Metro

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

Agenda - Final Revised

Thursday, July 16, 2015

11:30 AM

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

Executive Management Committee

Mark Ridley-Thomas, Chair
John Fasana, Vice Chair
Michael Antonovich
Eric Garcetti
Paul Krekorian
Sheila Kuehl
Carrie Bowen, non-voting member
Phillip A. Washington, Chief Executive Officer

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b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
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NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA

CALL TO ORDER

ROLL CALL

62. RECEIVE **report of the Chief Executive Officer.** 2015-1061

63. **APPROVE Consent Calendar Items: 64, 65, 66 and 67.**

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

CONSENT CALENDAR

64. RECEIVE AND FILE status report on the **Project Labor Agreement and Construction Careers Policy programs on the Crenshaw/LAX Transit Corridor and Regional Connector Transit Corridor projects** for activity through the May 2015 reporting period. 2015-0711

Attachments: PLA CCP Report Board Attachment JuLY 2015 edits

(ALSO ON CONSTRUCTION COMMITTEE)

65. RECEIVE AND FILE the **Federal Fiscal Year 2016 through 2018 (FFY 2016 - 2018) 18% Federal Transit Administration (FTA) Disadvantaged Business Enterprise (DBE)** overall goal and goal methodology report. 2015-0895

Attachments: Attachment A - Overall Disadvantaged Business Goal Report FFY 2016 – 2018

66. RECEIVE AND FILE the **one year update regarding the Small Business Prime Program (SB Prime).** 2015-0940

67. RECEIVE AND FILE report on **monthly State and Federal Legislative Remarks.** 2015-0971

Attachments: Leg Matrix July 2015

NON-CONSENT

68. ADOPT **updated Metro Joint Development Policy** (Attachment B). 2015-0554

Attachments: Attachment A - Motion51.1

Attachment B - Proposed Joint Development Policy

69. CONSIDER: 2015-1038

A. adopting the attached **Parking Ordinance, as set forth in Attachment A ("Metro Parking Ordinance"), enacting a new Title 8 to Metro's existing Administrative Code.**

B. adopting the attached Fee Resolution, as set forth in Attachment B ("Metro Parking Rates and Permit Fee Resolution"") establishing parking rates and permit fees at all Metro operated parking facilities and proposed new parking fees at Los Angeles Union Station.

C. authorizing the Chief Executive Officer to implement and begin regulating the adopted Metro Parking Ordinance and Parking Fee Resolution at all Metro operated parking facilities Systemwide including proposed new fees at Los Angeles Union Station.

D. authorizing the Chief Executive Officer to deposit all additional revenues generated into the Risk Allocation Matrix Internal Savings Account (RISA), pending Board approval of the full concept later this year.

Attachments: Attachment A - Metro Parking Ordinance

Attachment B - Metro Parking Fee Resolution

70. ADOPT the following Official and Operational station names for the eight stations that comprise **Metro Rail's Crenshaw/LAX line:** 2015-1063

Official Station Name	Operational Station Name
1. Expo/Crenshaw	Expo/Crenshaw
2. Martin Luther King Jr.	Martin Luther King Jr.
3. Leimert Park	Leimert Park
4. Hyde Park	Hyde Park
5. Fairview Heights	Fairview Heights
6. Downtown Inglewood	Downtown Inglewood
7. Westchester	Westchester
8. Aviation/Century	Aviation/Century

Attachments: Attachment A - Property Naming Policy

Attachment B - Map of Crenshaw-LAX line with proposed Operational Station N

Attachment C - Table of alternate names for each station

70.1 CONSIDER **Motion by Directors Ridley-Thomas and Butts** that the Board of Directors adopt Westchester/"Veteran" as the official and operational name for the station of the Crenshaw/LAX Line which is 2015-1092

located at the intersection of Florence Avenue and Hindry Avenue.

74. AUTHORIZE the Chief Executive Officer to negotiate salaries within the pay range for the following positions: 2015-1091

A. **Executive Director, Program Management**, pay grade CC ($222,476 - $273,894 - $325,353)

B. **Executive Director, Transit Project Delivery**, pay grade BB ($166,462 - $208,083 - $249,704)

C. **Executive Officer, System Security and Law Enforcement**, pay grade AA ($156,832 - $196,060 - $235,227)

D. **Deputy Chief Executive Officer**, pay grade DD ($278,470 - $339,747 - $401,003)

Attachments: A - Executive Director, Program Management

B - Executive Director, Transit Project Delivery

C - Executive Officer, System Security and Law Enforcement

D - Deputy Chief Executive Officer

Adjournment

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.

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

File #: 2015-0711, **File Type:** Informational Report **Agenda Number:** 64.

CONSTRUCTION COMMITTEE
EXECUTIVE MANAGEMENT COMMITTEE
JULY 16, 2015

SUBJECT: PROJECT LABOR AGREEMENT (PLA)/CONSTRUCTION CAREERS POLICY (CCP) REPORT ON THE FOLLOWING MEGA PROJECTS:

CRENSHAW/LAX TRANSIT CORRIDOR PROJECT

REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE status report on the **Project Labor Agreement and Construction Careers Policy programs on the Crenshaw/LAX Transit Corridor and Regional Connector Transit Corridor projects** for activity through the May 2015 reporting period.

ISSUE

In January 2012, the Board approved the Project Labor Agreement with the Los Angeles/Orange Counties Building and Construction Trades Council and the Construction Careers Policy. One Benefit of the PLA is to encourage construction employment and training opportunities in economically disadvantaged geographic areas throughout the United States. Another benefit of the PLA is that work stoppages are prohibited.

Consistent with the Board approved PLA/CCP, prime contractors are required to provide monthly reports detailing progress towards meeting the targeted worker hiring goals. Additionally, consistent with Metro's Labor Compliance policy and federal Executive Order 11246, the prime contractors provide Metro with worker utilization data by ethnicity and gender.

The attached report provides the current status on the two mega projects listed above which are subject to the PLA/CCP.

DISCUSSION

Project Name	Prime Contractor	Targeted Worker Goal (40%)	Apprentice Worker Goal (20%)	Disadvantaged Worker Goal (10%)
Crenshaw/LAX Transit Corridor	Walsh/Shea Corridor Constructors	59.02%	18.07%	10.84%
Regional Connector Transit Corridor	Regional Connector Constructors, JV	61.99%	16.30%	11.42%
(FINAL) Crenshaw/LAX Advance Utility Relocation	MetroBuilders	61.41%	13.84%	21.08%
(FINAL) Regional Connector Transit Corridor Advanced Utilities Relocation	Pulice Construction	51.61%	21.37%	22.83%

Crenshaw/LAX Transit Corridor Project
Prime: Walsh/Shea Corridor Constructors

Major construction for the Crenshaw/LAX Transit Corridor project is underway. The contractor is currently attaining Targeted Worker, Apprentice Worker and Disadvantaged Worker percentages of 59.02%, 18.07% and 10.84% respectively. The attainment for the 20% Apprentice Worker goal is based on total apprentice-able hours. The contractor is currently exceeding the Targeted Worker, Disadvantaged Worker and the minority participation percentage goals, but not meeting the 20% Apprentice Worker goal and the 6.90% Female Participation goal (2.64%). The contractor has submitted a plan and schedule indicating that the apprentice goal for this project should be achieved in January of 2017. Staff will continue to work closely with the contractor towards meeting all worker goals for this project. To date, 22.15% of the estimated construction work hours for this project have been performed. No work stoppages have occurred on this contract.

Regional Connector Transit Corridor Project
Prime: Regional Connector Constructors, Joint Venture

The Regional Connector Transit Corridor Project contractor is currently attaining Targeted Worker, Apprentice Worker and Disadvantaged Worker percentages of 61.99%, 16.30% and 11.42% respectively. The attainment for the 20% Apprentice Worker goal is based on total apprentice-able hours. The contractor is currently exceeding the Targeted Worker, Disadvantaged Worker and the minority participation percentage goals, but not meeting the 20% Apprentice Worker goal and the 6.90% Female Participation goal (4.29%). This project is still in the design-phase with limited construction activities and attainment is in line with the contractor's submitted Employment Hiring

Plan which states that the Apprentice Worker goal will be met in mid-2016. To date, 0.47% of the estimated construction work hours for this project have been performed. No work stoppages or grievances have occurred on this contract.

Completed Contracts:

Crenshaw/LAX Advanced Utility Relocations
Prime: MetroBuilders

The Crenshaw Advanced Utility Relocation project contractor attained Targeted Worker, Apprentice Worker and Disadvantaged Worker percentages of 61.41%, 13.84% and 21.08% respectively. The attainment for the 20% Apprentice worker goal is based on total apprentice-able hours. The Crenshaw Advanced Utility Relocation project is 100% complete, as of September 2014. Final reporting shows that the Targeted Worker, Disadvantaged Worker and the minority participation percentage goals were attained with the exception of the Apprentice Worker and the 6.90% Female Participation goal (0.52%). Metro staff met with the contractor in January 2015, and executed a special assessment for not meeting the apprentice goal for this project. The contractor complied with Metro's special assessment and this issue is closed.

Regional Connector Advanced Utilities Relocation Project
Prime: Pulice Constrution

The Regional Connector Transit Corridor Advanced Utilities Relocation project contractor attained Targeted Worker, Apprentice Worker and Disadvantaged Worker percentages of 51.61%, 21.37% and 22.83%, respectively. This contract was terminated for convenience in April 2015 and is now being closed out. Final reporting shows that the Targeted Worker, Apprentice Worker, Disadvantaged Worker and the minority participation percentage goals were attained with the exception of the 6.90% Female Participation goal (2.57%).

OUTREACH
In effort to attain the highest percentages of Targeted, Apprentice and Disadvantaged Workers on PLA/CCP projects, and to keep the community informed of the opportunities, the contractors and DEOD participates and/or coordinated the following outreach efforts during this reporting period:

A. Updated Metro's Federal Legislative Programs to request more stringent rules and local enforcement capabilities regarding employment of women and under-represented minorities in construction.
B. Metro has organized a committee to develop strategies and opportunities for women in the contraction industry. Tentative committee membership includes: Women in Non-Traditional Employment Roles (WINTER), Women Business Owner (NAWBO), National Association of Women in Construction (NAWIC), Prime Constructors, Job Coordinator and others.
C. County Supervisor Mark Ridley Thomas' Spring Into Summer Event, held on April 15, 2015.
D. Goodwill Southern California Job Fair held on April 22, 2015.
E. State Building & Construction Trades Council of California 5th National Conference, Women

Building the Nation help on May 1-3, 2015 (Panelist, Sponsor and Exhibitor)

F. East Los Angeles College Job Fair held on May 7, 2015.
G. 1st Annual Veterans & Disadvantaged Worker Resource Fair at L.A. Trade Tech College on May 13, 2015.
H. Construction Careers Awareness Day in partnership with LAUSD and Los Angeles Trade Tech College (LATTC) help on May 14, 2015.
I. County Supervisor Hilda Solis Job Fair help on May 28, 2015.
J. Daily/Weekly/bi-weekly meetings with outreach team, contractor, elected and/or community representatives.
K. Presentation at the Los Angeles County Jail on Metro's PLA/CCP workforce initiatives held on June 2, 2015.
L. Coffee and Careers outreach event at Inglewood City Hall, May 28th

NEXT STEPS

Staff will continue to monitor the contractor's efforts to increase the participation of apprentices and targeted workers on the Crenshaw/LAX construction and Regional Connector Transit Corridor projects.

ATTACHMENTS

Attachment A - Crenshaw/LAX Transit Corridor project PLA/CCP Report, Data Through May 2015 reporting period.

Regional Connector Transit Corridor Project PLA/CCP Report, Data Through May 2015 reporting period.

Regional Connector Advance Utilities Relocation project Final PLA/CCP Report.

Prepared by: Miguel Cabral, Interim Deputy Executive Officer, Strategic Business, Project Labor Agreement & Construction Careers, (213) 922-2232
Keith Compton, Interim Director, Project Labor Agreement/Construction Careers Policy, Compliance & Administration, (213) 922-2406
Miriam Long, Manager, Strategic Business & Construction Career Resources, (213) 922-7249

Reviewed by: Ivan Page, Interim Executive Director, Vendor/Contract Management, (213) 922-6383

Phillip A. Washington
Chief Executive Officer

Crenshaw/LAX Transit Corridor Project

PLA Targeted Worker Attainment: Prime: Walsh/Shea

Report Data Through May 16, 2015

No. of Work Hours*	Targeted Economically Disadvantaged Worker Utilization (%) **Goal: 40%**	Apprentice Utilization (%) **Goal: 20%**	Disadvantaged Worker Utilization (%) **Goal: 10%**
664,567.20	59.02%	18.07% Based on Total Apprenticeable Work Hours	10.84%

Percentage Project Complete Based on Worker Hours: 22.15% (rounded)

Executive Order 11246 Demographic Summary

No. of Work Hours*	African American Utilization	Asian/Pacific Islander Utilization	Caucasian Utilization	Hispanic Utilization	Native American Utilization	Other/Declined to state	Minority Utilization Goal: 28.3% (rounded)	Female Utilization Goal: 6.9%
664,567.20	17.05%	0.98%	22.67%	54.60%	1.24%	3.45%	73.87%	2.64%

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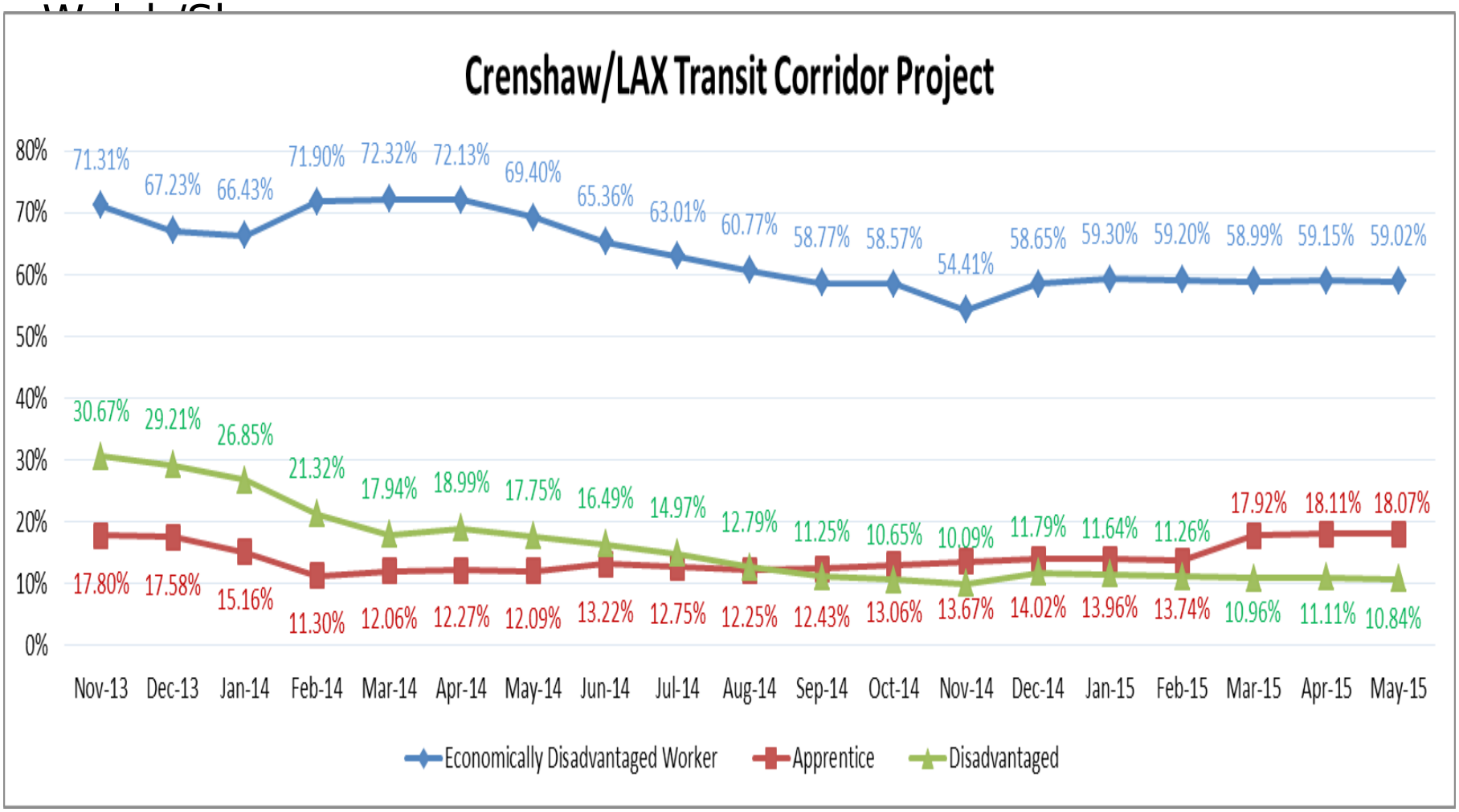
*Cumulative Hours Through End of Noted Reporting Period – as Reported by Prime Contractor. Data subject to change to reflect updates or audits.

Crenshaw/LAX Transit Corridor Project

PLA Targeted Worker Attainment: Prime:



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*As Reported by Walsh/Shea. Data subject to change to reflect updates or audits.
Data reflects a 19 month period

Regional Connector Transit Corridor Project
PLA Targeted Worker Attainment:
Prime: Regional Connector Constructors, Joint Venture

Report Data Through May 25, 2015

No. of Work Hours*	Targeted Economically Disadvantaged Worker Utilization (%) **Goal: 40%**	Apprentice Utilization (%) **Goal: 20%**	Disadvantaged Worker Utilization (%) **Goal: 10%**
15,323.25	61.99%	16.30% Based on Total Apprenticeable Work Hours	11.42%

Percentage Project Complete Based on Worker Hours: 0.47% (rounded)

Executive Order 11246 Demographic Summary

No. of Work Hours*	African American Utilization	Asian/ Pacific Islander Utilization	Caucasian Utilization	Hispanic Utilization	Native American Utilization	Other/ Declined to state	Minority Utilization Goal: 28.3% (rounded)	Female Utilization Goal: 6.9%
15,323.25	10.88%	2.04%	27.78%	53.64%	0.00%	5.65%	66.56%	4.29%

*Cumulative Hours Through End of Noted Reporting Period – as Reported by Prime Contractor. Data subject to change to reflect updates or audits.

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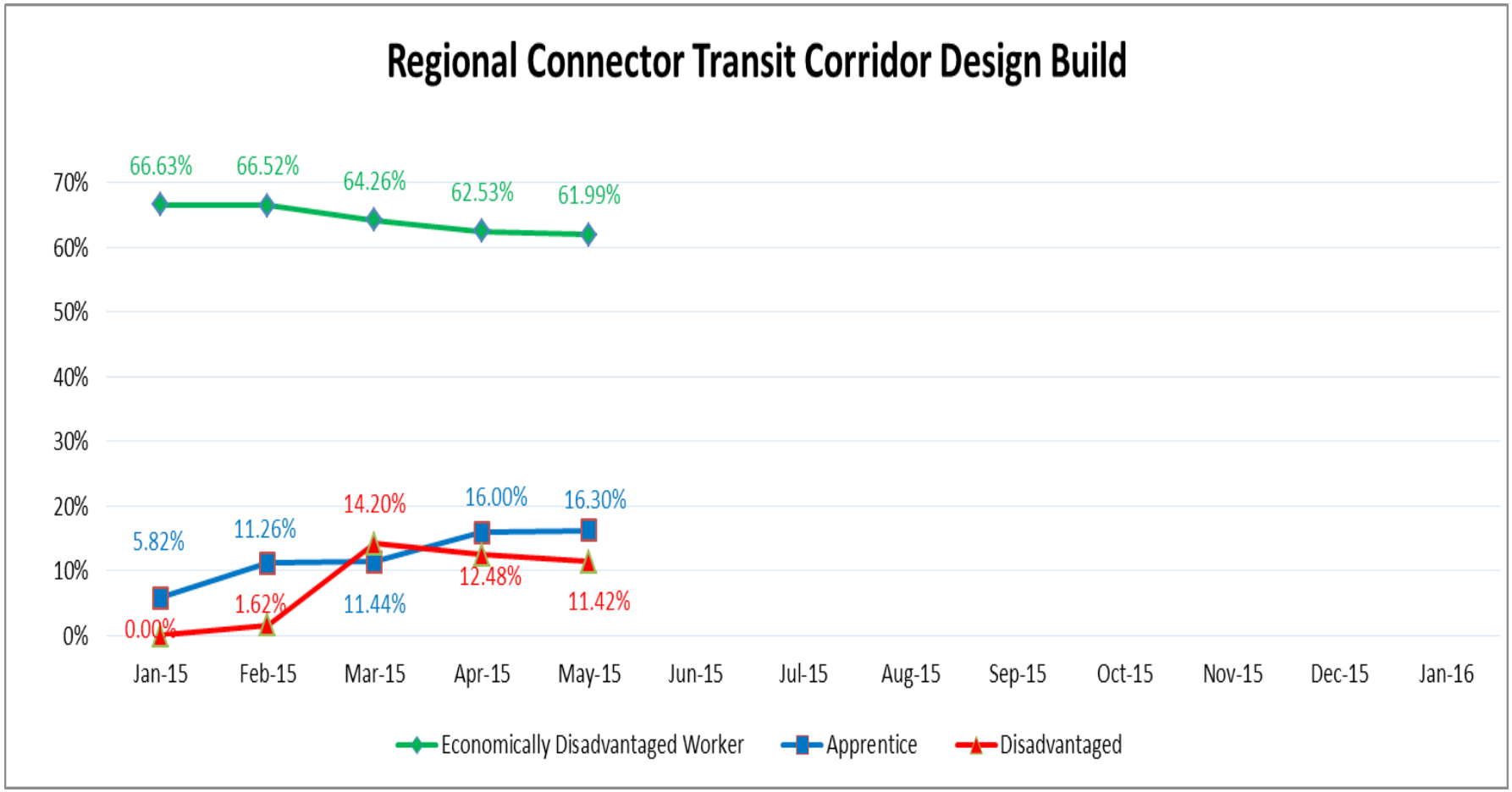
Regional Connector Transit Corridor Project
PLA Targeted Worker Attainment:
Prime: Regional Connector Constructors, Joint Venture



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*As Reported by RCC, JV. Data subject to change to reflect updates or audits.
Data reflects a 5 month period

Regional Connector Advanced Utility Relocations PLA Targeted Worker Attainment: Prime: Pulice Construction

FINAL

No. of Work Hours*	Targeted Economically Disadvantaged Worker Utilization (%) **Goal: 40%**	Apprentice Utilization (%) **Goal: 20%**	Disadvantaged Worker Utilization (%) **Goal: 10%**
58,903.00	51.61%	21.37%	22.83%

Percentage Project Complete Based on Worker Hours: 100% (rounded)

Contractor Reported Based on Total Work Hours

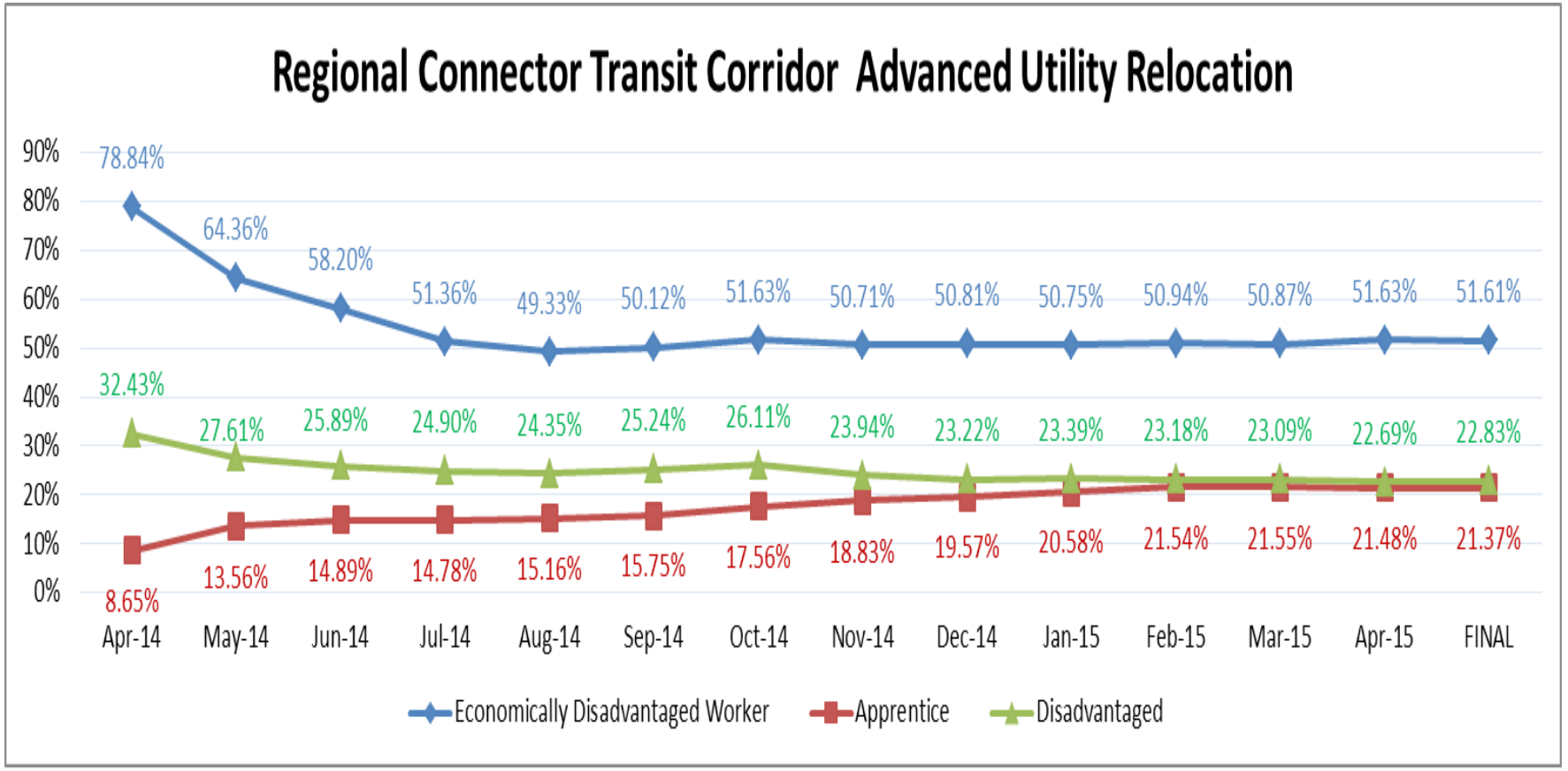
Executive Order 11246 Demographic Summary

No. of Work Hours*	African American Utilization	Asian/ Pacific Islander Utilization	Caucasian Utilization	Hispanic Utilization	Native American Utilization	Other/ Declined to state	Minority Utilization Goal: 28.3% (rounded)	Female Utilization Goal: 6.9%
58,903.00	1.36%	0.41%	17.43%	80.30%	0.00%	0.50%	82.07%	2.57%

*Cumulative Hours Through End of Noted Reporting Period – as Reported by Prime Contractor. Data subject to change to reflect updates or audits.

Regional Connector Advanced Utility Relocations

PLA Targeted Worker Attainment: Prime: Pulice Construction



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*As Reported by Pulice Contractor. Data subject to change to reflect updates or audits.
Data reflects a 13 month period

Crenshaw/LAX Advanced Utility Relocations

PLA Targeted Worker Attainment: (FINAL) Prime: MetroBuilders

No. of Work Hours*	Targeted Economically Disadvantaged Worker Utilization (%) **Goal: 40%**	Apprentice Utilization (%) **Goal: 20%**	Disadvantaged Worker Utilization (%) **Goal: 10%**
61,708.26	61.41%	13.84% Based on Total Apprenticeable Hours	21.08%

Percentage Project Complete Based on Worker Hours: 100%

Executive Order 11246 Demographic Summary

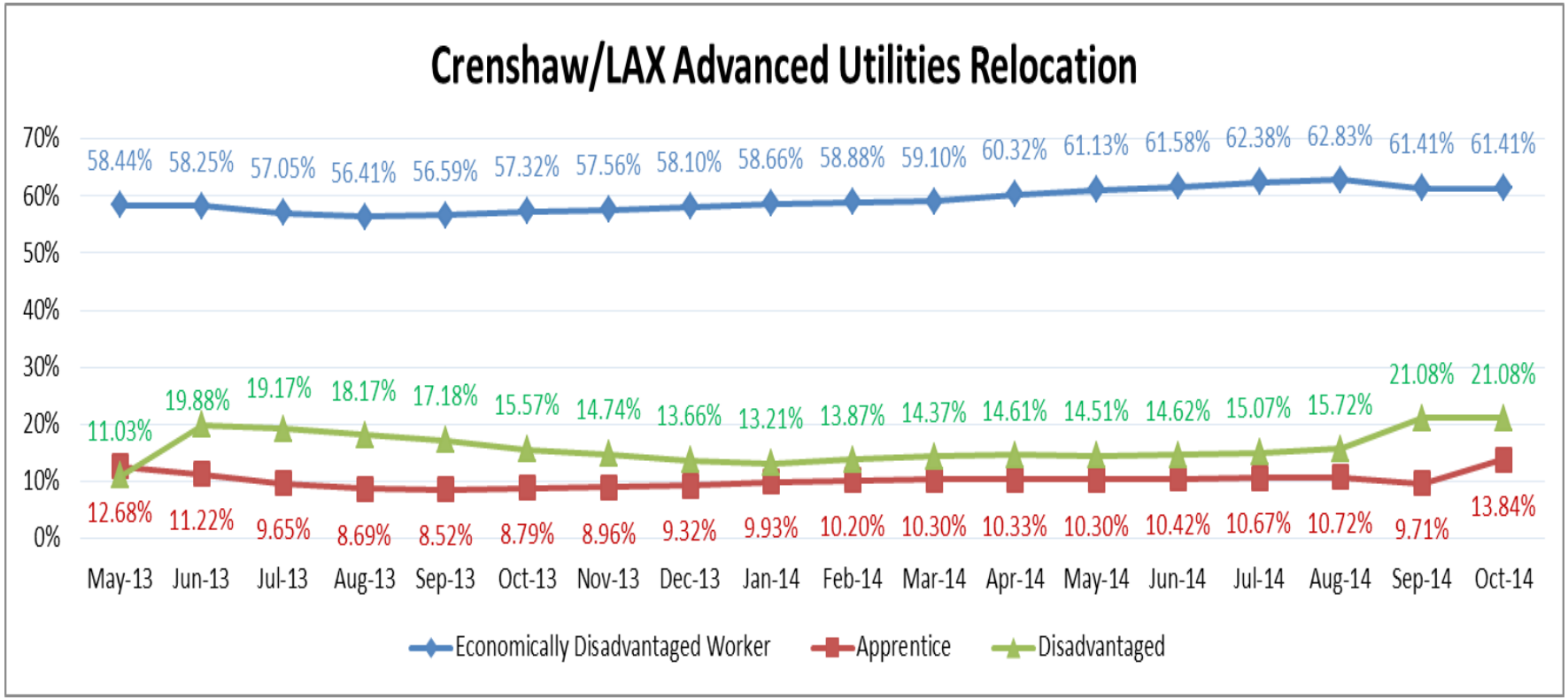
No. of Work Hours*	African American Utilization	Asian/ Pacific Islander Utilization	Caucasian Utilization	Hispanic Utilization	Native American Utilization	Other/ Declined to state	Minority Utilization Goal: 28.3% (rounded)	Female Utilization Goal: 6.9%
61,708.26	11.66%	0.01%	22.02%	66.29%	0.01%	0.00%	77.97%	0.52%

*Cumulative Hours Through End of Noted Reporting Period – as Reported by Prime Contractor. Data subject to change to reflect updates or audits.

Crenshaw/LAX Transit Corridor Project

PLA Targeted Worker Attainment: Prime: Metrobu[illegible]

(FINAL)



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*As Reported by Metrobuilders. Data subject to change to reflect updates or audits.
Data reflects a 18 months period.

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

Metro

Board Report

File #: 2015-0895, **File Type:** Policy **Agenda Number:** 65.

REVISED
EXECUTIVE MANAGEMENT COMMITTEE
JULY 16, 2015

SUBJECT: FEDERAL TRANSIT ADMINISTRATION DISADVANTAGED BUSINESS ENTERPRISE OVERALL GOAL

ACTION: RECEIVE AND FILE

RECOMMENDATION

EXECUTIVE MANAGEMENT COMMITTEE FORWARDED WITHOUT RECOMMENDATION receiving and filing the **Federal Fiscal Year 2016 through 2018 (FFY 2016 - 2018) 18% Federal Transit Administration (FTA) Disadvantaged Business Enterprise (DBE)** overall goal and goal methodology report.

ISSUE

The United States Department of Transportation (USDOT) Disadvantaged Business Enterprise (DBE) Program regulations, 49 Code of Federal Regulations (CFR) Part 26.21, require Federal Transit Administration (FTA) grantees, who can reasonably anticipate awarding $250,000 or more in prime contracts, to submit an overall goal to FTA for the participation of DBE firms every three years. The regulations applied to FTA grantees are also applied to grantees of the American Recovery and Reinvestment Act of 2009 (ARRA).

DISCUSSION

The Los Angeles County Metropolitan Transportation Authority's (Metro) proposed DBE overall goal for FFY 2016 - 2018 is 18%, a 9% decrease from the current goal. The current FFY 2013 - 2015 three-year overall goal is 27%. The decrease to the FFY 2016 - 2018 overall goal is a function of fewer contract dollars being awarded during the goal period. Only one megaproject, the Westside Purple Line Extension - Section 2, will be awarded during the goal period. In the current goal period three megaprojects were awarded: Crenshaw LAX, Regional Connector, and Westside Purple Line Extension - Section 1.

This difference in the awards is equivalent to $3.5 billion. In addition to substantially fewer dollars, the anticipated projects for FFY 2016 - 2018 represent 10 fewer industry categories than anticipated in the FFY 2013 - 2015 goal period. This further reduces the availability of firms to perform Metro's

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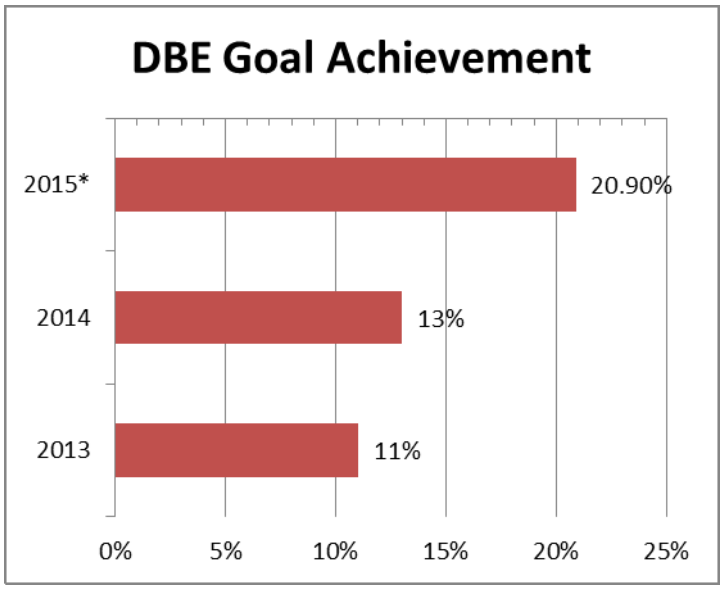
anticipated projects.

In its utilization reports submitted to FTA, Metro reported DBE goal achievement of 20.90% for FFY 2015, 13% for FFY 2014, and 11% for FFY 2013. FFY 2015 includes dollars reported from October 1, 2014 to March 31, 2015.



Metro proposes to achieve the 18% DBE overall goal through race- and gender-neutral (race-neutral) and race- and gender-conscious (race conscious) means. Of the 18% DBE overall goal, 2% shall be attained through race-neutral measures and 16% shall be achieved through race-conscious measures. Race conscious measures include setting individual contract goals based on subcontracting opportunities on FTA-funded contracts advertised during the goal period. DBE individual contract goals can be set higher or lower than the overall goal based on the scope of work of the contract and the identified subcontracting opportunities.

Overall DBE Goal Calculation Methodology

The proposed DBE overall goal was established using the two-step goal-setting methodology as set forth in 49 CFR Part 26.45 and was derived from the availability data compiled for the 2012 DBE Program Disparity Study (Study) conducted by Mason Tillman Associates, Ltd. (Mason Tillman). The Mason Tillman Study provided comprehensive analyses of DBE utilization, DBE availability and the extent to which race-conscious remedial action can be applied to Metro's DBE program.

In the proposed *Overall Disadvantaged Business Goal Report FFY 2016 - 2018* (Goal Setting Report), which can be found in *Attachment A*, Step 1 includes establishing a base figure of relative DBE availability. This was done by utilizing quantifiable evidence to determine the relative availability of minority and woman-owned businesses that are ready, willing, and able to perform transportation-related work.

The calculation of available DBEs for the purposes of goal setting is derived from the pool of available businesses calculated by the Study. The contracts examined in the Study represented more industry categories by North American Industry Classification System (NAICS) codes than the contracts Metro anticipates awarding in FFY 2016 - 2018. The calculation of availability presented in the Goal Setting Report is limited to the businesses that have the same NAICS codes as the FFY 2016-2018 anticipated projects. This methodology, recommended by US Department of Transportation Tips For Goal Setting (USDOT Tips), was undertaken in order to ensure that the goals were predicated on the most relevant data. Utilizing this USDOT-recommended methodology, a relative base figure of 40.77% was calculated.

As further recommended by USDOT Tips, after a relative base figure of availability has been established, a weighted base figure may be calculated to further refine the availability number. Weighting ensures that the availability is as accurate as possible by enumerating availability in accordance with the proportion of anticipated dollars in each NAICS code. The weighted base figure is calculated by multiplying the percent of available businesses within each NAICS code by the percent of anticipated contract dollars in each NAICS code. The application of this USDOT-recommended methodology produced a weighted base figure of 18.42%.

Once the base figure has been calculated, Step 2 of the process requires Metro to consider other known factors to determine what additional adjustments, if any, to the base figure are needed. Factors considered in this review include past DBE participation and private sector discrimination. Business practices that are not subject to government requirements and are indicators of marketplace conditions which could affect the formation and growth of DBEs. Additionally, anecdotal evidence collected during the performance of the Disparity Study was reviewed. After taking these factors into account, no material adjustment to the base figure was made. The weighted base figure of 18.42% was rounded downward for an 18% DBE overall goal.

Race-Conscious and Race-Neutral Projections

In accordance with 49 CFR Part 26.35(f) (3), Metro is required to determine the portion of the overall goal that is projected to be met through race-neutral and through race-conscious measures.

A. Race-Neutral Projection

Metro must first meet the maximum feasible portion of the proposed 18% overall DBE goal by using race-neutral methods. Race-neutral measures are a means to obtain DBE participation when: (1) a DBE is awarded a prime contract through customary competitive procurement procedures; (2) a DBE is awarded a subcontract on a prime contract that does not have a DBE goal; (3) DBE participation on a prime contract exceeds the contract goal; and (4) a subcontract is awarded by a prime contractor that did not consider the firm's DBE status when making the award. Additional race-neutral measures are defined in *Section VI of Attachment 1*. The goal methodology shows Metro's median DBE participation (utilization) from FFY 2013 - FFY2015 was 2.23%. Therefore, Metro

projects that it will meet 2% of its overall goal through race-neutral measures.

B. Race-Conscious Projection

Metro proposes to meet the remaining 16% of the overall goal by utilizing race-conscious subcontract goals. Guidance issued by the USDOT and FTA as a result of the decision of the Ninth Circuit Federal Court in the *Western States Paving Co., Inc. v. Washington State Department of Transportation* mandates that race-conscious measures used to remedy effects of discrimination must be "narrowly tailored" to those groups where there is sufficient demonstrable evidence of discrimination.

As such, recipients in the Ninth Circuit cannot consider the use of a race-conscious goal unless a finding of disparity has been made for the ethnic and gender groups to be included in the application. The disparity findings in Metro's 2012 DBE Program Disparity Study documented a disparity for African Americans, Asian-Pacific Americans, Subcontinent Asian Americans, and Hispanic Americans and Native Americans. Caucasian females were overutilized.

An updated analysis was conducted to determine the current utilization of Caucasian females since the race-conscious program was implemented in 2013 without Caucasian females. Unlike racial discrimination that is subject to strict scrutiny, gender discrimination is only subject to an intermediate scrutiny standard of review. Therefore, Caucasian females need only to be underutilized to be included in a gender-conscious remedy. Current data show that Caucasian female utilization is now considerably lower than documented in the Disparity Study, therefore, this gender group will now be included in the application of DBE contract goals during the FFY 2016 - 2018 goal period.

Public Participation

In accordance with the regulations, Metro must provide opportunity for public participation when establishing the DBE overall goal. The DBE overall goal and goal methodology was posted on the Metro website on June 19, 2015. The 30-day public comment and public inspection period commenced on June 19, 2015 and will conclude on July 20, 2015. Metro presented the Overall Goal to the Transportation Business Advisory Council at its July meeting. In addition, Metro held a public consultation meeting on July 8, 2015, at Metro Headquarters with DBE program stakeholders to receive comment and input on the goal and goal methodology.

NEXT STEPS

- Staff will ~~S~~submit DBE overall goal and goal methodology to FTA by August 1, 2015 deadline, in order to prevent any delay in the receipt of federal funds.
- Implement FFY 2016 - 2018 Overall DBE Goal effective October 1, 2015.

ATTACHMENTS

Attachment A - *Overall Disadvantaged Business Goal Report FFY 2016 - 2018*

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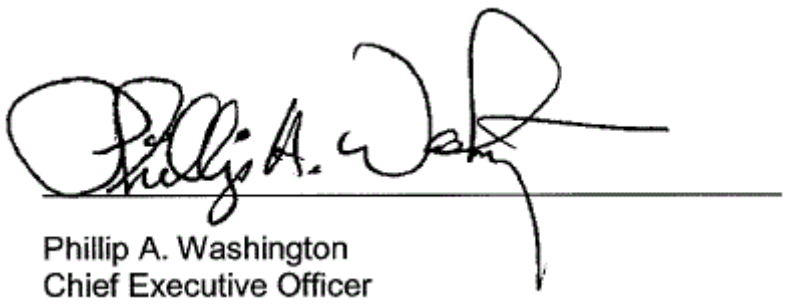

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DISADVANTAGED BUSINESS ENTERPRISE OVERALL GOAL AND GOAL SETTING METHODOLOGY REPORT

FEDERAL FISCAL YEARS 2016-2018

I. INTRODUCTION

The Disadvantaged Business Enterprise (DBE) overall goal setting methodology is a requirement set forth in the United States Department of Transportation (USDOT) DBE regulations, 49 CFR Part 26.45. The DBE regulations require USDOT recipients to set an overall triennial goal for DBE participation in their federally assisted projects.[1]

The regulations require that the overall goal be prepared using a two-step process. According to the *USDOT Tips for Goal Setting*[2] (*USDOT Tips*), approved by the General Counsel of the USDOT, the recipient must first determine a base figure for the relative availability of certified DBEs and potentially certified Minority and Woman-owned Business Enterprises, hereafter collectively referred to as Disadvantaged Business Enterprises (DBEs), in the relevant market area. Next, the recipient must examine all relevant evidence to determine what adjustment, if any, is needed to the base figure in order to arrive at an overall goal. The final adjusted figure is the recipient's overall goal, and represents the proportion of federal transportation funding that the recipient is expected to allocate to DBEs during the subsequent three federal fiscal years (FFY). Once the adjusted overall goal is determined, the process requires considering what portion of the goal will be met by race- and gender-neutral measures.

If a recipient purports that it can meet its overall goal with race- and gender-neutral measures, those measures must be utilized. In contrast, if the recipient determines it cannot achieve the entire overall goal using only race- and gender-neutral measures, it must establish a race- and gender-conscious portion of the overall goal.[3]

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[1] Effective February 28, 2011, the USDOT amended the DBE regulations set forth in 49 CFR Part 26 as described in the Federal Register, Volume 76, Number 19 and Vol. 79 Thursday, No. 191 October 2, 2014 Part II Disadvantaged Business Enterprise: Program Implementation Modifications; 49 CFR Part 26 [Docket No. OST-2012-0147] IN 2105-AE08.

[2] United States Department of Transportation, *Tips for Goal Setting in the Disadvantaged Business Enterprise (DBE) Program*, U.S. DEPARTMENT OF TRANSPORTATION, May 15, 2015, http://www.osdbu.dot.gov/DBEProgram/tips.cfm.

[3] Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, 49 CFR Part 26, §26.51(f)(1), §26.51(d).

Pursuant to *Western States Paving v. State of Washington*[4] *(Western States)*, recipients in the Ninth Circuit cannot consider the use of a race- or gender-conscious goal unless a finding of statistically significant disparity has been made for the ethnic and gender groups to be included in the race- or gender-conscious goal. The Ninth Circuit determined that statistical findings demonstrating a "small disparity" are insufficient probative value to meet the strict scrutiny standard. Citing *Croson*, the Court declared that an inference of discriminatory exclusion could arise where there is a statistically significant disparity between the number of qualified minority contractors willing and able to perform a particular service and the number of such contractors actually engaged by the locality or its prime contractors.

This *Overall DBE Goal Setting Report* is based upon the DBE regulations contained in 49 CFR Part 26.45, as amended, the decisions of the United States Federal Court, and the *USDOT Guidance Memorandum.*

II. PROPOSED OVERALL GOAL FOR FFY 2016-2018

Based on the requirements set forth in 49 CFR Part 26, *Western States* and the *USDOT's Guidance Memorandum*, Los Angeles County Metropolitan Transportation Authority (Metro) is submitting a goal for FFY 2016-2018. The recommended overall DBE goal for the period is 18%. The weighted figure of 18.42% was rounded down to 18%. The Federal Transit Administration (FTA) reporting period for the recommended overall goal will be October 1, 2016, to September 30, 2018.

III. OVERALL GOAL SETTING METHODOLOGY

The two-step goal setting process required by the regulations and the findings of *Western States* has been used to determine the recommended overall goal for FFY 2016-2018. The two steps for setting an overall goal are to:

- Establish a base figure for the relative availability of DBEs
- Determine the base figure adjustment, if necessary

The base figure is intended to be a measurement of the current ready, willing, and able DBEs as a percentage of all businesses ready, willing, and able to perform the recipient's anticipated FTA-assisted contracts.[5] The regulations present five options for establishing a base figure for relative availability of DBEs. The five options as set forth in the regulations are listed in Table 1.01.

Table 1.01: Methods to Determine Baseline Figure

[4] We*stern States Paving Co. v. United States & Washington State Department of Transportation*, 407 F. 3d 983 (9th Cir. 2005).

[5] United States Department of Transportation, *Tips for Goal Setting in the Disadvantaged Business Enterprise (DBE) Program*, U.S. DEPARTMENT OF TRANSPORTATION, May 15, 2015, http://www.osdbu.dot.gov/DBEProgram/tips.cfm.

Baseline Figure Method
Bidders List
DBE Directories and Census Data
Other Recipient's Base Figure
Disparity Study
Alternative Method

1. **Bidders List Method**

This method for calculating a base figure requires Metro to have a comprehensive bidders list with DBE prime contractors and subcontractors classified by industry in order to determine availability. This method limits DBE availability to the number of businesses that have directly participated in, or attempted to participate in, Metro's FTA-assisted contracts in the recent past. It does not include potential DBEs which have not bid on Metro's FTA-assisted contracts as either a prime contractor or subcontractor.

2. **DBE Directories and Census Data Method**

DBE directories of California USDOT recipients are consolidated into the California Unified Certification Program (CUCP) database. Using the CUCP database to determine DBE availability is limited to USDOT-certified businesses. However, to determine availability, *USDOT Tips* requires the inclusion of businesses that are not certified but are potential DBEs to determine availability. The Census Bureau's County Business Pattern (CBP) data is derived from businesses' federal income tax filings and, therefore, cannot address businesses' willingness to do business with Metro. Additionally, the CBP does not have the functionality to filter businesses that work exclusively in the private sector, or those which are not interested in contracting with Metro.

3. **Other Recipient's Base Figure Method**

This method uses the goal of another USDOT recipient as the base figure for relative availability. Metro can only use another recipient's goal if it is set in accordance with DBE regulations and performs similar contracting in a similar market area. This method presumes that there is another USDOT recipient which does the same or similar contracting in the same geographic market area. These conditions cannot be met in Metro's market area.

4. **Alternative Method**

Alternative methods may be used to determine a base figure for the overall goal. Any methodology used to determine a base figure must be based on demonstrable evidence of the local market conditions, and be designed to ultimately attain a goal that is related to the relative availability of DBEs and potential DBEs in the recipient's market area. The alternative method provides the most flexibility, but it is also subject to a higher level of scrutiny.

5. Disparity Study Method

The disparity study methodology is the most comprehensive method for identifying ready, willing, and able DBEs that provide goods and services for Metro's anticipated FTA-assisted projects. A disparity study identifies businesses that made bids to the agency as either a prime or subcontractor, and those that are interested in bidding. It enumerates DBEs that are bidders as well as willing and able businesses which have not bid. This method is also recommended by the *USDOT Guidance Memorandum* for recipients in the Ninth Circuit. The availability data derived from Metro's 2012 Disadvantaged Business Enterprise (DBE) Program Disparity Study was utilized in the goal setting process. The availability of businesses as enumerated in the 2012 DBE Program Disparity Study was augmented with current certification, trade and business association, and chambers of commerce lists.

IV. STEP ONE BASE FIGURE CALCULATION

A. Goal Setting Methodology

The initial phase of the Step One analysis requires the compilation of critical data regarding the recipient's procurement. The relevant data includes:

- Definition of the market area from an analysis of previous contract awards
- Identification of the anticipated federally assisted projects and their costs
- Classification of the anticipated federally assisted projects by North American Industry Classification System (NAICS) code
- Enumeration of qualified businesses in the market area that are willing and able to provide the goods or services Metro anticipates awarding
- Analyses of Metro's expenditures that were funded by federal dollars during the 2008-2011 study period

1. Definition of Metro's Relevant Market Area

The relevant market area in Metro's 2012 DBE Program Disparity Study was determined by the business location of prime contracts awarded during the January 1, 2008, to December 31, 2010 study period. A cluster analysis was prepared by business location and award amount to define the market area. All procurement with non-profits and other government agencies were excluded from the analysis. The analysis shows 71.86% of prime contract dollars were awarded to 107 businesses located in Los Angeles County, Metro's market area. The remaining 75 businesses, which represent 28.14% of contract dollars, were awarded in areas outside of Los Angeles County.[6] Table 1.02 presents the location of utilized businesses during the study period.

Table 1.02: Vendors Utilized During Study Period

[6] For complete market area information, see the *Chapter 5: Market Area Analysis* in the 2012 Disadvantaged Business Enterprise (DBE) Program Disparity Study Final Report. The market area distribution for all industries can be found on page 5-11 in Table 5.06.

Business Location	Total Businesses	Percentage of Contract Dollars
Los Angeles County	107	71.86%
Outside Los Angeles County	75	28.14%
TOTAL	**182**	**100.00%**

2. Identify Procurement Types by NAICS Codes

A six-digit NAICS code was assigned to each of the anticipated federally funded projects in FFY 2016-2018. The NAICS codes were derived from the descriptions of the anticipated federally assisted projects. Table 1.04 below defines the NAICS codes by industry.

Table 1.03: FFY 2016-2018 Federally Assisted Projects by NAICS Code

NAICS Code	Industry	NAICS Code Description
238190	Construction	Other Foundation, Structure, and Building Exterior Contractors
237990		Other Heavy and Civil Engineering Construction
238990		All Other Specialty Trade Contractors
541330	Architecture and Engineering, Professional Services	Engineering Services
541370		Surveying and Mapping (except Geophysical) Services
541380		Testing Laboratories
541990		All Other Professional, Scientific, and Technical Services
423120	Goods and Other Services	Motor Vehicle Supplies and New Parts Merchant Wholesalers

3. **Identify Anticipated Federally Assisted Projects**

The federally assisted projects Metro anticipates awarding over the next three fiscal years were identified with the estimated cost of each project. Estimated project costs for the three-year projections were grouped by NAICS code based on individual project descriptions. Table 1.03 presents the anticipated FFY 2016-2018 projects with the estimated budget.

Table 1.04: Anticipated Projects Estimated Contract Amount

NAICS Code	Industry	NAICS Code Description	Anticipated Amount
238190	Construction	Other Foundation, Structure, and Building Exterior Contractors	$12,810,000.00
237990		Other Heavy and Civil Engineering Construction	$1,608,000,000.00
238990		All Other Specialty Trade Contractors	$500,000.00
541330	Architecture and Engineering, Professional Services	Engineering Services	$174,601,033.00
541370		Surveying and Mapping (except Geophysical) Services	$10,000.00
541380		Testing Laboratories	$60,000.00
541990		All Other Professional, Scientific, and Technical Services	$20,000.00
423120	Goods and Other Services	Motor Vehicle Supplies and New Parts Merchant Wholesalers	$1,722,400.00
Total			**$1,797,723,433.00**

B. Base Figure Determination

The base figure is intended to be a measurement of the relative percentage of ready, willing, and able DBEs. The recipient is required to measure willing and able businesses in its marketplace, using the best available evidence, to derive a fair and accurate base figure that represents the percentage of available DBEs.

According to Section 26.45(c) and *USDOT Tips*, the overall goal must be based on demonstrable evidence of ready, willing, and able DBEs relative to all ready, willing, and able non-DBEs available to participate on Metro's FTA-assisted contracts.

The USDOT rules require the calculation of the base figure using the following formula:

$$\text{Step One Base Figure} = \frac{\text{Ready, willing and able DBEs}}{\text{All ready, willing and able businesses (Including DBEs and Non-DBEs)}}$$

The availability database compiled for Metro's 2012 DBE Program Disparity Study, which was augmented with updated certification and business directories, was used as the source to determine the availability of DBEs and non-DBEs. The availability database was populated using three sources which identified businesses in the market area that provide the goods and services that Metro procures. The first source was Metro's utilized businesses, the second source was local, state and federal government certification lists, and the third source was business associations' membership lists. Any business identified from more than one source was counted only once in an industry.

To enumerate a more refined accounting of availability, the database was then queried for businesses within the NAICS codes of the anticipated contracts only. Businesses that do not perform the types of work related to the anticipated contracts were excluded to ensure that the base figure did not overstate the number of available businesses. Table 1.05 below presents the relative availability by NAICS code for FFY 2016-2018. The percent of available businesses in each NAICS code reflects the portion of all available businesses in the market area. The relative availability of DBEs within the market area is 40.77%.[7]

Table 1.05: Relative Availability by NAICS Code for FFY 2016-2018

NAICS Code	Number of Available Businesses		Percent of Total Available Businesses	
	DBE	All	DBE	All
238190	167	466	4.97%	13.86%
237990	6	47	0.18%	1.40%
238990	238	604	7.08%	17.96%
541330	532	1176	15.82%	34.97%
541370	197	545	5.86%	16.21%
541380	176	453	5.23%	13.47%
541990	55	71	1.64%	2.11%
423120	0	1	0.00%	0.03%
TOTAL	1371	3363	40.77%	100.00%

C. Weighted Base Figure

Weighting is recommended in *USDOT Tips* to determine the overall goal. The first step is to calculate a weight for each NAICS code, which is the percentage of the estimated budget for FFY 2016-2018 anticipated contracts. The second step is to divide the number of DBEs by the total number of businesses in each NAICS code and multiply the result by the corresponding weight in order to calculate the weighted percentage of DBE

[7] The availability analysis for goal setting was predicated on businesses in the NAICS codes for anticipated projects only, whereas the 2012 Disadvantaged Business Enterprise (DBE) Program Disparity Study Final Report enumerates the availability of all businesses in the market area.

availability. Lastly, the weighted percentages in each NAICS code are combined to determine the weighted base figure. Table 1.06 presents the calculation of weighted availability. The weighted DBE availability is 18.42%.

Table 1.06: Weighted Base Figure

NAICS Code	Percent of Firms		Anticipated Contract Amount	Weight	Percent of Weighted Firms	
	DBE	Non-DBE			DBE	Non-DBE
238190	0.358	0.642	$12,810,000	0.71%	0.26%	0.46%
237990	0.154	0.846	$1,608,000,000	89.45%	13.76%	75.69%
238990	0.389	0.611	$500,000	0.03%	0.01%	0.02%
541330	0.452	0.548	$174,601,033	9.71%	4.39%	5.32%
541370	0.361	0.639	$10,000	0.00%	0.00%	0.00%
541380	0.389	0.611	$60,000	0.00%	0.00%	0.00%
541990	0.775	0.225	$20,000	0.00%	0.00%	0.00%
423120	0.000	1.000	$1,722,400	0.10%	0.00%	0.10%
TOTAL			$1,797,723,433	100.00%	18.42%	81.58%

V. STEP TWO BASE FIGURE ADJUSTMENT

A. Considerations for Adjustments to the Base Figure

The Step Two base figure adjustment, as recommended in *USDOT Tips,* requires examining relevant and reliable data in the recipient's market area to determine if an adjustment to the base figure is warranted. The consideration of an adjustment is intended to account for any impact the relevant factors may have on DBEs' contracting opportunities with Metro. The following factors were considered for the Step Two adjustment:

- Past DBE participation
- Documented private-sector discrimination
- Anecdotal evidence from the Metro 2012 DBE Program Disparity Study

1. Past DBE Participation

DBE participation during FFY 2013-2015 was documented in Metro's FFY13 2nd Semi-Annual Report, FFY14 1st and 2nd Semi-Annual Reports, and FFY15 1st Semi-Annual Report. Table 1.07 details the median prime and subcontractor race- and gender-neutral and race- and gender-conscious DBE participation during FFY 2013-2015. The median figure is the center point among an ordered list of figures. Metro achieved 2.23% median prime and subcontractor race- and gender-neutral and race- and gender-conscious DBE utilization; the highest overall DBE utilization of 22.41% was achieved in FFY 2014.

Table 1.07: FFY 2013-2015 Median Past DBE Participation

FFY13	FFY14	FFY15

0.51%	22.41%	2.23%
Median DBE Participation 2.23%		

Table 1.08 details DBE utilization as a percent of all dollars during FFY 2013-2015.

Table 1.08: FFY 2013-2015 DBE Utilization

FFY	Total Dollars	Total Race-Conscious Dollars	Total Race-Neutral Dollars	DBE Utilization
2013	$ 28,541,837.00	$ -	$ 2,332,669.00	0.51%
2014	$ 349,839,369.00	$ 96,830,502.00	$ 6,019,377.00	22.41%
2015	$ 80,569,469.00	$ 7,168,806.00	$ 3,045,735.00	2.23%
Total	**$ 458,950,675.00**	**$ 103,999,308.00**	**$ 11,397,781.00**	

2. **Documented Private Sector Discrimination**

Private sector business practices, which are not subject to government requirements, are indicators of marketplace conditions which could affect the formation and growth of DBEs. *Concrete Works of Colorado v. City of Denver* [1] (*Concrete Works II*) set forth a framework for considering evidence of discrimination in private sector business practices. In accordance with *Concrete Works II*, three regression models were used to examine three outcome variables—business ownership rates, business earnings, and business loan approval. Each regression model compared minority males and females and Caucasian females to similarly situated non-minority males by controlling for race- and gender-neutral explanatory variables such as age, education, marital status, and access to capital. This adjustment factor was considered, however, no adjustment was made due to the various exemplary practices and support services Metro has implemented in order to decrease the barriers that DBEs confront when attempting to do business.

3. **Anecdotal Evidence from Metro's 2012 DBE Program Disparity Study**

In the anecdotal accounts from interviews conducted for Metro's 2012 DBE Program, Metro's Small Business Office was credited for providing valuable technical assistance services to DBEs. Many DBEs reported that Metro's DBE program was instrumental in building capacity for their businesses as well as aiding them in securing work from other public agencies. This adjustment factor was considered, however no adjustment was made because the anecdotal accounts were not quantifiable.

B. Adjustments to the Base Figure

As required by the *USDOT Tips*, the factors noted above were considered and no adjustments were made for the Step Two analysis. The weighted figure of 18.42% was rounded down to 18%.

FINAL OVERALL DBE GOAL

18%

[1] *Concrete Works of Colo., Inc. v. City of Denver*, 86 F. Supp. 2d 1042, 1073 (D. Colo. 2000); rev'd on other grounds, 321 F.3d 950 (10th Cir. 2003); *cert. denied*, 540 U.S. 1027 (2003).

VI. RACE- AND GENDER-NEUTRAL GOAL

A. Formulation of the Race- and Gender-Conscious/Neutral Portions of the Goal

The final requirement of the goal setting process, as noted in 49 CFR 26.51, is to determine the projected portion of the overall goal that will be achieved by race- and gender-neutral measures. The DBE regulations in 49 CFR 26.51 require that a recipient meet the maximum feasible portion of its overall goal by using race- and gender-neutral measures. Based on Metro's median past DBE participation, as documented in Table 1.09, it is expected that 2% of the 18% overall can be achieved using race- and gender-neutral measures. The remaining 16% will be met through race- and gender-conscious measures.

Table 1.09: Race and Gender-Neutral/Conscious Portions of the Goal

FFY	DBE Utilization
2013	0.51%
2014	22.41%
2015	2.23%

$$2\%\ Race\ Neutral + 16\%\ Race\ Conscious = ¿\ 18\%\ Overall\ DBE\ Goal$$

Recipients in the Ninth Circuit cannot consider the use of a race-conscious goal unless a finding of disparity has been made for the ethnic groups to be included in the application. The disparity findings in Metro's 2012 DBE Program Disparity Study documented a disparity for African Americans, Asian-Pacific Americans, Subcontinent Asian Americans, and Hispanic Americans.[2] Caucasian females were over utilized.

An updated analysis was conducted to determine the current utilization of Caucasian females since the race-conscious program was implemented in 2013 without Caucasian females. Unlike racial discrimination which is subject to strict scrutiny, gender discrimination is only subject to an intermediate scrutiny standard of review. Therefore, Caucasian females need only to be underutilized to be included in a gender-conscious remedy. Since not including Caucasian females in the DBE goal, utilization is now considerably lower than in the 2012 DBE Program Disparity Study. Given the fact that Caucasian females are currently underutilized, this gender group will be included in the FFY 2016-2018 overall DBE goal.

B. Race and Gender-Neutral Initiatives

a) Small Business Prime

[2] For the complete disparity analysis findings, see *Chapter 9: Disparity Analysis* in the 2012 Disadvantaged Business Enterprise (DBE) Program Disparity Study Final Report.

Launched in June of 2014, this set-aside initiative reserves certain types of contracts for Small Business Enterprises (SBEs) qualified under the appropriate North American Industry Classification System codes. The program covers competitively negotiated contracts, sealed bids and public works that meet threshold criteria from $3,000 up to $5 million. Applicable procurements will be set aside for competition among SBEs when and if there is a competitive pool of three or more SBE firms available to perform the work. To date, SBE prime awards have increased 72% in FY15 from FY14.

b) Metro Connect

This site is designed to give small businesses a direct route to working and growing with Metro. The site gives access to tools and resources that are designed to support small business growth, such as networking events, an online Tool Kit, and certification information. Small business can also view current contracting opportunities, or visit the 12-Month Look Ahead page to see future opportunities. Metro Connect aims to increase the opportunity for small businesses through various efforts that provide greater access and transparency around the agency's procurement process and a direct route to Metro's small business programs.

c) Vendor Portal (Beta)

Metro's Vendor Portal is a "one-stop shop" with all the information and resources that make doing business with Metro easier and more efficient than ever.

The site includes online tools to:

- Access current & future metro business opportunities
- Learn about guidelines & qualification programs
- Complete online programs
- Complete online forms
- Access small business tools
- Learn about the latest procurement news & tips

d) Twelve Month Look-Ahead

The information listed on the twelve month look-ahead in the vendor portal is a preview of Metro's planned solicitations for the next twelve months. Newly designed in response to feedback from the business community, this web-based, single source of upcoming agency-wide procurement opportunities will enable businesses to better plan for pursuing bids. (The information is subject to change at any time without notice.)

e) Meet the Project Managers Networking/Relationship Building Event

Metro and the Transportation Business Advisory Council (see below) introduced this new networking opportunity in May of 2015. The event provides small businesses the opportunity to meet face-to-face with Project Managers (PMs) who oversee large and

small Metro projects, a vital link to working with Metro, given the vast number of projects that are in the works or being considered for future development. A listing of PMs and their areas of expertise is sent to all who register for this event.

f) Meet the Primes Network/Relationship Building Event

These events provide opportunities for small businesses to build relationships with large contractors that do business with Metro, and other agencies in the Southern California region. At these events, small businesses can share their products, services and professional expertise with approximately 20 large businesses, and with Metro personnel.

g) Meet the Buyers Network/Relationship Building Event

This event, conducted at least twice per year, provides an opportunity to meet in person with Metro's Contract Administrators and Buyers. DBEs and other small businesses can share their products and services with pertinent Metro staff. They can also receive information and assistance on registering as a vendor, certification as a DBE, completing prequalification requirements, enrolling in the Small Business Orientation sessions, and meeting key Metro personnel.

h) Monthly "How to Do Business with MTA" Workshops

The Small Business Orientation helps small and disadvantaged businesses understand how to do business with Metro. The orientation covers the requirements a business must meet in order to do business with Metro, the certifications that are required for certain programs or types of projects, the types of contracts Metro typically performs, where to find project solicitations, and how to obtain other information about Metro. Small business owners also meet procurement staff in their area of expertise to ask questions, as staff is available.

i) Small Business Enterprise Program

The Small Business Enterprise (SBE) Program was first adopted in 1997 and was designed to comply with California's Proposition 209, which prohibits explicit consideration of race or gender in the award of state and locally funded contracts. The 15 percent SBE utilization in federally assisted contracts was increased to 30 percent for fiscal years 2012 and 2013. The SBE Program applies a SBE subcontracting goal to competitively bid and negotiated contracts, and is identical in practice and scope to Metro's DBE program. Metro uses the California Unified Certification Program (CUCP) DBE application for the SBE program, as the requirements are similar, except for the necessity to establish the owner's social disadvantage for DBE Program eligibility. All businesses which received DBE certification are also certified as a SBE.[3]

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[3] 1 Los Angeles County Metropolitan Transportation Authority, Small Business Enterprise (SBE), http://www.metro.net/about/deod/sbe/

2 Los Angeles County Metropolitan Transportation Authority, Transportation Business Advisory Council (TBAC), http://www.metro.net/about/deod/tbac/

j) Shared Responsibility Program

In 2011, Metro launched a new Chief Executive Officer initiative agency-wide in order to engage departments at the highest level in increasing DBE participation. Metro has established an internal 20 percent small and disadvantaged business target for each department. This shared responsibility requires department executives to identify contracting opportunities within their respective departments for small business participation. Department year-end performance is tracked and reported to the Chief Executive Officer, and is included in executive performance reviews.

k) Transportation Business Advisory Council

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 to develop a successful path toward bridging relationships between small businesses and Metro.[4]

l) Unbundling Prime Contracts

Metro currently unbundles large contracts in order to facilitate the participation of DBE businesses. In addition to ongoing efforts, Metro will take additional affirmative steps to break up large contracts, when feasible, in order to increase small business contracting opportunities and participation.

m) Insurance Broker Panel

Metro has established a panel of commercial insurance brokers to assist businesses that lack required insurance coverage. The panel provides proposals and insurance placement for contractors in order to assist them in meeting Metro's risk management requirements. The broker panel is disseminated to small businesses through the Transportation Business Advisory Council (TBAC), small business outreach events, Metro's small business orientation classes and published on Metro's website.

4

n) Attendance at Vendor Fairs/Business Networking Events

Metro representatives attend vendor fairs of other agencies to provide information on how to do business with Metro, and to provide information on upcoming contracting opportunities.

o) Memberships in Contracting Organizations

Metro is a member of various contracting organizations, and attends membership meetings and membership events to provide information on how to register as a Metro vendor and become SBE or DBE certified.

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

Metro

Board Report

File #: 2015-0971, **File Type:** Informational Report **Agenda Number:** 67.

EXECUTIVE MANAGEMENT COMMITTEE
JULY 16, 2015

RECEIVE AND FILE report on **monthly State and Federal Legislative Remarks.**

DISCUSSION

This report was prepared on June 19, 2015 and will be updated with more current information at the Executive Management Committee on July 16, 2015.

Chair Ridley-Thomas and members of the committee, I am pleased to provide an update on a number of state legislative items.

Governor Jerry Brown Announced Budget Agreement

On June 16th, Governor Jerry Brown announced a budget agreement with Assembly Speaker Toni Atkins and Senate President pro Tempore Kevin de León that follows the May Revision revenue estimates. The Governor also announced that he is calling the Legislature into special session on two issues. The first session would address the funding needs of the state's road and highway system which was highlighted in Governor's January Budget proposal. Proposals from lawmakers this year have ranged from vehicle fee and gas tax increases to surcharges on zero-emission vehicles. The other special session will address financing issues associated with Medi-Cal.

Transportation Loan Repayment

Staff are working to secure language in the State Budget that would ensure that specific transportation loans are included in the repayment of transportation loans. The specific program to be included is the Traffic Congestion Relief Program and would allow Metro to seek repayment of funds due to the East San Fernando Valley North/South project.

Special Session
With respect to the special session on infrastructure the Governor highlighted the following: " Caltrans, the state's Transportation Department, maintains 50,000 lane-miles of highway and nearly 13,000 state-owned bridges. While the repair, maintenance and efficient operation of the state's highway system are vital to the state's continued economic growth, current funding fails to adequately fund this necessary work. The state's current fuel excise tax is sufficient to fund only $2.3 billion of work-leaving $5.7 billion in unfunded repairs each year." According to a recent study by the California Transportation Commission, the state will need to spend over $500 billion over the next decade to maintain everything from airports, freight lines, and public transit systems. Between

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federal, state, and local sources, there is only enough funding to support about half of these investments.

Leadership in both the Senate and Assembly have proposed various ways of addressing this need. The Board recently took action to support efforts proposed by Senate Transportation and Housing Committee Chairman Jim Beall which would address the funding needs of the state's road and highway system. The Chairman has also indicated his support for addressing transit's funding needs as a part of this overall package.

State and local roads are an important part of our transportation system. At the same time public transit systems in the state do have important state of good repair needs.

Transportation Funding Proposals Advance

Both the Senate and Assembly are considering legislative proposals to address the Governor's challenge to fund the state of good repair needs of the State Highway System. A number of proposals have been introduced in each house. These proposals not only deal with the challenges to the State system but also address the funding needs of the local street and road system. Staff will be presenting two of these proposals to the Board for their consideration in the June meeting cycle.

Metro Sponsored Legislation Advances

Metro sponsored measure SB 767 (De Leon) will soon be scheduled in policy committees in the Assembly. The bill has been referred to the Assembly Committee on Local Government and the Assembly Transportation Committees.

*Comments will be updated at the Committee meeting.

This report was prepared on June 19, 2015 and will be updated with more current information at the Executive Management Committee on July 16, 2015.

Chairman Ridley-Thomas and members of the committee, I am pleased to provide an update on a number federal transportation issues.

Upcoming 114th Congress - Surface Transportation Authorization Bill:

We continue to closely track efforts to extend MAP-21. We very much look forward to plans by the U.S. Senate Committee on Environment and Public Works to mark-up a new surface transportation authorization bill on June 24, 2015. As details of this legislation are made public, we look forward to sharing them with all Board members.

Fiscal Year 2016 Transportation Appropriations Bill

We are fully engaged with both the House and Senate appropriations committees to ensure that our Board-approved 2015 Federal Legislative priorities are fully addressed in the transportation spending measures considered and adopted by the 114th Congress. The U.S. House of Representatives has already adopted their Fiscal Year 2016 transportation spending measure. We expect the U.S. Senate to act on their transportation spending measure next month.

PEPRA/13(c)

We continue to work cooperatively with members of the U.S. House of Representatives and the U.S. Senate, along with key Executive Branch officials to favorably resolve the PEPRA/13(c) impasse. We are encouraged that all parties continue to remain engaged in working to ensure that the flow of federal transportation funds to our agency is not interrupted further.

TIGER

We are working to encourage the U.S. Department of Transportation to favorably review two TIGER grant applications we have submitted for consideration. Our TIGER grant applications are for the All Door Bus Boarding Project and for the Rail to Rail Active Transportation Project along the Metro-owned right of way in South Los Angeles.
We will be coordinating closely with Board members, members of the Los Angeles County Congressional Delegation and key stakeholders to increase our prospects for securing TIGER grants for these projects.

Conclusion:

Chairman Ridley-Thomas and members of the committee, thank you for your attention to the issues addressed in this report. This concludes my remarks before the committee. I would very much welcome the opportunity to respond to any questions members of the committee may have on this update or any other matter.

ATTACHMENTS

Attachment A - Legislative Matrix, July 2015

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Phillip A. Washington
Chief Executive Officer

Los Angeles County Metropolitan Transportation Authority Government Relations Legislative Matrix			
BILL/AUTHOR	**DESCRIPTION**	**POSITION**	**STATUS**
AB 2 **(Alejo)** D-Parajo and Salinas Valley Community revitalization authority.	The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined by means of redevelopment projects financed by the issuance of bonds serviced by tax increment revenues derived from the project area. Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of the dissolved agencies and to fulfill the enforceable obligations of those agencies. Existing law also provides for various economic development programs that foster community sustainability and community and economic development initiatives throughout the state. This bill would state the intent of the Legislature to enact legislation that would authorize certain local agencies to form a community revitalization authority within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization, and to provide for the financing of these activities by, among other things, the issuance of bonds serviced by tax increment revenues.	Monitor	4/23/2015-A. APPR. 4/23/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (April 22). Re-referred to Com. on APPR.
AB 4 **(Linder)** R Vehicle weight fees: transportation bond debt service.	Existing law imposes weight fees on the registration of commercial motor vehicles and provides for the deposit of net weight fee revenues into the State Highway Account. Existing law provides for the transfer of certain weight fee revenues from the State Highway Account to the Transportation Debt Service Fund to reimburse the General Fund for payment of debt service on general obligation bonds issued for transportation purposes. Existing law also provides for the transfer of certain weight fee revenues to the Transportation Bond Direct Payment Account for direct payment of debt service on designated bonds, which are defined to be certain transportation general obligation bonds issued pursuant to Proposition 1B of 2006. Existing law also provides for loans of weight fee revenues to the General Fund to the extent the revenues are not needed for bond debt service purposes, with the loans to be repaid when the revenues are later needed for those purposes, as specified.	Monitor	1/16/2015-A. TRANS. 4/9/2015-In committee: Set, first hearing. Hearing canceled at the request of author.

AB 6 (**Wilk**) R Bonds: transportation: school facilities.	Existing law, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of $9 billion in general obligation bonds for high-speed rail purposes and $950 million for other related rail purposes. Article XVI of the California Constitution requires measures authorizing general obligation bonds to specify the single object or work to be funded by the bonds and further requires a bond act to be approved by a 2/3 vote of each house of the Legislature and a majority of the voters. This bill would provide that no further bonds shall be sold for high-speed rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, expect as specifically provided with respect to an existing appropriation for high-speed rail purposes for early improvement projects in the Phase 1 blended system. The bill, subject to the above exception, would require redirection of the unspent proceeds received from outstanding bonds issued and sold for other high-speed rail purposes prior to the effective date of these provisions, upon appropriation, for use in retiring the debt incurred from the issuance and sale of those outstanding bonds. The bill, subject to the above exception, would also require the net proceeds of other bonds subsequently issued and sold under the high-speed rail portion of the bond act to be made available, upon appropriation, to fund construction of school facilities for K-12 and higher education. **The bill would make no changes to the authorization under the bond act for issuance of $950 million for rail purposes other than high-speed rail. These provisions would become effective only upon approval by the voters at the next statewide election.**	Monitor	4/20/2015-A. TRANS. 4/21/2015-In committee: Set, second hearing. Failed passage. Reconsideration granted.

AB 8 (Gatto) D Emergency services: hit-and-run incidents.	Existing law authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies. Existing law requires a law enforcement agency to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person. Existing law also authorizes the issuance and coordination of a Blue Alert following an attack upon a law enforcement officer or a Silver Alert relating to a person who is 65 years of age or older who is reported missing. This bill would authorize a law enforcement agency to issue a Yellow Alert if a person has been killed or has suffered serious bodily injury due to a hit-and-run incident and the law enforcement agency has specified information concerning the suspect or the suspects vehicle. **The bill would require the Department of the California Highway Patrol to activate a Yellow Alert within the requested geographic area upon request if it concurs with the law enforcement agency that specified requirements are met.**	Monitor	3/24/2015-A. PU B. S. 3/24/2015-From committee: Do pass and re-refer to Com. on PUB. S. (Ayes 16. Noes 0.) (March 23). Re-referred to Com. on PUB. S.
AB 21 (Perea) D California Global Warming Solutions Act of 2006: emissions limit: scoping plan.	The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit, as defined, to be achieved by 2020, equivalent to the statewide greenhouse gas emissions levels in 1990. The act requires the state board to make recommendations to the Governor and the Legislature on how to continue the reduction of greenhouse gas emissions beyond 2020. **This bill would require the state board, no later than January 1, 2018, to recommend to the Governor and the Legislature a specific target of statewide emissions reductions for 2030 to be accomplished in a cost-effective manner. This bill contains other related provisions and other existing laws.**	Monitor	1/16/2015-A. NA T. RES. 4/13/2015-In committee: Hearing postponed by committee.

AB 23 (Patterson) R California Global Warming Solutions Act of 2006: market-based compliance mechanisms: exemption.	The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing state board regulations require specified entities to comply with a market-based compliance mechanism beginning January 1, 2013, and require additional specified entities to comply with that market-based compliance mechanism beginning January 1, 2015. **This bill would instead exempt those categories of persons or entities that did not have a compliance obligation, as defined, under a market-based compliance mechanism beginning January 1, 2013, from being subject to that market-based compliance mechanism through December 31, 2020. This bill contains other related provisions.**	Monitor	3/23/2015-A. NAT. RES. 3/23/2015-In committee: Set, first hearing. Failed passage. Reconsideration granted.
AB 24 (Nazarian) D Transportation network companies: public safety.	The Passenger Charter-party Carriers Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission, and imposes various other requirements. A violation of the act is generally a misdemeanor. Pursuant to existing law, the commission has adopted rules and regulations relating to the operation of transportation network companies. Existing law defines a transportation network company as an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled platform to connect passengers with drivers using their personal vehicles. **This bill would declare the intent of the Legislature to enact legislation that promotes public safety relating to transportation network companies. This bill contains other existing laws.**	Monitor	4/23/2015-A. TRANS. 4/23/2015-Re-referred to Com. on TRANS.

AB 28 (Chu) D Bicycle safety: rear lights.	Existing law requires that a bicycle operated during darkness upon a highway, a sidewalk where bicycle operation is not prohibited by the local jurisdiction, or a bikeway, as defined, be equipped with a red reflector on the rear that is visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A violation of this requirement is an infraction. This bill would instead require that a bicycle operated under those circumstances be equipped with a white flashing light on the rear that is visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, or, in lieu of the white flashing light, reflective gear worn by the bicyclist. **By revising the definition of a crime, the bill would impose a state-mandated local program. The bill would also include a statement of legislative findings and declarations. This bill contains other related provisions and other existing laws.**	Monitor	4/23/2015-A. TRANS. 4/23/2015-Re-referred to Com. on TRANS.
AB 33 (Quirk) D California Global Warming Solutions Act of 2006: scoping plan.	The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit, as defined, to be achieved by 2020 equivalent to the statewide greenhouse gas emissions levels in 1990. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. The act requires the scoping plan to be updated at least once every 5 years. **This bill, until January 1, 2020, would require, for purposes of advising the update of the next scoping plan, the state board to develop specified information by July 1, 2016. The bill would require the state board on or before January 1, 2017, to submit a report to the appropriate committees of the Legislature on the specified information. The bill would provide that the specified information is intended to assist in establishing state policy and does not change any statute, regulation, or regulatory decision.**	Monitor	4/7/2015-A. NAT. RES. 4/7/2015-Re-referred to Com. on NAT. RES.

AB 156 **Perea D** California Global Warming Solutions Act of 2006: investment plan.	The Passenger Charter-party Carriers Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission, and imposes various other requirements. A violation of the act is generally a misdemeanor. Pursuant to existing law, the commission has adopted rules and regulations relating to the operation of transportation network companies. Existing law defines a transportation network company as an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled platform to connect passengers with drivers using their personal vehicles. This bill would declare the intent of the Legislature to enact legislation that promotes public safety relating to transportation network companies. This bill contains other existing laws.	Monitor	4/20/2015-A. APPR. 4/20/2015-Re-referred to Com. on APPR.

AB 194 **Frazier D** High-occupancy toll lanes.	Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law authorizes the department to construct exclusive or preferential lanes for buses only or for buses and other high-occupancy vehicles. This bill would delete the requirement that the above-described facilities be consistent with the established standards, requirements, and limitations that apply to specified facilities and would instead require the commission to establish guidelines for the development and operation of the facilities approved by the commission on or after January 1, 2016, subject to specified minimum requirements. The bill would provide that these provisions do not authorize the conversion of any existing nontoll or nonuser-fee lanes into tolled or user-fee lanes, except that a high-occupancy vehicle lane may be converted into a high-occupancy toll lane pursuant to its provisions. The bill would authorize a regional transportation agency to issue bonds, refunding bonds, or bond anticipation notes backed by revenues generated from the facilities. The bill would additionally authorize the Santa Clara Valley Transportation Authority to apply to the commission for purposes of the above-described provisions. The bill would remove the limitations on the number of approved facilities and would delete the January 1, 2012, deadline for HOT lane applications. The bill would provide that each application is subject to the review and approval of the commission and would require a regional transportation agency that applies to the commission to reimburse the commission for all of the commission's cost and expense incurred in processing the application. Before submitting an application to the commission, the bill would require a regional transportation agency to consult with a local transportation authority whose jurisdiction includes the facility that the regional transportation agency proposes to develop and operate pursuant to the above-described provisions. This bill contains other related provisions and other existing laws.	SUPPORT	4/14/2015-A. APPR. 4/14/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 1.) (April 13). Re-referred to Com. on APPR.

AB 210 **Gatto D** High-occupancy vehicle lanes: County of Los Angeles.	Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive or preferential use of high-occupancy vehicles. When those exclusive or preferential use lanes are established and double parallel solid lines are in place to the right thereof, existing law prohibits any person driving a vehicle from crossing over those double lines to enter into or exit from the lanes, and entrance or exit from those lanes is authorized only in areas designated for these purposes or where a single broken line is in place to the right of the lanes, except as specified. This bill would prohibit, commencing July 1, 2016, any high-occupancy vehicle lane from being established on specified portions of state highway routes in the County of Los Angeles, unless that lane is established as a high-occupancy vehicle lane only during the hours of heavy commuter traffic, as determined by the department. The bill would require any existing high-occupancy vehicle lane established on the specified portions of these routes to be modified to conform with those requirements. The bill would authorize the department, on or after May 1, 2017, to reinstate 24-hour high-occupancy vehicle lanes on the specified portions of these routes if the department makes a specified determination and would require the department to report to the Legislature on the impact on traffic of limiting the use of high-occupancy lanes only during the hours of heavy commuter traffic, as provided in the bill.	OPPOSE	4/15/2015-A. APPR. SUSPENSE FILE 4/15/2015-In committee: Set, first hearing. Referred to suspense file.
AB 227 **Alejo D** Transportation funding.	Existing law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified. This bill, with respect to any loans made to the General Fund from specified transportation funds and accounts with a repayment date of January 1, 2019, or later, would require the loans to be repaid by December 31, 2018. This bill contains other related provisions and other existing laws.	SUPPORT	4/16/2015-A. BUDGET 4/16/2015-Re-referred to Com. on BUDGET.

AB 318 **Chau D** Lost money and goods: restoration to owner.	Existing law requires a person who finds and takes possession of property that is lost to try and return it to the rightful owner. If the owner of the lost property cannot be determined and the item is worth $100 or more, the finder is required to turn the item over to the police or sheriff, as specified. Existing law provides 90 days for the owner to return and claim the property and to pay any reasonable fee for its bailment. This bill would provide that if that lost property is found on a vehicle of public conveyance or on public transit property, that it instead turned in to the public transit agency. The bill would provide 30 days for the owner to return and claim the property under specified rules and if the property is not claimed within 30 days, the public transit agency would be authorized to dispose of the property to a charitable organization. This bill contains other related provisions and other existing laws.	SUPPORT	4/15/2015-A. APPR. 4/15/2015-Re-referred to Com. on APPR.
AB 326 **Frazier D** Public works: prevailing wage rates: wage and penalty assessments.	Existing law requires the Labor Commissioner to issue a civil wage and penalty assessment to a contractor or subcontractor, or both, if the Labor Commissioner determines, after investigation, that the contractor or subcontractor, or both, violated the laws regulating public works contracts, including the payment of prevailing wages. Existing law also requires the awarding body, as defined, to withhold from payments due under a contract for public work an amount sufficient to satisfy the civil wage and penalty assessment issued by the Labor Commissioner, and to give notice of the withholding to the affected contractor or subcontractor. This bill would make technical, nonsubstantive changes to the latter provisions and delete obsolete provisions. This bill contains other existing laws.	Monitor	4/22/2015-A. L. & E. 4/22/2015-Re-referred to Com. on L. & E.
AB 338 **Hernández, Roger D** County transportation commissions: Los Angeles County.	The County Transportation Commissions Act provides for the creation of county transportation commissions with specified powers and duties in the southern California region, including Los Angeles County. The act makes various legislative findings regarding the transportation needs of the region. The bill would make an additional legislative finding that transportation resources should be equitably distributed within Los Angeles County.	OPPOSE	4/23/2015-A. TRANS. 4/23/2015-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 6. Noes 3.) (April 22). Re-referred to Com. on TRANS.

AB 457 **Melendez R** High-occupancy vehicle lanes.	Existing law provides that the Department of Transportation has full control of the state highway system. Existing law authorizes the department to construct exclusive or preferential lanes for buses only or for buses and other high-occupancy vehicles. This bill would make technical, nonsubstantive changes to these provisions.	Monitor	4/6/2015-A. TRANS. 4/20/2015-In committee: Hearing postponed by committee.
AB 464 **Mullin D** Transactions and use taxes: maximum combined rate.	Existing law authorizes cities and counties, subject to certain limitations and approval requirements, to levy a transactions and use tax for general purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, including a requirement that the combined rate of all taxes imposed in accordance with that law in the county not exceed 2%. This bill would increase that maximum combined rate to 3%.	Monitor	4/14/2015-A. L. GOV. 4/14/2015-From committee: Do pass and re-refer to Com. on L. GOV. (Ayes 5. Noes 3.) (April 13). Re-referred to Com. on L. GOV.
AB 471 **Harper R** Employment.	Existing law prohibits, subject to certain exceptions, an employer from requiring an employee to work more than 5 hours per day without providing a meal period. This bill would make a nonsubstantive change to those provisions.	Monitor	2/23/2015-A. PRINT 2/24/2015-From printer. May be heard in committee March 26.
AB 518 **Frazier D** Department of Transportation.	Existing law authorizes a local agency to enter into an agreement with the appropriate transportation planning agency, the Department of Transportation, and the California Transportation Commission, to use its own funds to develop, purchase right-of-way, and construct a project within its jurisdiction if the project is included in the adopted state transportation improvement program and funded from specified sources. This bill would delete that provision requiring the department to compile information and report to the Legislature. This bill contains other existing laws.	Monitor	3/5/2015-A. TRANS. 3/5/2015-Referred to Com. on TRANS.

AB 584 Cooley D Public employee retirement systems.	Existing law creates the Joint Legislative Retirement Committee, prescribes the composition of the committee, and requires the committee to study and review the benefits, programs, actuarial condition, practices, investments and procedures of, and all legislation relating to, retirement systems for public officers and employees in this state as well as trends in the field of retirement. Existing law requires a copy of each bill that affects any public employee retirement system to be transmitted to the committee. Existing law requires the committee to establish a board of experts, the composition of which is prescribed, and to retain an independent actuary as a consultant to the board of experts. Existing law makes a statement of legislative findings in this regard. This bill would rename the committee the Joint Pension Administration and Sustainability Committee and, in addition to the duties described above, would require the committee to make reports and recommendations to the Legislature on these retirement issues. The bill would revise the composition of the committee to reflect current legislative practice. The bill would require the committee to transmit an analysis for each bill submitted to it, including an actuarial opinion if appropriate, to the policy committee that is responsible for the bill. The bill would require the committee to retain a legal advisor recognized for expertise in pension and investment law and an academician from a California university with recognized expertise in investing, pension administration, and the operation of financial markets to act as consultants to its board of experts. The bill would revise the statement of legislative findings associated with these provisions.	Monitor	4/8/2015-A. RLS. 4/8/2015-From committee: Do pass and re-refer to Com. on RLS. (Ayes 6. Noes 0.) (April 8). Re-referred to Com. on RLS.
AB 620 Hernández, Roger D High-occupancy toll lanes: exemptions from tolls.	Existing law authorizes a value-pricing and transit development program involving high-occupancy toll (HOT) lanes to be conducted, administered, developed, and operated on State Highway Routes 10 and 110 in the County of Los Angeles by the Los Angeles County Metropolitan Transportation Authority (LACMTA) under certain conditions. This bill would instead require LACMTA, in implementing the program, to adopt eligibility requirements for mitigation measures for commuters and transit users of low and moderate income, as defined, and would also require LACMTA to provide hardship exemptions from the payment of toll charges for commuters who meet the eligibility requirements for specified assistance programs. This bill contains other existing laws.	Oppose	3/9/2015-A. TRANS. 3/9/2015-Referred to Com. on TRANS.

AB 726 **Nazarian D** Vehicles: Los Angeles County Metropolitan Transportation Authority.	Existing law imposes a 40-foot limitation on the length of vehicles that may be operated on the highways, with specified exemptions. Existing law exempts from this limitation, among other things, an articulated bus or articulated trolley coach that does not exceed a length of 60 feet. This bill would authorize the Los Angeles County Metropolitan Transportation Authority to operate articulated buses that do not exceed a length of 82 feet on the route designated as the Orange Line in the County of Los Angeles. This bill contains other related provisions.	SPONSOR	4/23/2015-A. TRANS. 4/23/2015-From committee: Do pass and re-refer to Com. on TRANS. (Ayes 9. Noes 0.) (April 22). Re-referred to Com. on TRANS.
AB 754 **Ridley-Thomas D** Taxation.	The Corporation Tax Law imposes a franchise tax measured by, or according to, net income of a corporation doing business within the limits of this state, including a minimum franchise tax on specified corporations, as provided. The provisions of the Personal Income Tax Law generally apply to the income of an individual or partnership, imposing a tax on individuals at graduated rates. This bill would declare the intent of the Legislature to subsequently amend this bill to include provisions that would provide tax relief to small businesses conducting business in Los Angeles County during the period of disruption caused by specified transit-related construction activities, conducted by the Los Angeles County Metropolitan Transportation Authority, and resulting in decreased business revenue.	SUPPORT	2/25/2015-A. PRINT 2/26/2015-From printer. May be heard in committee March 28.

AB 755 Ridley-Thomas D Sales and use taxes: exemption: small businesses: Los Angeles County transit projects.	Would partially exempt from sales and use taxes the gross receipts from the sale of, and the storage, use, or other consumption of, tangible personal property sold by, or purchased from, a retailer that is a small business, as defined, and whose property line abuts or faces the rail corridor or a designated construction staging or construction storage area of the Crenshaw/LAX Transit Corridor Light Rail Line, the Regional Connector Transit Corridor Light Rail Line, or the Westside Subway Extension Light Rail Line, as specified.	SPONSOR	5/14/2015-A. REV. & TAX SUSPENSE FILE 5/14/2015-Re-referred to Com. on REV. & TAX.
AB 779 Garcia, Cristina D Environmental quality: transit priority areas.	(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would instead provide that the transportation impact related to greenhouse gas emissions of a project located within a transit priority area is not a significant impact on the environment. This bill contains other related provisions and other existing laws.	Monitor	4/21/2015-A. NAT. RES. 4/21/2015-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 15. Noes 0.) (April 20). Re-referred to Com. on NAT. RES.

AB 857 **Perea D** California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.	The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. This bill, between January 2, 2018, and January 1, 2023, inclusive, would require no less than 80% or $100,000,000, whichever is greater, of the moneys appropriated for technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology be allocated to support the commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology that meets or exceeds a specified emission standard. This bill contains other existing laws.	Monitor	4/16/2015-A. NAT. RES. 4/16/2015-Re-referred to Com. on NAT. RES.
AB 869 **Cooper D** Public transportation agencies: fare evasion and prohibited conduct.	Existing law authorizes a public transportation agency to adopt and enforce an ordinance to impose and enforce civil administrative penalties for fare evasion or other passenger misconduct, other than by minors, on or in a transit facility or vehicle in lieu of the criminal penalties otherwise applicable, with specified administrative procedures for the imposition and enforcement of the administrative penalties, including an initial review and opportunity for a subsequent administrative hearing. This bill would provide that a person who fails to pay the administrative penalty when due or successfully complete the administrative process to dismiss the notice of fare evasion or passenger misconduct may be subject to those criminal penalties. The bill would require the notice of fare evasion or passenger misconduct to contain a printed statement that the person may be charged with an infraction or misdemeanor if the administrative penalty is not paid when due or dismissed pursuant to these provisions. This bill contains other related provisions and other existing laws.	Monitor	4/14/2015-A. APPR. 4/14/2015-Re-referred to Com. on APPR.

AB 877 **Chu D** Transportation.	Existing law creates the California Transportation Commission, with specified powers and duties relating to allocation of transportation capital funds through the state transportation improvement program process and various other responsibilities. Existing law provides for a commission of 13 members, composed of 9 members appointed by the Governor with the advice and consent of the Senate, one member appointed by the Speaker of the Assembly, one member appointed by the Senate Committee on Rules, and, as ex officio nonvoting members, one Member of the Assembly and one Member of the Senate. This bill would expand the commission to 15 members, with one additional Member of the Assembly and one additional Member of the Senate as ex officio nonvoting members. This bill contains other related provisions and other existing laws.	Monitor	4/6/2015-A. TRANS. 4/6/2015-Re-referred to Com. on TRANS.
AB 914 **Brown D** Toll facilities: County of San Bernardino.	Existing law provides for the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles (HOVs). Existing law authorizes the development and implementation of high-occupancy toll (HOT) lanes under certain circumstances, pursuant to which vehicles that do not meet the vehicle occupancy requirements for use of an HOV lane may use the lane upon payment of a toll. This bill would authorize the San Bernardino County Transportation Commission to construct and operate certain transportation facilities, as defined, on State Highway Routes 10 and 15, as toll facilities in the County of San Bernardino and, with the agreement of affected transportation agencies, in the Counties of Los Angeles and Riverside. The bill would require the toll revenues to be spent for specified transportation purposes and would authorize the commission to issue revenue bonds payable from toll revenues. The bill would require the commission to report to the Legislative Analyst on specified matters within 3 years of commencement of toll collection on a facility constructed under the bill. The bill would enact other related provisions. This bill contains other related provisions and other existing laws.	Monitor	4/9/2015-A. TRANS. 4/9/2015-Re-referred to Com. on TRANS.

AB 952 Garcia, Cristina D Local government: cities: special districts: governing boards: vacancies.	Existing law requires a school district or community college district governing board, whenever a vacancy occurs or a resignation containing a deferred effective date has been filed with the county superintendent of schools, to either order an election or make a provisional appointment. Existing law requires a person appointed to fill a vacancy to hold office only until the next regularly scheduled election for district governing board members that is scheduled 130 or more days after the effective date of the vacancy, at which time an election is required to be held to fill the vacancy for the remainder of the unexpired term. This bill would require the provisional appointee to serve on the board until the next regularly scheduled election. This bill would eliminate the requirement that an election be held 130 or more days after the effective date of the vacancy. This bill contains other related provisions and other existing laws.	Monitor	4/21/2015-A. E. & R. 4/21/2015-Re-referred to Com. on E. & R.
AB 1068 Allen, Travis R California Environmental Quality Act: priority projects	The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would authorize each Member of the Legislature to nominate one project within his or her respective district each year, and the Governor to designate those projects as priority projects if the projects meet specified requirements. The bill would require the Governor to provide a notice of the designation to the appropriate lead agency and to the Office of Planning and Research. The bill would require the lead agency to notify the public and interested stakeholders of the designation, as specified, thereby imposing a state-mandated local program. The bill would require that an environmental impact report be prepared for each priority project, but would authorize tiering from previously prepared reports, as specified. The bill would prohibit the court from staying or enjoining the implementation of a priority project unless the court makes specified findings and would limit any stay or injunction, as provided. This bill contains other related provisions and other existing laws.	Monitor	3/19/2015-A. NA T. RES. 4/6/2015-In committee: Set, first hearing. Hearing canceled at the request of author.

AB 1087 **Grove R** Greenhouse Gas Reduction Fund: high-speed rail.	Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law continuously appropriates 25% of the annual proceeds of the fund to the High-Speed Rail Authority for specified components of the initial operating segment and Phase I blended system, as described in the authority's 2012 business plan. This bill would provide that the continuous appropriations from the fund to the High-Speed Rail Authority are for specified components of the initial operating segment and Phase I blended system, as described in the authority's 2012 business plan, of the high-speed train system that shall be constructed as specified.	Monitor	4/20/2015-A. TRANS. 4/21/2015-In committee: Set, first hearing. Failed passage. Reconsideration granted.
AB 1098 **Bloom D** Transportation: congestion management.	Existing law requires a congestion management plan to be developed, adopted, and updated biennially by a designated agency for every county that includes an urbanized area. This bill would make nonsubstantive changes to these provisions.	Monitor	4/6/2015-A. TRANS. 4/16/2015-In committee: Hearing postponed by committee.
AB 1138 **Patterson R** High-speed rail: eminent domain	Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed train system. Existing law authorizes the authority to acquire rights-of-way through purchase or eminent domain. Existing law sets forth the process for acquisition of property by eminent domain, including a requirement for adoption of a resolution of necessity. This bill would prohibit the authority, or the State Public Works Board acting on behalf of the authority, from adopting a resolution of necessity to commence an eminent domain proceeding to acquire a parcel of real property along a corridor, or usable segment thereof, for the high-speed train system unless the resolution identifies the sources of all funds to be invested in the corridor or usable segment and the anticipated time of receipt of those funds, and certifies that the authority has completed all necessary project level environmental clearances necessary to proceed to construction. The bill, for these purposes, would instead define "usable segment" as a portion of a corridor, as defined, that includes at least 2 stations and shall be used to operate high-speed train service, as specified. This bill contains other existing laws.	Monitor	4/20/2015-A. TRANS. 4/21/2015-In committee: Set, second hearing. Failed passage. Reconsideration granted.

AB 1171 **Linder R** Construction Manager/General Contractor method: regional transportation agencies: projects on expressways.	Existing law generally sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by local agencies for public works contracts. Existing law authorizes the Department of Transportation, the Santa Clara County Valley Transportation Authority, and the San Diego Association of Governments to use the Construction Manager/General Contractor project delivery method for transit projects within their respective jurisdictions, subject to certain conditions and requirements. This bill would authorize regional transportation agencies, as defined, to use the Construction Manager/General Contractor project delivery method, as specified, to design and construct certain projects on expressways that are not on the state highway system if the projects are developed in accordance with an expenditure plan approved by voters as of January 1, 2014. The bill would require specified information provided to a regional transportation agency to be verified under oath. By expanding the scope of an existing crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	Monitor	4/22/2015-A. TRANS. 4/22/2015-Re-referred to Com. on TRANS.
AB 1250 **Bloom D** Vehicles: buses: gross axle weight	Existing law, operative January 1, 2016, provides that the gross weight on any one axle of a bus shall not exceed 20,500 pounds. Existing law exempts from this limitation a transit bus procured through a solicitation process pursuant to which a solicitation was issued before January 1, 2013. A violation of this provision is a crime. This bill would exempt from the weight limitation transit buses procured through a solicitation process pursuant to which a solicitation was issued before January 1, 2016.	Monitor	4/20/2015-S. RLS. 4/20/2015-In Senate. Read first time. To Com. on RLS. for assignment.
AB 1265 **Perea D** Transportation projects: comprehensive development lease agreements.	Existing law authorizes the Department of Transportation and regional transportation agencies, as defined, to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. These arrangements are commonly known as public-private partnerships. Existing law provides that a lease agreement may not be entered into under these provisions on or after January 1, 2017. This bill would extend this authorization indefinitely and would delete obsolete cross-references and make technical changes to these provisions.	SUPPORT	4/14/2015-A. APPR. 4/14/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (April 13). Re-referred to Com. on APPR.

AB 1347 **Chiu D** Public contracts: claims.	(1) Existing law prescribes various requirements regarding the formation, content, and enforcement of state and local public contracts. Existing law applicable to state public contracts generally requires that the resolution of claims related to those contracts be subject to arbitration. Existing law applicable to local agency contracts prescribes a process for the resolution of claims related to those contracts of $375,000 or less. This bill would establish, for contracts entered into on or after January 1, 2016, a claim resolution process applicable to all public entity contracts. The bill would define a claim as a separate demand by the contractor for one or more of: a time extension for relief from damages or penalties for delay, payment of money or damages arising from work done pursuant to the contract for a public work, or payment of an amount disputed by the local agency, as specified. This bill contains other related provisions and other existing laws.	Monitor	4/22/2015-A. A. & A.R. 4/22/2015-Re-referred to Com. on A. & A.R.
ACA 4 **Frazier D** Local government transportation projects: special taxes: voter approval.	The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, except that certain school entities may levy an ad valorem property tax for specified purposes with the approval of 55% of the voters within the jurisdiction of these entities. This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects, as defined, requires the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes. This measure would also provide that it shall become effective immediately upon approval by the voters and shall apply to any local measure imposing, extending, or increasing a special tax for local transportation projects submitted at the same election.	Monitor	4/6/2015-A. TRANS. 4/20/2015-In committee: Hearing postponed by committee.

SB 1 (Gaines) R California Global Warming Solutions Act of 2006: market-based compliance mechanisms: exemption.	The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open, public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing state board regulations require specified entities to comply with a market-based compliance mechanism beginning January 1, 2013, and require additional specified entities to comply with that market-based compliance mechanism beginning January 1, 2015. **This bill instead would exempt categories of persons or entities that did not have a compliance obligation, as defined, under a market-based compliance mechanism beginning January 1, 2013, from being subject to that market-based compliance mechanism. The bill would require all participating categories of persons or entities to have a compliance obligation beginning January 1, 2025. This bill contains other related provisions.**	Monitor	1/15/2015-S. E.Q. 4/7/2015-April 15 set for second hearing canceled at the request of author.
SB 5 (Vidak) R California Global Warming Solutions Act of 2006: market-based compliance mechanisms: exemption.	The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing state board regulations require specified entities to comply with a market-based compliance mechanism beginning January 1, 2013, and require additional specified entities to comply with that market-based compliance mechanism beginning January 1, 2015. **This bill instead would exempt categories of persons or entities that did not have a compliance obligation, as defined, under a market-based compliance mechanism beginning January 1, 2013, from being subject to that market-based compliance mechanism through December 31, 2020. This bill contains other related provisions.**	Monitor	1/15/2015-S. E. Q. 4/16/2015-April 15 set for second hearing. Failed passage in committee. Reconsideration granted.

SB 8 (Hertzberg) D Taxation**.**	The Sales and Use Tax Law imposes a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Personal Income Tax Law imposes taxes on personal taxable income at specified rates, and the Corporation Tax Law imposes taxes upon, or measured by, corporate income. **This bill would state legislative findings regarding the Upward Mobility Act, key provisions of which would expand the application of the Sales and Use Tax law by imposing a tax on specified services, would enhance the states business climate and would incentivize entrepreneurship and business creation by evaluating the Corporate Tax Law, and would examine the impacts of a lower and simpler Personal Income Tax Law.**	Monitor	2/19/2015-S. G. & F. 2/19/2015-Re-referred to Com. on GOV. & F.

SB 9 **(Beall) D** Greenhouse Gas Reduction Fund: Transit and Intercity Rail Capital Program.	Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions, to be deposited in the Greenhouse Gas Reduction Fund. **This bill would modify the purpose of the program to delete references to operational investments and instead provide for the funding of large, transformative capital improvements with a total cost exceeding $100,000,000. The bill would require the Transportation Agency, in prioritizing and selecting projects for funding, to consider the extent to which a project reduces greenhouse gas emissions, and would add additional factors to be considered in evaluating applications for funding. The bill would require the Transportation Agency to develop, by July 1, 2016, an initial 5-year estimate of revenues reasonably expected to be available for the program, with subsequent estimates to be made every other year for additional 5-year periods, and would require the agency to adopt 5-year programs of projects consistent with those estimates. The bill would require the agency to make a multiyear funding commitment for a project proposed to be funded over more than one fiscal year, and would authorize the California Transportation Commission to approve a letter of no prejudice that allow an applicant to expend its own funds on a project in the adopted program of projects, subject to future reimbursement from program funds for eligible expenditures. This bill contains other existing laws.**	WORK WITH AUTHOR	4/15/2015-S. T. & H. 4/15/2015-From committee with author's amendments. Read second time and amended. Re-referred to Com. on T. & H.
SB 16 **(Beall) D** Department of Transportation.	Existing law provides that the Department of Transportation has full possession and control of the state highway system. **This bill would state the intent of the Legislature that the department identify savings from implementing efficiencies in its existing programs and direct those resources into expanded activities for road repair and litter cleanup.**	SUPPORT	4/15/2015-S. T. & H. 4/15/2015-From committee with author's amendments. Read second time and amended. Re-referred to Com. on T. & H.

SB 29 **(Beall) D** Employment: sick leave.	Existing law requires an employer to allow an employee to use his or her sick leave to care for an ill spouse, domestic partner, parent, or child, as defined. **This bill would make technical, nonsubstantive changes to that provision.**	Monitor	4/15/2015-S. APPR. 4/15/2015-Read second time and amended. Re-referred to Com. on APPR.
SB 32 **(Pavley) D** California Global Warming Solutions Act of 2006: emissions limit	The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. **This bill would require the state board to approve a statewide greenhouse gas emission limit that is equivalent to 80% below the 1990 level to be achieved by 2050, as specified. The bill would authorize the state board to adopt interim greenhouse gas emissions level targets to be achieved by 2030 and 2040. The bill also would state the intent of the Legislature for the Legislature and appropriate agencies to adopt complementary policies that ensure long-term emissions reductions advance specified criteria.**	Monitor	3/16/2015-S. E. Q. 4/10/2015-Set for hearing April 29.
SB 39 **(Pavley) D** Vehicles: high-occupancy vehicle lanes.	Existing federal law, until September 30, 2017, authorizes a state to allow specified labeled vehicles to use lanes designated for high-occupancy vehicles (HOVs). **This bill would increase the number of those identifiers that the DMV is authorized to issue to an unspecified amount. This bill contains other related provisions and other existing laws.**	Monitor	4/22/2015-S. APPR. 4/22/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 1.) (April 21). Re-referred to Com. on APPR.

SB 59 (Knight) R Vehicles: high-occupancy vehicle lanes.	Existing law authorizes local authorities and the Department of Transportation to establish exclusive or preferential use of highway lanes for high-occupancy vehicles. This bill would make technical, nonsubstantive changes to that provision.	Monitor	1/15/2015-S. RLS. 1/15/2015-Referred to Com. on RLS.
SB 64 (Liu) D California Transportation Plan.	Existing law requires various transportation planning activities by state and regional agencies. Existing law requires the Department of Transportation to prepare the California Transportation Plan and to update the plan by December 31, 2015, and every 5 years thereafter. Existing law specifies certain subject areas for the movement of people and freight to be considered in the plan. Existing law requires the plan to address how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 and 80% below 1990 levels by 2050 and identify the statewide integrated multimodal transportation system needed to achieve greenhouse gas emission reductions. Existing law requires the department to consult with and coordinate its planning activities with specified entities, including the California Transportation Commission, and to provide an opportunity for public input. Existing law authorizes the California Transportation Commission to present the results of its review and comment to the Legislature and the Governor. This bill would require the California Transportation Commission to review recommendations in the update to the California Transportation Plan prepared by the department in 2015, and every 5 years thereafter, to prepare specific recommendations for statewide integrated multimodal transportation system improvements, and to submit a report in that regard to the Legislature and the Governor by December 31, 2016 and every 5 years thereafter.	Monitor	1/15/2015-S. T. & H. 4/14/2015-Set for hearing April 28.

SB 122 (Jackson) D California Environmental Quality Act: record of proceedings.	The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA. This bill would require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects. This bill contains other related provisions.	Monitor	4/20/2015-S. APPR. 4/20/2015-Read second time and amended. Re-referred to Com. on APPR.
SB 158 Huff R **Transportation projects: comprehensive development lease agreements.**	Existing law, until January 1, 2017, authorizes the Department of Transportation or a regional transportation agency to enter into a comprehensive development lease with a public or private entity for a transportation project. This bill would delete obsolete cross-references and make technical changes to these provisions.	Monitor	4/7/2015-S. T. & H. 4/7/2015-Re-referred to Coms. on T. & H. and E.Q.
SB 194 Cannella R **Vehicles: high-occupancy vehicle lanes.**	Existing law authorizes local authorities and the Department of Transportation to establish exclusive or preferential use of highway lanes for high-occupancy vehicleson highways under their respective jurisdictions. This bill would make technical, nonsubstantive changes to that provision.	Monitor	2/19/2015-S. RLS. 2/19/2015-Referred to Com. on RLS.

SB 207 Wieckowski D **California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan.**	The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. This bill would additionally require the 3-year investment plan to identify conflicting or overlapping policies, where applicable, in current state strategies to meeting the state's greenhouse gas emissions reduction goals and targets by sector.	Monitor	4/16/2015-S. APPR. 4/17/2015-Set for hearing April 27.
SB 254 Leyva D **Transit districts: ordinances.**	Existing law provides for the creation of the Southern California Rapid Transit District in and around the County of Los Angeles, with specified powers and duties relative to providing public transit service. Existing law requires an ordinance passed by the board of directors of the district to be published once within 15 days after passage in a newspaper of general circulation printed and published in the district. This bill would authorize the district to print and publish an ordinance in a newspaper of general circulation more than once within 15 days after passage. The bill would require the district to also make an ordinance available online on appropriate Internet Web sites within 15 days after passage. By requiring a local agency to perform an additional duty, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	Monitor	4/22/2015-S. T. & H. 4/22/2015-From committee with author's amendments. Read second time and amended. Re-referred to Com. on T. & H.

SB 321 Beall D **Motor vehicle fuel taxes: rates: adjustments.**	Existing law, as of July 1, 2010, exempts the sale of, and the storage, use, or other consumption of, motor vehicle fuel from specified sales and use taxes and increases the excise tax on motor vehicle fuel, as provided. This bill would, for the 2015-16 fiscal year and each fiscal year thereafter, instead require the board, on or before July 1, 2015, or March 1 of the fiscal year immediately preceding the applicable fiscal year, as specified, to adjust the rate in a manner as to generate an amount of revenue equal to the average amount of revenue loss attributable to the exemption over the next five fiscal years, based on estimates made by the board, and continuing to take into account adjustments required by existing law to maintain revenue neutrality. This bill would authorize, for rate adjustments made after January 1, 2015, in order to reduce the potential volatility of the revenues generated by the motor vehicle fuel tax, the board to make partial adjustments over 3 consecutive years to take into account the net revenue gain or loss of any fiscal year. This bill contains other related provisions and other existing laws.	Monitor	4/23/2015-S. AP PR. 4/23/2015-Read second time and amended. Re-referred to Com. on APPR.
SB 348 Galgiani D **California Environmental Quality Act: exemption: railroad crossings.**	The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would extend to January 1, 2019 the repeal date for those provisions. Because the bill would impose additional duties on local agencies with regard to providing notice of an exemption from CEQA, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	Monitor	4/16/2015-S. AP PR. 4/17/2015-Set for hearing April 27.

SB 350 **De León D** Clean Energy and Pollution Reduction Act of 2015.	Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, as defined, while local publicly owned electric utilities, as defined, are under the direction of their governing boards. This bill would additionally express the intent of the Legislature for the purposes of the RPS program that the amount of electricity generated per year from eligible renewable energy resources be increased to an amount equal to at least 50% by December 31, 2030, and would require the PUC, by January 1, 2017, to establish the quantity of electricity products from eligible renewable energy resources be procured by each retail seller for specified compliance periods sufficient to ensure that the procurement of electricity products from eligible renewable energy resources achieves 50% of retail sales by December 31, 2030. The bill would require the governing boards of local publicly owned electric utilities to ensure that specified quantities of electricity products from eligible renewable energy resources to be procured for specified compliance periods to ensure that the procurement of electricity products from eligible renewable energy resources achieve 50% of retail sales by December 31, 2030. The bill would exclude all facilities engaged in the combustion of municipal solid waste from being eligible renewable energy resources. The bill would require community choice aggregators and electric service providers to prepare and submit renewable energy procurement plans. The bill would revise other aspects of the RPS program, including, among other things, the enforcement provisions and would require penalties collected for noncompliance to be deposited in the Electric Program Investment Charge Fund. The bill would require the PUC to direct electrical corporations to include in their proposed procurement plans a strategy for procuring a diverse portfolio of resources that provide a reliable electricity supply.	Monitor	4/7/2015-S. E.Q. 4/10/2015-Set for hearing April 29.

SB 391 Huff R **Assault and battery: transit employees.**	Existing law defines an assault as an unlawful attempt, coupled with present ability, to commit a violent injury on the person of another. Under existing law, an assault committed against specified individuals, such as a peace officer or a lifeguard, is punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $2,000, or by both that fine and imprisonment. This bill would also make an assault committed against a transit employee punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $2,000, or by both that fine and imprisonment. By expanding the scope of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.	SUPPORT	4/21/2015-S. PU B. S. 4/22/2015-April 28 set for first hearing canceled at the request of author.
SB 413 Wieckowski D **Public transit: prohibited conduct.**	Existing law makes it a crime, punishable as an infraction or misdemeanor, as specified, for person to commit certain acts on or in a facility or vehicle of a public transportation system, including disturbing another person by loud or unreasonable noise. This bill would restate this provision so that it would apply to a person failing to comply with the warning of a transit official related to disturbing another person by loud and unreasonable noise, and also to a person playing sound equipment on or in a public transportation system facility or vehicle. By revising the definition of a crime, the bill would thereby impose a state-mandated local program. This bill contains other related provisions and other existing laws.	Work with Author	4/16/2015-S. T. & H. 4/16/2015-From committee with author's amendments. Read second time and amended. Re-referred to Com. on T. & H.
SB 461 Hernandez D **Toll bridges and facilities: funds.**	Existing law, the California Toll Bridge Authority Act, makes the California Transportation Commission, together with the Department of Transportation, responsible for building and acquiring toll facilities and related transportation facilities. Under existing law, all tolls or other revenue received from the operation of toll bridges and related facilities that were acquired or constructed with bond funding are deposited into a special fund designated for the particular toll bridge or facility that produced the toll or revenue. This bill would make nonsubstantive changes to the provision specifying deposit of this particular revenue into the designated special fund.	Monitor	4/22/2015-S. AP PR. 4/22/2015-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 10. Noes 0.) (April 21). Re-referred to Com. on APPR.

SB 491 **Committee on Transportation and Housing** **Transportation: omnibus bill.**	Existing law authorizes certain air districts to impose a vehicle registration fee surcharge to be used for projects and programs to improve air quality. Existing law, in the area under the jurisdiction of the Bay Area Air Quality Management District, requires at least 40% of fee revenues to be proportionately allocated to each county within the district, and requires an entity receiving these revenues to hold at least one annual public meeting for the purpose of adopting criteria for expenditure of the funds and to review those expenditures. This bill would delete the requirement for an annual public meeting to adopt criteria for expenditure of funds, unless the criteria have been modified from the previous year. This bill contains other related provisions and other existing laws.	Monitor	4/22/2015-S. T. & H. 4/22/2015-From committee with author's amendments. Read second time and amended. Re-referred to Com. on T. & H.
SB 508 **Beall D** **Transit operations: financial requirements.**	Existing law provides various sources of funding to public transit operators. Under the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, revenues from a 1/4% sales tax in each county are available, among other things, for allocation by the transportation planning agency to transit operators, subject to certain financial requirements for an operator to meet in order to be eligible to receive funds. Existing law sets forth alternative ways an operator may qualify for funding, including a standard under which the allocated funds do not exceed 50%of the operator's total operating costs, as specified, or the maintenance by the operator of a specified farebox ratio of fare revenues to operating costs. Existing law generally establishes the required farebox ratio as 20% in urbanized areas and 10% in nonurbanized areas, except that an operator that exceeded those percentages in the 1978-79 fiscal year is required to maintain the higher farebox ratios in order to remain eligible for funding. Existing law provides various exceptions to the definition of "operating cost" for these purposes. This bill would delete the requirement for transit operators to maintain higher farebox requirements based on the 1978-79 fiscal year. The bill would exempt additional categories of expenditures from the definition of "operating cost" used to determine compliance with required farebox ratios, including, among others, certain health coverage, pension, fuel, insurance, and claims settlement costs. The bill would also exempt startup costs for new transit services for up to 2 years. The bill would revise the definition of "operating cost" for performance audit and certain other purposes to exclude principal and interest payments on capital projects funded with certificates of participation or other lease financing mechanisms. This bill contains other related provisions and other existing laws.	Monitor	3/12/2015-S. T. & H. 4/2/2015-Set for hearing May 5.

SB 516 **Fuller R** Transportation: motorist aid services.	Existing law authorizes the establishment of a service authority for freeway emergencies in any county if the board of supervisors of the county and the city councils of a majority of the cities within the county adopt resolutions providing for the establishment of the service authority. Existing law authorizes a service authority to impose a fee of $1 per year on vehicles registered in the counties served by the service authority. Existing law requires moneys received by a service authority to be used for the implementation, maintenance, and operation of a motorist aid system of call boxes and authorizes moneys received by a service authority in excess of what is needed for that system to be used for additional motorist aid services, including, among other things, changeable message signs and lighting for call boxes. Existing law requires the Department of Transportation and the Department of the California Highway Patrol to review and approve plans, and amendments to plans, for implementation of a motorist system of call boxes. This bill would instead require that those moneys be used by the service authority for service expenses associated with the implementation, maintenance, and operations of a motorist aid system, including the installation of call boxes. The bill would additionally authorize the use of those moneys for traveler information systems, Intelligent Transportation System architecture and infrastructure, other transportation demand management services, and litter and debris removal. The bill would require the Department of Transportation and the Department of the California Highway Patrol to review and approve plans, and amendments to plans, for installation of a motorist aid system of call boxes and any call box removal plan.	Monitor	4/21/2015-S. T. & H. 4/21/2015-From committee with author's amendments. Read second time and amended. Re-referred to Com. on T. & H.
SB 529 **Pan D** **Public transit.**	Existing law provides that any public transit guideway that is planned, acquired, or constructed on or after January 1, 1979, is subject to regulation by the Public Utilities Commission relating to safety appliances and procedures. That law additionally requires the commission to inspect all work done on those guideways, authorizes the commission to make further additions or changes necessary for the purpose of safety to employees and the general public, and requires the commission to develop an oversight program employing safety planning criteria, guidelines, safety standards, and safety procedures to be met by operators in the design, construction, and operation of those guideways. This bill would make nonsubstantive revisions to the above-described law.	Monitor	4/16/2015-S. T. & H. 4/16/2015-Re-referred to Com. on T. & H.

SB 599 Mendoza D **Employment: public transit service contracts.**	Existing law requires a local government agency to give a 10% preference to any bidder on a service contract to provide public transit services who agrees to retain employees of the prior contractor or subcontractor for a period of not less than 90 days, as specified. This bill would expand these provisions to require a state agency to also give a 10% preference to any bidder under these provisions.	Monitor	4/20/2015-S. APPR. SUSPENSE FILE 4/20/2015-April 20 hearing: Placed on APPR. suspense file.

SB 767 De León D **Los Angeles County Metropolitan Transportation Authority: transactions and use tax.**	Existing law authorizes the Los Angeles County Metropolitan Transportation Authority (MTA) to impose, in addition to any other tax that it is authorized to impose, a transactions and use tax at a rate of 0.5% for the funding of specified transportation-related projects and programs, subject to various requirements, including the adoption of an expenditure plan and voter approval. Existing law authorizes the MTA to seek voter approval to extend the transactions and use tax pursuant to an amended ordinance, subject to various requirements, including adoption of an amended expenditure plan that, among other things, updates certain cost estimates and identifies expected completion dates for projects and programs under the previous expenditure plan, and also requires the amended expenditure plan to be included in an updated long range transportation plan, as specified. This bill would authorize the MTA to impose an additional transportation transactions and use tax at a rate of 0.5% subject to various requirements, including the adoption of an expenditure plan and voter approval. This bill contains other related provisions and other existing laws.	SUPPORT	4/22/2015-S. APPR. 4/22/2015-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (April 22). Re-referred to Com. on APPR.

SCA 5 Hancock D **Local government: special taxes: voter approval.**	The California Constitution conditions the imposition of a special tax by a local government upon the approval of 2/3 of the voters of the local government voting on that tax, but authorizes the imposition of a local ad valorem tax for school facilities upon the approval of 55% of the voters voting on that tax. This measure would condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition, if the proposition proposing the tax contains specified requirements. The measure would also make conforming and technical, nonsubstantive changes.	Monitor	4/7/2015-S. G. & F. 4/7/2015-Referred to Coms. on GOV. & F., E. & C.A., and APPR.

FEDERAL

BILL/AUTHOR	DESCRIPTION	STATUS
H.R. 3620 Bass D	Would permit transportation agencies to consider the hiring of local workers in the evaluation of bids and proposals for highway and transit projects where federal funds are being used.	January 2014 – SUPPORT Referred to House Transportation and Infrastructure Subcommittees on Highways and Transit and Railroads, Pipelines, and Hazardous Materials
H.R. 680 Blumenauer D	Would gradually increase the federal gas tax by 15-cents, index the gas tax to inflation and seek to replace the federal gas tax with a more stable alternative by 2024. *Board previously supported HR 3636 bill last session.*	**May 2015 – SUPPORT** Referred to the House Committees on Ways and Means and House

		Transportation and Infrastructure
H.R. 935 **Hahn D-CA**	Would direct 5% of all import duties collected by Customs and Border Protection (CBP) at Ports of Entry to be spent on freight transportation through the creation of the National Freight Network Trust Fund. *Board previously supported HR 5101 bill last session.*	**May 2015 – SUPPORT WORK WITH AUTHOR** Subcommittee on Rail, House Transportation and Infrastructure Committee House Ways and Means Committee
H.R. 990 **King R-NY**	**Would authorize and bring parity between the parking and transit commuter tax benefits available for emplyees, including cash payments from employers, tot eh level of $235 per month. The legislation also includes a tax benefit for bicycle commuters in the amount of $35 per month.**	**May 2015 – SUPPORT** House Ways and Means Committee
H.R. 1308 **Lowenthal D-CA**	**Would establish a Freight Transportation Infrastructure Trust Fund and create a freight specific formula and competitive grant program for multimodal projects.** *Board previously supported HR 5624 bill last session.*	**May 2015 – SUPPORT WORK WITH AUTHOR** Subcommittee on Water, House Transportation and Infrastructure Committee House Ways and Means Committee
H.R. 1461	Would end the longstanding practice of the mass transit account receiving funding	**May 2015 –**

Massie R-KY	through the Highway Trust Fund. Additionally, it repeals the Transportation	**OPPOSE** House Transportation and Infrastructure Committee House Ways and Means Committee
H.R. 1551 Sanford R-SC	Would phase out the Mass Transit Account from receiving any funding through the Highway Trust Fund by incrementally decreasing funding from 2016-2020.	**May 2015 – OPPOSE** House Ways and Means Committee
S. 650 Blunt R-MO	Extends the national deadline by five years to implement PTC, from December 31, 2015 to December 31, 2020. Two one year extensions beyond 2020 are included in the legislation, but the extensions are at the discretion of the Secretary of the U.S. Department of Transportation.	**MAY 2015 – OPPOSE** Senate Commerce, Science and Transportation Committee
S. 797 Booker D-NJ	Amends the Railroad Rehabilitation and Improvement Financing Program (RRIF) to expand the eligibility for financing transit oriented development.	**May 2015 – SUPPORT WORK WITH AUTHOR** Senate Commerce, Science and Transportation Committee
S. 880 (Schatz-D-HI)	Amends the TIFIA program, as authorized in MAP-21, to include TOD as an eligibile expense to finance through the TIFIA program.	**May 2015- SUPPORT** Senate Environment and Public Works Committee

S. 1006 (Feinstein-D-CA)	**Extend the national deadline to implement Positive Train Control by one year**	**MAY 2015 – SUPPORT** Senate Commerce, Science and Transportation Committee
Omnibus Appropriations Bill For Fiscal Year 2015	A short-term continuing resolution (CR), H.J. Res. 124, to fund all programs and functions of the Federal Government for the first ten weeks of the fiscal year beginning on October 1, 2014. The CR extends funding for all federal programs, agencies, and services until December 11, 2014, at the current annual rate of $1.012 trillion.	Signed by President, September 19, 2014 U.S. Senate and House passes H.J. Res 124 on September 18, 2014
Moving Ahead For Progress In The 21st Century **Surface Transportation Authorization Bill**	MAP-21 • 27 month bill – expires on September 30, 2014 / Extends motor fuels tax through October 1, 2015 • **Total Funding:** $105 Billion o **Highway Funding:** $39.7 Billion in FY13 and $40 Billion in FY14 o **Transit Funding:** $10.5 Billion in FY13 and $10.7 Billion in FY14 • Includes **America Fast Forward** Innovative Financial Provision (TIFIA) o Does not include Qualified Transportation Improvement Bonds (QTIB) **H.R. 5021 passed both Chambers and provides approximately $10.8 billion in offsets to support transfers of General Funds into the HTF and extends the authorizations for transit, highway and highway safety programs funded from the HTF through the end of May 31, 2015.**	July 15, 2014, H.R. 5021, extension of MAP-21, passed both Chambers Authorizes MAP-21 until May 31, 2015 July 6. 2012 Signed by President into law
Obama Administration Proposal **Generating Renewal, Opportunity, and Work with Accelerated**	**Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities Throughout America (GROW AMERICA) Act is a four-year, $302 billion surface transportation reauthorization bill.** **The proposal includes:** • $199 billion for highways o $92.1 billion for the National Highway Performance Program	Introduced – April 29

Mobility, Efficiency, and Rebuilding of Infrastructure and Communities Throughout America (GROW AMERICA) Act	o $13.6 billion for "critical immediate investments" • $72 billion for transit o $11 billion for Capital Investment Grants o $2.2 billion to help rapidly-growing communities invest in new bus rapid transit lines • $5 billion for the TIGER program ($1.25 billion per year – an increase of more than 100 percent over current levels) • $19 billion in dedicated funding for rail programs • $5 of billion annually for high performance and passenger rail programs with a focus on improving the connections between key regional city pairs and high traffic corridors throughout the country • $4 billion to attract private investment through the Transportation Infrastructure Finance and Innovation Act (TIFIA) program • $1 billion for a new grant program called Fixing and Accelerating Surface Transportation (FAST) geared toward "bold, innovative strategies and best practices" • Significant investment in the president's "Ladders of Opportunity" initiative o $2 billion for an innovative Rapid Growth Area Transit Program to provide new bus rapid transit and other multimodal solutions for rapidly growing regions o $245 million for workforce development to enhance the size, diversity, and skills of the construction and transportation workforce through collaborative partnerships with the U.S. Department of Labor, states, and non-governmental organizations • $10 billion for a multi-modal freight program • $7 billion for the National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA) to improve safety.	

Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
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Los Angeles, CA

Metro

Board Report

File #: 2015-0554, **File Type:** Policy **Agenda Number:** 68.

EXECUTIVE MANAGEMENT COMMITTEE
JULY 16, 2015

SUBJECT: RESPONSE TO REQUEST FOR ACTION REGARDING METRO INVOLVEMENT IN AFFORDABLE HOUSING

ACTION: ADOPT UPDATED METRO JOINT DEVELOPMENT POLICY

RECOMMENDATION

EXECUTIVE MANAGEMENT RECOMMENDED (4-0-1) adopting **updated Metro Joint Development Policy** (Attachment B).

ISSUE

In March of this year, the Metro Board of Directors approved a motion (Attachment A) directing staff to report back on several actions that support affordable housing creation and preservation around transit. Two of those actions can be implemented through amendments to the Metro Joint Development (JD) Policy.

In addition, since November of 2014, Metro has engaged in outreach in several communities as well as to the development community surrounding JD projects that are in the project definition and negotiation phase. Throughout this outreach, staff has been explaining the joint development process, increasing its focus on meaningful community engagement, and has reconsidered the process for the creation of Development Guidelines, to become more community-driven. Staff is recommending additional amendments to the JD Policy such that the policy matches the commitments the JD team has made to its community stakeholders, and to elevate transparency for all stakeholders participating in the Joint Development (JD) process.

Beyond the recent and ongoing outreach regarding the JD Process, the JD Team has heard from some stakeholders that there is interest in revisiting the JD Policy once the projects currently in the process of project definition, community engagement and negotiations are more clearly defined. The JD Team will evaluate the lessons learned in the outreach process used for the current projects and bring to the Board any suggested modifications at that time.

The proposed new *Joint Development Program: Policies and Process* (Proposed JD Policy) is included as Attachment B and is summarized herein. The remaining actions requested in the March motion are under development and will be brought to the Board in September of this year.

DISCUSSION

Nexus / Background

As Metro transportation investments expand, the potential exists for land values to increase near transit. A large portion of Metro ridership is made up of lower-income, transit dependent patrons. It is within Metro's mission to promote ridership along existing and planned transit corridors by promoting affordable housing near transit. It is also in keeping with federal and state guidance surrounding greenhouse gas emissions reductions strategies.

The Metro JD Program is a real estate management program that seeks to collaborate with private sector developers to create developments on Metro properties. The JD Program is guided by the existing joint development policy document, the Joint Development Policy and Procedures ("JD Policy"), which was last updated in October 2009.

The proposed changes have two goals: (1) to implement direction from the Board regarding affordable housing and (2) to reinforce the recent conversations with community stakeholders regarding the need for more transparency and meaningful engagement in the JD Process. The policy changes are summarized below.

Summary of JD Policy Changes

Affordability Goal: The Board of Directors instructed staff to establish a goal of 35% affordable units in Metro joint developments in the aggregate, portfolio-wide. This goal is included as a new Joint Development Objective in the Proposed JD Policy. The portfolio-wide goal allows for flexibility between projects and between communities which have varying affordability goals.

Proportional Discount: The Board of Directors also instructed staff to recommend criteria under which Metro would allow proportional discounts to Metro JD properties for the purpose of contributing towards the cost of affordable housing. Staff recommends a proportional discount that would be capped at 30% of the land value. The recommended policy language regarding this discount has been submitted to the Federal Transit Administration (FTA) for consideration and approval with regard to joint development sites that are subject to FTA review.

Staff is recommending a 30% maximum discount to ensure that Metro will maintain value in its properties and generate revenue from its assets for public transportation benefit, in keeping with the mission of the agency and pursuant to FTA requirements. It is proposed that discounts to affordable housing projects will be proportionate to the percentage of affordable units in the project. For example, a project that includes 20% affordable units could be discounted up to 20%. Given the proposed maximum 30% discount, land values for a project with 100% affordable units, could be discounted up to 30%.

Joint Development Process and Community Engagement: Over the past six months, the JD team has engaged in significant outreach in several communities where JD is either already active or where the process is about to begin. Much of this outreach has focused on, and caused a recalibration of, the JD Process and how community stakeholders are engaged. Further, with

increased attention on Metro's expansion of the transit system, JD has become a popular topic at conferences and events related to real estate and community development. The JD team has participated in these conferences to share the JD Process and has stressed the importance of meaningful community engagement in the JD process. In addition, the JD Team has developed a pilot program using experienced design firms to lead community charrettes in the creation of Development Guidelines.

Upon review of the existing JD Policy, it became apparent that parts of the policy were outdated and should be amended to match Metro's focused efforts around community engagement and clarification of the JD Process. The Proposed JD Policy reflects the recent recalibration of the community engagement process, efforts at ensuring that Development Guidelines are meaningful, and includes an explanation of the JD Process. These amendments are critical to increasing transparency for all stakeholders involved in the process. The policy does not prescribe a "cookie cutter" community engagement process. Rather they require that for each JD project, a community engagement process designed for the specific affected community is required to be developed as an initial step in the process.

Other Requested Actions in March Board Motions
In addition to the updated policy, Metro staff is working on several other actions that were requested in the March motion.

Affordable Housing and Small Business Collaborative Loan Fund: Metro staff has been working with a diverse stakeholder group to develop the vision, goals, and action plan for a Metro collaborative loan fund(s) for affordable housing and small businesses near transit. Staff will return to the Board in September with a progress report.

Group Rate TAP Purchase Program: Metro Planning and Communications departments are working together to develop an affordable housing TAP purchase program. The Board will be presented with options for the TAP program in September. The main considerations of the program will be the price of the TAP pass, the revenue impact of the program, and whether it is available to Metro affordable housing joint development projects only or to any transit-oriented affordable housing project.

Memorandum of Understanding with Cities: Staff is working work with County Counsel to outline an MOU with cities for co-investment in affordable housing on Metro sites, and other opportunities for cities to promote affordable housing near transit, and will then convene cities to solicit feedback. Staff will report back to the Board in September with a draft MOU and request authority to execute MOUs with cities.

DETERMINATION OF SAFETY IMPACT
This Board action will have no impact on safety.

FINANCIAL IMPACT
Adoption of the Proposed JD Policy would potentially reduce the revenue that Metro receives in ground lease payments on its JD projects.

In approximate terms, staff has estimated how much revenue would have been forgone for existing

Metro joint developments, were Metro to have had this policy in place previously (and housing projects received the maximum proportional discount). It is difficult to calculate the precise financial impact, because ground leases are negotiated using a variety of project-specific inputs. As a rough estimation, Metro would have foregone approximately $5.5 million from ground lease payments from affordable housing projects. This is out of the approximately $22 million that has otherwise been generated from completed affordable housing joint development projects to date.

ALTERNATIVES CONSIDERED

The Board could elect not to adopt the policy. This is not recommended because it would not accomplish the goals and instructions requested by the Board in the March motion. It would also leave the current JD Policy in place, and the language in the policy does not make clear the JD Process or Metro's commitment to meaningful community engagement in the JD Process.

NEXT STEPS

Upon approval of the updated Proposed JD Policy, staff will update the JD Policy which will take effect immediately.

In response to feedback that staff has received, once the projects currently in the process of project definition, community engagement and negotiations are more clearly defined, the JD Team will evaluate the lessons learned in the outreach process and bring to the Board any suggested modifications.

ATTACHMENTS

Attachment A - Motion 51.1
Attachment B - Proposed Joint Development Policy

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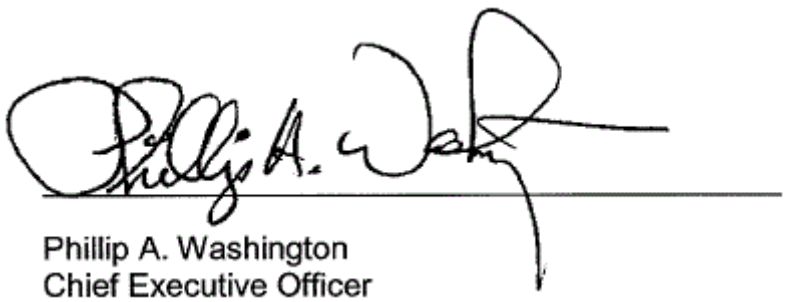

Phillip A. Washington
Chief Executive Officer

51.1 APPROVED **REVISED MOTION by Directors Garcetti, Ridley-Thomas, Kuehl, Solis, Bonin and Dupont-Walker AS AMENDED by Directors DuBois and Knabe** that the CEO direct staff to report back to the Board with the following items:

A. amendment to MTA's Joint Development Policy, establishing a goal that in the aggregate, affordable housing units represent 35% of all residential units developed on MTA-owned property;

B. recommended criteria under which MTA would allow proportional discounts to the fair market value of MTA owned property for the purpose of contributing towards the cost of affordable housing;

FURTHERMORE, that the CEO direct staff to:

C. develop a memorandum of understanding with interested local cities and the County of Los Angeles to promote co-investment along transit corridors, such as leveraging municipally-controlled affordable housing and small business dollars for MTA's Joint Development affordable housing sites;

D. negotiate terms and conditions for the Board's consideration that reflect MTA's participation in the collaborative creation of a multi-partner Countywide Transit Oriented Affordable Housing and Business loan fund. Potential partners should include community development financing institutions and community-based development organizations whose primary goal is to develop, invest in or preserve affordable homes or businesses within ½ mile of MTA rail stations, bus rapid transit or rapid bus stops. Through the loan fund, developers would be able to access flexible, affordable capital to purchase or improve available property near transit lines for the development or preservation of affordable housing and small business, creating and retaining community job opportunities for MTA's joint development. ~~and~~

E. report back to the Board on the following:

    1. criteria for eligible joint development projects, including neighborhood serving businesses to be funded by the loan fund;

(Continued on next page)

(Item 51.1 – continued from previous page)

2. administration of the fund;

3. loan program structure;

4. potential sources of funds including, but not limited to partners/collaborators.

F. report back to the Board during the FY2015-16 Budget regarding the feasibility to budget $2 million annually for 5 years, up to $10 million to establish the revolving loan fund; ~~and~~ from sources, including but not limited to, non-operations/maintenance eligible funding sources, such as cap and trade affordable housing funds and with a plan to geographically disperse the funds equitably so that sites within each subregion are eligible for a share of the funds

G. work with a diverse stakeholder ~~the~~ affordable housing community to establish a revenue neutral TAP purchase program that provides passes to current and future occupants of MTA joint developments.

H. reference MTA's Sustainability Planning Policy to insure a compatible and integrated approach to joint development and any potential loan fund

I. to the extent possible, provide an estimate or projection of the "proportional discount" to the fair market value of MTA-owned properties listed in Attachment C of the report using the "typical subsidy" level of $80,000 to $150,000 per unit.

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

ATTACHMENT B

PROPOSED
METRO JOINT DEVELOPMENT PROGRAM: POLICIES AND PROCESS
July 2015

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A. JOINT DEVELOPMENT PROCESS CHART 14

I. INTRODUCTION / PURPOSE

The Metro Joint Development Program is a real estate development program for properties owned by the Los Angeles County Metropolitan Transportation Authority (Metro). It is a real property asset development and management program designed to secure the most appropriate private and/or public sector developments for Metro-owned properties.

This document outlines the goals, policies and process that will guide the Metro Joint Development Program as it develops Metro-owned properties. It serves to inform communities in which joint developments take place, developers who build them, and the general public, about the objectives, policies, and processes that govern the Joint Development Program.

II. OBJECTIVES / GOALS

The Joint Development Program is centered on three main goals:

A. Transit Prioritization:

1. Preserve Properties for Transit Use. Metro will preserve the ability to safely operate and maintain transportation facilities on its properties.

2. Increase Transit Ridership. The Joint Development Program aims to reduce greenhouse gas emissions and increase transit ridership by attracting new riders and increasing the number of trips generated from joint development projects.

B. Community Integration, Engagement, Affordable Housing and Design:
Metro's Joint Development Program will seek projects that engage stakeholders and create vibrant, transit-oriented communities that offer a range of housing types, job opportunities, and services centered around public transit facilities.

1. Community Integration. Metro will seek to create projects that are compatible with the surrounding community and reflect the needs and desires of the neighborhood in which they are situated. Like any private development, joint developments are subject to the land use policies and approval processes of the host jurisdiction.

2. Community Engagement. Metro will ensure that the Joint Development Process actively engages community members at every development stage.

3. Affordable Housing. Metro's Joint Development Program seeks to facilitate construction of affordable housing units, such that 35% of the total housing units in the Metro joint development portfolio are affordable. (The joint development portfolio includes properties for which Metro maintains long term ownership. It does not include surplus land that is sold in fee.) (Affordable housing is defined as housing that is covenant-controlled, provided on an income-restricted basis to qualifying tenants at rents below the current private market, and often subsidized by public or non-profit funding sources.)

4. Design and Placemaking. Metro's Joint Development Program will pursue high quality design that enhances the surrounding community and creates inviting spaces and places around Metro transit facilities.

C. Fiscal Responsibility:

1. Maximize Revenue. Joint development projects are expected to generate value to Metro based on maximizing ground rent revenues received, or equivalent benefits negotiated, for the use of Metro property.

2. Minimize Risk. Projects should minimize financial risk to Metro.

3. Feasibility. Projects should be viable, now and in the future.

III. POLICIES

To achieve its goals, the Joint Development Program shall conform to the following policies:

A. Transit Prioritization and Integration:

1. Preservation of Transit Facilities. Metro shall retain authority over its transit facilities and services, and no development shall negatively impact existing or future public transportation facilities, nor shall any development obligate Metro to any particular operational level of service.

2. Density and Program. Metro will prioritize dense, trip generating uses on joint development sites.

3. Transit Connections. Metro will maximize connections to transit facilities from and through joint developments, where appropriate. Projects are encouraged which provide for increased station access using buses, active transportation and other alternative modes of travel.

B. Community Outreach:

1. Community Engagement. Metro will pro-actively engage with the communities where the joint development projects occur through a variety of methods, which may include charrettes, focus groups, workshops, email updates and social media communications. Developers selected for joint development projects shall be required to create a community engagement plan.

2. Local Collaboration. Metro will consult and work cooperatively with local jurisdictions and developers to encourage intensive, high-quality development at stations and surrounding properties.

3. Design Rigor. Projects shall demonstrate a high quality of design that is both sensitive to community context and enhances the surrounding community.

C. Financial Policies:

1. Risk Minimization. Projects should not require commitment of Metro financial resources, should minimize any investment risk to Metro, and should maximize asset security for Metro.

2. Collaborative Contribution. Projects are encouraged which obtain capital or in-lieu contributions from other public agencies to create greater community economic benefit to Metro-sponsored joint development projects.

3. Ground Lease Preference. Use of a long term ground lease is generally preferred to fee disposition.

D. Affordable Housing Policies:

A large portion of Metro riders are low-income and transit dependent. Meanwhile, Metro transportation investments have the potential to raise the value of property near Metro transit investments. Thus, it is in Metro's and the community's interest to maintain and grow ridership by promoting the development of affordable housing on appropriate Metro joint development sites. In addition, State and Federal guidance encourages coordination of investments and policies to accommodate affordable housing near transit. Metro will use the following policies to promote affordable housing on joint development sites:

1. Range of Types. Joint development projects with a residential component are encouraged to provide a range of housing types to meet the needs of a diversity of household incomes, sizes, and ages.

2. Land Discounting. Where appropriate, and subject to Federal Transit Authority (FTA) approval (if applicable), Metro may discount joint development ground leases below the fair market value in order to accommodate affordable housing. Such a land discount may not be greater than 30% of the fair market value.

3. Proportional Land Discounting for Affordable Housing. The proportional discount of the ground lease may not be greater than the proportion of affordable units to the total number of housing units in the project, with a maximum discount of 30%. For example, land value for a project that has 20% affordable units could be discounted up to 20%. Land value for a project with 100% affordable housing could be discounted up to 30%. In the case of mixed use projects, the discount will be to the land value attributable to the housing portion of the project.

E. Development Solicitation Policies:

1. Competitive Solicitation. Metro will seek to develop joint development sites via a competitive selection process that is further detailed in the following Process Section. The competitive process will be managed through the Vendor/Contract Management Department and will be consistent with Procurement Policies.

2. Unsolicited Proposals. Metro does not encourage unsolicited proposals. Metro will consider unsolicited proposals in limited cases, including, but not limited to, the instance of small or constrained sites with adjacent landowners whose property could be combined with Metro property to create a suitable development site. Further detail regarding the process for unsolicited proposals is also included in the following Process Section.

F. Acquisition Policies:

1. To encourage opportunities for joint developments surrounding transit investments, when appropriate, Metro will consider joint development opportunities in the acquisition of required property, location of new station sites, and construction of station facilities.

2. In the initial planning of a transit corridor project (e.g., during the environmental and preliminary engineering phases), Metro may conduct site analysis, include a preliminary layout of each passenger station site, develop conceptual urban design strategies integrating station sites with adjacent communities, and evaluate proposed station sites for their joint development potential.

IV. PROCESS

A. Inventory and Site Selection:

1. Inventory. Metro maintains an inventory of properties that are potential sites for future joint development. Metro staff will monitor market conditions and communicate with local jurisdictions and stakeholders about development potential.

2. Site Selection. The determination to select sites for joint development is dependent on several factors including, but not limited to: market conditions, community input, local jurisdictions, and Metro resources. These factors may provide the basis for establishing project priorities, project implementation strategies, and ultimately the creation of Development Guidelines, to ensure maximum attainment of Metro's Joint Development Objectives.

3. Determination of Financing Requirements. Upon the selection of a site for a joint development project, Metro staff will determine the funding sources that were involved in the acquisition of the selected site. Depending upon the financing that was used, the project may be subject to review by the FTA, the California Department of Transportation (Caltrans), and/or review pertaining to the presence of tax-exempt bonds.

B. Community Outreach and Scoping

1. Community Engagement. Once a site has been selected for a potential joint development, Metro will consult with local jurisdictions, and conduct outreach to solicit input from the community surrounding the site. The Joint Development Program staff, working closely with Metro Community Relations, will work with the community stakeholders and local jurisdiction to determine a vision for the potential project.

2. Development Guidelines. Upon determination of a unified vision that is desirable to the community and economically feasible, Metro will prepare Development Guidelines specific to the site. The Development Guidelines will articulate the intensity and type of land uses that Metro and the community desire for that site, as well as any desired transit and urban design features. The Development Guidelines will be presented to the Metro Board for approval. Within Metro, the Development Guidelines shall be informed by:
    a. Existing or planned transit stations or stops
    b. Metro Rail Design Criteria
    c. Input from the Metro Operations Department
    d. The First/Last Mile Strategic Plan
    e. The Complete Streets Policy
    f. The Sustainability Policy
    g. The Supportive Transit Parking Plan (once completed and adopted)

h. The Public Restroom Policy

C. Competitive Solicitation Process:

1. Solicitation. After Board approval of the Development Guidelines, Metro will solicit proposals for joint development of the site through a Request for Information and Qualifications (RFIQ) and/or a Request for Proposals (RFP). The standard RFIQ/RFP procedure will be managed through the Vendor/Contract Management Department and will be consistent with Procurement Policies.

2. Evaluation. Joint development proposals should be evaluated based on their support of the Joint Development Objectives and conformance with the site-specific Development Guidelines. Staff will assemble an evaluation panel generally consisting of key Metro personnel, and a representative of the governing jurisdiction. Additionally, an urban design or development consultant, financial services consultant and/or local jurisdiction technical staff may be used to provide support and advisory services in the evaluation of proposals. The evaluation panel shall evaluate joint development proposals and advise the Metro Chief Executive Officer (CEO) on a developer to be recommended to the Board. The CEO may recommend a developer to the Board or defer joint development if none of the proposals maximize Joint Development Objectives.

3. Unsolicited Proposals. Neither Metro nor the FTA encourages unsolicited proposals. If Metro receives an unsolicited proposal for a joint development site, staff will evaluate the proposal and determine if further action should be taken. Unsolicited proposals shall only be recommended to the Metro Board for consideration under certain limited circumstances, including but not limited to:

   - The Metro property is a small or constrained site and the proposal is from an adjacent landowner(s) (or Developer(s) with site control of adjacent properties) that make the Metro site feasible or better able achieve the Joint Development Objectives.
   - The proposal is feasible and meets the Joint Development Policy Objectives.

   In any case, unsolicited proposals on properties with an FTA interest are subject to FTA approval. If these and any other conditions identified during review of the unsolicited proposal are met, staff may recommend that the Developer reach out to community stakeholders to seek input, and then may recommend the proposal to the Metro Board. Even if these conditions are met, staff may open the site to a competitive solicitation process.

D. Development Phase:

1. Exclusive Negotiation and Planning Agreement. Before the CEO recommends the selected developer's proposal to the Metro Board, developer shall negotiate and execute an Exclusive Negotiation and Planning Agreement ("ENA") with a project concept, terms and conditions regarding community engagement, general planning and development goals, deposit and fees, design review and a predevelopment schedule agreed to by the proposed developer and Metro staff. Upon approval of a recommended developer and authorization by the Metro Board, the CEO shall execute the ENA with the developer.

   Developer Responsibilities under the ENA include but are not limited to:

   a. Negotiate in good faith, including such project design and project financing information as necessary for Metro staff to negotiate a transaction.

   b. In consideration for entering into the ENA, developer shall provide Metro a non-refundable fee in an amount determined by the CEO but in no event less than fifty thousand dollars $50,000 or such other consideration as determined by the CEO or designee.

   c. In addition to the fee, developer shall also provide Metro with a deposit in an initial amount determined by the CEO or designee to pay Metro's actual costs to negotiate and evaluate the proposal, including Metro in-house and third party costs.

   d. Create a robust community engagement plan that will carry throughout the design, entitlement and construction process for the project.

   Metro Responsibilities under the ENA:

   e. During the negotiation period, provided that developer is not in default of its obligations under the ENA, Metro shall negotiate exclusively and in good faith with the developer a Joint Development Agreement ("JDA") and Ground Lease to be entered into between Metro and the developer, and shall not solicit or entertain offers or proposals from other parties concerning the site.

   Term of the ENA:

   f. The term of the ENA shall generally be eighteen (18) months; provided, the term and any extensions shall not exceed thirty (30) months. In considering an extension, the CEO or designee shall determine whether substantial progress has been made towards fulfillment of the requirements of the ENA and may require payment of additional fee and/or deposit amounts.

2. Joint Development Agreement.

a. Before the Metro Board can authorize a JDA for a project, the project must be environmentally cleared through the California Environmental Quality Act (CEQA). Metro is not the lead CEQA agency for joint development projects; the agency with local regulatory land use authority generally serves that function.

b. Upon satisfactory fulfillment of the development requirements in the ENA, negotiation of acceptable terms, and adoption of CEQA findings by the lead agency, Metro staff will recommend to the Metro Board to (a) adopt the CEQA findings as a responsible party and (b) enter a Joint Development Agreement (JDA) for the implementation of a project. The JDA shall describe the rights and responsibilities of both parties. The recommendations may also include the terms for a Ground Lease, or another form of purchase and sale agreement as appropriate.

3. Ground Lease. Upon satisfactory fulfillment of the closing conditions required in the JDA, Metro shall enter into a Ground Lease for the lease of the site. The Ground Lease shall describe the rights and responsibilities of both parties with respect to the site. The Metro CEO or designee may also enter into such other documents and agreements to implement and administer the project as described in the JDA and Ground Lease.

4. Environmental Compliance. As noted above, Metro shall not approve or be committed to a project until the Metro Board as a responsible agency under CEQA and/or NEPA considers and analyzes the environmental impacts of the project. The project must be cleared through CEQA before a JDA or a Ground Lease can be approved by the Board.

V. LEGAL FRAMEWORK

A. Statutory Basis:

The Metro Joint Development Program maintains statutory basis as obtained by a predecessor agency, the Southern California Rapid Transit District. Under California Public Utilities Code, Section 30600: "the district may take by grant, purchase, gift, devise, or lease, or by condemnation, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary or incidental to the full or convenient exercise of its powers. That property includes, but is not limited to, property necessary for, incidental to, or convenient for joint development and property physically or functionally related to rapid transit service or facilities. The Board may lease, sell, jointly develop, or otherwise dispose of any real or personal property within or without the district when, in its judgment, it is for the best interests of the district to do so."

B. FTA Regulations:

Metro joint development sites which were acquired with assistance from the FTA are subject to FTA joint development policies. Current guidance in FTA Circular 7050.1 on FTA-funded real property for joint development, stipulates that joint developments follow four criteria:

1. Economic Benefit – project must enhance economic benefit or incorporate private investment.
2. Public Transportation Benefit – project must provide physical transit improvement or enhanced connection between modes.
3. Revenue – generally, project must generate a fair share of revenue (at least equal to the amount of original federal investment) and be used for public transportation purposes.
4. Tenant Contributions – tenants pay a fair share of the costs through rental payments or other means.

Metro joint development sites which were acquired with FTA funds are subject to and will follow FTA guidance as it is updated from time to time. Joint development projects will be reviewed individually by the FTA to ensure compliance.

In addition, Metro is responsible to ensure that joint development projects comply with FTA Title VI Civil Rights and Environmental Justice requirements. Compliance with Title VI will be required of Developer's selected for joint development projects.

C. Local Jurisdictions:

Metro joint developments are subject to local land use policies and procedures in the host jurisdiction, similar to any private development. The selected developer for any joint development site must follow the land use, zoning, permitting, and entitlement process for the local jurisdiction of that site.

EXHIBIT A: JOINT DEVELOPMENT PROCESS CHART

Metro Joint Development Process

STAGE	Initial Community Outreach	Developer Solicitation/ Selection**	Project Refinement, Joint Development Agreement (JDA) and Ground Lease (GL) Negotiations	Permitting and Construction
ACTIONS	>Community Meetings >Creation of Development Guidelines*	>Issue Request for Information and Qualifications (RFIQ) and/or Request for Proposals (RFP) >Evaluate Proposals >Community update	>Developers progress architectural design >Community outreach and input - several iterations >Entitlements and CEQA process*** >Negotiation of financial terms	>City engineering >Construction documents >City building permits >City-related approvals >On-site construction >Occupancy
RESULT	Board approves Development Guidelines	Metro Board authorizes Exclusive Negotiation Agreement (ENA) with recommended developer(s)	Metro Board approves JDA and GL	Completed project
	approximate overall time frame: 42 - 60 months			
	6 months	6 months	12 - 24 months	18 - 24 months

*Staff may undertake preliminary market analysis or related studies prior to the drafting of development guidelines.

**Once the RFIQ/RFP is released, Metro is in a "blackout" period. During this period, Metro cannot discuss the specific content of proposals until staff releases their recommendations for a developer. Metro can do general outreach to keep stakeholders appraised of the process and key dates.

***Proposed use requires local jurisdiction approval and may include environmental, zoning, and local plan consistency review and public hearings.

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

Metro

Board Report

File #: 2015-1038, **File Type:** Ordinance / Administrative Code **Agenda Number:** 69.

REVISED
EXECUTIVE MANAGEMENT COMMITTEE
JULY 16, 2015

SUBJECT: METRO PARKING ORDINANCE, METRO PARKING RATES AND PERMIT FEE RESOLUTION

ACTION: ADOPT METRO PARKING ORDINANCE, METRO PARKING RATES AND PERMIT FEE RESOLUTION

RECOMMENDATION

EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (5-0):

A. adopting the attached **Parking Ordinance, as set forth in Attachment A ("Metro Parking Ordinance"), enacting a new Title 8 to Metro's existing Administrative Code;**

B. adopting the attached Fee Resolution, as set forth in Attachment B ("Metro Parking Rates and Permit Fee Resolution") establishing parking rates and permit fees at all Metro operated parking facilities and proposed new parking fees at Los Angeles Union Station;

C. authorizing the Chief Executive Officer to implement and begin regulating the adopted Metro Parking Ordinance and Parking Fee Resolution at all Metro operated parking facilities. Systemwide including proposed new fees at Los Angeles Union Station; and

D. authorizing the Chief Executive Officer to deposit all additional revenues generated into the Risk Allocation Matrix Internal Savings Account (RISA), pending Board approval of the full concept later this year.

ISSUE

At the March 2015 Board Meeting, staff introduced to the Board a draft of Metro's first Parking Ordinance, and Parking Rates and Permit Fee Resolution to regulate parking and standardize existing parking rates and policies. The objective of the Parking Ordinance is to establish enforcement tools that promote safety and enhances the patrons' experience. Metro is currently operating without a parking ordinance, which makes enforcement difficult, if not impossible. The California Vehicle Code ("CVC") 21113 (d) allows government agencies to adopt their own parking ordinances to regulate parking. If adopted, the Parking Ordinance will be incorporated into Metro's Administrative Code as Title 8 to regulate at Metro parking facilities.

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Furthermore, Metro is currently operating its preferred parking permit program at several locations and at Union Station without a Board adopted Parking Rates and Permit Fee Resolution. Adopting a Parking and Permit Fee Resolution will standardize the existing fee structure at all parking facilities and set up parameters for future parking fee adjustments. Included in the Fee Resolution will be the parking fee adjustments at Los Angeles Union Station which are expected to go into effect in winter of 2015. The Parking Rates and Permit Fee Resolution will also include a fee structure for all parking violations.

DISCUSSION

The recommended Parking Ordinance does not contain significant substantive changes from current parking law, policy or practices. The Parking Ordinance standardizes existing policies which include, but are not limited to, the following; (1) obeying posted signage; (2) ensuring vehicles park within a single parking space; (3) non parking related activities are prohibited; (4) ensuring that vehicles parked within a parking facility do not exceed 14,000 lbs. or twenty-four (24) feet in length; and (5) prohibit vehicles from parking longer than seventy-two (72) consecutive hours in a parking space or exceeding the posted time limit at park and ride facilities.

Vehicles other than automobiles such as bicycles and electric carts will also be regulated through the proposed Parking Ordinance when parked or left standing at any Metro parking facility. The Parking Ordinance also includes parking citation issuance procedures, the appeal process, hearing process and the policy on removal of vehicles.

The Parking Rates and Permit Fee Resolution does not propose any changes in the parking rates at park and ride facilities. However, it proposes new rates at Los Angeles Union Station. Below are the new proposed parking rates for the Los Angeles Union Station;

Los Angeles Union Station Parking Rates		
Parking Rates	**Current**	**Proposed Rates**
Transient (Time Incremen	$2.00/20min.	$2.00/15min.
Daily Max	$6.00	$8.00
Monthly (General Public)	$70.00	$110.00

- Event parking fees will be established based on market rate conditions.
- Special monthly parking rates may be negotiated between Metro and tenant, government, or business entity.

Following the March 2015 Board meeting, staff published the draft Parking Ordinance and Parking Rates and Permit Fee Resolution for public comment. Staff has presented the Ordinance to Regional Service Councils and other stakeholders groups, and has received and responded to all comments. Modifications were made to the Parking Ordinance and Parking Rates and Permit Fee Resolution in response to the comments and are reflected in the final Parking Ordinance and the Parking Rates and Permit Fee Resolution attached (Attachment A & B)

The Parking Ordinance and Parking Rates and Permit Fee Resolution will go into effect 30 days after the required “cooling off” period following the adoption by the Board.

BACKGROUND

Currently, there are over 22,000 parking spaces along the Metro Rail, Orange and Silver Line Stations. With current and future rail station expansions under way, and assuming the Caltrans park and ride facilities are transferred to Metro this number will continue to grow. It is essential to have policies in place that address current issues and allow for a more efficient operation of our parking system. Since Metro does not currently have an adopted Parking Ordinance in place, Metro cannot properly enforce rules that protect Metro transit riders.

This Parking Ordinance and Parking Rates and Permit Fee Resolution are a part of a larger set of activities developed to improve Metro’s parking program to better serve our patrons. Additional activities will include returning to the Board for the authorization of the Supportive Transit Parking Program (STPP) Master Plan Study in Fall 2015. Staff will also be returning to the Board for the adoption of a parking management strategy, Metro’s Parking Strategic Implementation Plan (5 to 10 year program) and the STPP Master Plan Study. Staff anticipates the STPP Master Plan Study will be completed by Fall 2016. Modifications to the Ordinance and Parking Rates may be proposed as part of the STPP Master Plan Study.

POLICY IMPLICATIONS

Adoption of the Parking Ordinance and Parking Rates and Permit Fee Resolution will essentially continue existing policies, with minor updates to comply with current law. It will administratively consolidate current policies into one document and clarify parking citation issuance procedures and the appeals process.

ALTERNATIVES CONSIDERED

The Board may choose to maintain the status quo. This is not recommended, as Metro authorized enforcement agencies capabilities are currently limited. Maintaining the status quo would also result in no adjustment of Metro policies to address concerns regarding security, non-transit rider use and long term parking.

FINANCIAL IMPACT

The total cost associated with the implementation of the Parking Ordinance is estimated at $100,000. Funding is available in the FY16 budget in cost center 3046 - Parking Management with Enterprise Funds under Project 308001. Enterprise Funds are eligible for bus/rail operating and capital expenses. Costs are associated with signage fabrication at all park and ride entrances and various locations within the parking lots. Additional costs include printing materials such as flyers, pamphlets and flyer distribution.

The gross revenue impact by the adjustment of parking rates at the Los Angeles Union Station is estimated at $400,000 annually. The additional revenues generated will be deposited into the RISA,

pending Board approval of the full concept.

NEXT STEPS

Upon Board approval of this item, staff will initiate the installation of official signage at park and ride facility entrances and major pathways and make the Parking Ordinance and Parking Rates and Permit Fee Resolution available online. To notify customers, staff will distribute printed information and continue community outreach. Staff anticipates enforcement will begin next fiscal year.

Staff will continue efforts on the STPP Master Plan Study and return to the Board for the adoption of a parking management strategy. Any additional net revenues generated through modification of the parking rates will be deposited into the RISA.

ATTACHMENTS

A. Metro Parking Ordinance
B. Metro Parking Rates and Permit Fee Resolution

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Phillip A. Washington
Chief Executive Officer

Los Angeles County Metropolitan Transportation Authority

Administrative Code
Title 8

METRO Parking Ordinance

Chapter 8-01

General

8-01-010 Authority to Regulate

The Los Angeles County Metropolitan Transportation Authority's ("METRO") authority to regulate parking, Vehicles (including vehicles other than automobiles), and traffic upon the driveways, paths, parking facilities or the grounds of METRO is conferred by section 21113 of the California Vehicle Code ("CVC").

8-01-020 Laws and Enforcement on the METRO Property

The California Vehicle Code and the regulations contained within this Title (Title 8, METRO Parking Ordinance) shall be in effect and will be enforced on METRO property 24 hours daily, 365 Days a Year, including holidays.

8-01-030 Responsibility for Compliance

Temporary parking on properties owned, leased, financed, contracted, operated or managed for METRO use is a privilege available only as provided by the parking policies and regulations of METRO, which reserves unto itself the right to revoke this privilege at any time because of inappropriate behavior, violation of any regulation in this ordinance or misuse of parking facilities or services. METRO reserves the right to establish what are inappropriate behaviors and the misuse of its property.

The operator of a vehicle on property owned, leased, financed, contracted, operated and managed for METRO use is responsible for complying with all state, local or METRO parking and traffic laws, ordinances and regulations and is subject to established penalties for violations thereof.

If a vehicle operator's identity cannot be determined, as in the case of a parked and locked vehicle, the registered owner and driver, rentee, or lessee of a vehicle cited for any violation of any regulation governing the parking of a vehicle under this code, under any federal statute or regulation, or under any ordinance enacted by a local authority shall be jointly liable for parking penalties imposed under this article, unless the owner can show that the vehicle was used without the consent of that person, express or implied. An owner who pays any parking penalty, civil judgment, costs, or administrative fees pursuant to this Article shall have the right to recover the same from the driver, rentee, or lessee in accordance with CVC section 40200(b).

By entering onto METRO owned, leased, financed, operated, managed or contracted for property, the owner of a Vehicle grants METRO the right to examine the exterior of their vehicle for any legal purpose described herein, including the authorization to remove or tow the Vehicle from the property.

8-01-040 Parking Fee Establishment and Adjustment

All parking fees and rate structures, including hourly, daily, weekly, and monthly and any event parking shall be approved and established by resolution of the METRO Board.
METRO shall review and recommend parking fee adjustments based on parking demand. The Chief Executive Officer or its designee is hereby authorized to approve parking fee adjustments within a twenty-five percent (25%) margin of the posted parking rate and is not to exceed an accumulated fee increase of more than 100% in a fiscal year. Frequency of rate increases cannot occur less than ninety (90) days after an established parking fee. Any increases or decreases of parking fees beyond the twenty-five (25%) margin or more frequent than ninety (90) days shall require METRO Board approval. Metro CEO is also authorized to establish parking rates at additional parking facilities. Parking rates at additional parking facilities will be established within the current fee range and based on the demographic location of the facility.

8-01-050 Fees to be Paid for Parking in METRO Parking Facilities

No Vehicle shall be parked in any METRO parking facilities at any time without payment of the applicable fee established by the Parking Rates and Permit Fee Resolution. Except as otherwise provided herein, such fees shall be collected from all persons desiring to park Vehicles in such facilities, including the officers and employees of METRO, the state, any public or private firm or corporation, any municipality, state or federal agency or any public district. No fee shall be charged to nor collected from any officer or employee of METRO for the parking of a METRO-owned Vehicle in any METRO

parking facility at such times when such officer or employee is engaged in METRO business.

All parking fees, rates and charges for the use of the facilities shall be collected in cash or electronic payment from the registered owner, operator or person in charge of the Vehicle desiring to park. Any person who willfully fails to pay the fees, rate and charges for use of the METRO parking facilities after having been given a notice to pay will be considered as violating the METRO parking ordinance in this Chapter.

No Vehicle may be removed from any METRO parking facility until all fees, rates and charges have been paid and discharged, except as provided in subsections (a) of this section:

a. In the event that the person operating a Vehicle parked in any METRO parking facilities attempts to remove the Vehicle from the facility but is unable to pay all fees, rates and charges due at such time, such person shall, prior to removing such Vehicle from the facility, be required to sign an agreement to pay any unpaid fees, rates and charges. A copy of such agreement shall be given to the person signing the agreement. Such agreement shall set forth the location of the facility, the date and approximate time that the vehicle is removed, the name of such person, the vehicle license number, the registration expiration date, if visible, the last four digits of the Vehicle identification number, if available, the color of the Vehicle, and, if possible, the make of the Vehicle. Such agreement shall require payment to METRO of all unpaid fees, rates and charges, plus an administration fee in an amount established by resolution of the Board or its designee, no later than seven days after the agreement is signed, and shall indicate the address to which payment may be delivered or sent. If full payment is not made within such seven day period, METRO shall mail a notice of late payment to the vehicle's registered owner. Such notice shall require payment to METRO of the unpaid fees, rates and charges, and administration fee, plus a late payment fee in an amount established by resolution of the Board, no later than seven days after the date of such notice. In the event that such amount is not fully paid within such seven day period, a final notice of late payment, requiring payment of all owed parking and late fees in an amount established by resolution of the Board, shall be mailed to the Vehicle's registered owner. All owed parking fee will be subject to submit for collection process. The above agreement shall include a reference to this section.

b. **Evidence of parking fee payment**, such as, but not limited to, parking permit, tickets, receipt or electronic display devices, is required during entire parking duration time.

c. **Prohibition of Selling, Reselling, Leasing or Reserving for Compensation of Parking Spaces.** No person shall sell, resell, lease or reserve for compensation, or facilitate the selling, reselling, leasing or reserving for compensation of any METRO owned, leased, financed, contracted, managed and operated spaces or property without authorization from METRO.

By entering a METRO parking facility and parking a Vehicle in such facility, the registered owner, operator or person in charge of such Vehicle shall be deemed to have consented to the provisions of subsections A and B of this section. Any notices required to be mailed under subsections A and B of this section, shall be deemed served on the day that they are deposited in the U.S. mail, first class, postage prepaid. The issuance and review of notices of parking violation and delinquent parking violation, and the liability for and payment and collection of parking violation penalties, shall be governed by sections 40200 et seq. of the CVC and this Chapter.

8-01-060 Parking Facility Use, Designation, and Closure

METRO reserves the right to limit the temporary use of its parking area to specific Vehicle types as required by facility design or aesthetic considerations. METRO may change any parking zone designation. METRO may close, either temporarily or permanently, any parking area. Notice of parking area changes or closings will be provided whenever practical. However, failure to give such notice shall not create any liability on the part of METRO, its directors, officers, employees, agents, representatives, assigns or successors to any third party.

8-01-070 Liability

The use of a METRO owned, leased, financed, contracted, operated and managed parking facilities shall not create, simply by the condition of ownership, management or operation liability or responsibility for damage to any person or personal property. In addition, such use shall not result in METRO assuming liability or responsibility for damage, vandalism, theft or fire to any person or personal property, which may result from the use of parking facilities or services, or enforcement of laws or regulations.

8-01-080 Parking Policy and Regulation Notification or Changes

Parking policies and regulations are public information and are available online on METRO’s website at metro.net/parking. Changes in parking policy or regulation are effective upon approval by the Board of Directors.

Whenever possible, the public will be notified in a timely manner prior to implementation of changes to METRO's parking policies and regulations.

8-01-090 Administrative Review of Parking Citation Issuance

A registered owner or operator of a Vehicle who believes a parking citation has been issued in error or in an improper manner may request an administrative review of the conditions for issuance of the citation as set forth in section 8-12-020.

8-01-100 Towing Vehicles

METRO is authorized by CVC section 21113 and CVC section 22650 et seq. to remove Vehicles as set forth below in Chapter 8-20.

Chapter 8-05

Parking Definitions

Chapter 8-05-010 Definitions

The words or phrases hereinafter in this Chapter are defined in this chapter and; they shall have the meanings respectively ascribed to them unless the context indicates the contrary.

Accessible Parking Space. "Accessible Parking Space" means any parking space designated for the exclusive use of a vehicle displaying a special identification license plate or distinguishing valid placard subject to

the provisions stated in section 22511.5 of the CVC. Accessible parking spaces shall be marked in accordance with section 22511.7 of the CVC.

Accessible Parking Space Path of Travel. "Accessible Parking Space Path of " means any blue cross-hatched path between accessible parking spaces or along the designated path for which a vehicle operator with disabilities may travel from an accessible parking space to the accessible entry of a building, pedestrian area, or METRO transit or rail vehicle.

***Agency*.** "Agency" shall mean METRO or its authorized agent that processes and issues parking citations and issues notices of delinquent parking violations on behalf of METRO.

Alley. "Alley" means any highway, as defined in this Chapter, unnamed, and having a width of less than twenty-five feet, and not provided with a sidewalk or sidewalks.

Board. "Board" means the METRO Board of Directors.

Bus Loading Zone. "Bus Loading Zone" means the space adjacent to the curb or edge of a roadway reserved for the exclusive use of buses during the loading and unloading of passengers.

Chief Executive Officer. "Chief Executive Officer" or "CEO" is the person designated by the METRO Board of Directors as the CEO of the Los Angeles County Metropolitan Transportation Authority.

Commercial Vehicle Loading Zone. "Commercial Vehicle Loading Zone" means that space adjacent to the curb reserved for the exclusive us of vehicles during the loading or unloading of passengers and materials marked and designated as hereinafter provided in this document.

***Department of Motor Vehicles*.** "Department of Motor Vehicles" or "DMV", or "Department" for this section shall mean the California Department of Motor Vehicles.

***Enforcement Officer*.** "Enforcement Officer" shall mean a peace officer as defined in Chapter 4.5, commencing with section 830 of Title 3 of the California Penal Code, or the successor statutes thereto, or other issuing officer that is authorized or contracted by METRO to issue a parking citation.

***Hearing Officer*.** "Hearing Officer" shall mean any qualified individual as set forth in the CVC section 40215 appointed or contracted by METRO to adjudicate parking citation contests administratively.

Highway. "Highway" means every way set apart for public travel except bridle trails and footpaths.

METRO. "METRO" shall mean the Los Angeles County Metropolitan Transportation Authority.

METRO Facility. "METRO Facility" includes all property and equipment, including rights of way and related tracks, rails, signals, power, fuel, communication systems, ventilation systems, power plants, cameras, signs, loudspeakers, fare collectors or registers, sound walls, stations, vacant parcels, bicycle paths, terminals, platforms, plazas, waiting areas, signs, art work, storage yards, depots, repair and maintenance shops, yards, offices, parking areas, parking lots, facilities, and other real estate or personal property owned or leased by METRO, used for any METRO activity, or authorized to be located on METRO property.

METRO Representative. "METRO Representative" shall mean a METRO security officer, transit operator, or other authorized METRO employee, Board or service council member, or METRO authorized contractor or entity.

METRO Transit Court. "METRO Transit Court" means the department authorized by the METRO Board of Directors to conduct parking, fare evasion or similar hearings and assign penalties for this Chapter.

***METRO Vehicle*.** "METRO Vehicle" means a vehicle owned or operated by METRO.

Operator. "Operator" means any person who is in actual physical control of a vehicle or streetcar.

Owner of the Vehicle. "Owner of the Vehicle" shall mean that last registered owner and legal owner of record.

Park. "Park" means to stop or to allow standing any vehicle, whether occupied or not, vehicle stopped in obedience to official traffic-control devices or by direction of a police officer are not parked for the purposes of this section.

***Parker*.** "Parker" means any person who holds a valid California driver's license and intends to park a validly registered motor vehicle on METRO owned, leased, financed or contracted for property.

Parking Citation. "Parking Citation" is a notice to the vehicle owner of any failure to comply with METRO parking regulations or the CVC, municipalities

or county ordinances. A penalty shall be attached to each violation as described on each violation notice unless otherwise noticed.

Parking Facility. "Parking Facility" includes any covered, enclosed parking garage, facility, and/or deck, any open air or individually covered parking space and or a multiple space parking area. Parking facility types include above grade, below grade or underground, mechanical and automated parking facilities.

***Parking Penalty*.** "Parking Penalty" includes the fine authorized by law for the particular violation, any late payment penalties, administrative fees, assessments, costs of collection as provided by law, and other related fees.

Parking Permit. "Parking Permit" is a non-transferable decal, printed card or tag, or other form of temporary authorization issued for a specific period of time by authority of METRO which is authorized to grant to any eligible person permission to park on METRO owned, leased, financed or contracted property. A parking permit is valid only when issued to an eligible person who has complied with all terms of issuance prescribed by METRO and when the permit is properly displayed.

Parking Space. "Parking Space" is all painted parking stalls located in Parking Facility that may or may not be marked by a sign, parking meter, and/or other restrictive designation painted on the ground or lot/facility surface.

Parking Violation. "Parking Violation" means the breach or intrusion of a vehicle required to comply with any general parking legislation enforced under the provision of METRO parking regulations or the CVC, municipalities and county ordinances that warrants the issuance of a parking citation penalty to the vehicle's registered owner.

Parkway. "Parkway" means the portion of a highway other than a roadway or a sidewalk.

Passenger Bus. "Passenger Bus" is any multiple passenger conveyance vehicle over 20' long and carrying more than 15 persons or exceeding 6,000 pounds in gross weight.

Passenger Loading Zone. "Passenger Loading Zone" means that space adjacent to a curb reserved for the exclusive use of vehicles during loading and unloading of passengers, marked and designated with white paint.

Pedestrian. "Pedestrian" means any person afoot.

Pedestrian Conveyance Device. "Pedestrian Conveyance Device"" includes skateboards, roller skates, rollerblades, in-line skates, other skating devices, foot-powered scooters and other similar devices.

Person. "Person" means and includes every individual, firm, government entity and business entity.

Rail Car. "Rail Car" includes any passenger railway rolling stock that is designed to carry passengers. This term includes heavy weight, lightweight, commuter, bi-level or other type of rail industry vehicles.

***Registered Owner*.** "Registered Owner" shall mean the individual or entity whose name is recorded by the Department of Motor Vehicles as having ownership of a particular vehicle.

Respondent. "Respondent" shall mean any "operator" or "registered owner" as defined in this section who contests a parking citation.

Roadway. "Roadway" means that portion of a highway between the regularly established curb lines or, when no curb exists, that portion improved, designated, and ordinarily used for vehicular travel and parking.

Safety Zone. "Safety Zone" means that portion of a roadway reserved for the exclusive use of pedestrians, marked and designated as hereinafter provided in this section.

Section. "Section" means a section of the ordinance codified in this Division 1 unless some other ordinance or statute is specifically mentioned.

Sidewalk. "Sidewalk" means that portion of a highway between the curb line or traversable roadway and the adjacent property lines that dedicate for pedestrian use.

Street. "Street" means and includes the portion of any public street, road, highway, freeway, lane, alley, sidewalk, parkway or public place which now exists or which may hereafter exist within METRO Facilities.

Taxicab. "Taxicab" means any passenger vehicle for hire for the directed transportation of not more than eight passengers, excluding the driver, at rates based on the distance, duration or number of trips, or waiting time, or any combination of such rates.

Taxicab Zone. "Taxicab Zone" means and includes the portion of the street area designated for the standing or stopping of taxicabs while awaiting employment.

Vehicle. "Vehicle" means every motorized device by which any person or property is or may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

***Vehicle Operator*.** "Vehicle Operator" shall mean any individual driving and/or in possession of a vehicle at the time a citation is issued or the registered owner of the vehicle.

***Violation*.** "Violation" shall mean any parking, equipment, or other vehicle violations as established pursuant to state law or METRO ordinances and administrative code.

Chapter 8 – 07

Parking Regulations

8-07-010 Parking Activities

Unless otherwise authorized by METRO in writing, METRO owned, leased, financed, contracted, operated and managed parking facilities shall only be used for parking, entering and exiting, loading and unloading activities.

8-07-020 Enforcement Practice

Citations will be issued according to the printed and posted regulations as appropriate. The frequency with which parking citations are issued is dependent on the nature of the violation and time control restrictions for each of the various parking zones. METRO is also authorized by CVC section 21113 to remove vehicles consistent with Chapter 10 (commencing with Section 22650) of Division 11 of the CVC.

8-07-030 Illegal Parking Outside of a Defined Parking Space or Parking Space Markings

No Vehicle shall be parked or cause to be parked within any parking facility except between the lines indicating where Vehicles shall be parked and shall not park any Vehicle as to use or occupy more than one marked parking space. METRO may install and maintain parking space markings to indicate parking spaces adjacent to any curb where parking is permitted. When such parking space markings are placed in the right-of-way, no Vehicle shall be stopped or left standing other than within the markings of a single space.

8-07-040 Failure to Obey Signs

No person shall fail or refuse to obey or comply with any sign, marking or device erected, made or placed to indicate and carry out the provisions of this Chapter.

8-07-050 Exceeding Posted Time Limit

METRO may post signs indicating a maximum parking time limit in a space of lot. If a vehicle has been parked in an area restricting parking to a specific time interval, such Vehicle shall not be re-parked in the same spaces, or same lot, or within a distance of five hundred feet of the place initially parked within a period of four hours thereafter. Vehicles used for vending or peddling purposes shall also comply with the provisions of this section.

8-07-060 Temporary No Parking

Whenever METRO finds that traffic congestion, or the disruption of the normal flow of traffic is likely to result from the operation, stopping, standing or parking of Vehicles during the holding of public or private special events, assemblages, gatherings or functions, during construction, alteration, repair, sweeping, filming or other reasons, METRO may place or cause to be placed temporary signs prohibiting the operation, stopping, standing or parking of Vehicles at least seventy-two hours prior to and during the period such condition exists. In the event of an emergency, METRO may act under this section without providing the seventy-two-hour notice required herein.

8-07-070 Restricted Parking

Whenever any parking area is assigned for the exclusive use of the occupants of a facility a person, other than an occupant of the facility shall not park any vehicle in such parking area. The property owner manager or manager’s designee responsible for overseeing the parking area may request that a parking violation be issued by METRO.

8-07-080 Parking Within Marked Bicycle Lane

A vehicle shall not be parked in a bicycle lane except to cross at a permanent or temporary driveway, or for the purpose of parking a vehicle where parking is permitted or where the vehicle is disabled.

8-07-090 Illegal Parking in Loading Zone

A Vehicle shall not be stopped for any purpose other than loading or unloading between the hours of 6:00 a.m. and 6:00 p.m. on any day except Sunday, or at such other times as designated by METRO in a place marked as a commercial and passenger loading zone. Such stop shall not exceed

the time it takes to load and unload passengers or goods for a commercial vehicle. METRO shall place signs or curb markings to designate areas as commercial loading zones. Commercial loading zones shall be a minimum of thirty feet and not exceed forty-eight feet in length, and may be established in a parking meter / pay station location. Parking meters / pay station spaces shall be enforced during posted hours when the loading zone is not in effect.

8-07-100 Vehicle Exceeds Load Size Limit

a. No person shall park or leave standing in METRO facility and/or lot any Vehicle having either of the following:

   1. A manufacturer's rated load capacity greater than 14,000 lbs; or

   2. A length in excess of twenty-four (24) feet.

b. The following vehicles are hereby exempt from the provisions of this section:

   1. Any Vehicles properly displaying a large vehicle permit. Large Vehicle permits shall be issued for special events. Under any circumstances on any of the following Vehicles: tour buses, movie, television, or photographic production Vehicles, limousines, or mobile billboards in accordance with Chapter 8 of this code.

   2.

   3. Any authorized emergency Vehicle, METRO Transit Security, any authorized highway work vehicle or any Vehicle used in the construction, installation, or repair of a utility or public utility in accordance with sections 22512 and 35702 of the CVC;

   4. Any Vehicle engaged in loading or unloading;

   5. Any Vehicle making pickups or deliveries of goods, wares, and merchandise; and

   6. Any Vehicle picking up or delivering materials used in the actual or bona fide repair, alternation, remodeling or construction of any building or structure for which a building permit or building construction authorization has been obtained.

c. Pursuant to section 40200 *et seq.,* of the CVC, any violation of this section shall be punishable as a civil penalty in accordance with the provisions of Chapter 8-12 of the METRO Administrative Code. Any Vehicle parked or left standing in violation of this section may be removed in accordance with provisions of section 22650 *et seq.* of the CVC.

d. Large Vehicle parking permits shall be issued by METRO pursuant to Metro policies and procedures for the issuance of such permits. Such policies shall be consistent with the provisions of sections 8-07-010 through 8-07-440 of the METRO Administrative Code.

e. The fee for a large Vehicle parking permit shall be according to METRO fee schedule.

8-07-110 Disconnected Trailer

Parking any trailer or semi-trailer in any METRO facility, while detached from or attached to a Vehicle is prohibited.

8-07-120 Bus Loading Zones

A Vehicle shall not be parked or stopped from in any METRO owned, leased, financed, contracted, operated and managed parking facilities in a bus loading zone. No bus shall stop in any bus loading zone longer than necessary to load or unload passengers, except at a terminus station. Appropriate signs or red curb markings or both shall indicate a bus loading zones. METRO shall place signs or red curb markings or both at locations where Metro determines appropriate to establish. Unless otherwise specified by METRO or its designees, such loading zones shall not exceed eighty feet in length.

8-07-130 Illegal Parking in Kiss and Ride Spaces and Passenger Loading Zone

a. A Vehicle shall not be parked more than three (3) minutes, or for such other amount of time as may be indicated on the posted sign, to load and unload passengers at any designated Kiss and Ride passenger loading and unloading zone.

b. METRO may place curb paint markings with ADA compliance design criteria including ramps, minimum dimensions, proper signage and level pavement at locations to make passenger loading feasible.

8-07-140 No Parking – Alley

A Vehicle shall not be parked or stopped in any alley for any other purpose other than the loading or unloading of passengers or materials, or both. A Vehicle shall not be stopped for the loading or unloading of passengers for more than three minutes nor for the loading or unloading of materials for more than twenty minutes at any time in any alley.

8-07-150 Illegal Parking in Red Zones

A Vehicle shall not be stopped, parked or otherwise left standing, whether attended or unattended, except in compliance with a traffic sign or signal or direction of an authorized enforcement officer, between a safety zone and the adjacent right hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb, where a sign or paint was erected METRO owned, leased, financed, contracted, operated and managed parking facilities. Violating vehicle(s) will be towed at the registered owner's expense.

8-07-160 Vehicle Parked Seventy-Two (72) or More Hours

Any vehicle observed parked or left standing longer than seventy-two (72) consecutive hours without authorized permit in the same location may be cited. Any Vehicle parked longer than seventy-two (72) hours must obtain permission in advance from METRO.

8-07-170 Parking on Grades

When METRO has placed or caused to be placed appropriate signs, a Vehicle shall not be parked upon any grade of six percent or more within any METRO facilities without turning the wheels of the Vehicle toward the curb while parked facing downhill and turning the wheels of the Vehicle away from the curb while the Vehicle is parked facing an uphill grade.

8-07-180 Angled Parking

Whenever the width of a parking lot, parking bay, parking facility, travel lane, and traffic conditions are such that the parking of Vehicles at an angle to the curb instead of parallel to the curb will not impede traffic flow, and where there is need for the additional parking spaces which parking at an

angle will provide, METRO shall indicate at what angle Vehicles shall be parked by placing parallel white lanes on the surface of the roadway. An operator shall not stop, stand, or park any Vehicle except between, at the angle indicated by, and parallel to both such adjacent white lines, with the nearest wheel not more than one foot from the curb.

8-07-190 Double Parking

Vehicle shall not be parked on the roadway side of another Vehicle that is stopped, parked or standing at the curb or edge of the public right-of-way, whether attended or unattended. Violating Vehicle(s) will be towed on registered owner's expense immediately.

Authorized emergency vehicles exempt from this section may display flashing or revolving amber warning lights when engaged in the enforcement of parking and traffic policies.

8-07-200 No Parking Anytime/Posted Hours

Whenever the parking of Vehicles at all or certain hours of the day upon any portion of METRO Parking Facilities, travel lanes, or alleys which are open for public constitutes a traffic hazard or impedes the free flow of traffic, or both, METRO shall erect signs stating that parking is prohibited at all or certain hours of the day.

8-07-210 Wrong Side Two Way Traffic or Roadway

A Vehicle shall not be parked, whether attended or unattended, regardless of loading or unloading in the public right-of-way within METRO facilities, or other transit/rail/park-n-ride facilities in such a manner where the Vehicle is parked in the direction of opposing traffic. Violating Vehicle(s) will be towed at registered owner's expense immediately.

8-07-220 Blocking Street or Access

A Vehicle shall not be parked, whether attended or unattended, upon any traffic or travel lane, or alley where the roadway is bordered by adjacent curbs which is open to the public, whether bordered by curbs or not, unless no less than eight feet of the width of the paved or improved or main traveled portion of such traffic, travel lane or alley opposite such parked Vehicle is left clear or unobstructed for the free passage of other Vehicles. Violating Vehicle(s) will be towed at registered owner's expense immediately.

8-07-230 Parking Special Hazard

At any place for a distance not to exceed one hundred feet where METRO finds that parking would unduly hamper the free flow of traffic, resulting in a special traffic hazard, or endanger public health or safety, METRO shall place appropriate signs or markings prohibiting such parking.

8-07-240 Illegal Parking at Fire Hydrant

A Vehicle shall not be parked within fifteen feet of a fire hydrant along any unmarked curb or in front of or as prohibited by section 22514 of the CVC or by any other state law. Violating Vehicle(s) will be towed at registered owner's expense.

8-07-250 Illegal Parking at Assigned / Reserved Spaces

Whenever any Vehicle parking space is assigned for the exclusive use of the occupant of any building, whether residential, commercial or industrial, which parking space is within such building or elsewhere, and at, in or near such parking space there is a legible sign stating either that such space is exclusively assigned, or that parking is prohibited, or both, a person, other than the person to whom such parking space is assigned, shall not park any Vehicle in such parking space except with the permission of the person to whom such parking space is assigned.

8-07-260 Illegal Parking at Taxicab Stands

The use of taxicab stand or stands shall be limited exclusively to Vehicles that display a taxicab vehicle permit by METRO pursuant to Chapter 8 and attended by a driver in possession of a valid taxi drivers permit issued by the METRO. No person shall park, stop, or stand any attended or unattended vehicle in METRO taxicab stand except as provided in this section.

8-07-270 Illegal Parking at/ adjacent to a Landscape Island or Planter

A Vehicle shall not be stopped, parked or otherwise left standing whether attended or unattended except in compliance with a traffic sign or signal or direction of a police officer, at or adjacent to a Landscape Island or Planter.

8-07-280 Transient, Daily or Preferred Monthly Parking Permits

Parking permits for transient, daily and monthly parking shall be issued by METRO. METRO shall be responsible for establishing policies, administering

procedures and disseminating information regarding the distribution of parking permits for parking in METRO Parking Facilities.

Preferred Parking is an optional program that secures a patron a parking space prior to a specified time according to signage. All spaces become available to the public after the specified time according to signage. Spaces are available on a first come first serve basis.

a. The number of permits to be issued shall be determined by the parking demand and conditions within each Parking Facility.

b. Parking permits shall not be issued to any person who has outstanding parking citations.

Permittee shall obey all rules of the parking permit program. Failure to obey such rules may result in the termination or denial of a permit.

8-07-290 Posting Signs in Preferred Permit Parking Area

a. METRO shall cause appropriate signs to be erected in parking facilities, indicating prominently thereon the parking limitation, period for its application, and motor Vehicles with valid permits shall be exempt from the limitations.

b. If preferred permit parking is allowed in partial areas of a parking lot or parking facility, signs shall be posted only on the selected spaces or portions of a parking lot or parking facility within the prescribed METRO Facility.

c. A parking permit shall not guarantee or reserve to the holder thereof a parking space within a parking lot or parking facility.

d. A motor Vehicle on which a valid permit is displayed shall be permitted to stand or be parked in the authorized parking lot or parking facility or designated area within the parking lot or parking facility within the limits of the parking permit program. Except as provided below, all Vehicles parking within a permit designated area or parking lot or parking facility shall be subject to the parking restrictions and penalties as provided in this Chapter.

8-07-300 Exemption of Certain Vehicles to Permit Restrictions

No person shall, without a permit therefor, park or leave standing any vehicle or trailer in a designated parking permit area or parking lot and parking

facility in excess of the parking restrictions authorized pursuant to this Chapter, except for the following:

a. Repair, maintenance, refuel, utility, fuel or delivery vehicle providing services to METRO within the METRO facility with METRO's prior written consent.

b. Emergency Vehicles

8-07-310 Permit Penalty Provisions

a. Unless exempted by the provisions of this Chapter, no person shall stand or park a motor Vehicle in any designated permit parking area or parking lot or parking facility established pursuant to this Chapter. A violation of this section shall result in the revocation of the parking permit and rights in any METRO parking facilities, which is also punishable by an administrative fine established by the Parking Rates and Permit Fee Resolution adopted by the METRO Board. METRO also reserves the rights to refer the case to local law enforcement.

b. No person shall copy, produce or create facsimile or counterfeit a parking permit, nor shall any person use or display a counterfeited parking permit.

c. Permit holders shall report to METRO a lost, stolen or missing permit within five days of loss, at which time that permit shall be canceled and a new permit issued for the full face value of the parking permit. No pro-ration or refund requests will be accepted.

d. No person shall misuse a permit or display a stolen permit.

e. No person who has been issued a parking permit for a specific designated area, lot or facility shall use the permit in another area, lot or facility.

f. No person shall alter, deface, or intentionally conceal an expiration date on the face of a parking permit which is displayed in a Vehicle parked on a METRO Facility.

g. Violation of this sub-Chapter may be subject to parking privileges and permit to be immediately revoked.

8-07-320 Expired Meter or Pay Station

a. ***Deposit of Fees Required.*** A person shall be required to deposit the proper fee for occupying a parking metered /pay station space at a charge set in METRO's fee resolution during the posted hours and days of operation.

b. ***Parking Lot Requirements when Meters or Pay Station Installed.*** A person shall not park any Vehicle on any parking lot, parking facility or public right of way maintained or operated by METRO on which a parking meter or multi-space pay machine is installed at any time without paying the posted and adopted parking fees.

8-07-330 Parking Facilities Cleaning, Maintenance and Capital Projects

No vehicular parking shall be permitted at specific locations in any parking facilities during posted hours to allow for routine cleaning, maintenance and capital project implementation.

8-07-340 Electric Vehicle Parking Spaces

METRO has established *Electric Vehicle (EV) Charging Station Spaces* in Parking Facilities for use by electric Vehicles. No person shall park or leave standing vehicles in EV spaces except as follows:

a. EV spaces must be signed or marked for EV charging purposes only.

b. Electric Vehicles must be actively charging when parking in EV Charging Station Spaces.

c. Non-Electric Vehicles shall not park in EV Charging Station Spaces at any time.

d. Electric Vehicles may only use designated EV Charging Station Spaces for charging vehicles. No other source of vehicle charging will be allowed at METRO facilities.

When not charging, Electric Vehicles may park in any designated parking space at METRO facilities.

8-07-350 Parking on Sidewalk/ Parkway

No vehicular parking shall be permitted on any portion of a sidewalk, nor shall any portion of a Vehicle be parked in such a manner to overhang or encroach onto any portion of the sidewalk or parkway. Violating Vehicle(s)

will be towed at registered owner's expense immediately. Metro is authorized by CVC section 21113 and CVC section 22651 to remove a vehicle found to have been parked in violation.

8-07-360 Areas Adjacent to Schools

Whenever METRO finds that parking on Metro property adjacent to any school property would unduly hamper the free flow of traffic or otherwise constitute a traffic hazard, appropriate signs or markings prohibiting such parking on METRO property shall be posted.

8-07-370 Peak Hour Traffic Zones

Whenever METRO finds that traffic congestion is such that the movement or flow of traffic may be improved by the elimination of parking on Metro property during certain peak travel times, signs prohibiting the stopping, standing or parking of vehicles shall be posted. No Vehicle shall park or be left standing a Vehicle where a sign indicating a peak hour traffic zone has been posted. Vehicles in violation shall be cited and/or towed whenever the parking of Vehicles constitutes a traffic hazard or impedes the free flow of traffic, or both.

8-07-380 Parking Prohibition for Vehicles Over Six Feet High, Near Intersections

Whenever METRO finds that the parking of Vehicles, with a height of six feet or more, within one hundred feet of an intersection, creates a visibility limitation resulting in a potential traffic hazard, METRO shall erect signs or markings stating that the parking of Vehicles with a height of six feet or more is prohibited within one hundred feet of an intersection.

8-07-390 Interim Parking Regulations

METRO can temporarily waive existing or establish new parking regulations in order to accommodate or to mitigate the impacts of construction projects in the vicinity of the parking lot and parking facility.

8-07-400 Car Share or Vanpool Authorization Required

No Vehicle shall be stopped, parked or left standing any Vehicle in a place or a parking space designated for the exclusive parking of Car Share or Vanpool vehicles participating in the METRO Car Share or Vanpool Program, unless the vehicle obtained authorization as a METRO Car Share or Vanpool Program participant and registered as direct by METRO.

8-07-410 Speed Limit

METRO speed limit is five (5) miles per hour in all parking areas, access roads and drives unless otherwise posted.

8-07-420 Motor Vehicle Access

Operating a motor Vehicle on sidewalks, mall, lawns, or any surface not specifically designated as a road, street, highway or driveway is prohibited.

8-07-430 Penalty for Non-Compliance

Unless exempted by the provisions of this part, no Vehicle shall be parked in violation of any parking restrictions established pursuant to this section. Except as provided in Chapter 8-07-100 paragraph (b), a violation of this section may result in the revocation of the parking permit and rights at any METRO parking facilities, which is also punishable by METRO's administrative fine schedule for parking violations. METRO may also refer the case to the local law enforcement. Any Vehicle with more than three (3) outstanding parking citations will be towed away at the registered owner's expense. All administrative fines and penalties must be paid and obtain applicable law enforcement agency clearance prior to release of the towed Vehicle in addition to two fees.

8-07-440 Accessible Parking Spaces Designated for Vehicle Operators with Disabilities

Parking in accessible spaces designated for vehicle operators with disability is restricted to those individuals who have secured an authorized disabled license plate or disabled placard pursuant to CVC section 5007, 22511.55 or 22511.59 that is currently in effect. No Vehicle shall be stopped, parked or left standing in a parking stall or space in a METRO facility that has been designated as parking for vehicle operators with a disability in the manner required by CVC section 22507.8. In order for a vehicle to be parked in a designated accessible parking space, disabled parking placards must not be expired and must be properly displayed. Parking is prohibited in any area adjacent to a parking stall or space designated for disabled persons or disabled veterans that is marked by crosshatched lines or space identified as for the loading and unloading of Vehicles parked in such stall or space.

Vehicle operators with a disability are not exempt from the payment of fees for parking a vehicle on METRO facility. METRO reserves the right to adopt or amend the disabled parking pricing policy at all METRO facility. However, Vehicle operators with a disability shall not be charged more than the

established parking fees listed for all parking spaces. Valid out of state disabled placards will be accepted at parking facilities.

The number and dimension of accessible parking spaces and van-accessible parking spaces are determined by ADA guidelines and specifications.

Chapter 8-09

Vehicles Other Than Automobiles

8-09-010 Authority to Create Vehicle Regulations

The METRO Board of Directors is authorized pursuant to section 21113 of the CVC to set forth conditions and regulations pertaining to the operation and parking of Vehicles, bicycles and pedestrian conveyance devices upon METRO property.

All rules and regulations of the CVC shall apply to Vehicles, bicycles and pedestrian conveyance devices operated on METRO Facilities. All Vehicles and bicycles must meet the equipment requirements of the CVC, including brakes, lights and reflectors.

8-09-020 Enforcement

This Chapter may be enforced by verbal or written warnings, administrative citations, fines vehicle towing and suspension or expulsion from Metro Facilities. Violations by METRO employees may also result in corrective or disciplinary action. Any appeal arising from the enforcement of this Chapter should be reported to METRO Transit Court, or as otherwise directed.

8-09-030 Parking Bicycles at METRO Facilities

1. Parking Bicycles

    a. Bicycles may be left, parked or stored on METRO Facilities only in areas designed for bicycle parking. These areas are: bike racks, bike lockers, or enclosed rooms with controlled access, or where signage designates the space as a bicycle parking area. However, METRO shall not be liable for any loss, theft, fire or damage of a bicycle or any personal property attached thereto for any bicycle left, parked or stored on METRO Facilities, regardless of whether the bicycle was in an area designated for bicycle parking.

    b. Bicycles parked in designated parking areas may not extend into the landscape. Bicycles may not be parked anywhere that interferes with the maintenance of landscaped or lawn areas or blocks any road or passageway.

2. Removal of Bicycles

    a. METRO may cause bicycles to be removed under any of the following circumstances:

        - Is secured to any item other than a bicycle rack designed for parking bicycles.
        - Prevents use of available Vehicle parking spaces.

- Poses a hazard or impedes pedestrian access.
- Has been reported stolen and verified by the Agency.
- Appears to be abandoned. A bicycle is considered abandoned if it remains in the same position for more than 72 hours and shows signs of intentional neglect. Signs included, but not limited to, deflated tires, missing wheels, and other parts.

b. If a locking device must be detached to remove a bicycle, METRO may remove the securing mechanism, using whatever reasonable means are necessary. METRO is not responsible for any damage to the locking device or for its replacement.

c. METRO or METRO authorized enforcement agencies' personnel may attach on to an abandoned bicycle a notice identifying the condition of the bicycle and the removal date.

d. Removed bicycles may be recovered with proof of ownership after required fees are paid within 30 days; before they are released.

e. Removed bicycles are held for a minimum of 30 days, after which time the bicycle owner is presumed to have relinquished legal title; these bicycles are disposed of in accordance with METRO policy.

8-09-040 Parking of Motorized Bicycles, Motorcycles and Mopeds

1. Motorized bicycles, motorcycles and mopeds must obtain permission, display a valid parking permit when parking on METRO Facilities to the same extent as a vehicle would be required.

2. Motorized bicycles, motorcycles and mopeds shall be parked only in designated area of parking facilities.

3. Motorized bicycles, motorcycles and mopeds shall not be operated on bicycle pathways or sidewalk.

Motorized bicycles, motorcycles and mopeds may be cited or towed for the same reasons as automobiles in violation of any regulations stated in this ordinance.

Chapter 8-12

Parking Citations

This Chapter shall be known as the "Parking Citation Processing Ordinance" of METRO.

8-12-010 Authority to Contract with Outside Agencies

METRO may issue and/or process parking citations and notices of delinquent parking violations, or it may enter into a contract with a private parking citation Agency, or with another city, county, or other public issuing or Agency.

Any contract entered into pursuant to this section shall provide for monthly distribution of amounts collected between the parties, except amounts payable to the County pursuant to Chapter 12 (commencing with section 76000) of Title 8 of the California Government Code, or the successor statutes thereto, and amounts payable to the METRO pursuant to CVC section 4763 or the successor statute thereto.

METRO's Board of Directors or Chief Executive Officer shall designate the officers, employees or law enforcement contractors who shall be authorized to issue notices of violation and citation and any requisite training for such persons.

8-12-020 Appeal Review Process

The Agency may review appeals or other objections to a parking citation pursuant to the procedures set forth in METRO's Administrative Code.

a. A Person who violates any provision of the Title 8 may, within twenty-one (21) days of the issuance of such notice of violation, request an initial review of the notice of violation by METRO. The request for review may be made in writing, by telephone or in person. There shall be no charge for this review. If following the initial review METRO is satisfied that the violation did not occur, or that extenuating circumstances exist, and that the dismissal of the notice of violation is appropriate in the interest of justice, METRO may cancel the notice of violation. METRO shall notify, the person requesting the review of the results of the initial review. If the notice of violation is not dismissed,

reasons shall be provided for the denial. Notice of the results of the review shall be deemed to have been received by the person who requested the initial review within five (5) working days following the mailing of the decision by METRO.

b. If the Person subject to the notice of violation is not satisfied with the result of the initial review, the Person may no later than twenty-one (21) days following the mailing of the initial review decision request an administrative hearing of the violation. The request may be made by telephone, in person, or by mail. The person requesting the administrative hearing shall deposit with METRO the amount due under the notice of violation for which the administrative review hearing is requested. A person may request administrative review without payment of the amount due upon providing METRO with satisfactory evidence of an inability to pay the amount due. An administrative hearing shall be held within ninety (90) days of the receipt of request for an administrative hearing.

   If the Person prevails at the administrative hearing, the full amount of the parking penalty deposited shall be refunded.

c. The administrative hearing shall consist of the following:

   1. The person requesting the hearing shall have the choice of a hearing in person or by mail. An in person hearing shall be held within the jurisdiction of METRO, and shall be conducted according to such written procedures as may from time to time be approved by the Chief Executive Officer of METRO or the Chief Hearing Officer. The hearing shall provide an independent, objective, fair and impartial review of the contested violations. METRO will provide an interpreter for the hearing if necessary.

   2. The hearing shall be conducted before a hearing officer designated to conduct the review by METRO's Chief Executive Officer or Chief Hearing Officer. In addition, to any other requirements of employment the hearing officer shall demonstrate those qualifications, training, and objectivity as are necessary and consistent with the duties and responsibilities of the position as determined by METRO's Chief Executive Officer or Chief Hearing Officer.

   3. The person who issued the notice of violation shall not be required to participate in an administrative hearing. The issuing Agency shall not be required to produce any evidence other than the parking citation or copy thereof, photographs taken by citation issuing

equipment at the time of the citation (date and time stamped), and information received from the department identifying the registered owner of the vehicle. This documentation in proper form shall be the prima facie evidence of the violation.

The hearing officer's decision following the administrative hearing may be delivered personally by the hearing officer or may be sent by first class mail.

4. The hearing officer's decision at administrative review is final except as otherwise provided by law.

   If the contestant is not the registered owner of the vehicle, all notices to the contestant required under this section shall also be given to the registered owner by first-class mail.

8-12-030 Procedures of Parking Citations Issuance

Parking citations shall be issued in accordance with the following procedures:

a. If a Vehicle is unattended at the time that the parking citation is issued for a parking violation, the issuing officer shall securely attach to the Vehicle the parking citation setting forth the violation, including reference to the section of the CVC, the METRO Administrative Code or other parking regulation in the adopted ordinance violated; the date; the approximate time of the violation; the location of the violation; a statement printed on the notice indicating that payment is required to be made not later than twenty-one (21) calendar days from the date of issuance of the parking citation; and the date by which the operation is to deposit the parking penalty or contest the parking citation pursuant to section 8-12-050. The citation shall state the amount of the parking penalty and the address of the agent authorized to receive deposit of the parking penalty.

The parking citation shall also set forth the Vehicle license number and registration expiration date, if such date is readable; the last four digits of the vehicle identification number, if the number is readable through the windshield; the color of the vehicle; and, if possible, the make of the vehicle.

The parking citation or copy thereof shall be considered a record kept in the ordinary course of business of the issuing agency and the agency, and shall be prima facie evidence of the facts contained therein.

a. The parking citation shall be served by attaching it to the Vehicle either under the windshield wiper or in another conspicuous place upon the Vehicle so as to be easily observed by the person in charge of the Vehicle upon the return of that person.

b. Once the parking citation is prepared and attached to the Vehicle pursuant to paragraph (a), above, the issuing officer shall file notice of the parking violation with the Agency.

c. If during issuance of the parking citation, without regard to whether the Vehicle was initially attended or unattended, the vehicle is driven away prior to attaching the parking citation to the Vehicle, the issuing officer shall file the notice with the Agency. The Agency shall mail, within fifteen (15) calendar days of issuance of the parking citation, a copy of the parking citation to the registered owner of the Vehicle.

d. If within twenty-one (21) calendar days after the parking citation is issued, the issuing agency or the issuing officer determines that, in the interests of justice, the parking citation should be canceled, the issuing agency shall cancel the citation, or, if the issuing agency has contracted with the a agency, shall notify the agency to cancel the parking citation. The reason for the cancellation shall be set forth in writing.

e. If after the copy of the notice of parking violation is attached to the Vehicle, the issuing officer determines that there is incorrect data on the notice, including but not limited to the date or time, the issuing office may indicate in writing, on a form attached to the original notice, the necessary correction to allow for the timely entry of the notice on the agency's data system. A copy of the correction shall be mailed to the registered owner of the Vehicle.

Under no circumstances shall a personal relationship with any public official, officer, issuing officer, or law enforcement Agency be grounds for cancellation of a citation. Initial Review and Hearing shall only be candidates by a Person who has no close personal or financial relationship with the Person cited.

f. If an agency makes a finding that there are grounds for cancellation as set forth in the METRO Administrative Code, or pursuant to any other basis provided by law, then the finding or findings shall be filed

with the agency, and the parking citation shall be canceled pursuant to subsection (c)(3) of section 8-12-120.

8-12-040 Parking Administrative Penalties

a. Administrative penalties shall initially be established by resolution of the METRO Board and amended throughout to the extent delegated to the Chief Executive Officer or Chief Hearing Officer.

b. Administrative penalties received by Metro shall accrue to the benefit of METRO.

8-12-050 Parking Penalties Received by Date Fixed – No Contest / Request to Contest

If the parking penalty is received by the Agency and there is not contest by the date fixed on the parking citation, all proceedings as to the parking citation shall terminate.

If the operator contests the parking citation, the Agency shall proceed in accordance with section 8-12-020.

8-12-060 Parking Penalties Not Received by Date Fixed

If payment of the parking penalty is not received by METRO by the date fixed on the parking citation, the agency shall deliver to the registered owner a notice of delinquent parking violation pursuant to section 8-12-110.

Delivery of a notice of delinquent parking violation may be made by personal service or by first class mail addressed to the registered owner of the Vehicle as shown on the records of the department.

8-12-070 Notice of Delinquent Parking Violation – Contents

The notice of delinquent parking violation shall contain the information required to be included in a parking citation pursuant to section 8-12-030. The notice of delinquent parking violation shall also contain a notice to the registered owner that, unless the registered owner: (a) pays the parking penalty or contests the citation within twenty-one calendar days from the date of issuance of the parking citation, or (b) within fourteen calendar days after the mailing of the notice of delinquent parking violation or completes and files an affidavit of non-liability that complies with section 8-12-90 or section 8-12-100, the Vehicle registration shall not be renewed until the parking penalties have been paid. In addition, the notice of delinquent parking violation shall contain, or be accompanied by, an affidavit of non-

liability and information of what constitutes non-liability, information as to the effect of executing an affidavit, and instructions for returning the affidavit to the issuing agency.

If the parking penalty is paid within twenty-one (21) calendar days from the issuance of the parking citation or within fourteen (14) calendar days after the mailing of the notice of delinquent parking violation, no late penalty or similar fee shall be charged to the registered owner.

8-12-080 Copy of Citation upon Request of Registered Owner

a. Within fifteen (15) calendar days of request, made by mail or in person, the agency shall mail or otherwise provide to the registered owner, or the registered owner's agent, who has received a notice of delinquent parking violation, a copy of the original parking citation.

The issuing agency may charge a fee sufficient to cover the actual cost of copying and/or locating the original parking citation, not to exceed two dollars ($2.00) per page. Until the issuing or agency complies with a request to provide a copy of the parking citation, the agency may not proceed to immobilize the vehicle merely because the registered owner has received five or more outstanding parking violations over a period of five or more calendar days.

b. If the description of the vehicle on the parking citation does not substantially match the corresponding information on the registration card for that vehicle, the agency shall, on written request of the operator, cancel the notice of the parking violation.

8-12-090 Affidavit of Non-liability – Leased or Rented Vehicle

A registered owner shall be released from liability for a parking citation if the registered owner files with the agency an affidavit of non-liability in a form satisfactory to METRO and such form is returned within thirty (30) calendar days after the mailing of the notice of delinquent parking violation together with proof of a written lease or lessee and provides the operator's driver's license number, name and address.

8-12-100 Affidavit of Non-liability – Sale

A registered owner of a Vehicle shall be released from liability for a parking citation issued to that Vehicle if the registered owner served with a notice of delinquent parking violation files with the agency, within thirty (30) calendar days of receipt of the notice of delinquent parking violation, an affidavit of non-liability together with proof that the registered owner served with a

notice of delinquent parking violation has made a bona fide sale or transfer of the Vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged violation. The agency shall obtain verification from the department that the former owner has complied with the requirements necessary to release the former owner from liability pursuant to CVC section 5602 or the successor statute thereto.

If the registered owner has complied with CVC section 5602 or the successor statute thereto, the agency shall cancel the notice of delinquent parking violation with respect to the registered owner.

If the registered owner has not complied with the requirement necessary to release the owner from liability pursuant to CVC section 5602, or the successor statute thereto, the agency shall inform the registered owner that the citation must be paid in full or contested pursuant to section 8-12-050. If the registered owner does not comply, the agency shall proceed pursuant to section 8-12-060.

8-12-110 Collection of Unpaid Parking Penalties

Except as otherwise provided below, the agency shall proceed under subsection (a) or subsection (b), but not both, in order to collect an unpaid parking penalty:

a. File an itemization of unpaid parking penalties and other related fees with the California Department of Motor Vehicle collection unit pursuant to CVC section 4760 or the successor statute thereto.

b. If more than four hundred dollars ($400.00) in unpaid parking penalties and other related fees have been accrued by any one registered owner or the registered owner's renter, lessee or sales transferee, proof thereof may be filed with the court which has the same effect as a civil judgment. Execution may be levied and such other measures may be taken for the collection of the judgment as are authorized for the collection of unpaid civil judgments entered against a defendant in an action against a debtor.

The agency shall send notice by first-class mail to the registered owner or renter, lessee, or sales transferee indicating that a civil judgment has been filed and the date that the judgment shall become effective. The notice shall also indicate the time that execution may be levied against that person's assets, that liens may be placed against that person's property, that the person's wages may be garnished, and that other steps may be taken to satisfy the judgment. The notice shall also state that the agency will terminate the commencement of a civil judgment proceeding if all parking

penalties and other related fees are paid prior to the date set for hearing. If judgment is entered, then the Agency may file a writ of execution or an abstract with the court clerk's office identifying the means by which the civil judgment is to be satisfied.

If a judgment is rendered for the agency, that agency may contract with a collection agency.

The agency shall pay the established first paper civil filing fee at the time an entry of civil judgment is requested.

c. If the registration of the Vehicle has not been renewed for sixty (60) calendar days beyond the renewal date, and the citation has not been collected by the department pursuant to CVC section 4760, or the successor statute thereto, then the agency may file proof of unpaid penalties and fees with the court which has the same effect as a civil judgment as provided above in section 8-12-110 (a).

d. The agency shall not file a civil judgment with the court relating to a parking citation filed with the Agency unless the agency has determined that the registration of the Vehicle has not been renewed for sixty (60) calendar days beyond the renewal date and the citation has not been collected by the Agency pursuant to CVC section 4760 or the successor statute thereto.

8-12-120 Obligation of Agency Once Parking Penalty Paid

If the operator or registered owner served with notice of delinquent parking violation, or any other person who presents the parking citation or notice of delinquent parking violation, deposits the penalty with the person authorized to receive it, the agency shall do both of the following:

1. Upon request, provide the operator, registered owner, or the registered owner's agent with a copy of the citation information presented in the notice of delinquent parking violation. The agency shall, in turn, obtain and record in its records the name, address and driver's license number of the person actually given the copy of the citation information.

2. Determine whether the notice of delinquent parking violation has been filed with the department or a civil judgment has been entered pursuant to section 8-12-110 (b).

a. If the agency receives full payment of all parking penalties and other related fees and the agency neither files a notice of delinquent parking

violation nor entered a civil judgment, then all proceedings for that citation shall cease.

b. If a notice of delinquent parking violation has been filed with the department and has been returned by the department pursuant to the provisions of the CVC and payment of the parking penalty has been made, along with any other related fees, then the proceedings for that citation shall cease.

c. If the notice of delinquent parking violation has been filed with the department and has not been returned by the department, and payment of the parking penalty along with any other fees applied by either the department or the agency or both have been made, the agency shall do all of the following:

    1. Deliver a certificate of payment to the operator, or other person making payment;

    2. Within five working days transmit payment information to the department in the manner prescribed by the department;

    3. Terminate proceedings on the notice of delinquent parking violation;

    4. Deposit all parking penalties and other fees as required by law.

8-12-130 Deposit of Parking Penalties with METRO

All parking penalties collected, including process services fees and costs related to civil debt collection, shall be deposited to the account of the agency, and then remitted to METRO, if METRO is not also the agency.

If METRO is not the agency, then METRO shall enter into an agreement with the agency for periodic transfer of parking citation receipts, along with a report setting forth the number of cases processed and the sums received.

8-12-140 Bailment Schedule

METRO shall adopt a penalty schedule for parking violation penalties and administrative penalties and any necessary additional procedures in furtherance of enforcement of this Code. The schedule and any procedures deemed necessary shall be subject to the approval of the Chief Executive Officer. The Schedule shall be deposited and maintained at all times by the METRO Transit Court for use and examination by the public.

Chapter 8-20

Removal of Vehicles

8-20-010 Towing and Impounding Vehicles

METRO may remove, tow or impound Vehicles in accordance with CVC section 22650 et seq., including but not limited to Vehicles that:

a. Have three or more outstanding (unpaid) METRO parking violations.
b. Have five or more outstanding (unpaid) parking violations from any agency in the State.
c. Display lost, stolen, altered, counterfeit, or unauthorized permits.
d. Have expired vehicle registration (more than six months).
e. Park in tow away zones, such as disabled, reserved and no parking areas.
f. Park in emergency/fire access lanes.
g. Park on any surface not specifically marked for parking of motor vehicles, such as, but not limited to: lawns, open spaces, sidewalks, plazas, unmarked curbs, roadways, drive aisles, and bikeways.

8-20-020 Poststorage Hearing

a. Whenever METRO directs removal of a Vehicle pursuant to this Chapter, the Vehicle's registered and legal owners of record, or their agents, will be provided an opportunity for a post storage hearing to determine the validity of the storage.

b. METRO will mail or personally deliver a notice of the storage to the registered and legal owners within 48 hours, excluding weekends and holidays, and shall include all of the following information:
    1. The name, address, and telephone number of the agency providing the notice.
    2. The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
    3. The authority and purpose for the removal of the vehicle.
    4. A statement that, in order to receive their post storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.
c. The post storage hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. METRO may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle.
d. Failure of either the registered or legal owner, or his or her agent, to request or to attend a scheduled hearing shall satisfy the post storage hearing requirement.

ATTACHMENT B

A RESOLUTION OF THE METRO BOARD
OF LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
ESTABLISHING PARKING RATES AND PERMIT FEES FOR ALL
METRO PARKING FACILITIES AND RESOURCES

WHEREAS, the Los Angeles County Metropolitan Transportation Authority (Metro) operates parking facilities throughout the Los Angeles County in the City of Los Angeles, Pasadena, Long Beach, North Hollywood, Culver City, Norwalk, Downey, Lynwood, Hawthorne, Inglewood, El Segundo, Redondo Beach, Compton, El Monte and Gardena. At Metro Blue Line Stations at: Florence, Willowbrook, Artesia, Del Amo Willow and Wardlow Stations. Metro Gold Line Stations at: Atlantic, Indiana, Heritage, Lincoln Heights and Sierra Madre and Metro Red Line Stations at: Universal, North Hollywood and MacArthur Park. Metro Expo Line Stations at Expo/Crenshaw, La Cienega/Jefferson and Culver City. Metro Orange Line Stations at: Van Nuys, Sepulveda, Balboa, Reseda, Pierce College, Canoga, Sherman Way and Chatsworth Stations. Metro Silver Line Stations at: Slauson, Manchester, Rosecrans, Harbor Freeway, Harbor Gateway Transit Center and El Monte. Metro also operates the parking at Los Angeles Union Station.

WHEREAS, Metro has designated preferred parking zones throughout its parking facilities with parking restrictions to manage parking availability to patrons; and

WHEREAS, the Metro Board of Directors is authorized to set parking rates and permit fees, by resolution, at Metro owned, leased, operated, contracted and managed parking facilities and preferred parking zones; and

WHEREAS, the Metro Chief Executive Officer (CEO) or its designee is hereby authorized to approve parking fee adjustments within a twenty-five percent (25%) margin of the posted parking rate and is not to exceed an accumulated fee increase of more than 100% in a fiscal year as referred to in the Metro Parking Ordinance Chapter 8-01-040. Metro CEO is also authorized to establish parking rates at additional parking facilities. Parking rates at additional parking facilities will be established within the current fee range and based on the demographic location of the facility; and

WHEREAS, adopting the parking rates and permit fees as a means of regulating the use of all Metro parking facilities and resources will distribute the parking load more evenly between transit patrons and non-transit users, and maximize the utility and use of Metro operated parking facilities and resources, enhance transit ridership and customer service experience, thereby making parking easier, reducing traffic hazards and congestion, and promoting the public convenience, safety, and welfare;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF METRO DOES RESOLVE AS FOLLOWS:

SECTION 1. The parking rates established in this Resolution are effective as of May 28, 2015 at all Metro Parking Facilities.

SECTION 2. As used in this Resolution, the term “daily” means a consecutive 24-hour period commencing upon the time of entry of a vehicle into a parking facility.

SECTION 3. The parking rates listed in this Resolution shall apply to vehicles entering the specified Metro off-street parking facility for the specified times, and rates unless a special event is scheduled that is anticipated to increase traffic and parking demands. If an event is scheduled, the rate may be determined by Metro with approval of Parking Management staff, which approval may be granted based on Metro’s best interests. The maximum rate may be set as either a flat rate per entry or an increased incremental rate based upon time of entry and duration of parking.

SECTION 4. The following fees are established at the Metro Florence Blue Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $25.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 5. The following fees are established at the Metro Willowbrook Blue Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 6. The following fees are established at the Metro Artesia Blue Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $25.00 flat rate at designated preferred spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.

c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 7. The following fees are established at the Metro Del Amo Blue Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $25.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 8. The following fees are established at the Metro Wardlow Blue Line Station:

a. Parking rates shall be as follows:
b. Parking prior to 11am will require a $25.00 flat rate at designated preferred parking spaces on a monthly basis.
c. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
d. After 11am all parking spaces become available to all transit patrons.
e. Parking on weekends is free to all transit users.
f. Parking is available on a first come first serve basis.

SECTION 9. The following fees are established at the Metro Willow Blue Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $25.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 10. The following fees are established at the Metro Norwalk Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 11. The following fees are established at the Metro Lakewood Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 12. The following fees are established at the Metro Long Beach Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 13. The following fees are established at the Metro Avalon Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 14. The following fees are established at the Metro Harbor Freeway Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 15. The following fees are established at the Metro Vermont Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 16. The following fees are established at the Metro Crenshaw Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 17. The following fees are established at the Metro Hawthorne Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 18. The following fees are established at the Metro Aviation Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 19. The following fees are established at the Metro El Segundo Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 20. The following fees are established at the Metro Redondo Beach Green Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 21. The following fees are established at the Metro MacArthur Park Red Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 22. The following fees are established at the Metro Universal Red Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $55.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 23. The following fees are established at the Metro North Hollywood Red Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $59.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 24. The following fees are established at the Metro Atlantic Gold Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $29.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 25. The following fees are established at the Metro Indiana Gold Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $29.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 26. The following fees are established at the Metro Lincoln/Cypress Gold Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $25.00 flat rate at designated preferred parking spaces on a monthly basis.

b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 27. The following fees are established at the Metro Heritage Square Gold Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $20.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 28. The following fees are established at the Metro Fillmore Gold Line Station:

Parking rates shall be as follows:

a. Parking will require a $29.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking is only available Monday through Friday.
c. Parking is available on a first come first serve basis.

SECTION 29. The following fees are established at the Metro Sierra Madre Gold Line Station:

Parking rates shall be as follows:

a. Parking prior to 11am will require a $29.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 30. The following fees are established at the Metro Expo/Crenshaw Expo Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge.
b. Parking is only available from Monday at 2 am through Sunday at 2am.
c. Parking is available on a first come first serve basis.

SECTION 31. The following fees are established at the Metro La Cienega/Jefferson Expo Line Station:

Parking rates shall be as follows:
a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 32. The following fees are established at the Metro Culver City Expo Line Station:

Parking rates shall be as follows:
a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 33. The following fees are established at the Metro Van Nuys Orange Line Station:

Parking rates shall be as follows:
a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 34. The following fees are established at the Metro Sepulveda Orange Line Station:

Parking rates shall be as follows:
a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 35. The following fees are established at the Metro Balboa Orange Line Station:

Parking rates shall be as follows:
a. Parking prior to 11am will require a $20.00 flat rate at designated preferred parking spaces on a monthly basis.
b. Parking prior to 11am will require a $4.00 flat rate at designated preferred parking spaces on a daily basis.
c. After 11am all parking spaces become available to all transit patrons.
d. Parking on weekends is free to all transit users.
e. Parking is available on a first come first serve basis.

SECTION 36. The following fees are established at the Metro Reseda Orange Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 37. The following fees are established at the Metro Pierce College Orange Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 38. The following fees are established at the Metro Canoga Orange Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 39. The following fees are established at the Metro Sherman Way Orange Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 40. The following fees are established at the Metro El Monte Silver Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 41. The following fees are established at the Metro Slauson Silver Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 42. The following fees are established at the Metro Manchester Silver Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 43. The following fees are established at the Metro Rosecrans Silver Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 44. The following fees are established at the Metro Harbor Gateway Transit Center Silver Line Station:

Parking rates shall be as follows:

a. Parking is available free of charge seven days a week.
b. Parking is available on a first come first serve basis.

SECTION 45. The following fees are established at Los Angeles Union Station Gateway:

Parking rates shall be as follows:

a. Each 15 minutes is $2.00.
b. Daily Maximum shall be $8.00 per entry per every 24 hour stay.
c. Monthly fees for the general public are $110.00
d. Event parking fees can be established based on market rate conditions.
e. Special monthly parking rates may be negotiated between Metro and tenant, government, or business entity.
f. Metro is hereby authorized to adjust parking rates at Union Station for special events in the area based on parking demand.
g. Parking is available on a first come first serve basis.
h. All rates apply seven days a week.

SECTION 46. The following fees are established at Los Angeles Union Station West:

Parking rates shall be as follows:

a. Monthly fees for parking garage reserved stalls shall be $130.00.
b. Monthly fees for parking garage tandem spaces shall be $82.50.
c. Valet parking shall be $20.00.
d. Valet parking for special events shall be $25.00.
e. Special monthly parking rates may be negotiated between Metro and tenant, government, or business entity.
f. Metro is hereby authorized to adjust parking rates at Union Station for special events in the area based on parking demand.

SECTION 47. The Metro Board is hereby authorized to adjust the parking rates higher or lower for any off street parking facilities, including

parking structures and parking lots, in order to facilitate the parking goals, based on occupancy, comparable location. The Chief Executive Officer or its designee is hereby authorized to approve parking fee adjustments within a twenty-five percent (25%) margin and less frequent than ninety (90) days of the established parking fee. Any increases or decreases of parking fees beyond the twenty-five (25%) margin or more frequent than ninety (90) days shall require METRO Board, or its designee's, approval.

SECTION 48. The following fees shall be established for all preferred parking zones:

1. Initiation fee shall be $7.00.
2. Replacement of a lost or stolen preferred parking permit shall be $7.00.

SECTION 49. Short-term reserved parking may be purchased by phone or by internet web-page.

SECTION 50. All parking rates and permit fees shall be per vehicle for the specified period and non-refundable once issued.

SECTION 51. Parking passes or permits that are issued via access cards shall require payment of an initial non-refundable fee of $25.00.

SECTION 52. All parking rates set forth in this Resolution include city's parking tax if applicable.

SECTION 53. The following fees are established for each type of violation:

1. Failure to Obey Signs shall be $63.00.
2. Non-Parking Activities are Prohibited shall be $63.00.
3. Vehicles parked longer than seventy-two (72) hours shall be $53.00.
4. Temporary No Parking shall be $53.00.
5. Illegal Parking Outside of Defined Space or Parking Space Markings shall be $63.00.
6. Parking in a Restricted Parking Space area shall be $38.00.
7. Parking within a Marked Bicycle Lanes shall be $48.00.
8. Illegal Parking in a Bus Loading Zone shall be $263.00.
9. Illegal Parking in a Loading Zone shall be $53.00.
10. Illegal Parking in a Commercial Loading Zone shall be $78.00.
11. Vehicles Exceeding Posted Weight Limits shall be $53.00.
12. Parking a Disconnected Trailer shall be $53.00.
13. Vehicle Parking in Alleys shall be $53.00.
14. Illegal Parking in Red Zones shall be $53.00.
15. Failure to pay for adopted parking fees at Metro Park and Ride Facilities shall be $55.00.

16. Parking in an Accessible Parking Space without a valid placard or Authorization and Misuse of the Placard or Parking in a Crosshatched Accessible Area shall be $338.00.
17. Parking on Grades shall be $48.00.
18. Angled Parking shall be $48.00.
19. Double Parking shall be $53.00.
20. No Parking Anytime shall be $53.00.
21. Parking on the Wrong Side of the Street shall be $53.00.
22. Blocking Street or Access shall be $53.00.
23. Improper Parking of a Vehicle causing a Special Hazard shall be $53.00.
24. Parking at/blocking a Fire Hydrant shall be $68.00.
25. Parking at Assigned / Reserved Space without a valid permit or permission shall be $53.00.
26. Non Taxi Vehicle Parked in a Taxicab Assigned Stand shall be $33.00.
27. Parking At/Adjacent to a Landscape Island or Planter shall be $53.00.
28. Permit Provisions Violation shall be $63.00.
29. Expired Meter or Pay Station shall be $53.00.
30. Illegal Parking during Facilities Cleaning, Maintenance and Capital Projects areas $53.00.
31. Non Electric Vehicle Parked in an Electrical Vehicle Assigned Parking Space shall be $53.00.
32. Parking on Sidewalk/Parkway shall be $53.00.
33. Parking in Peak Hour Traffic Zones shall be $53.00.
34. Parking Prohibited for Vehicles over Six (6) Feet High, Near Intersections shall be $53.00.
35. Non Car Share or Vanpool Vehicle Parked in a Car Share or Vanpool Assigned Space shall be $53.00.
36. Exceeding Posted Speed Limit shall be $35.00.
37. Operating a Vehicle in a Non-Vehicular Access location shall be $63.00.
38. Bicycle Violations shall be $38.00.
39. Parking of Motorized Bicycles, Motorcycles and Mopeds Violations shall be $38.00.

SECTION 54. The Parking Fee Resolution adopted by the Metro Board of Directors on, July 23, 2015, is repealed as of the effective date of the parking rates set forth in this Resolution.

SECTION 55. If there are any conflicts between the parking rates adopted in this Resolution and any parking rates adopted by prior resolution, the rates adopted in this Resolution shall take precedence.

SECTION 56. The Metro Board shall certify to the adoption of this Resolution, which shall become effective at such time as appropriate signs notifying the public of the provisions herein have been posted by the Metro Parking Management unit.

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

Metro

Board Report

File #: 2015-1063, **File Type:** Informational Report **Agenda Number:** 70.

EXECUTIVE MANAGEMENT COMMITTEE
JULY 16, 2015

SUBJECT: RAIL STATION NAMES

ACTION: ADOPT STATION NAMES FOR CRENSHAW/LAX LINE

RECOMMENDATION

EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED AS AMENDED (5-0) adopting the following Official and Operational station names for the eight stations that comprise **Metro Rail's Crenshaw/LAX line:**

Official Station Name	Operational Station Name
1. Expo/Crenshaw	Expo/Crenshaw
2. Martin Luther King Jr.	Martin Luther King Jr.
3. Leimert Park	Leimert Park
4. Hyde Park	Hyde Park
5. Fairview Heights	Fairview Heights
6. Downtown Inglewood	Downtown Inglewood
7. Westchester	Westchester
8. Aviation/Century	Aviation/Century

ISSUE

Since its inception, stations on the Crenshaw/LAX line have been identified by placeholder names based on street intersection. With construction in progress, final names need to be adopted by the Board in order to facilitate station signage design and fabrication without incurring extra costs for changes.

DISCUSSION

Property Naming Policy

The 2003 Board-approved Property Naming Policy (Attachment A) states that rail stations will be named in a simple and straightforward way to assist customers in navigating the system and the region. It indicates that names must be brief enough for quick recognition and retention, and must be based primarily on geographic location, referring to a nearby street or freeway, a well-known destination or landmark, a community or district name, or a city name. The policy also states that

single names for stations are preferable, and that if multiple names are used, they are to be separated by a slash.

The policy further indicates that properties may have a Board-adopted official name and a shorter operational name; the official name is used in Board documents and legal notices while the operational name is used more commonly on station signage, maps and customer materials. The policy recommends keeping the length of the operational name to a maximum of 24 characters to ensure readability and compliance with ADA type size requirements.

Community Input

Per the policy, staff sought community input on station names from various entities. Potential names were discussed at 10 community meetings attended by approximately 450 people from August 26, 2014 to October 9, 2014.

Based on this input, staff recommends adoption of the names shown in the table below. A map of these stations showing the proposed Operational names is included as Attachment B. Alternate names for each station are shown in Attachment C.

Placeholder Name - Original	Official Name - Proposed	Operational Name - Proposed
Expo/Crenshaw	Expo/Crenshaw	Expo/Crenshaw
Crenshaw/MLK	Martin Luther King Jr.	Martin Luther King Jr.
Crenshaw/Vernon	Leimert Park	Leimert Park
Crenshaw/Slauson	Hyde Park	Hyde Park
Florence/West	Fairview Heights	Fairview Heights
Florence/La Brea	Downtown Inglewood	Downtown Inglewood
Florence/Hindry	Westchester	Westchester
Aviation/Century	Aviation/Century	Aviation/Century

1. Expo/Crenshaw Station

This station is the transfer point between the Crenshaw/LAX Line and the Expo Line. As the existing station on the Expo Line is named Expo/Crenshaw, the same name is recommended for the new station on the Crenshaw/LAX line. The situation and proximity are similar to the transfer point between the Red Line and the Orange Line; the stations for these two lines are across the street from each other and share the name “North Hollywood.” If adopted, both the Official and Operational names for this station will be “Expo/Crenshaw.”

2. Martin Luther King Jr. Station

This station lies at the intersection of Crenshaw and Martin Luther King Jr. Boulevards. Several station names incorporating “Martin Luther King Jr.” were suggested by community members and elected officials. The community also would prefer that “Martin Luther King Jr.” not be abbreviated in the station name. To avoid the need for any abbreviation and to meet the naming policy’s recommended 24-character maximum ensuring signage readability and compliance with ADA type size requirements, staff recommends the name “Martin Luther King Jr.” If adopted, this will be both the Official and Operational station name.

3. Leimert Park Station
The name “Leimert Park” was suggested by community members and elected officials. The name is consistent with the naming policy as the station is identified by a neighborhood landmark. If adopted, both the Official and Operational names for this station will be “Leimert Park.”

4. Hyde Park Station
The name “Hyde Park” was suggested by community members and elected officials. The name is appropriate as the station lies within the Hyde Park neighborhood boundary, and it is consistent with the naming policy as the station is identified by a neighborhood name. If adopted, both the Official and Operational names will be “Hyde Park.”

5. Fairview Heights Station
The name “Fairview Heights” was suggested by community members, Crenshaw/LAX Community Leadership Council (CLC) members and elected officials. The name is appropriate as the station lies within the Fairview Heights neighborhood boundary, and it is consistent with the naming policy as the property is identified by a neighborhood name. If adopted, both the Official and Operational names will be “Fairview Heights.”

6. Downtown Inglewood Station
The name “Downtown Inglewood” was suggested by community members and city officials. The name is consistent with the naming policy as the station is identified by a city name, and it distinguishes the station from the Fairview Heights station which is also in the City of Inglewood. If adopted, both the Official and Operational names will be “Downtown Inglewood.”

7. Westchester Station
This station is located at the northwest corner of Florence and Hindry Avenues, at the border of Inglewood and Westchester but within the city limits of Inglewood. This station received the most varied community input for names. The City of Inglewood preferred “Hindry/Veteran” to identify the station by the street on which it lies as well as by the destination of nearby veteran housing. The Westchester community supported the name “Hindry/Westchester” to reflect the station’s proximity to the area. Staff believes customers will be best served when navigating the system by referencing the community targeted for service, which is Westchester. If adopted, both the Official and Operational names will be “Westchester.” Upon direction from the Board, a commemorative plaque could be installed at the station acknowledging the nearby veteran housing, with final language to be determined prior to station opening.

8. Aviation/Century
The name “Aviation/Century” was suggested by community members, the Gateway to LA BID, Westchester stakeholders and elected officials. The name is consistent with the naming policy as it identifies the station by its street intersection. If adopted, both the Official and Operational names will be “Aviation/Century.”

DETERMINATION OF SAFETY IMPACT

Adopt of these names does not affect the incidence of injuries or healthful conditions for patrons

or employees. Therefore, approval will have no impact on safety.

FINANCIAL IMPACT

Approval of this item will result in no financial impact to Metro.

Impact to Budget

Approval of this item will have no impact to Metro's budget.

ALTERNATIVES CONSIDERED

The proposed names were developed as the result of community input and are consistent both with Metro's naming policy and the names of other stations in the system. The Board may elect to substitute one or more of the alternate station names shown in Attachment C, some of which also are consistent with Metro's naming policy.

NEXT STEPS

Staff will work with the Crenshaw/LAX construction project to ensure that the Board-adopted station names are implemented.

ATTACHMENTS

Attachment A - Property Naming Policy
Attachment B - Map of Crenshaw/LAX line with proposed Operational Station Names
Attachment C - Table of alternate names for each station

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Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

PROPERTY NAMING POLICY

Purpose

Through implementation of this policy, Metro seeks to establish guidelines regarding the naming of Metro properties frequented by the public that will provide clear transit information to our customers – both frequent patrons as well as visitors and infrequent users. In addition, the policy is intended to ensure timely, cost-effective and rider-friendly property naming efforts.

Properties will be named with the maximum benefit and convenience of the transit system user in mind. Naming will provide customers with travel information in a simple, straightforward and unified way in order to assist patrons in successfully navigating the transit system and correspondingly the region. Property names will reflect the following principles:

- ***Transit system context*** – Names will provide information as to where a property is located within the context of the entire transit system; property names will be clearly distinguishable with no duplication.

- ***Property area context*** – Names will provide specific information as to the location of the property within the context of the surrounding street system, so that users can find their way around after their arrival and to support system access via automobile drop-off and parking.

- ***Neighborhood identity*** – Where appropriate, property naming will acknowledge that system stations and stops serve as entry points to the region's communities and neighborhoods.

- ***Simplicity*** – Names will be brief enough for quick recognition and retention by a passenger in a moving vehicle, and to fit within signage and mapping technical parameters.

Policy Points

1. Property naming will identify transit facilities so as to provide immediate recognition and identification for daily riders as well as periodic users and visitors. Transit facilities include rail stations, bus rapidway stations, transit centers, bus stops and other properties frequented by the public. Property names will be identified based on the following:

    - Adjacent or nearby street or freeway
    - Well-known destination or landmark
    - Community or district name
    - City name – if only one Metro property is located within a city

    If space permits, property names can be a combination of street system location and well-known destination, particularly when the street system name may not be recognizable to transit riders and visitors. No business, product or personal names shall be used unless that name is part of a

street name or well-known destination; or as part of a corporate sponsorship or cooperative advertising revenue contract.

2. The following criteria will ensure simple, succinct property names that are easily understood and retained by transit riders:

   - Minimize the use of multiple names for a property. A single name identifiable by the general public is preferred, with a maximum of two distinct names separated by one slash. For example, Westlake/ MacArthur Park Station.

   - Minimize the length of property names to ensure comprehension and retention by system riders. The property name shall have a preferred maximum of 24 characters in order to ensure general public and ADA readability, and fit within Metro's signage system.

   - Minimize the inclusion of unneeded words in property names such as ones that are inherently understood or added when verbally stating the property's name. Avoid inclusion of unnecessary words that may describe the property's location, but are not part of that location's commonly known name.

3. In consideration of the various applications where the property name will be used and displayed, properties may have a Board-adopted official name as well as a shorter operational name. The official property name would be used for Board documents, contracts and legal documents and notices. The operational name would be used for station/stop announcements by vehicle operators, and on printed materials due to readability and size constraints. In addition, the property name may be further abbreviated for other operational uses such as vehicle headsigns and fare media.

4. The property naming process will include the following steps:

   A. Initial property names will be identified during the project planning process primarily based on geographic location.

   B. When a project is approved by the Board to proceed into the preliminary engineering phase, a formal naming process will be initiated.

   C. Staff will solicit input from cities, communities and other stakeholders on preferred property names based on the Board-adopted naming criteria.

   D. The resulting property names will be reviewed by a focus group comprised of both transit system users and non-users for general public recognizability.

   E. Staff will return to the appropriate Board committee and then to the full Board for adoption of the final set of official property names.

   F. The adopted official property names will then be included in any final engineering bid documents and other agency materials.

   G. Requests to rename properties after Board action and the release of project construction documents may be considered by the Board. Property name changes must be approved by a vote of two-thirds of the Board members. All costs associated with changing a

property name, including any signage revisions and market research to determine if the proposed name is recognizable by the general public, will be paid for by the requestor unless otherwise determined by the Board.

5. If the Board wishes to bestow a special honor to a deceased individual, it may choose to dedicate a site to him/her. The act of dedicating a Metro property to an individual should be rare and reserved as a means to honor those who, in the view of the Board, have demonstrated a unique and extraordinary degree of service to public transportation in Los Angeles County. Such dedications shall be viewed as secondary information with regard to signage and other identification issues. Properties/facilities frequented by the public may not be renamed for individuals.

   Such dedications are made in the form of a motion presented by a Board Member to the appropriate committee of the Board for review and approval, and then forwarded to the full Board for final approval. With Board action, individuals will be honored with plaques where space is available.

ATTACHMENT B

Crenshaw/LAX Transit Project

Metro

Crenshaw/LAX Station Names

ATTACHMENT C

Station Naming – Community Feedback Matrix

Original (Planning Name)	Community Recommended Names	Community Comments	Recommendation forwarded for consideration
Crenshaw/MLK	• Crenshaw/Martin L. King, Jr. • Baldwin Hills/Crenshaw • Baldwin Hills/Martin L. King, Jr. • Crenshaw/MLK • District Square • Martin Luther King, Jr. • MLK Bl • MLK	All recommended names meet the station naming criteria. Community preferred that Martin L. King, Jr. not be abbreviated to MLK.	**Martin Luther King, Jr.** Wide community support.
Crenshaw/Vernon	• Leimert Park • Leimert Park Village • Crenshaw/Vernon • Freedom Square • Bernard Parks	All recommended names meet the station naming criteria.	**Leimert Park** Wide community support.
Crenshaw/Slauson	• Hyde Park • Park Mesa Heights • Crenshaw/Slauson • Park Mesa/Slauson	All recommended names meet the station naming criteria.	**Hyde Park** Wide community support.
Florence/West	• Fairview Heights • Florence/West • Fairview Heights/Florence	All recommended names meet the station naming criteria.	**Fairview Heights** Wide community support.
Florence/La Brea	• Downtown Inglewood • Florence/La Brea • Inglewood	All recommended names meet the station naming criteria.	**Downtown Inglewood** Wide community support.
Florence/Hindry	• Hindry/Westchester • Westchester • Florence/Hindry • Westchester/Gateway • Kentwood • Hindry/Veteran	All recommended names meet the station naming criteria except Westchester/Gateway and Hindry Veteran.	**Westchester** High level of community support.
Aviation/Century	• Aviation/Century • Century/LAX • LAX • Century/Gateway	All recommended names meet the station naming criteria.	**Aviation/Century** Wide community support.

** Community recommended names listed in order of greatest community support.*

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

Metro

Board Report

File #: 2015-1091, **File Type:** Policy **Agenda Number:** 74.

EXECUTIVE MANAGEMENT COMMITTEE
JULY 16, 2015

SUBJECT: PERSONNEL MATTER

ACTION: AUTHORIZE CHIEF EXECUTIVE OFFICER TO NEGOTIATE SALARIES

RECOMMENDATION

EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to negotiate salaries within the pay range for the following positions:

A. **Executive Director, Program Management**, pay grade CC ($222,476 - $273,894 - $325,353)

B. **Executive Director, Transit Project Delivery**, pay grade BB ($166,462 - $208,083 - $249,704)

C. **Executive Officer, System Security and Law Enforcement**, pay grade AA ($156,832 - $196,060 - $235,227)

D. **Deputy Chief Executive Officer**, pay grade DD ($278,470 - $339,747 - $401,003)

ISSUE

Executive-level recruiting is extremely sensitive and sometimes difficult if the potential candidate is considering leaving current employment. Delegating authority for salary negotiation to the CEO for these positions will speed up the process and ameliorate any concerns the potential candidates may have regarding confidentiality.

DISCUSSION

These key executive positions are responsible for major functional areas of the agency and need to be filled with personnel whose salaries are competitive and reflect the level of their responsibilities and qualifications.

Executive Director, Program Management

The Executive Director, Program Management position is responsible for the engineering and

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construction of transit projects, as well as Highway Programs and Program Control. With Metro's ambitious multi-billion dollar capital programs, this position is critical for delivery of projects on time and on budget.

Executive Director, Transit Project Delivery

The Executive Director, Transit Project Delivery is responsible for executive management of all rail projects under construction. These include the Crenshaw Line, the Purple Line extension, the Regional Connector and the Foothill/Exposition lines.

Executive Officer, System Security and Law Enforcement

The Executive Officer, System Security and Law Enforcement, provides executive direction to Metro's system security and ensures law enforcement contract compliance and strategic plan, while supporting a community oriented policing philosophy.

Deputy Chief Executive Officer

The DCEO position is responsible for Management Audit Services, Labor and Employee Relations, Vendor/Contract Management, Los Angeles Metro Protective Services and Congestion Reduction, as well as the day-to-day operation of the organization. The position also provides counsel to the CEO on major issues and formulates policy recommendations for the Board of Directors, attends Board meetings, and represents the CEO as designated in meetings and before community and business groups.

FINANCIAL IMPACT

No additional FTEs are being added to the FY16 Budget.

Funds for the Executive Director, Program Management position are included in the FY16 budget in cost center 8010, Executive Office, Construction, projects 100055, Admin - Measure R, and 100800, Construction Admin.

Funds for the Executive Director, Transit Project Delivery are included in the FY16 budget in cost center 8010, Executive Office, Construction, project number 100800, Construction Admin.

Funds for the Executive Officer, System Security and Law Enforcement are included in the FY16 budget in cost center 2610, System Security and Law Enforcement, project number 100001, General Overhead.

Funds for the Deputy Chief Executive Officer are included in the FY16 budget in cost center 2010, Chief Executive Office, project number 100002, Governmental and Oversight Activities.

Impact to Budget

FY16 funding for the Executive Director, Program Management will use projects 100055, Admin -

Measure R, and 100800, Construction Admin., which are not eligible for bus or rail operating projects.

FY16 funding for the Executive Director, Transit Project Delivery will use project 100800, Construction Admin., which is not eligible for bus or rail operating projects.

FY16 funding for the Executive Officer, System Security and Law Enforcement will use project 100001 General Overhead, which is allocated through General Overhead funding which is based on MTA's federally approved indirect-cost-allocation plan which distributes costs agency-wide including eligible bus and rail operating projects.

FY16 funding for the Deputy Chief Executive Officer will use 100002, Governmental and Oversight Activities, which is not eligible for bus and rail operations.

ALTERNATIVES CONSIDERED

An alternative would be not to authorize the CEO to negotiate salaries within the pay range for the positions and come back to the Board of Directors for approval. Staff does not recommend this alternative as Executive-level recruiting is extremely sensitive and sometimes difficult if the potential candidate is considering leaving current employment. Delegating the authority for salary negotiation to the CEO for these positions will expedite the process and ameliorate any concerns the potential candidates may have regarding confidentiality.

NEXT STEPS

Staff will continue to recruit for these positions with negotiations being conducted within the CEO's authorization

ATTACHMENTS

Job specifications for:

A. Executive Director, Program Management
B. Executive Director, Transit Project Delivery
C. Executive Officer, System Security and Law Enforcement
D. Deputy Chief Executive Officer

Prepared by: Don Ott, Executive Director, Employee and Labor Relations
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Reviewed by: Stephanie Wiggins, Interim Deputy Chief Executive Officer
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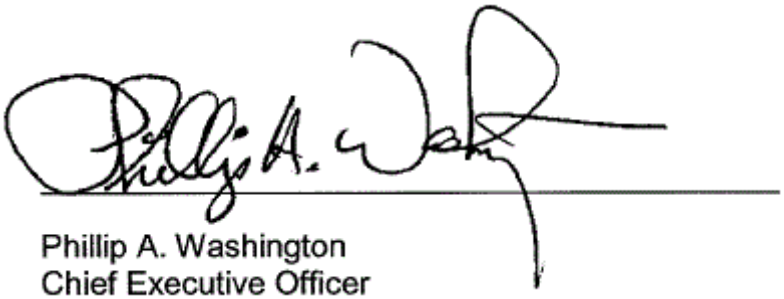

Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

Los Angeles County Metropolitan Transportation Authority

Job Class Specification

EXECUTIVE DIRECTOR, PROGRAM MANAGEMENT

Pay Grade HCC
($222,476 - $273,894 - $325,353)

Basic Function

Leads the Program Management units of Metro including responsibilty for Highway Project Delivery, Transit Project Delivery, Engineering and Project Management Oversight

Classification Characteristics

This classification is exempt/at-will and the incumbent serves at the pleasure of the hiring authority.

Supervised by:Chief Executive Officer
Supervises: Executive Director, Engineering; Executive Director, Project Management Oversight, Managing Executive Officer, Highways; Executive Director, Transit Project Delivery

FLSA: Exempt

Work Environment

In order to achieve the Agency's goals in support of its mission, potential candidates are required to commit and continuously practice and demonstrate the following work values:

- **Safety** – To ensure that our employees, passengers and the general public's safety is always our first consideration.
- **Services Excellence** – To provide safe, clean, reliable, on-time, courteous service for our clients and customers.
- **Workforce Development** – To make Metro a learning organization that attracts, develops, motivates and retains a world-class workforce.
- **Fiscal Responsibility** – To manage every taxpayer and customer-generated dollar as if it were coming from our own pocket.
- **Innovation and Technology** – To actively participate in identifying best practices for continuous improvement.
- **Sustainability** – To reduce, reuse and recycle all internal resources and reduce greenhouse gas emissions.
- **Integrity** – To rely on the professional ethics and honesty of every Metro employee.

- **Teamwork** – To actively blend our individual talents to achieve world-class performance and service.
- **Civil Rights** – To actively promote compliance with all civil rights statutes, regulations and policies.
- **Community** - To actively engage with the Community as it relates to Metro interest/services.

Examples of Duties

- Leads the Program Management department including Highway Project Delivery, Transit Project Delivery, Engineering and Project Management Oversight.
- Provides policy recommendations, technical advice and information to the Chief Executive Officer and Metro Board on matters related to Metro's transit and highway design,and, construction projects, and on Regional Rail.
- Presents, explains and defends project actions requiring Board approval.
- Meets shared reponsibility goals for SBE and DBE contracting.
- Ensures contractors implement Project Labor Agreements and Construction Careers Programs.
- Provides overall direction in the management, studies, investigations, and analyses of major capital engineering and construction projects at the direction of the CEO and Board of Directors, including reports of findings and recommendations.
- Administers major funds, acquisitions, contracts and vendor relations.
- Directs the implementation of transit project goals and objectives, policies, work standards, and controls for professional staff and consultants; evaluates project performance against goals and takes necessary action to address deviations.
- Represents Metro at meetings and conferences with elected and public officials, the community, private citizens, and public and private organizations.
- Assists in the development of Metro's regional long-range strategic plans.
- Ensures coordination and cooperation of services among assigned departments.
- Ensures adequate funding to meet ongoing and project commitments.
- Leads the development of agency-wide business continuity and emergency management programs and plans.
- Contributes to ensuring that the EEO policies and programs of Metro are carried out.

Essential Knowledge and Abilities

Knowledge of:

- Theories, principles, and practices of mass transit and highway systems design, construction, operations, maintenance, safety, accident prevention, and emergency response.
- Applicable local, state, and federal laws, rules, and regulations governing the design, engineering, and construction of mass transit, highway and other capital projects.
- Capital and operating budgets.
- Management of capital programs and construction of large-scale mass transit and highway projects.
- Social, political, civil rights and environmental issues influencing transit and highway programs.
- Principles and practices of public administration.
- Modern management theory.

Ability to:

- Plan, develop and implement objectives, policies, procedures, and work standards to organize and control the design and construction of highway and major rail transit projects.
- Understand, interpret, and apply applicable laws, rules, regulations, policies, procedures, budgets, contracts, and labor/management agreements.
- Represent Metro before elected officials and the public as requested.
- Analyze situations, identify problems, implement solutions, and evaluate outcome.
- Prepare reports and correspondence.
- Establish and maintain cooperative working relationships.
- Exercise judgment and creativity in making decisions.
- Communicate effectively orally and in writing.
- Interact professionally with various levels of Metro employees, outside representatives, and public officials.
- Read, write, speak, and understand English.

Minimum Qualifications

Potential candidates interested in the EXECUTIVE DIRECTOR, PROGRAM MANAGEMENT position MUST meet the following requirements:

- Bachelor's degree - Engineering, Construction Management, Architecture, Project Management or other related field.
- Eight years' senior management-level experience at the department-head level or higher level in large-scale rail-transit/tunneling construction project with experience in design and construction of major design build projects, including extensive experience managing highway projects, commuter rail and/or transportation operations.

- Master's degree in Engineering or Management and experience working with construction of capital projects in a mass transit environment is highly desirable.
- Valid California Class C driver's license.

Special Conditions

- None

Disclaimer

This job specification is not to be construed as an exhaustive statement of duties, responsibilities, or requirements. Employees may be required to perform any other job-related instructions as requested by their supervisor.

ATTACHMENT B

Los Angeles County Metropolitan Transportation Authority

Job Classification Specification

EXECUTIVE DIRECTOR, TRANSIT PROJECT DELIVERY

Pay Grade HBB
($166,462 - $208,083 - $249,704)

Basic Function

To provide executive direction of the construction management, quality, safety, environmental and third party support activities of all transit projects managed by the Transit Project Delivery unit.

Classification Characteristics

This classification is exempt/at-will and the incumbent serves at the pleasure of the hiring authority.

Supervised by:Executive Director, Program Management
Supervises: Executive Officers

FLSA: Exempt

Work Environment

In order to achieve the Agency's goals in support of its mission, potential candidates are required to commit and continuously practice and demonstrate the following work values:

- **Safety** – To ensure that our employees, passengers and the general public's safety is always our first consideration.
- **Services Excellence** – To provide safe, clean, reliable, on-time, courteous service for our clients and customers.
- **Workforce Development** – To make Metro a learning organization that attracts, develops, motivates and retains a world-class workforce.
- **Fiscal Responsibility** – To manage every taxpayer and customer-generated dollar as if it were coming from our own pocket.
- **Innovation and Technology** – To actively participate in identifying best practices for continuous improvement.
- **Sustainability** – To reduce, reuse and recycle all internal resources and reduce greenhouse gas emissions.
- **Integrity** – To rely on the professional ethics and honesty of every Metro employee.

- **Teamwork** – To actively blend our individual talents to achieve world-class performance and service.
- **Civil Rights** – To actively promote compliance with all civil rights statutes, regulations and policies.
- **Community** - To actively engage with the Community as it relates to Metro interest/services.

Examples of Duties

- Provides management oversight on all transit projects under construction.
- Establishes and monitors short-range and long-range project goals, budgets, schedules, progress, and strategies.
- Directs performance of services by consultants and contractors for successful completion of projects.
- Manages and directs third-party coordination and public affairs activities related to project construction.
- Ensures all construction meets operations and maintenance quality standards and expectations.
- Sets and implements project policies, procedures, safety and work standards, and controls.
- Ensures cooperation and coordination of services amongst departments to achieve agency-wide goals and objectives.
- Provides policy recommendations, technical assistance, and information to the Board of Directors, executive management, and departments involved in the design, construction, and management of capital projects.
- Ensures compliance with Metro's policies and procedures and applicable state, federal and local regulations and laws.
- Prepares and presents reports to executive and management staff, the Board of Directors, and outside regulatory agencies.
- Represents Metro at meetings, conferences, and public events.
- Communicates Metro’s safety vision and goals; oversees the implementation of agency and departmental safety rules, policies, and procedures; and maintaining accountability for safety performance of all subordinate employees.
- Contributes to ensuring that the EEO policies and programs of Metro are carried out.

Essential Knowledge and Abilities

Knowledge of:

- Theories, principles, and practices of program control and project management related to heavy civil projects, including cost estimating, cost engineering, project planning, budgeting, critical path scheduling, cost and schedule progress measurement, and project status reporting.
- Construction methods and material and construction costs.

- Public agency procurement procedures and contract administration.
- Modern management theory.

Ability to:
- Plan, organize, and direct the work of a program control department.
- Analyze situations, identify problems, and implement solutions.
- Understand, interpret, and apply laws, rules, regulations, policies, procedures, contracts, budgets, and labor/management agreements.
- Prepare comprehensive reports and correspondence.
- Interact professionally with various levels of Authority employees and outside representatives.
- Communicate effectively orally and in writing.
- Exercise critical thinking, analytical problem solving, and decision-making expertise.
- Supervise subordinate staff.
- Travel to offsite locations within a reasonable timeframe.
- Read, write, speak, and understand English.

Minimum Qualifications
Potential candidates interested in the EXECUTIVE DIRECTOR, TRANSIT PROJECT DELIVERY position MUST meet the following requirements:
- Bachelor's degree - Engineering, Business, Finance, or other related field.
- 5 years' senior management-level experience in program control of major public works projects.
- Master's degree in related field desirable.
- Valid California Class C driver's license.

Special Conditions
- Exposure to hazards during site visits.

Disclaimer
This job specification is not to be construed as an exhaustive statement of duties, responsibilities, or requirements. Employees may be required to perform any other job-related instructions as requested by their supervisor.

ATTACHMENT C

Los Angeles County Metropolitan Transportation Authority

Job Classification Specification

EXECUTIVE OFFICER, SYSTEM SECURITY AND LAW ENFORCEMENT

Pay Grade HAA
($156,832 - $196,060 - $235,227)

Basic Function

To provide executive direction to Metro's overall security and law enforcement contract compliance and strategic plan while supporting a community oriented policing philosophy.

Classification Characteristics

This classification is exempt/at-will and the incumbent serves at the pleasure of the hiring authority.

Supervised by: Deputy Chief Executive Officer

Supervises: DEO, Project Management

FLSA: Exempt

Work Environment

In order to achieve Metro's goals in support of its mission, potential candidates are required to commit and continuously practice and demonstrate the following work values:

- **Safety** – To ensure that our employees, passengers and the general public's safety is always our first consideration.
- **Service Excellence** – To provide safe, clean, reliable, on-time, courteous service for our clients and customers.
- **Workforce Development** – To make Metro a learning organization that attracts, develops, motivates and retains a world-class workforce.
- **Fiscal Responsibility** – To manage every taxpayer and customer-generated dollar as if it were coming from our own pocket.
- **Innovation and Technology** – To actively participate in identifying best practices for continuous improvement.
- **Sustainability** – To reduce, reuse and recycle all internal resources and reduce green-house gas emissions.
- **Integrity** – To rely on the professional ethics and honesty of every Metro employee.

- **Teamwork** – To actively blend our individual talents to achieve world-class performance and service.
- **Civil Rights** – To actively promote compliance with all civil rights statutes, regulations and policies.
- **Community** – To actively engage with the Community as it relates to Metro interest/services.

Examples of Duties

- Provides overall direction and management in the establishment and development of policies, goals, performance measures and strategies, for Los Angeles Metro Protective Service (LAMPS) Department while embracing a community oriented policing philosophy
- Manages transit operations using risk assessments to determine threats and guide an empowered workforce that is capable of utilizing a variety of tools (e.g., standard operating procedures, intuition, situation assessment skills, teammates, flexibility, cooperative problem solving and decision making) to mitigate threats
- Acts as key liaison between all contract law enforcement Departments and Metro
- Responds proactively to the needs of Metro and the community
- Oversees the security and law enforcement contracts and reports on contract performance and compliance
- Oversees and directs through the direction of the Deputy Chief Executive Officer the security and law enforcement management assigned to the Transit Policing Contract with Metro
- Oversees and approves security and law enforcement communications
- Encourages partnership with the community to assist in reducing crime; provides quality law enforcement services
- Partners and collaborates with community leaders to improve Metro's relationship with the community
- Oversees security and law enforcement audits and directs the implementation of corrective actions
- Participates in contract negotiations and represents security and law enforcement
- Ensures continuation of grant funding for critical security and law enforcement programs
- Directs preparation and administration of the Transit Security Department Budget
- Consults and advises management staff and the Board of Directors on transit security and law enforcement contract activities and issues

- Advocates Metro’s safety vision; approves and adopts the agency’s safety rules, policies, and procedures; communicates safety expectations; and maintains accountability for the safety performance of the entire agency
- Mentors, coaches, and develops subordinate staff
- Manages department including developing, monitoring and adhering to Metro’s policies/procedures, budget and achieving units goals and objectives
- Works with the EO of Risk Management on strategies, regulatory compliance, and grant implementation for Emergency Management
- Engages and solicits feedback from all departments and contract service providers
- Contributes to ensuring that the EEO policies and programs of Metro are carried out

Essential Knowledge and Abilities

Knowledge of:

- Theories, principles, and practices of public procurement processes, law enforcement, community based policing and risk management
- Effective Project Management skills and techniques
- Methods and procedures for implementing sensitivity training throughout the department

Ability to:

- Communicate openly and honestly and maintain open lines of communication with all stakeholders while being receptive to feedback
- Establish and maintain effective working relationships with a variety of individuals
- Demonstrate honesty, integrity, and a strong appreciation for diversity while overseeing Metro’s security and law enforcement contract compliance and strategic plan
- Motivate staff to partner with the community to build and improve relations between Metro and the public
- Ensure key organizational goals, priorities, values and other issues are considered in making program decisions
- Exercise leadership to implement and to ensure that Metro’s mission and strategic vision are reflected in the management of its people

- Establish program/policy goals and the structure and processes necessary to implement Metro’s mission and strategic vision
- Ensure that programs and policies are being implemented and adjusted as necessary, that the appropriate results are being achieved, and that a process for continually examining the quality of program activities is in place
- Acquire and administer financial, material, and information resources to accomplish Metro’s mission, support program policy objectives, and promote strategic vision
- Explain, advocate, and negotiate with individuals and groups internally and externally to develop an expansive professional network with other organizations and organizational units
- Communicate effectively orally and in writing
- Prepare comprehensive reports and correspondence
- Read, write, speak, and understand English

Minimum Qualifications

Potential candidates interested in the EXECUTIVE OFFICER, SYSTEM SECURITY AND LAW ENFORCEMENT position MUST meet the following requirements:

- Bachelor’s degree - Business, Public Administration or other related field
- 10 years’ law enforcement experience as a peace officer, 8 years of which must be at or above senior management-level, active within the last 3 years, with 4 years' law enforcement experience in a public transit environment
- Must satisfy the POST standards for peace officers
- Must have an advanced POST certificate
- Must have completed a POST- approved law enforcement management course

Special Conditions

Disclaimer

This job specification is not to be construed as an exhaustive list of duties, responsibilities, or requirements. Employees may be required to perform other related job duties.

ATTACHMENT D

Los Angeles County Metropolitan Transportation Authority

Job Class Specification

DEPUTY CHIEF EXECUTIVE OFFICER

Pay Grade HDD
($278,470 - $339,747 - $401,003)

Basic Function

To assist the Chief Executive Officer in executing the overall mission of Metro.

Classification Characteristics

This classification is exempt/at-will and the incumbent serves at the pleasure of the hiring authority.

Supervised by:Chief Executive Officer
Supervises: Chief Auditor; Executive Director, Vendor/Contract Management; Executive Director, Employee & Labor Relations; Executive Officer, Congestion Reduction; Deputy Executive Officer, Project Management, Executive Secretary/CEO/OIG

FLSA: Exempt

Work Environment

In order to achieve the Agency's goals in support of its mission, potential candidates are required to commit and continuously practice and demonstrate the following work values:

- **Safety** – To ensure that our employees, passengers and the general public's safety is always our first consideration.
- **Services Excellence** – To provide safe, clean, reliable, on-time, courteous service for our clients and customers.
- **Workforce Development** – To make Metro a learning organization that attracts, develops, motivates and retains a world-class workforce.
- **Fiscal Responsibility** – To manage every taxpayer and customer-generated dollar as if it were coming from our own pocket.
- **Innovation and Technology** – To actively participate in identifying best practices for continuous improvement.
- **Sustainability** – To reduce, reuse and recycle all internal resources and reduce greenhouse gas emissions.

- **Integrity** – To rely on the professional ethics and honesty of every Metro employee.
- **Teamwork** – To actively blend our individual talents to achieve world-class performance and service.
- **Civil Rights** – To actively promote compliance with all civil rights statutes, regulations and policies.
- **Community** - To actively engage with the Community as it relates to Metro interest/services.

Examples of Duties

- Assists the Chief Executive Officer in providing overall leadership of Metro in formulating and achieving public transportation objectives.
- Provides counsel to the CEO on significant matters affecting Metro operations and policies.
- Assists the CEO in developing and implementing short-range and long-range goals and business plans.
- Formulates policy recommendations for the Board of Directors, attends Board meetings, and advises Board.
- Formulates and recommends operating policies and procedures or changes in existing policies or procedures.
- Chairs and serves as a member of interdepartmental and interagency committees.
- Represents Metro and the CEO as designated in meetings, as committee member, and before community and business groups.
- Monitors activities of assigned departments to ensure conformance with goals and objectives of reporting unit and eliminate impediments to peak performance.
- Directs the conduct of studies, investigations, and analyses at the direction of the CEO, presenting oral and written reports of findings and recommendations.
- Supervises subordinate department heads and managerial staff.
- Creates Metro's safety vision; approves and adopts the agency's safety rules, policies, procedures; communicates safety expectations; and maintains accountability for the safety performance of the entire agency.
- Contributes to ensuring that the EEO policies and programs of Metro are carried out.

Essential Knowledge and Abilities

Knowledge of:

- Administrative principles and methods, including goal setting, program and budget development and implementation.
- Capital and operating budgets.
- Principles, practices, and program areas related to transit operations.

- Social, political, and environmental issues influencing transit programs.
- Applicable local, state, and federal laws, rules, and regulations.
- Principles and practices of public administration.
- Modern management theory.

Ability to:

- Assist in planning, organizing, and controlling the integrated work of a multi-tiered public transit organization.
- Develop and implement objectives, policies, procedures, work standards, and internal controls.
- Determine strategies to achieve goals.
- Understand, interpret, and apply laws, rules, regulations, policies, procedures, budgets, contracts, and labor/management agreements.
- Represent Metro before elected officials and the public.
- Analyze situations, identify problems, implement solutions, and evaluate outcome.
- Prepare reports and correspondence.
- Establish and maintain cooperative working relationships.
- Exercise judgment and creativity in making decisions.
- Communicate effectively orally and in writing.
- Interact professionally with various levels of Metro employees, outside representatives, and public officials.
- Read, write, speak, and understand English.

Minimum Qualifications

Potential candidates interested in the DEPUTY CHIEF EXECUTIVE OFFICER position MUST meet the following requirements:

- Bachelor's degree - Business, Public Administration, or other related field.
- 5 years' senior management-level experience in public transit operations.
- Valid California Class C driver license.
- Master's degree - Business, Public Administration, or other related field desirable.

Special Conditions

- None.

Disclaimer

This job specification is not to be construed as an exhaustive statement of duties, responsibilities, or requirements. Employees may be required to perform any other job-related instructions as requested by their supervisor.