EXECUTIVE MANAGEMENT COMMITTEE
JUNE 20, 2019**

SUBJECT: CHIEF COMMUNICATIONS OFFICER FY19 YEAR-END REPORT

ACTION: ORAL REPORT

RECOMMENDATION

RECEIVE the Chief Communications Officer FY19 Year-End Report.

Prepared by: Yvette Rapose, Interim Chief Communications Officer, (213) 418-3154

ATTACHMENT "A"

Chief Communications Officer Report

**Executive
Management
Committee**

June 2019



Public Relations





Program Management





Local Government & External Affairs





Special Projects





Community Education



 Two portrait photographs of individuals. On the left is a woman with dark hair, and on the right is a man with a mustache.

AARP Age Friendly Transportation Co...

MAY 7, 2019 @ 10:30 AM PDT

AARP Real Possibilities

AND METRO ART PRESENTS



RAISED ON RECORDS

CONCERT SERIES

Friday, May 31, 2019, 10am to 12pm
 Placita de Dolores, Olvera Street
 815 N Alameda St
 Los Angeles, CA 90012

Music performance by
 The Susie Hansen Latin Band

- > Must RSVP by calling 213.922.2002, emailing onthemove@metro.net or visiting raisedonrecords-elpuerto.eventbrite.com
- > Attendees can bring their own food and drinks (alcohol will not be permitted)
- > Chairs will be available
- > Free giveaways and transit-oriented resources

Take the Metro Gold, Red or Purple Line to Union Station and walk towards Alameda St. Plan your trip at metro.net.



Metro



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Customer Care

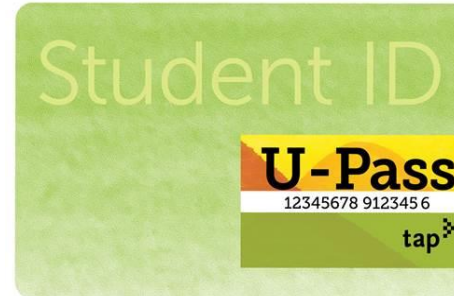


AWT for 323GOMETRO was
17/seconds (average wait time)

Metro Commute Services (MCS)

Small Employer Pass (SEP) to replace B-TAP

Transit Agency Partners Green Lit for E-Pass Program

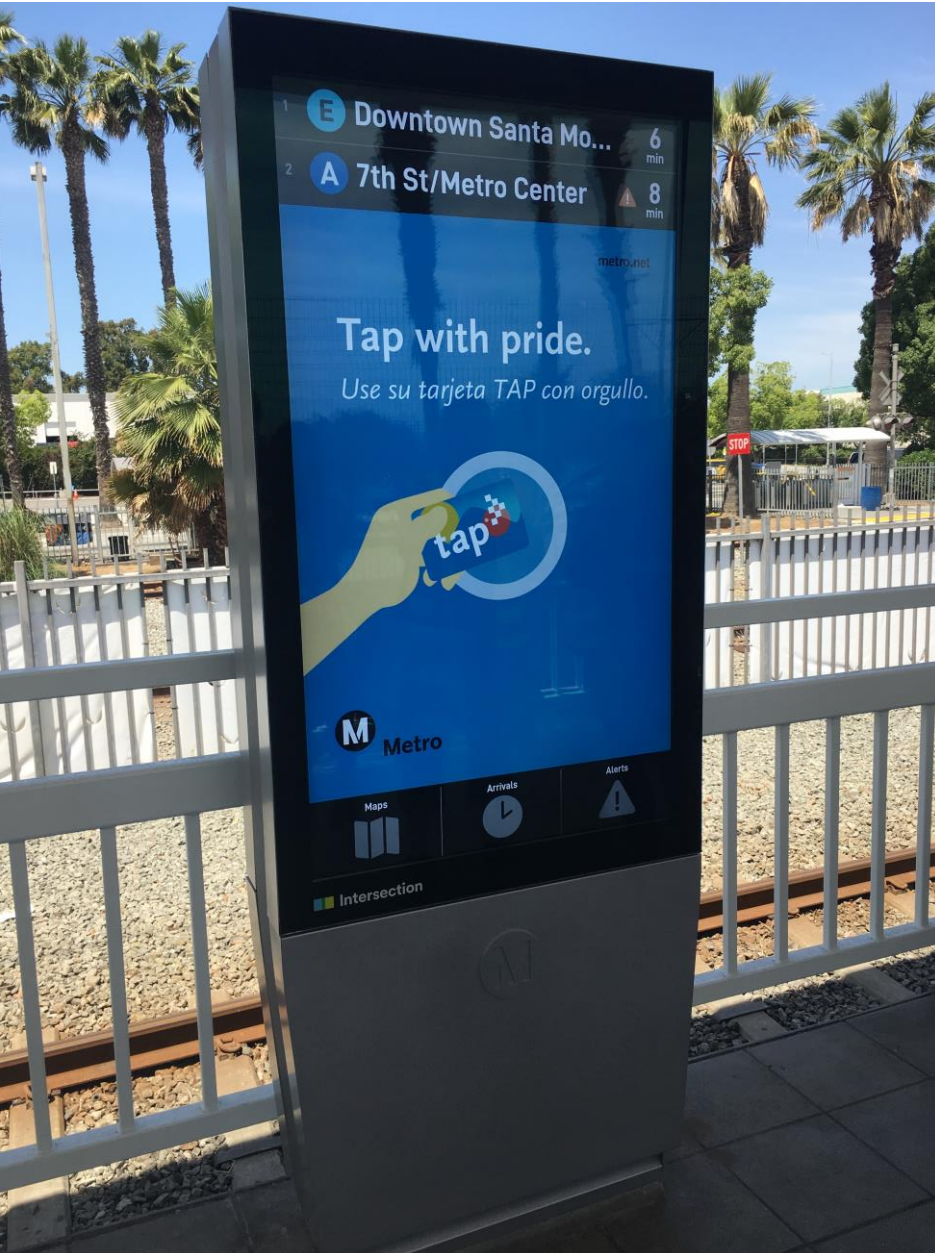


APTA Marketing & Communications Committee
2019



- Standardized pricing regardless of transit Level of Service (LOS)
- Set level of participation at 50% of employees, with no complicated exemption rules
- Gradual price increase over 3 years to bring program to revenue neutral

IxNTouch Customer Information Screens



Interactive screens successfully installed on Metro Blue Line



Screens ready for customer use come MBL re-opening

Government Relations

Support CEO Rebuilding America Initiative



Metro

Government Relations



- CEO testimony at Federal and State Hearings
- DC and Sacramento Advocacy Trips with LA Chamber and Mobility 21
- Continued outreach to Federal and State Representatives
- Supported Industry Roundtable for Center of Excellence Transportation Industrial Complex

Arts and Design



Workshop with
Metro Artists in
Little Tokyo

Metro Pictogram Game
featured at various public
events



Metro Art Docent Council turn 20!





**Thank you.
Questions?**