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**Agenda - Final**

**Thursday, August 25, 2022**

**10:00 AM**

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

## **Board of Directors - Regular Board Meeting**

*Ara J. Najarian, Chair*

*Jacquelyn Dupont-Walker, 1st Vice Chair*

*Janice Hahn, 2nd Vice Chair*

*Kathryn Barger*

*Mike Bonin*

*James Butts*

*Fernando Dutra*

*Eric Garcetti*

*Paul Krekorian*

*Sheila Kuehl*

*Holly J. Mitchell*

*Tim Sandoval*

*Hilda Solis*

*Gloria Roberts (Interim), non-voting member*

*Stephanie Wiggins, Chief Executive Officer*

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

**PUBLIC INPUT**

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

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

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

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

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

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

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

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

Agendas for the Regular MTA Board meetings are prepared by the Board Secretary and are available prior to the meeting in the MTA Records Management Department and on the Internet. Every meeting of the MTA Board of Directors is recorded and is available at [www.metro.net](http://www.metro.net) or on CD's and as MP3's for a nominal charge.

## DISCLOSURE OF CONTRIBUTIONS

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

## ADA REQUIREMENTS

Upon request, sign language interpretation, materials in alternative formats and other accommodations are available to the public for MTA-sponsored meetings and events. All requests for reasonable accommodations must be made at least three working days (72 hours) in advance of the scheduled meeting date. Please telephone (213) 922-4600 between 8 a.m. and 5 p.m., Monday through Friday. Our TDD line is (800) 252-9040.

## LIMITED ENGLISH PROFICIENCY

A Spanish language interpreter is available at all Committee and Board Meetings. All other languages must be requested 72 hours in advance of the meeting by calling (213) 922-4600 or (323) 466-3876. Live Public Comment Instructions can also be translated if requested 72 hours in advance.



**323.466.3876**

x2 *Español (Spanish)*

x3 *中文 (Chinese)*

x4 *한국어 (Korean)*

x5 *Tiếng Việt (Vietnamese)*

x6 *日本語 (Japanese)*

x7 *русский (Russian)*

x8 *Հայերէն (Armenian)*

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

### **Live Public Comment Instructions:**

Live public comment can only be given by telephone.

The Board Meeting begins at 10:00 AM Pacific Time on August 25, 2022; you may join the call 5 minutes prior to the start of the meeting.

Dial-in: 888-251-2949 and enter  
English Access Code: 8231160#  
Spanish Access Code: 4544724#

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

### **Instrucciones para comentarios publicos en vivo:**

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

La Reunion de la Junta comienza a las 10:00 AM, hora del Pacifico, el 25 de Agosto de 2022. Puedes unirse a la llamada 5 minutos antes del comienzo de la junta.

Marque: 888-251-2949 y ingrese el codigo  
Codigo de acceso en ingles: 8231160#  
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***Los comentarios del público se tomaran cuando se toma cada tema. Para dar un comentario público sobre una tema ingrese # 2 (Tecla de numero y dos) cuando se le solicite. Tenga en cuenta que la transmisión de video en vivo se retrasa unos 30 segundos con respecto a la reunión real. No hay retraso en la línea de acceso telefónico para comentarios públicos.***

### **Written Public Comment Instruction:**

Written public comments must be received by 5PM the day before the meeting.  
Please include the Item # in your comment and your position of "FOR," "AGAINST," "GENERAL COMMENT," or "ITEM NEEDS MORE CONSIDERATION."  
Email: BoardClerk@metro.net  
Post Office Mail:  
Board Administration  
One Gateway Plaza  
MS: 99-3-1  
Los Angeles, CA 90012

**CALL TO ORDER**

**ROLL CALL**

APPROVE Consent Calendar Items: 2, 5, 6, 7, 8, 10, 13, 14, 15, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36, and 40.

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

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

**NON-CONSENT**

3. **SUBJECT: REMARKS BY THE CHAIR** [2022-0555](#)

**RECOMMENDATION**

RECEIVE remarks by the Chair.

4. **SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER** [2022-0556](#)

**RECOMMENDATION**

RECEIVE report by the Chief Executive Officer.

**PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING RECOMMENDATION AS AMENDED (6-0):**

9. **SUBJECT: RAIL TO RIVER ACTIVE TRANSPORTATION CORRIDOR - SEGMENT B** [2022-0129](#)

**RECOMMENDATION**

CONSIDER:

- A. RECEIVING the Rail to River Segment B Supplemental Alternative Analysis Study Findings; and
- B. APPROVING the recommendation to maintain Randolph Street as the preferred alignment and continue coordination with Corridor Cities and Related Projects.

**DUTRA AMENDMENT: Return to the Board in October 2022 with a funding plan to further develop "Rail to River" Segment B, including environmental clearance, design, and construction.**

- Attachments:**      [Attachment A - Map of Segment B & WSAB Overlay](#)  
                                  [Attachment B - SAA Executive Summary](#)  
                                  [Attachment C - Map of Rail to Rail-River Active Transportation Corridor](#)  
                                  [Attachment D - Map of 2016 Segment B Alternatives Studied](#)  
                                  [Attachment E - Map of Study Area](#)  
                                  [Attachment F - Map of Four Alternatives Studied in SAA](#)  
                                  [Attachment G - Letters of Support](#)  
                                  [Attachment H - SAA Recommended Randolph Improvements Presentation](#)

**41. SUBJECT: VERMONT TRANSIT CORRIDOR** [2022-0416](#)

**RECOMMENDATION**

RECEIVE AND FILE status report on Vermont Transit Corridor Project’s Community-Based Partnership Program.

- Attachments:**      [Attachment A - Vermont Transit Corridor Map](#)  
                                  [Attachment B - Board Motion \(April 17, 2019\)](#)  
                                  [Attachment C - Board Motion \(March 23, 2017\)](#)  
                                  [Attachment D - Community-Based Partnership Program Outreach Presentation](#)

**42. SUBJECT: COLLECTIVE BARGAINING AGREEMENT** [2022-0496](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE a successor collective bargaining agreement with the Sheet Metal, Air, Rail and Transportation Workers (SMART) effective July 1, 2022; and
- B. AMEND the FY23 budget in the amount of \$46.5 million for the implementation of the wage and benefit changes for the approval of the final collective bargaining agreement.

**43. SUBJECT: WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE IMPROVEMENT PROJECT RESOLUTION OF NECESSITY** [2022-0298](#)

**RECOMMENDATION**

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and



Agency Negotiator: Holly Rockwell and Steve Jaffe.  
Negotiating Parties: Greyhound Lines, Inc.  
Under Negotiation: Price and terms.

## CONSENT CALENDAR

### 2. SUBJECT: MINUTES

[2022-0557](#)

#### RECOMMENDATION

APPROVE Minutes of the Regular Board Meeting held June 23, 2022, and the Special Board Meeting held July 20, 2022.

Attachments:      [Regular Board Meeting MINUTES - June 23, 2022](#)  
                                 [June 2022 Public Comments](#)  
                                 [Special Board Meeting MINUTES - July 20, 2022](#)

## PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING RECOMMENDATION (6-0):

### 5. SUBJECT: COUNTYWIDE CALL FOR PROJECTS

[2022-0447](#)

#### RECOMMENDATION

CONSIDER:

- A. RECERTIFYING \$16.6 million in existing Fiscal Year (FY) 2022-23 commitments from previously approved Countywide Call for Projects (Call) and AUTHORIZING the expenditure of funds to meet these commitments as shown in Attachment A;
- B. DEOBLIGATING \$0.65 million of previously approved Call funding, as shown in Attachment B, and hold in RESERVE;
- C. AUTHORIZING the Chief Executive Officer (CEO) or their designee to:
  - 1. negotiate and execute all necessary agreements and/or amendments for previously awarded projects; and
  - 2. amend the FY 2022-23 budget, as necessary, to include the 2022 Countywide Call Recertification and Extension funding in the Subsidies budget;
- D. APPROVING changes to the scope of work for:
  - 1. City of Bell - Florence Avenue Pedestrian Improvements (#F7634); and
- E. RECEIVING AND FILING:
  - 1. time extensions for 69 projects shown in Attachment D; and
  - 2. reprogram for five projects shown in Attachment E.





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CMAQ Program federal grants to the greatest extent possible for any eligible operations costs.

**Attachments:**      [Attachment A - Metro Board Report # 2022-0124](#)  
                                 [Attachment B - Modified Financial Stability Policy](#)

**PLANNING AND PROGRAMMING COMMITTEE MADE THE FOLLOWING RECOMMENDATION (6-0):**

- 10. SUBJECT:      SR 14 TRAFFIC SAFETY IMPROVEMENT PROJECT      [2022-0520](#)**  
**MOTION**

**RECOMMENDATION**

APPROVE Motion by Directors Najarian, Butts, and Barger that the CEO direct staff to work with Caltrans to find a path forward to correct sub-standard configurations for the 3 locations ready for environmental clearance, including a funding plan, and provide monthly progress updates to the Board beginning October 2022.

**FINANCE, BUDGET, AND AUDIT COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):**

- 13. SUBJECT:      CYBERSECURITY LIABILITY INSURANCE PROGRAM      [2022-0454](#)**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to negotiate and purchase a cybersecurity liability insurance policy with up to \$50 million in limits at a cost not to exceed \$2.8 million for the 12-month period effective September 1, 2022 to September 1, 2023.

**Attachments:**      [Attachment A - Options and Premiums](#)  
                                 [Attachment B - Coverage Description](#)

**FINANCE, BUDGET, AND AUDIT COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):**

- 14. SUBJECT:      SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS'      [2022-0470](#)**  
**LOCAL CONTRIBUTION AND DIRECT LOAN TO**  
**ALAMEDA CORRIDOR EAST - MONTEBELLO CORRIDOR**  
**PROJECT**

**RECOMMENDATION**

AUTHORIZE and delegate authority to the Chief Executive Officer (CEO) or their designee to negotiate and execute all necessary agreements to enter into a direct loan of \$61.1 million, current estimate, between the Los Angeles

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County Metropolitan Authority (Metro) and the San Gabriel Valley Council of Governments (SGVCOG). The loan advances partial funding for the Montebello Corridor Project that has a total project cost of \$216.2 million.

**Attachments:** [Attachment A - Motion 44](#)

**FINANCE, BUDGET, AND AUDIT COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):**

**15. SUBJECT: FY23 AUDIT PLAN** [2022-0508](#)

**RECOMMENDATION**

ADOPT the Fiscal Year 2023 (FY23) Proposed Annual Audit Plan (AAP).

**Attachments:** [Attachment A - FY23 AAP Presentation](#)

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

**17. SUBJECT: CORRECTION TO PAY GRADE AND ANNUAL SALARY FOR BOARD CLERK POSITION** [2022-0502](#)

**RECOMMENDATION**

APPROVE:

- A. the correction of the Board Clerk position of the Los Angeles County Metropolitan Transportation Authority from a Pay Grade HAA to Pay Grade HBB; and
- B. the Board Clerk position annual salary of \$168,896 retroactive October 4, 2021.

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

**21. SUBJECT: TITLE VI EQUITY ANALYSIS POLICIES** [2022-0248](#)

**RECOMMENDATION**

ADOPT Title VI Equity Analysis Policies presented in Attachments A, B and C.

**Attachments:** [Attachment A - Major Service Change](#)  
[Attachment B - Disparate Impact Policy](#)  
[Attachment C - Disproportionate Burden Policy](#)

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

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22. SUBJECT: SERVICE STANDARDS POLICIES FOR TITLE VI PROGRAM UPDATE [2022-0430](#)

**RECOMMENDATION**

ADOPT Service Standards policies for Title VI Program Update presented in Attachment A.

Attachments: [Attachment A - Metro Systemwide Service Standards](#)

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

23. SUBJECT: SERVICE MONITORING RESULTS FOR TITLE VI PROGRAM UPDATE [2022-0431](#)

**RECOMMENDATION**

ADOPT Service Monitoring Results for Title VI Program Update presented in Attachment A.

Attachments: [Attachment A - Service Monitoring Review FY20-FY22](#)

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

24. SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT PROJECT, PUBLIC PRIVATE PARTNERSHIP FOR SOLAR PANELS AT MAINTENANCE AND STORAGE FACILITY [2022-0443](#)

**RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to award and execute a public-private partnership (P3) Contract No. PS84743000, East San Fernando Valley Light Rail Maintenance and Storage Facility Solar and Energy Storage System Public Private Partnership, for a maximum duration of 15 years, with PCS Energy LLC pursuant to Public Utilities Code Section 130242, in the amount of \$1,063,190, for Phase 1 (Preconstruction design services) subject to the resolution of any timely protest(s), if any. Pricing for Phase 2 (Finance, design, supply, installation, and commissioning) and Phase 3 (Monitor systems performance and oversight of Metro O&M activities) will be negotiated in the future with a not to exceed margin percentage of 10% and 12%, respectively; and
- B. ESTABLISHING Contract Modification Authority (CMA) for 10% of the not-to-exceed contract award value and authorizing the CEO to execute individual Contract Modifications within the CCMA and within the project budget authorization.

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

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

- 25. SUBJECT:      EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT PROJECT - CONSTRUCTION SUPPORT SERVICES CONTRACT**      [2022-0438](#)

**RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to award and execute a seven-year contract ending in September 2029, for Contract No. AE82218, with Arcadis Mott MacDonald (AMM) ESFV LRT JV on a Cost Reimbursable Plus Fixed-Fee basis to provide Construction Management Support Services (CMSS) for the East San Fernando Valley (ESFV) Light Rail Transit Project (Project), for an amount of \$65,606,451, subject to the resolution of any timely protest; and
  
- B. ESTABLISHING Contract Modification Authority (CMA) for \$6,560,645 (10%) of the not-to-exceed contract award value and authorizing the CEO to execute individual Contract Modifications within the CMA and within the project budget authorization.

Attachments:      [Attachment A - Procurement Summary RFP No. AE82218](#)  
                                 [Attachment B - DEOD Summary \(004\)2022-0438](#)

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

- 26. SUBJECT:      METRO G LINE BUS RAPID TRANSIT IMPROVEMENTS PROJECT**      [2022-0440](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a firm fixed price Contract No. PS85661000 to Valley Transit Partners, for Phase 1 Preconstruction Services of the Progressive Design-Build contract for the Metro G Line Bus Rapid Transit Improvements Project (Project) in the amount of \$43,997,256, subject to the resolution of protest(s) if any;
  
- B. ESTABLISH a Preconstruction Phase-of-Project Budget (Preconstruction Budget) for the Project in the amount of \$149,683,000; and

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- C. NEGOTIATE and EXECUTE all project-related agreements and modifications to existing contracts within the authorized Preconstruction Budget.

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

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

- 27. SUBJECT:      METRO I-105 EXPRESSLANES - CONSTRUCTION      [2022-0442](#)**  
**MANAGER/GENERAL CONTRACTOR CONTRACT**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a firm-fixed-price contract, Contract No. PS84667000 to Flatiron-Myers, Joint Venture, for I-105 ExpressLanes Project Construction Manager/General Contractor (CM/GC) Phase 1 in the amount of \$7,997,461, for Preconstruction Services for a period of performance of 30 months, subject to the resolution of protest(s), if any;
- B. ESTABLISH a Preconstruction Phase-of-Project Budget (Preconstruction Budget) for the I-105 ExpressLanes Project (Project) in an amount of \$119,391,538; and
- C. NEGOTIATE and EXECUTE all project-related agreements and modifications to existing contracts within the authorized Preconstruction Phase-of-Project Budget (Preconstruction Budget).

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

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

- 28. SUBJECT:      METRO EXPRESSLANES PROJECTS - PROGRAM      [2022-0441](#)**  
**MANAGEMENT SUPPORT SERVICES**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD task order-based Contract No. AE83974000 for Program Management Support Services (PMSS) to HNTB Corporation, in the amount of \$66,913,860 for a seven (7) year base period and \$6,142,748 for a two-year option, for a total of nine (9) years and a maximum total of

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\$73,056,608, subject to resolution of protest(s), if any;

- B. ESTABLISH Contract Modification Authority (CMA) for \$7,305,660 (10%) of the not-to-exceed contract award value and authorizing the CEO to execute individual Contract Modifications within the CMA and within the respective project budget authorizations.

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

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

- 29. **SUBJECT:      METRO I-105 EXPRESSLANES - ROADSIDE TOLL COLLECTION SYSTEM**      [2022-0427](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD firm fixed price Contract No. PS78835000 for the I-105 ExpressLanes Roadside Toll Collection System (RTCS) Design, Build, Operate, and Maintain (DBOM) contract to Conduent State and Local Solutions Inc. in the amount of \$66,067,392 for a 12-year base period including the occupancy detection system, \$13,161,324 for the first three-year option term for operations and maintenance, \$14,165,857 for the second three-year option term for operations and maintenance, and \$1,217,700 for a standalone Traffic Management Center, for a total contract value of \$94,612,273, subject to resolution of protest(s), if any.
- B. EXECUTE individual Contract Modifications within the Board-approved CMA in the not to exceed amount of \$6,606,739, to cover the costs of anticipated future changes to the contract as informed by past experience with other Metro ExpressLanes contracts of similar nature, scope, and duration.

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

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

- 32. **SUBJECT:      A650 HEAVY RAIL VEHICLE STATIC CONVERTER LOW VOLTAGE POWER SUPPLY (LVPS) PURCHASE**      [2022-0432](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a 60-month, firm fixed unit price Contract No. OP82170000 to Kiepe Electric LLC for the purchase of

forty-two (42) new Low Voltage Power Supply (LVPS) units of static converters in support of the A650 Heavy Rail Vehicle (HRV) fleet. The Contract's one-year base amount of \$472,306 (5 units), and the one-year option amount of \$1,470,195 (37 units), is for a total contract amount of \$1,942,501, inclusive of sales tax. This recommendation is subject to the resolution of any properly submitted protest(s).

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

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

**33. SUBJECT: HEAVY RAIL VEHICLE FLEET VINYL SEAT OVERHAUL** [2022-0414](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 4 to Contract No. MA52153000 with Molina Manufacturing for the A650 Heavy Rail Vehicle (HRV) Vinyl Seat Overhaul contract to extend the Period of Performance by 24 months through September 4, 2025, and increase the Not-to-Exceed Total Contract Price by \$499,110, from \$475,040.24 to \$974,150.24.

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

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

**34. SUBJECT: METRO RED AND PURPLE MAINLINE RAIL FASTENER REPLACEMENT** [2022-0415](#)

**RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to award a 60-month, Firm Fixed price Contract No. OP8666000 to Transdev Rail Inc., the lowest responsive and responsible bidder, for the purchase of Metro Red and Purple Mainline Fastener Replacement for a not-to-exceed amount of \$28,703,169.90, inclusive of sales tax. This recommendation is subject to the resolution of any properly submitted protest(s).
  
- B. INCREASING the Life of Project (LOP) Budget for the Metro Red and Purple Mainline Fastener Replacement, capital project number 205125, by





- B. APPROVE a change in the beat cap policy to increase the number of FSP Light Duty (FSPLD) tow service beats that a vendor can be awarded from 2 to 4, establish a two beat cap limit for FSP Heavy Duty (FSPHD), and a one contract cap for FSP Regional (FSPR) (Regional contracts are comprised of multiple beats).

- Attachments:
- [Attachment A - Procurement Summary](#)
  - [Attachment B - Contract Modification Summary](#)
  - [Attachment C - Contract Modification Log](#)
  - [Attachment D - FSP Beat Map](#)
  - [Attachment E - DEOD Summary](#)

**40. SUBJECT: FINDINGS REQUIRED TO CONTINUE TO MEET VIA TELECONFERENCE IN COMPLIANCE WITH AB 361 WHILE UNDER A STATE OF EMERGENCY AND WHILE STATE AND LOCAL OFFICIALS CONTINUE TO PROMOTE SOCIAL DISTANCING** [2022-0558](#)

**RECOMMENDATION**

CONSIDER making the following findings:

Pursuant to AB 361, the Metro Board, on behalf of itself and other bodies created by the Board and subject to the Ralph M. Brown Act, including Metro’s standing Board committees, advisory bodies, and councils, finds:

The Metro Board has reconsidered the circumstances of the state of emergency, and that:

- A. The state of emergency continues to directly impact the ability of the members to meet safely in person, and
- B. State or local officials continue to impose or recommend measures to promote social distancing.

Therefore, all such bodies will continue to meet via teleconference subject to the requirements of AB 361.

**SUBJECT: GENERAL PUBLIC COMMENT** [2022-0559](#)

RECEIVE General Public Comment

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

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

Adjournment



## Board Report

File #: 2022-0129, File Type: Project

Agenda Number: 9.

**REVISED**  
**PLANNING AND PROGRAMMING COMMITTEE**  
**AUGUST 17, 2022**

**SUBJECT: RAIL TO RIVER ACTIVE TRANSPORTATION CORRIDOR - SEGMENT B**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

CONSIDER:

- A. RECEIVING the Rail to River Segment B Supplemental Alternative Analysis Study Findings; and
- B. APPROVING the recommendation to maintain Randolph Street as the preferred alignment and continue coordination with Corridor Cities and Related Projects.

**DUTRA AMENDMENT: Return to the Board in October 2022 with a funding plan to further develop "Rail to River" Segment B, including environmental clearance, design, and construction.**

**ISSUE**

In early 2017, the Board adopted Randolph Street as the Locally Preferred Alternative (LPA) for Segment B of the Rail to Rail/River Active Transportation Corridor (Legistar File #2017-0089). The Rail to River Segment B extends approximately 4.3 miles from the Metro A (Blue) Line Slauson Station to the Los Angeles River. It was proposed to share a segment (approximately 2.3 miles) of the median/railroad right-of-way (ROW) with both the Union Pacific Railroad (UPRR) and the future West Santa Ana Branch (WSAB) Light Rail Transit Project (Attachment A).

Subsequent to Board adoption and after further study of the WSAB project, it was determined that the existing railroad ROW along this shared segment could not accommodate both rail lines and the Rail to River Segment B Project without extending the project footprint into the public street ROW. Therefore, a Supplemental Alternatives Analysis (SAA) was initiated to re-evaluate Randolph Street and potentially identify additional alternatives for this regionally significant active transportation corridor. The SAA Executive Summary is included as Attachment B.

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## **BACKGROUND**

Rail to River Segment B is the eastern part of the longer Rail to Rail/River Active Transportation Corridor (Attachment C). The western segment, or Segment A, is referred to as “Rail to Rail” since it connects the future Metro K (Crenshaw) Line Fairview Heights Station to the existing Metro A (Blue) Line Slauson Station. Segment A includes approximately six (6) miles of active transportation facilities in the City of Los Angeles, but primarily within railroad ROW owned by Metro. For Segment A, Metro is responsible for constructing and maintaining the facilities and Segment A is in the pre-construction stage, at the writing of this report.

Rail to River Segment B is a 4.3-mile extension of Segment A that connects to the existing Los Angeles River bicycle path, closing a critical gap in the regional active transportation network. The corridor traverses a small area of unincorporated Los Angeles County (Florence-Graham), as well as the cities of Huntington Park, Vernon, Maywood, and Bell. It is important to note that unlike the Rail to Rail Segment A, which is within Metro’s own ROW, Segment B is completely within the public ROW. It is also expected to be constructed and maintained by the local jurisdictions.

The combination of Segment A (Rail to Rail) and Segment B (Rail to River) would provide a regional Active Transportation Corridor approximately 10 miles long and include much needed active transportation infrastructure and multimodal connections for historically underserved communities in South and Southeast Los Angeles.

In early 2017, Metro completed an Alternatives Analysis (AA) for Segment B which identified and evaluated four potential alternatives, including: Malabar Corridor (B-1 in Attachment D); Utility Corridor (B-2); Slauson Avenue (B-3); and Randolph Street (B-4). The Board adopted Randolph Street as the LPA since it ranked the highest of the four alternatives and provided the most direct connection between the Slauson A Line and the LA River Path through an existing access point on Randolph Street. The Board also approved advancing the project into the next phases of environmental clearance and preliminary engineering (30% design), envisioning a proposed shared-use bike and pedestrian path (Class I) within the existing UPRR rail ROW in the center median of Randolph Street.

Although Randolph Street was adopted as the LPA, the AA identified and acknowledged some challenges with the corridor, such as UPRR active rail operations, easements required from UPRR, coordination and cooperation from affected cities along the corridor, and cost.

After further study of the WSAB project, which identified some ROW constraints on Randolph Street, it was determined that additional technical analysis was needed. Therefore, in September 2019, staff informed the Board of the need to conduct an SAA to re-evaluate Randolph Street and potentially identify new alternatives for Segment B.

## **DISCUSSION**

### **Study Approach**

The purpose of the SAA was to identify and evaluate alternatives that would provide a safe, comfortable, and continuous active transportation route between the Metro A (Blue) Line and the Los

Angeles River. Randolph Street currently consists of two travel lanes in each direction, along with curbside parking and a wide center median with freight rail tracks. The study area covered approximately 4.3 square-miles and was generally bounded by the Metro A (Blue) Line Slauson Station to the west, the Los Angeles River Path to the east, Slauson Avenue to the north, and Gage Avenue to the south (Attachment E). The SAA evaluated alternatives based on the following goals:

- Safety - Provides a safe and comfortable route
- Access - Provides access to community destinations and transit
- Sustainable Mobility - Reduces Vehicle Miles Traveled (VMT) by providing active transportation route options
- Equity - Supports community needs
- Viability - Is cost-effective and easy to implement and maintain

In addition to the five goals above, a feasibility/implementation screening factor was also used to compare the alternatives further.

#### Active Transportation Facilities Considered

Within the study area, the Randolph corridor and streets south of Slauson Avenue were analyzed to identify opportunities for Class I shared-use paths (for both bicyclists and pedestrians), Class II bike lanes (striped bike lanes on street), and Class IV separated bikeways (cycle-track or protected bike lanes). The study considered these as 'dedicated' bikeways as they offer roadway space specifically designated for bicycle travel. Class III bicycle routes with painted markings ('sharrows') or bicycle boulevards with traffic calming elements were also considered; these require cyclists to share the travel lanes with vehicles and were considered in areas where limited street widths preclude dedicated bikeways.

Pedestrian improvements were also identified to enhance the safety and comfort of pedestrians, including but not limited to, improvements to existing sidewalks, enhanced lighting, new pedestrian signals, curb ramps, curb extensions, enhanced crosswalks, addition of shade trees and landscaping, and benches and shade structures.

#### Alternatives Considered

After an initial screening of multiple streets/routes, a refined list of four (4) alternatives were identified for continued evaluation through the SAA (Attachment F). These included:

- Alternative 1 - Randolph St (same alignment as 2017 LPA)
- Alternative 2 - Slauson Ave/Belgrave Ave/Randolph St
- Alternative 3A - Holmes Ave/Gage Ave/Randolph St
- Alternative 3B - Holmes Ave/Gage Ave

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The two prominent streets that constitute the four alternatives are Randolph Street (Alternatives 1 & 2) and Gage Avenue (Alternatives 3A & 3B).

### Community/Stakeholder Outreach

Opportunities for community input and feedback were provided throughout the study and included:

- Three rounds of two virtual community meetings at varying times held between January and September 2021. All meetings and materials were provided in both English and Spanish.
- Two online community surveys to capture additional feedback.
- Three virtual Community Advisory Committee (CAC) meetings that included several community-based organizations.
- Three in-person community pop-up events in coordination with the WSAB project in September 2021.

Additionally, a Technical Working Group (TWG) consisting of local jurisdictions and Metro departments was established. Five TWG meetings, as well as several one-on-one meetings, were convened to solicit technical input and feedback. Staff also presented at three City Council meetings, including the cities of Huntington Park, Maywood, and Bell in late August/early September 2021. These collective efforts informed the evaluation process, the alternatives developed, and the eventual recommendations. More information on the outreach activities can be found in the SAA.

### Technical Analysis and Findings

Evaluation criteria were developed and applied to the four alternatives to determine how well each met the project goals and objectives. Each of the four alternatives have advantages and challenges. Although the Gage Avenue alternatives (3A and 3B) performed higher in Safety and Access due to the potential for dedicated bikeway facilities and greater access to community destinations, they performed lower in Sustainable Mobility and Viability because they provide a less direct route (adds approximately 0.5 to 0.75 miles to the route) and have greater impacts on parking and/or traffic. These alternatives would require a major reconfiguration of Gage Avenue, including the loss of a travel lane in each direction to create Class II bike lanes through the cities of Huntington Park and Bell.

The Randolph Street alternatives (1 and 2) offer the most direct and shortest routes. However, based on the future reconfiguration of the street for the WSAB project, the ability to have a dedicated bikeway along Randolph Street where the two projects overlap would have significant impacts on parking in the City of Huntington Park. Therefore, Alternative 1 proposes a Class III bike route or bike boulevard for approximately 1.6 to 1.8 miles of the total 4.3 miles of Segment B. Alternative 2 is a slight variation of Alternative 1 using Belgrave Avenue, a lesser traveled street adjacent to Randolph Street, to avoid the shared segment with the WSAB project. This alternative results in a somewhat longer route than Alternative 1. The remaining 2.5 to 2.7 miles in the City of Bell is proposed to

include a Class IV separated bikeway.

While the SAA found that all four alternatives were viable, staff recommends maintaining Alternative 1 - Randolph Street as the preferred alignment for the following reasons:

- Randolph Street performed best for the Viability and Sustainable Mobility goals. It provides a direct connection to an existing LA River bicycle facility, serves appropriate levels of population densities, and aligns most closely with existing planning efforts.
- This alternative would have fewer impacts on existing traffic since it does not require a major lane reconfiguration and follows the same alignment as the Randolph Street LPA adopted by the Board in 2017. Based on the proposed improvements, the Randolph alignment would cost less to construct than the Gage Avenue alternatives and is expected to have lower on-going operations and maintenance costs.
- The alignment would also provide a first-last mile connection to the future Pacific/Randolph WSAB station.
- Importantly, this alternative is strongly supported by the jurisdictions that have permitting authority for the design and construction of the project (Attachment G). The cities also strongly oppose the Gage Avenue alternatives, expressing concerns over the potential impacts to traffic and loss of parking. Additionally, the jurisdictions believe that Alternative 1 is safer than the other alternative(s), given lower traffic volumes on Randolph Street.
- This alternative's proposed designs and intended purpose align closely with other future plans along Randolph Street, such as the forthcoming First/Last Mile planning for future WSAB stations, as well as existing active transportation planning and grant funding with the cities of Commerce, Bell and Huntington Park.

### Project Delivery and Funding

As previously mentioned, unlike Rail to Rail Segment A, which is within Metro's own ROW, the proposed Randolph Street alignment for Segment B is completely within the public ROW and under the jurisdiction of delivery by the Cities of Huntington Park, Bell and Commerce. However, Metro may continue to be engaged and play a role in helping to deliver this project.

Specifically, the recommended alignment serves the existing Slauson A Line and future Pacific/Randolph station of the WSAB as adopted by the Board (Legistar file #2021-0724). Metro will conduct first/last Mile planning to identify improvements along important pathways for biking, walking, or rolling around these and other WSAB stations; this effort is anticipated to begin later this year and offers an opportunity to include the project elements as identified in the SAA.

Staff also has identified a strategy to provide near-term active transportation improvements in the western part of the Segment B corridor (roughly between Holmes Avenue and State Street), that eventually will share ROW with the future WSAB project. Given the construction timeline for the WSAB project, staff recommends interim Class II bike lanes be implemented before the WSAB project is constructed (Attachment H). These improvements likely will be modified during the



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construction of the WSAB project but would provide access to high quality active transportation infrastructure sooner. As the WSAB project evolves, Metro will ensure the LRT designs accommodate a continued active transportation facility in some form, based on design feasibility and community engagement.

In the eastern half of the Randolph Street corridor (which does not share ROW with the WSAB project), Metro staff recommends permanent Class IV separated bikeways for approximately 2.5 miles between State Street and the Los Angeles River (see Attachment H). One important opportunity to deliver premium active transportation facilities in this segment will be the coordination of Metro's SAA findings with recent Metro Active Transportation (MAT) grant funding, awarded in January 2021 (Legistar file #2020-0562) as follows:

- Slauson First/Last Mile - \$4,509,998 awarded to LA County Department of Public Works (LACDPW)
- Randolph Corridor - \$6,703,891 awarded to the City of Commerce (lead sponsor) in partnership with LACDPW and the cities of Huntington Park and Bell

The MAT Program was established through Measure M as a competitive discretionary funding program available to Los Angeles County municipalities for projects that improve and grow the active transportation network and expand the reach of transit.

Although these awarded projects are separate, stand-alone projects from Rail to River Segment B, they share similar goals and objectives, scope, and project limits, including plans for active transportation improvements on Randolph Street. Of note, the cities of Huntington Park, Bell and Commerce have expressed their support of the Randolph Street alignment and proposed elements (Attachment G). As such, Metro will provide technical support as needed, and may coordinate elements identified in the SAA into these related city projects. Metro currently is in the process of executing funding agreements for the the two MAT projects and will continue to work with the grantees to achieve shared goals and objectives for the corridor.

## **DETERMINATION OF SAFETY IMPACT**

The recommended actions will not have any impact on the safety of Metro customers and/or employees because this project is in the planning phase and no capital or operational impacts result from this Board action.

## **FINANCIAL IMPACT**

Approval and adoption of the study findings and recommendations would have no financial impact to the agency at this time. Since the initial planning phase is complete, there are no funds budgeted in Cost Center 4240 for professional or technical services in FY23. Further development of Segment B (including environmental clearance, design, and construction) is expected to be managed by the local jurisdictions who have authority over the public ROW. The SAA identifies several potential funding sources that Metro could assist the cities in pursuing as efforts continue in the development of active

transportation facilities along Randolph Street.

The staff's recommendations for Segment B are consistent with local preferences, as expressed by the cities of Huntington Park, Bell and Commerce (Attachment G). Implementation of Segment B will require coordination with the MAT grant funding and with Metro's West Santa Ana Branch Project. Metro staff time and funds for these related projects are accounted for in the FY23 budget in their respective cost centers. Since these are multi-year projects, the cost center managers and the Chief Planning Officer will be responsible for budgeting in future years.

### **EQUITY PLATFORM**

The recommendations help accelerate the investments and advancement of active transportation projects in historically underserved, low-income communities of color. Based on the Equity Focus Community (EFC) criteria and thresholds, the majority (85%) of the study area qualifies as an EFC. The surrounding study areas are represented by 98% communities of color, compared to 73.5% for Los Angeles County. The low-income population within the study area is at 28.3%, compared to 17% for Los Angeles County.

Single weekday afternoon counts for people walking and biking in the study area are 3,139 and 412, respectively, for a combined total of 3,560 walk and bike trips. Adopting the recommendations would facilitate and advance connections with Rail to Rail and the existing LA River Path, enabling regionally significant active transportation networks to grow more walk/bike trips in the future.

The Rail to River Segment B study sought to identify high quality, dedicated bikeway options. However, some of these alternatives required road reconfiguration (converting two travel lanes in each direction to one lane) or removing parking that the cities did not support. These challenges and alternatives were presented to the community, key stakeholders, and cities during the community engagement process. Formal letters submitted by the cities of Huntington Park and Bell, and the MAT Randolph project sponsors have been received, expressing strong support for Alternative 1 - Randolph Street. As documented through the outreach efforts conducted for the SAA, the previous AA, and other studies conducted by the local jurisdictions, the community (including project area residents, community-based organizations, interested stakeholders, and the general public) has also consistently expressed their preference for active transportation improvements along Randolph.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The SAA for the Rail to River Segment B identifies and recommends steps to achieve bike and pedestrian improvements, connect to transit, and grow and expand active transportation in South LA and Southeast LA County. The recommendations in this report support the following goals outlined in the Metro Vision 2028 Strategic Plan:

- Strategic Goal #1: Provide high-quality mobility options that enable people to spend less time traveling;
- Strategic Goal #2: Enhance communities and lives through mobility and access to opportunity; and

- 
- Strategic Goal #3: Provide responsive, accountable, and trustworthy governance within the Metro organization

### **ALTERNATIVES CONSIDERED**

The Board could decide not to approve staff's recommendation. However, doing so would delay opportunities to coordinate Rail to River Segment B with other related projects currently underway.

### **NEXT STEPS**

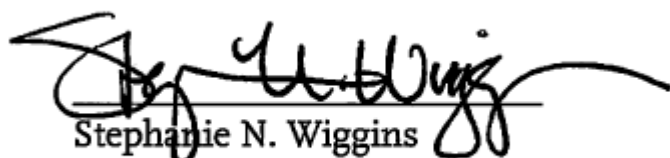
This project represents a critical gap closure for regional network of active transportation facilities, including the Rail to Rail Segment A and the LA River Path. It also connects active transportation with major transit investments (existing and planned) such as the Metro Blue Line and the WSAB LRT line. Given the projects' similarities and geographic overlap between the proposed Randolph Street alignment and several MAT-funded projects, Metro staff will provide technical support and coordination services to MAT grantees, as we have mutual goals and objectives in this area to create a premium regional active transportation corridor.

### **ATTACHMENTS**

- Attachment A - Map of Segment B and WSAB Overlay
- Attachment B - SAA Executive Summary
- Attachment C - Map of Rail to Rail/River Active Transportation Corridor
- Attachment D - Map of 2016 Segment B Alternatives Studied
- Attachment E - Map of Study Area
- Attachment F - Map of Four Alternatives Studied in SAA
- Attachment G - Letters of Support
- Attachment H - SAA Recommended Randolph Improvements

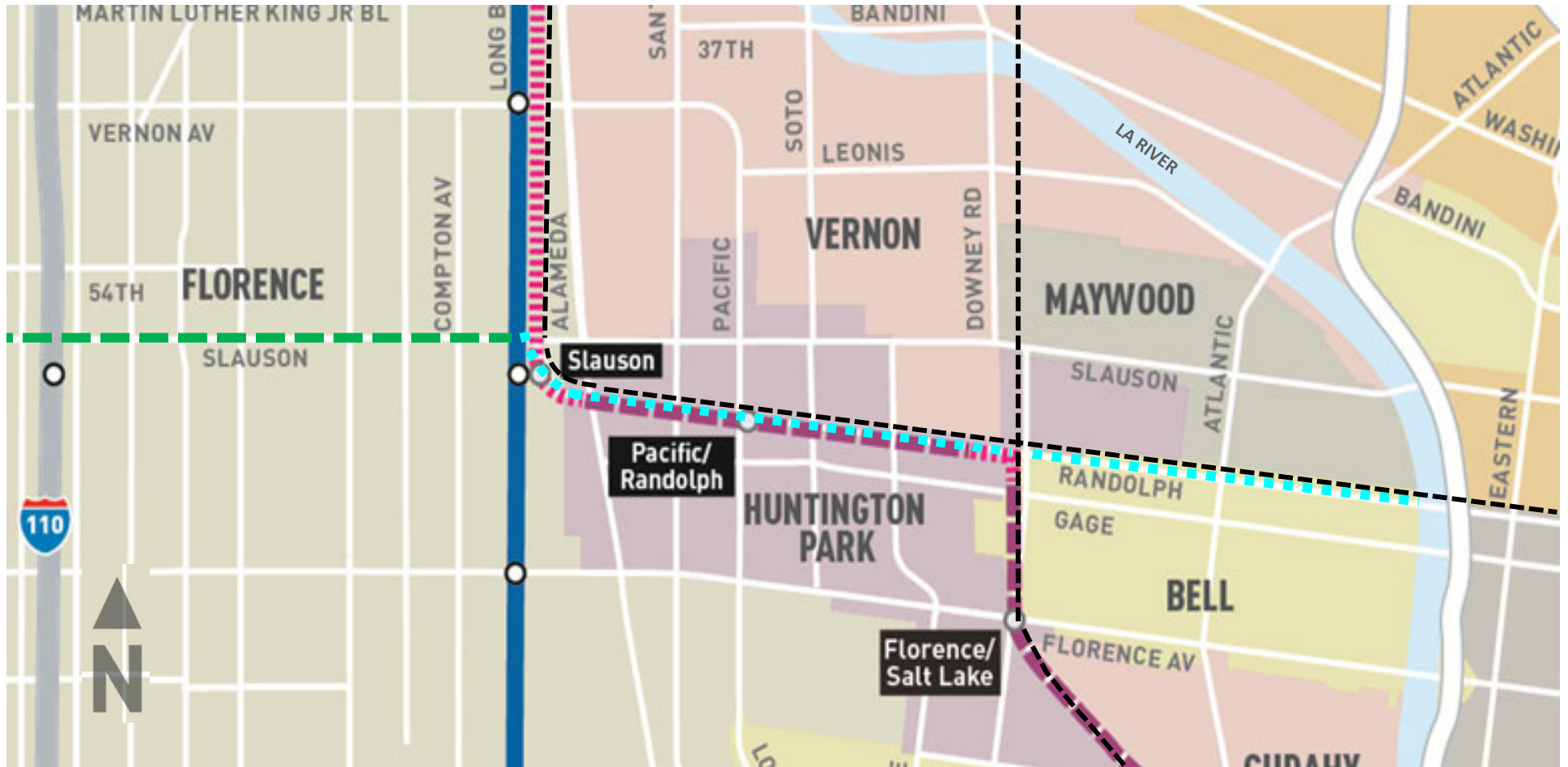
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Stephanie N. Wiggins  
Chief Executive Officer

# Segment B & WSAB Overlay



**Rail to Rail/River Project**

- Segment B Past LPA
- Segment A

**West Santa Ana Branch Project**

- At-Grade
- Aerial

**Existing**

- Blue Line & Station
- Silver Line & Station
- Union Pacific Railroad ROW (not showing full extent of network)

# Supplemental Alternatives Analysis

## RAIL TO RIVER SEGMENT B



May 2022  
EXECUTIVE SUMMARY



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# ACKNOWLEDGMENTS

Los Angeles County  
Metropolitan Transportation  
Authority (Metro)

## Technical Consultants

Alta Planning + Design

Jacobs Engineering

FPL and Associates

Calvada Surveying

## Outreach Consultant

Arellano Associates

## Technical Working Group

Metro

City of Bell

City of Commerce

City of Huntington Park

City of Los Angeles

City of Maywood

City of Vernon

County of Los Angeles



# ACRONYMS

**AA** – Alternatives Analysis

**AT** – Active Transportation

**ATC** – Active Transportation Corridor

**ATSP** – Active Transportation Strategic Plan

**CAC** – Community Advisory Committee

**CDP** – Census-Designated Place

**EFC** – Equity Focus Community

**HAWK** – High-Intensity Activated Crosswalk  
Beacon

**HPI** – California Healthy Places Index

**LA River** – Los Angeles River

**LAX** – Los Angeles International Airport

**LOS** – Level of Service

**LPA** – Locally Preferred Alternative

**LPI** – Leading Pedestrian Interval

**LRT** – Light Rail Transit

**LTS** – Level of Traffic Stress

**MAT** – Metro Active Transportation

**ROW** – Right of Way

**SAA** – Supplemental Alternative Analysis

**TIMS** – Transportation Injury Mapping System

**TWG** – Technical Working Group

**UP** – Union Pacific Railroad

**VMT** – Vehicle miles traveled

**WSAB** – West Santa Ana Branch



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# EXECUTIVE SUMMARY

# INTRODUCTION

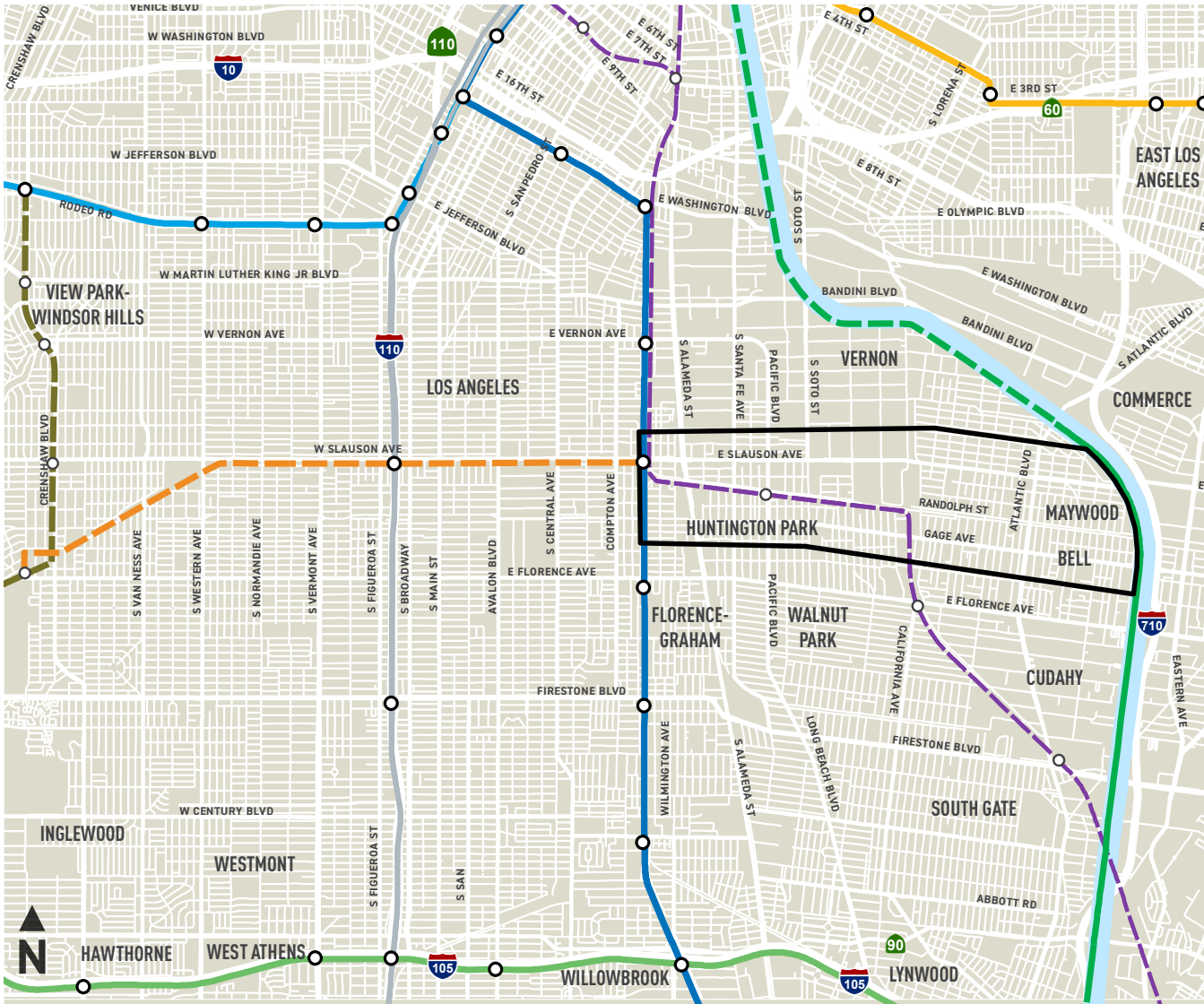
## Background

The Rail to River Active Transportation Corridor (ATC) Project is the eastern segment (or “Segment B”) of the larger east-west Rail to Rail/River ATC. Segment A of the project is referred to as “Rail to Rail” because it connects the future Metro K Line (Crenshaw/LAX) Fairview Heights Station to the Metro A Line (Blue) Slauson Station (approximately 6.4 miles). Segment B is referred to as “Rail to River” because it extends the project an additional 4.3 miles east from the Metro A Line to the LA River path, traversing the community of Florence-Graham (unincorporated area County of Los Angeles), as well as the Cities of Huntington Park and Bell (Figure Ex–1 on page 8).

Segment B of the Rail to River project will provide improved active transportation options for regional connectivity and improved access to jobs, education, health, and other recreational activities. Through its connections to the Metro J Line (Silver) and K Line via Segment A, and direct connections to the Metro A Line and the LA River path, Segment B will create a critical connection for communities to access important regional destinations including downtown Los Angeles, the City of Long Beach, and the Los Angeles International Airport (LAX).

In 2017, Metro concluded the Segment B Alternatives Analysis (AA), which analyzed four different alternatives: Malabar; Utility Corridor; Slauson Avenue; and Randolph Street (Figure Ex–2 on page 9). The Metro Board of Directors adopted Randolph Street as the Locally Preferred Alternative (LPA) for Segment B, which included a Class I shared-use bike and pedestrian path within the existing street median owned and operated by Union Pacific Railroad (UP). The West Santa Ana Branch (WSAB) Transit Corridor (light rail project) is also planned along Randolph Street, sharing approximately 2.3 miles with the Segment B LPA. Technical analyses of the WSAB and the original Randolph Street LPA determined that the existing UP right-of-way (ROW) could not accommodate both projects. The proposed shared-use path along the Randolph Street median is no longer feasible, resulting in the need for this study.

Figure Ex-1. Rail to Rail/River Active Transportation Corridor



LEGEND






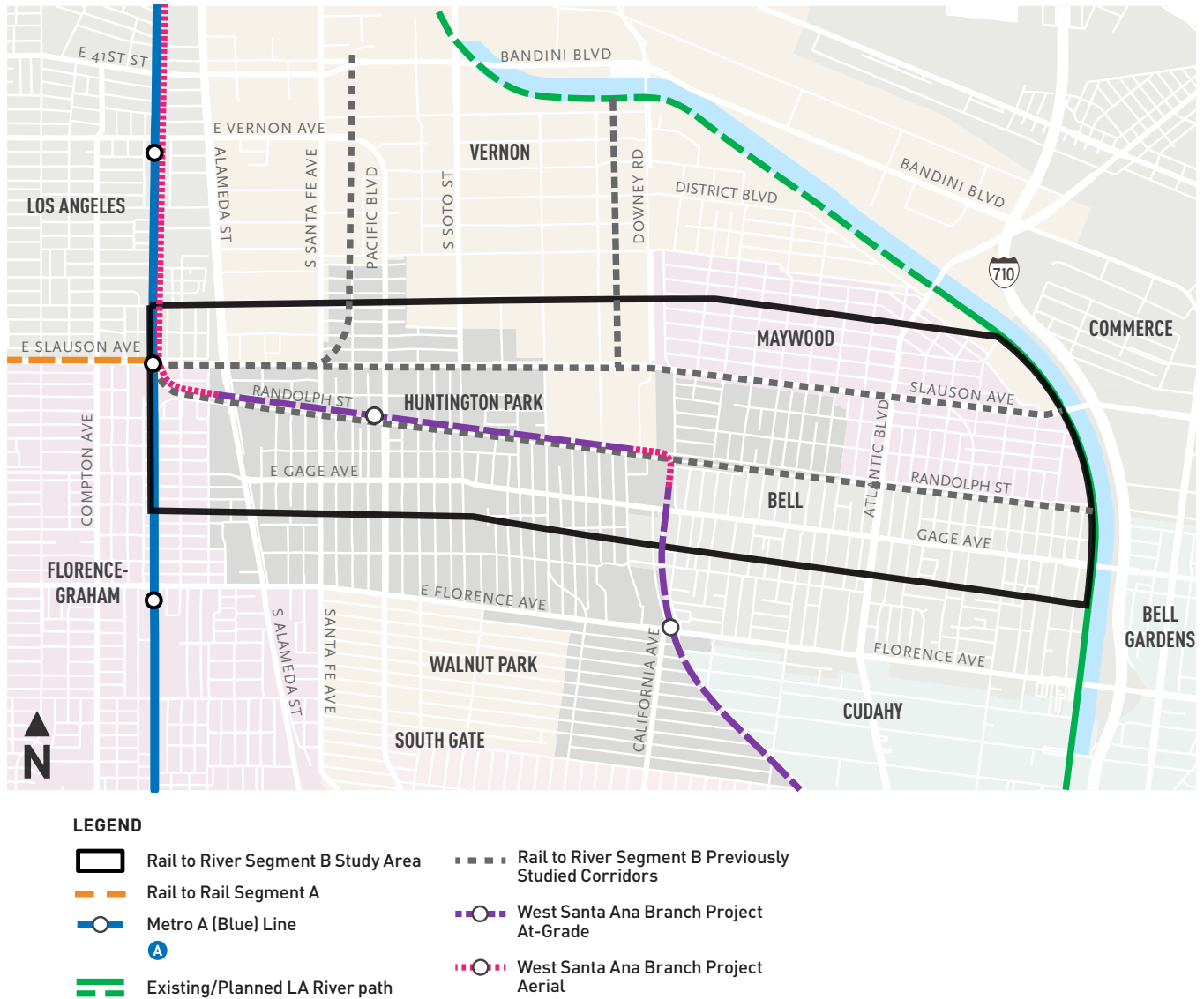
-  Rail to River Segment B Study Area
-  Rail to Rail Segment A
-  Metro Rail Line & Station  
A G E L J
-  Existing/Planned LA River path
-  West Santa Ana Branch Project

Figure Ex-2. Segment B Study Area and Previously Studied Alternatives



# PURPOSE OF STUDY

The intent of the Rail to River Segment B Supplemental Alternative Analysis (SAA) study was to re-evaluate Randolph Street as the LPA and/or identify and evaluate any other potential active transportation alternatives that would continue to provide connections from the Slauson A Line station to the LA River.

The SAA describes the evaluation and screening process used to develop and evaluate a set of four viable project alternatives. On-going stakeholder input throughout the process was also key in developing the four alternatives and recommendations, including input from the affected cities along the corridor, the general community at large, and a special project Community Advisory Committee (CAC) and Technical Working Group (TWG). While Metro led the early planning and SAA effort, the local jurisdictions will be responsible for the implementation of Segment B.

## Purpose and Need

*This project aims to identify an alignment that will provide a safe, comfortable, and continuous active transportation route between the Metro A Line (Blue) Slauson station and the LA River path, enhancing mobility and regional connectivity for local communities.*





The Segment B SAA purpose and need builds upon the 2017 AA. The project team worked closely with stakeholder agencies to build consensus for the purpose and need and project goals to ensure they are still relevant for the local agencies that have jurisdiction within the project study area.

The project goals are shown in Table Ex-1.

Based on input from stakeholders and an analysis of existing conditions in the study area, this ATC will:

- Provide investments in Equity Focus Communities
- Help people adapt to a changing climate and support an integrated regional development pattern and transportation network
- Support regional and local land-use and active transportation policies including increased access and improved safety and mobility
- Provide safer access for people walking and bicycling to employment centers and transit
- Provide safer active transportation facilities in a heavily used auto and truck-oriented corridor
- Reduce greenhouse gas emissions and improve air quality
- Increase regional mobility options
- Complete regional walking and bicycling connections for Metro's ATC from Rail to Rail/River

Table Ex-1. Project Goals

Goal	Description
<b>Safety</b> 	Provides a safe and comfortable route
<b>Access</b> 	Provides access to community destinations and transit
<b>Sustainable Mobility</b> 	Reduces vehicle miles traveled (VMT) by providing active transportation route options
<b>Equity</b> 	Supports community needs
<b>Viability</b> 	Is cost effective and easy to implement and maintain

# CONTEXT

## Segment B Study Area

The Rail to River Segment B study area covers an approximately 4.3-square-mile area between the Metro A Line Slauson Station and the LA River (Figure Ex-3). The study area is bounded by the cities of Vernon and Maywood to the north, the cities of Huntington Park and Bell to the south, the LA River to the east, and the Metro A Line Slauson Station (unincorporated area of Los Angeles County) to the west. The WSAB light rail transit (LRT) project is planned to travel through the study area, first north along Salt Lake Avenue and, then west along Randolph Street where it will primarily operate at-grade prior to reaching the Slauson Station.

Approximately 73,000 people live within the study area, or about 16,850 per square mile. The highest concentrations of population are located in two distinct areas, on the west side of the study area near downtown Huntington Park and on the east side of the study area within the cities of Bell and Maywood.

Over 715,000 people live within 3 miles of the study area, or approximately 13,275 per square mile. Because Segment B will connect to both the LA River path as well as numerous transit lines, it will provide access to local and regional destinations for residents beyond those who live within the study area.

## Equity Platform

The Rail to River Segment B SAA uses Metro's Equity Focus Communities (EFCs) to help identify where populations, that may have specific mobility needs or have historically been disadvantaged, live within the study area.

Metro's framework to identify EFCs, or those communities that are most heavily impacted by gaps in equity in Los Angeles County, uses the following thresholds:

- At least 40% Low Income (those with annual incomes of \$35,000 or less) and
- 80% People of Color or 10% Zero Car Access

Based on the EFC components and thresholds, the majority (85%) of the study area qualifies as an EFC (Figure Ex-4). The Rail to River Segment B (ATC) will close a critical transportation gap for these communities, providing access to major regional destinations, employment centers, and other community destinations by offering a safe connection to the LA River path, the Metro A Line (Blue), and the future WSAB light rail corridor.



Figure Ex-3. Segment B Study Area

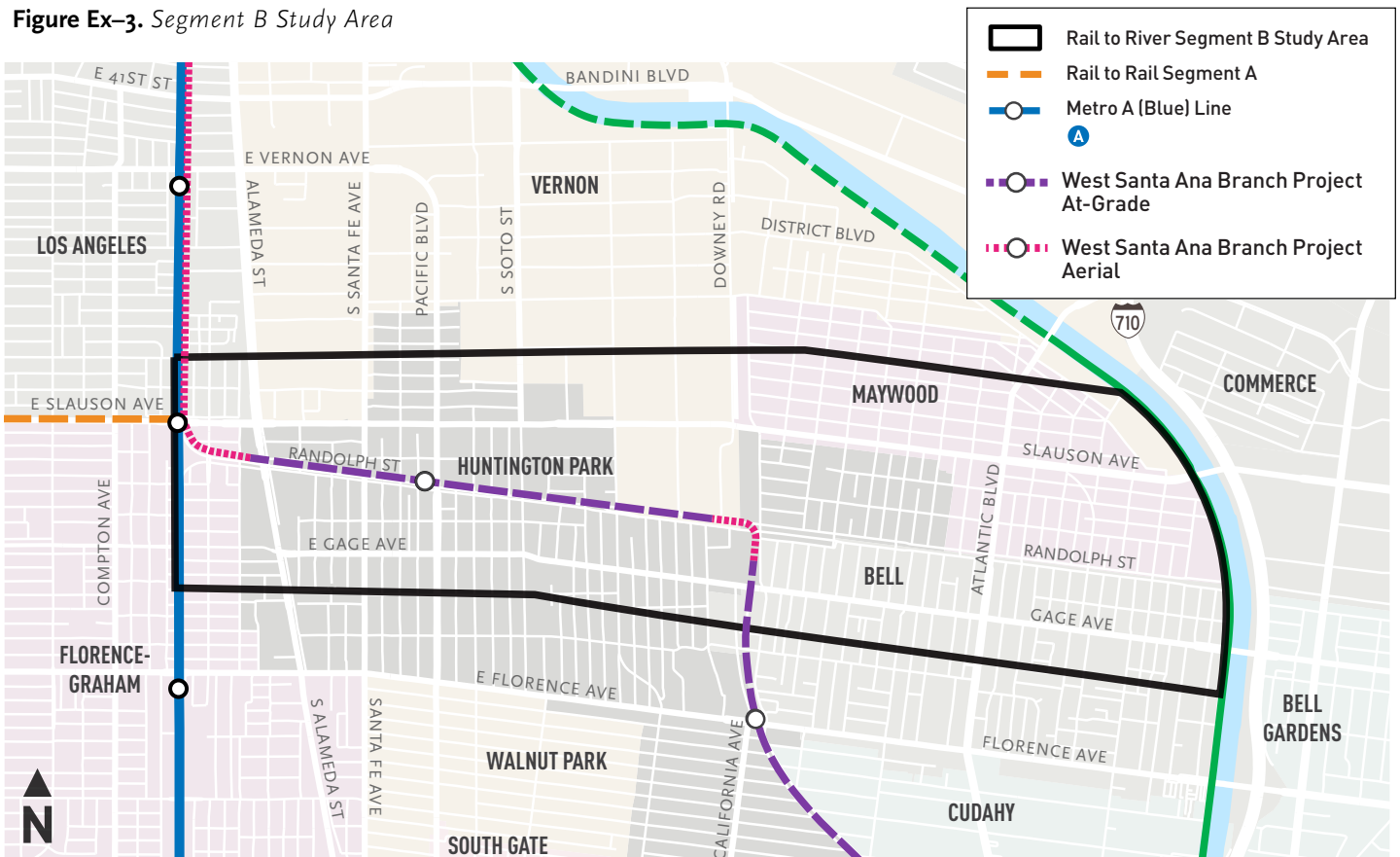
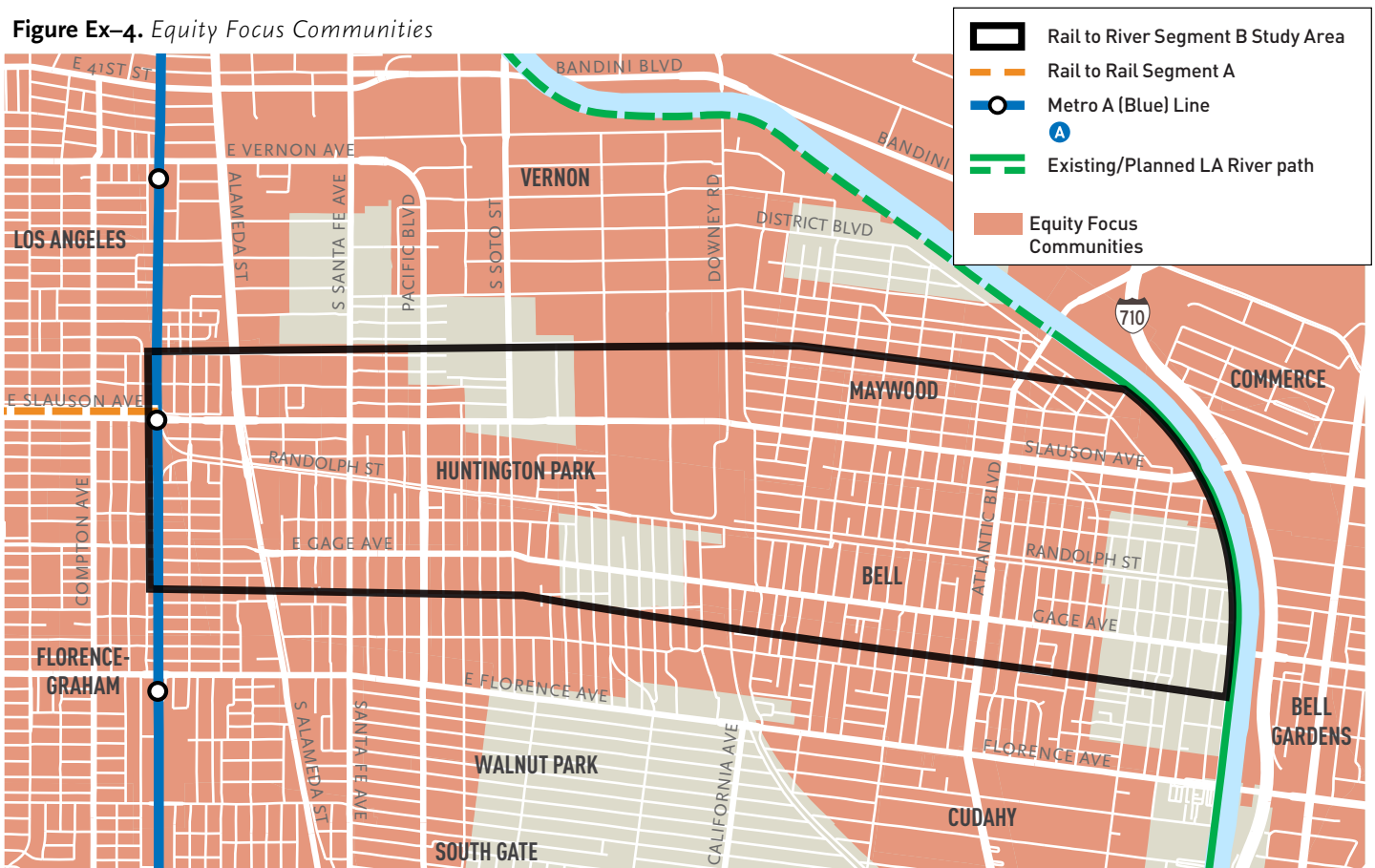


Figure Ex-4. Equity Focus Communities



## Other Related Projects

There are several related regional and local plans and projects that influenced the Segment B SAA. The most notable regional project is the West Santa Ana Branch as well as projects funded through the Metro Active Transport (MAT) Cycle 1 Program.

### **West Santa Ana Branch (WSAB)**

The WSAB Transit Corridor project will connect southeast Los Angeles County with downtown Los Angeles via a 19-mile light rail transit (LRT) line. The northern alignment of the WSAB project travels north through the study area parallel to Salt Lake Avenue and then west along Randolph Street's center median (Union Pacific (UP) ROW) to the A Line Slauson Station. The alignment will include two new at-grade light rail tracks along with one existing at-grade freight line track. The WSAB will include two stations within the study area, one at Pacific/Randolph and the other at the existing A Line Slauson Station.

Currently, Randolph Street consists of two travel lanes in each direction in most sections, along with parking and a wide center median with a UP freight rail line, where a Class I shared-use bike path was initially proposed (Figure Ex-5). The posted travel speed limit ranges between 25 to 35 mph along the corridor. It is anticipated that the WSAB will require that Randolph Street be reconfigured (Figure Ex-6) in order to accommodate the tracks, which will be at-grade and separate from the UP tracks in the center median. This configuration limits the ability for a dedicated bikeway facility along the shared section with both the WSAB and Rail to River Segment B projects. Additional traffic safety measures and roadway improvements to safely allow

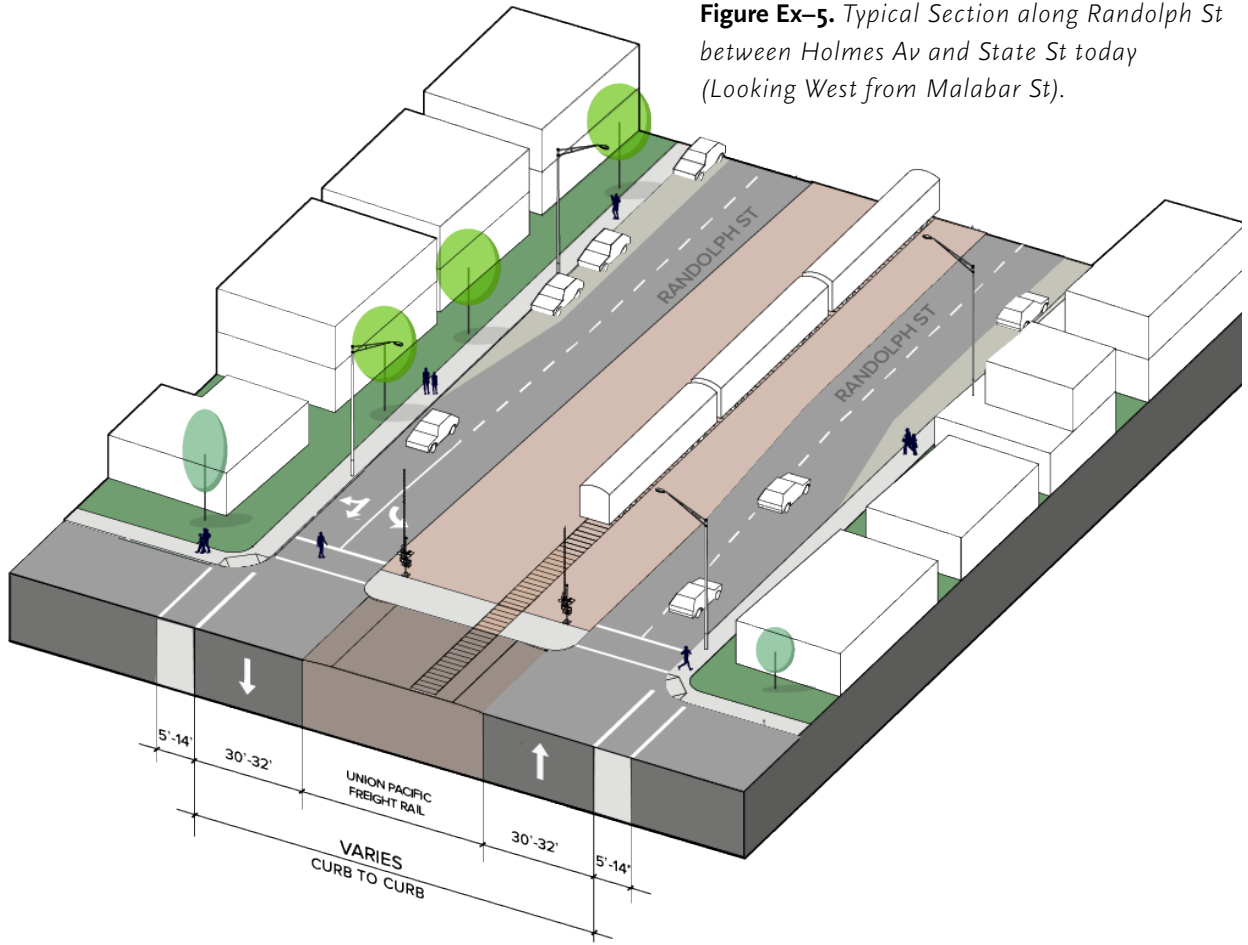
drivers and bicyclists to share one lane will be identified for future consideration. Overall, the WSAB project has the potential to transform the Randolph corridor from a car-oriented roadway to a complete street that accommodates pedestrians, bicyclists, public transit users, and drivers alike. Post-WSAB, the roadway may be able to safely allow drivers and bicyclists to share one lane.

FLM planning for WSAB will also identify improvements along important pathways for walking, biking, or rolling to future WSAB stations. Two WSAB stations related to Segment B will include the future Pacific/Randolph and the existing Slauson A line stations.

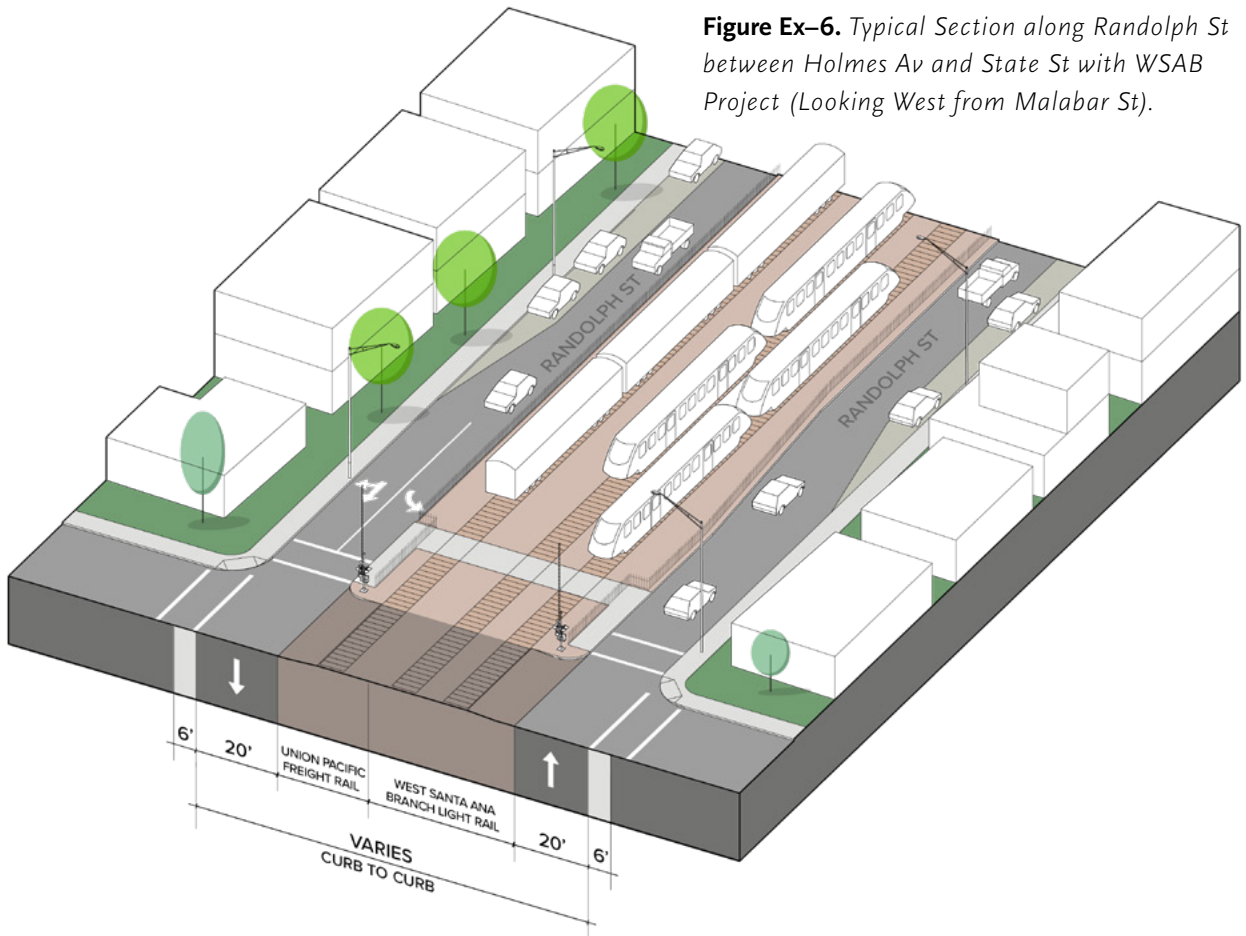
### **Metro Active Transport Program**

Metro Active Transport, Transit and First/Last Mile Program (also known as MAT) is a competitive grant program available to municipalities in LA County to fund improvements that expand and grow active transportation and transit connections. Key policies advanced by MAT include the Active Transportation Strategic Plan (ATSP), First/Last Mile (FLM) policy, and the Equity Platform Framework. Two specific categories in MAT are 1) First/Last Mile Priority Network around major transit stations and 2) Active Transportation Corridor Priority Network countywide. The first cycle of the MAT grant program and recommended projects were approved by the Metro Board in January 2021, which included projects for the Slauson A Line Station in the FLM category and the Randolph Corridor in the Active Transportation Corridor category.

**Figure Ex-5.** Typical Section along Randolph St between Holmes Av and State St today (Looking West from Malabar St).



**Figure Ex-6.** Typical Section along Randolph St between Holmes Av and State St with WSAB Project (Looking West from Malabar St).



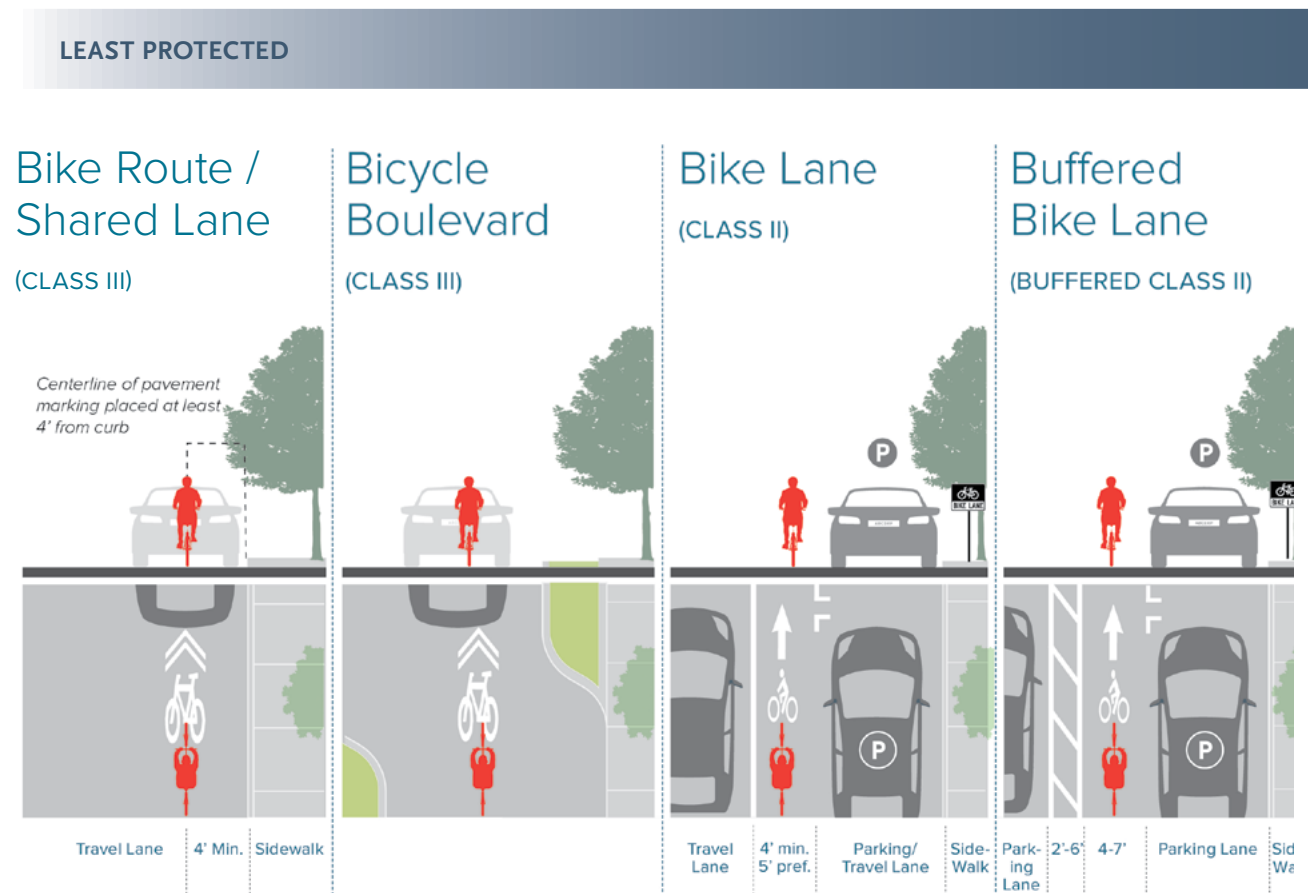
The Slauson FLM Project is led by the Los Angeles County Department of Public Works with the goal to improve pedestrian access to and from the Slauson A Line Station and to encourage active modes of transportation and the use of public transit. The Randolph Corridor project is led by the City of Commerce, in partnership with the City of Huntington Park, City of Bell, and Los Angeles County Department of Public Works. The Randolph Corridor Project proposes 7.03 miles of active transportation improvements along Randolph Street from the Metro A Line Slauson Station to the City of Commerce.

## PROPOSED IMPROVEMENTS

### Pedestrian Infrastructure Improvements

Segment B will be designed to accommodate people walking. This may include, but is not limited to, improvements to existing sidewalks, lighting updates, new pedestrian signals, curb treatments such as curb ramps and curb extensions, enhanced crosswalks, shade trees and landscaping, and benches and shade structures. Details on all proposed improvements are included in Chapter 1.

Figure Ex-7. Bicycle Facility Types and Levels of Protection

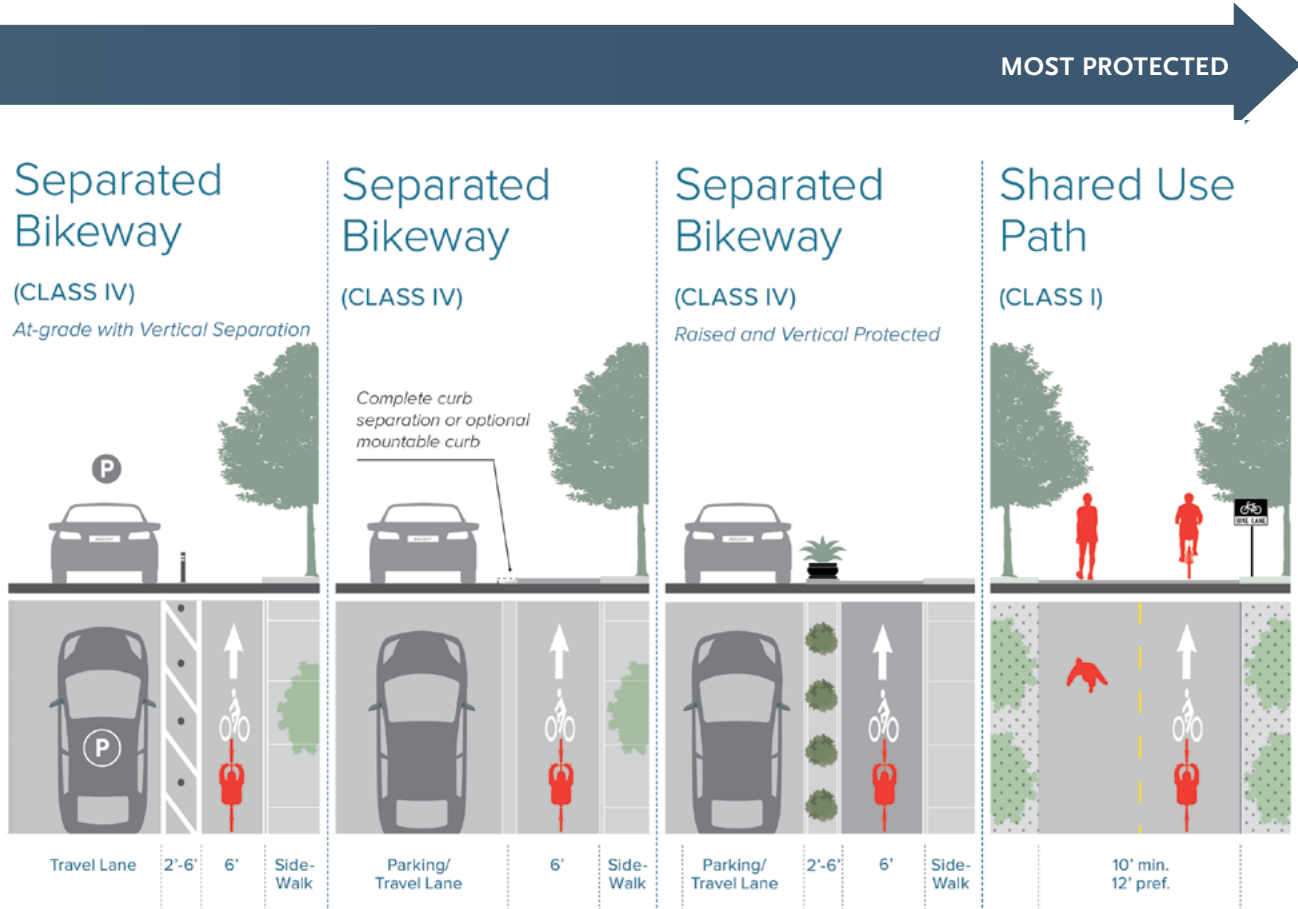


## Bicycle Facility Types

A range of bicycle typologies were considered for Segment B. The project team considered Class I shared-use paths or Class IV separated bikeways with adjacent pedestrian facilities along major roadways. Along streets with low traffic volumes, Class III bicycle boulevards with traffic calming elements were also considered. Class II bike lanes or buffered bike lanes were considered where implementing Class IV bikeways would not be feasible due to traffic or parking impacts.

All on-street bicycle facility types can be implemented in the short-term using a cost-effective quick-build approach (e.g., materials such as paint and bollards). For long term solutions, more durable materials or road reconfiguration may be required.

Figure Ex-7 identifies the different bicycle facility options in order of user separation. Class I shared-use paths require the largest amount of right-of-way for the path and buffer, and were considered along existing railroad corridors.



# TECHNICAL EVALUATION

## Overview

The project goals set the stage for the alternatives analysis. The project team used a goal-based evaluation approach to develop and evaluate four viable project alternatives to measure how well they met the project vision and goals. Alternatives from the 2017 AA that ranked below the Randolph alternative were not brought forward because of safety concerns and ROW constraints. The project alternatives are described on page 20.

Evaluation criteria were developed to help measure how each alternative performed for each of the project goals. The criteria were used to evaluate the trade-offs between each alternative as part of the technical evaluation.

Each of the four alternatives include several trade-offs, summarized in the following pages and described in more detail in later chapters. The process used to develop and evaluate the alternatives is described in detail in Chapters 2 and 3.

## Process

The Segment B SAA technical evaluation process was built upon the project goals. Screenings were conducted in two stages (Figure Ex-8). First, an initial screening examined the study area as a whole, and identified potential alignments based on previous planning efforts, current projects, existing conditions, opportunities and constraints, as well as input from local jurisdictions and the community. This first stage used Tier 1 fatal flaw criteria, such as connectivity between Slauson Station and the LA River, and connectivity to key destinations and EFCs, to help to identify alternatives for further study. Stage 1 took place in winter 2020-2021 and is described in detail in Chapter 2.


The second stage was the Alternatives Analysis which used detailed qualitative and quantitative evaluation criteria to assess the trade-offs between the four alternatives. These Tier 2 criteria measured how well the alternatives met the project purpose and need, project goals, and stakeholder and community needs. Stage 2 took place during spring and early summer 2021. Both Tier 1 and Tier 2 criteria built upon the initial criteria utilized as part of the 2017 Segment B AA study. The alternatives analysis process is described in detail in Chapter 3.

Figure Ex-8. Technical Evaluation Process

## Chapter 1: PROJECT FRAMING


Review previous plans and current projects  
Update Purpose and Need  
Interagency coordination and input

## Chapter 2: INITIAL SCREENING

Data collection and review  
Opportunities and constraints analysis  
Develop preliminary concepts for new alignments and typologies  
Virtual field visit with local agencies for review and feedback  
Community input 

STAGE 1: MANY TO 4

## Chapter 3: ALTERNATIVES ANALYSIS

Conceptual engineering  
Traffic and parking analysis  
Preliminary costs  
One-on-one meetings with local agencies for review and feedback  
Community input 

STAGE 2: FROM 4 TO 1

# PROPOSED ALTERNATIVES

The four project alternatives are described in Table Ex-2 and shown in Figure Ex-9.

**Table Ex-2.** *Summary of Project Alternatives*

Alternative	Length	Description
<b>1: Randolph Street</b>	4.33 miles	Alternative 1 follows Randolph Street from the Slauson A Line (Blue) Station to the LA River. The alternative utilizes a Class III bicycle boulevard with traffic calming between Holmes Avenue and State Street where Segment B will overlap with the WSAB project. At State Street, the alternative transitions to a Class IV separated bikeway. This alternative would require the fewest changes to the existing roadway following the construction of the WSAB project.
<b>2: Slauson/Belgrave/Randolph</b>	4.52 miles	Alternative 2 uses local corridors to circumvent some of the physical constraints along Randolph. This alternative begins along Slauson Avenue to Alameda Street East to Belgrave Avenue, where it utilizes a Class III bicycle boulevard to connect to Miles Avenue. It then transitions to Class II bike lanes south down Miles Avenue to a Class IV separated bikeway along Randolph Street.
<b>3A: Holmes/Gage/Randolph</b>	4.99 miles	Alternative 3A utilizes Gage to circumvent the physical constraints posed by the WSAB project along the western end of Randolph Street. This option connects to Gage via Slauson and Holmes Avenues. It utilizes Class II bike lanes along Gage Avenue before connecting back up to Randolph Street at Maywood Avenue. It continues as a Class IV separated bikeway along Randolph Street to the LA River.
<b>3B: Slauson/Holmes/Gage</b>	4.74 miles	Alternative 3B also utilizes Gage to circumvent the physical constraints posed by the WSAB project along the western end of Randolph Street. This option connects to Gage via Slauson and Holmes Avenues and continues down Gage to the LA River as Class II bike lanes.



Figure Ex-9. Project Alternatives



# SUMMARY OF TECHNICAL EVALUATION

## Evaluation Criteria

A series of goal-based evaluation criteria were used to evaluate the four alternatives. These criteria are summarized in Table Ex-3 and described in detail in Chapter 3. In addition to the five goals, a Feasibility / Implementation screening was used to compare the alternatives, which analyzed their potential environmental impacts, permitting & coordination needs, and funding opportunities. The Feasibility / Implementation criteria largely helped compare between different bikeway facility types to help identify top-scoring alternatives. For example, in this study, alternatives with Class I shared bike/pedestrian paths generally scored lower than alternatives that were entirely within the public ROW because they are likely to have greater environmental impacts and permitting requirements.

## Trade-offs

Each of the alternatives have a number of trade-offs related to the criteria under each of the project goals (Table Ex-4). Alternatives 3A and 3B scored highest for the Safety and Access goals, as they provide an opportunity for a dedicated bikeway facility that is separated from cars and a direct connection to the many community destinations along Gage Avenue. These alternatives score lower for Sustainable Mobility and Viability, as they provide a less direct route and have more traffic impacts.






**Table Ex-3.** Summary of Technical Evaluation

Alt #	Alternative	Safety	Access	Sustainable Mobility	Equity	Viability	Feasibility / Implementation
	Goal Weight	3	2	1	2	2	1
1	Randolph						
2	Slauson/ Belgrave/ Randolph						
3A	Holmes/Gage /Randolph						
3B	Holmes/Gage						

Overall, Alternative 1 scores best for Viability. The alternative would have the fewest impacts to existing traffic operations because it would not require a lane reconfiguration. It would also have a lower cost than the alternatives along Gage Avenue, with fewer expected

operations and maintenance needs. Finally, this alternative aligns best with existing planning efforts such as the MAT Randolph project. Detailed summaries of the trade-offs between the alternatives can be found in Chapter 3.

**Table Ex-4.** Summary of Evaluation Criteria

GOAL	DESCRIPTION	CRITERIA
<b>Safety</b> 	<b>Does the alternative improve safety for bicyclists and pedestrians?</b>	<ul style="list-style-type: none"> <li>• Collision History</li> <li>• Degree of Separation</li> <li>• Intersections &amp; Exposure to Vehicles</li> </ul>
<b>Access</b> 	<b>Does the alternative provide access to key destinations?</b>	<ul style="list-style-type: none"> <li>• Activity Centers</li> <li>• Transit Access</li> <li>• Access to Employment</li> </ul>
<b>Sustainable Mobility</b> 	<b>Does the alternative provide a direct route that would help reduce vehicle miles traveled (VMT)?</b>	<ul style="list-style-type: none"> <li>• Directness</li> <li>• Level of Traffic Stress</li> <li>• Supports Regional Active Transportation Network</li> <li>• Connection to LA River</li> <li>• User Demand</li> </ul>
<b>Equity</b> 	<b>Does the alternative support community needs?</b>	<ul style="list-style-type: none"> <li>• Equity Focused Communities</li> <li>• Community-Identified Destinations</li> <li>• Community-Supported Alternative</li> </ul>
<b>Viability</b> 	<b>Is the alternative viable?</b>	<ul style="list-style-type: none"> <li>• Traffic Impacts</li> <li>• Parking Impacts</li> <li>• Aligns with Planning Efforts</li> <li>• Operations &amp; Maintenance</li> <li>• Capital Cost</li> </ul>

# COMMUNITY + STAKEHOLDER COORDINATION

## Community Engagement

Community members provided input throughout the planning process (Figure Ex-10). The project team held three rounds of community meetings, with two meetings per round. In addition, two community surveys were issued to gather feedback beyond the community meetings. All meetings and materials were provided in both English and Spanish. Because of the COVID-19 pandemic, the majority of engagement activities were conducted virtually. However, the project team participated in three in-person community pop-up events hosted by the WSAB project team to gather community preferences on the four alternatives.

Chapter 4 details the community engagement process and the feedback received from the community.

**Figure Ex-10.** *Community Engagement*

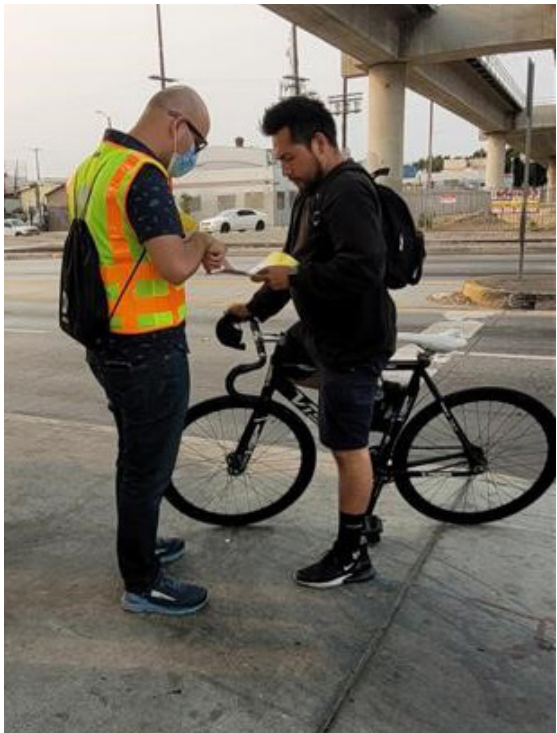
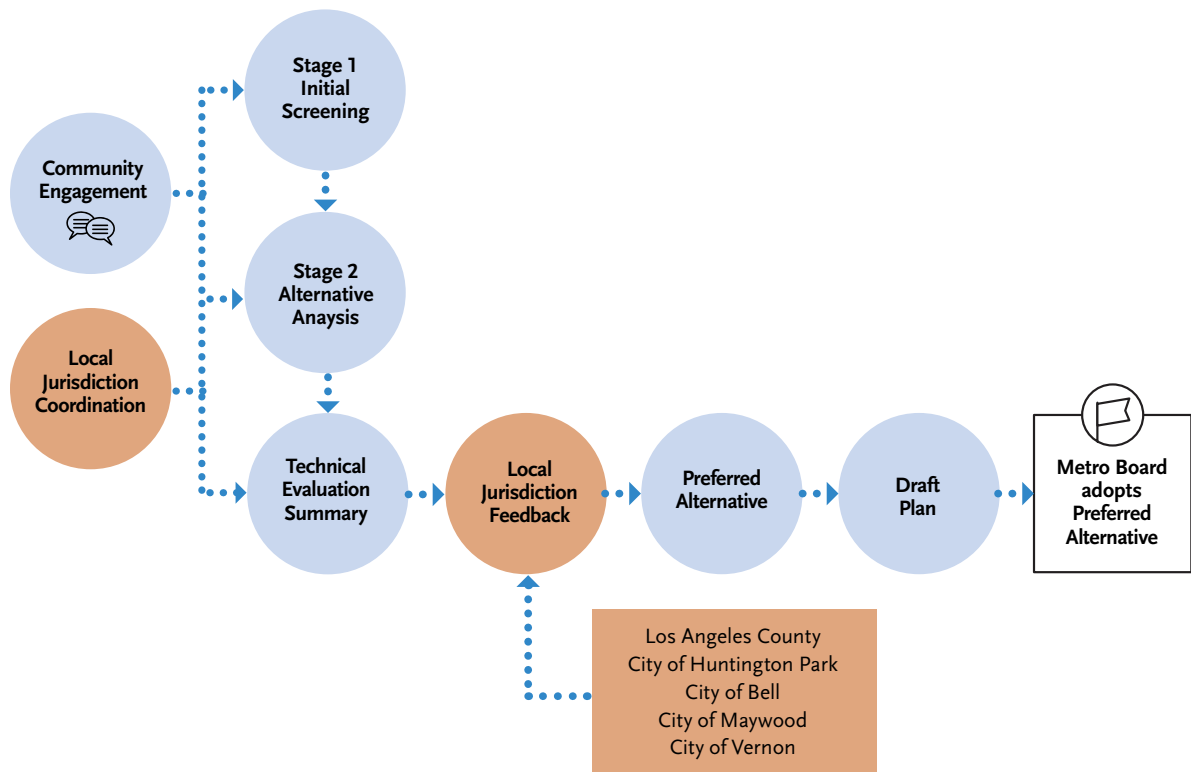


## Stakeholder Coordination

Local jurisdictions also provided input throughout the planning process (Figure Ex-11). These project partners included the City of Los Angeles, County of Los Angeles, City of Huntington Park, City of Vernon, City of Maywood, and City of Bell. The City of Commerce was also included as the lead sponsor for the MAT Randolph project. The project team engaged with project partners via five Technical Working Group (TWG) meetings, as well as in one-on-one meetings. Because of the COVID-19 pandemic, all coordination meetings were conducted virtually.

Metro presented the results of the technical evaluation at the City of Huntington Park, City of Maywood, and City of Bell's City Council meetings in September 2021. Local jurisdictions expressed their support for Alternative 1 because of its alignment with the MAT Randolph project and fewer road reconfiguration and potential parking tradeoffs than on Gage Ave associated with Alternatives 3A and 3B. This feedback was used to identify a recommended alternative for the corridor.

Figure Ex-11. Community and Stakeholder Feedback



# RECOMMENDATIONS + NEXT STEPS

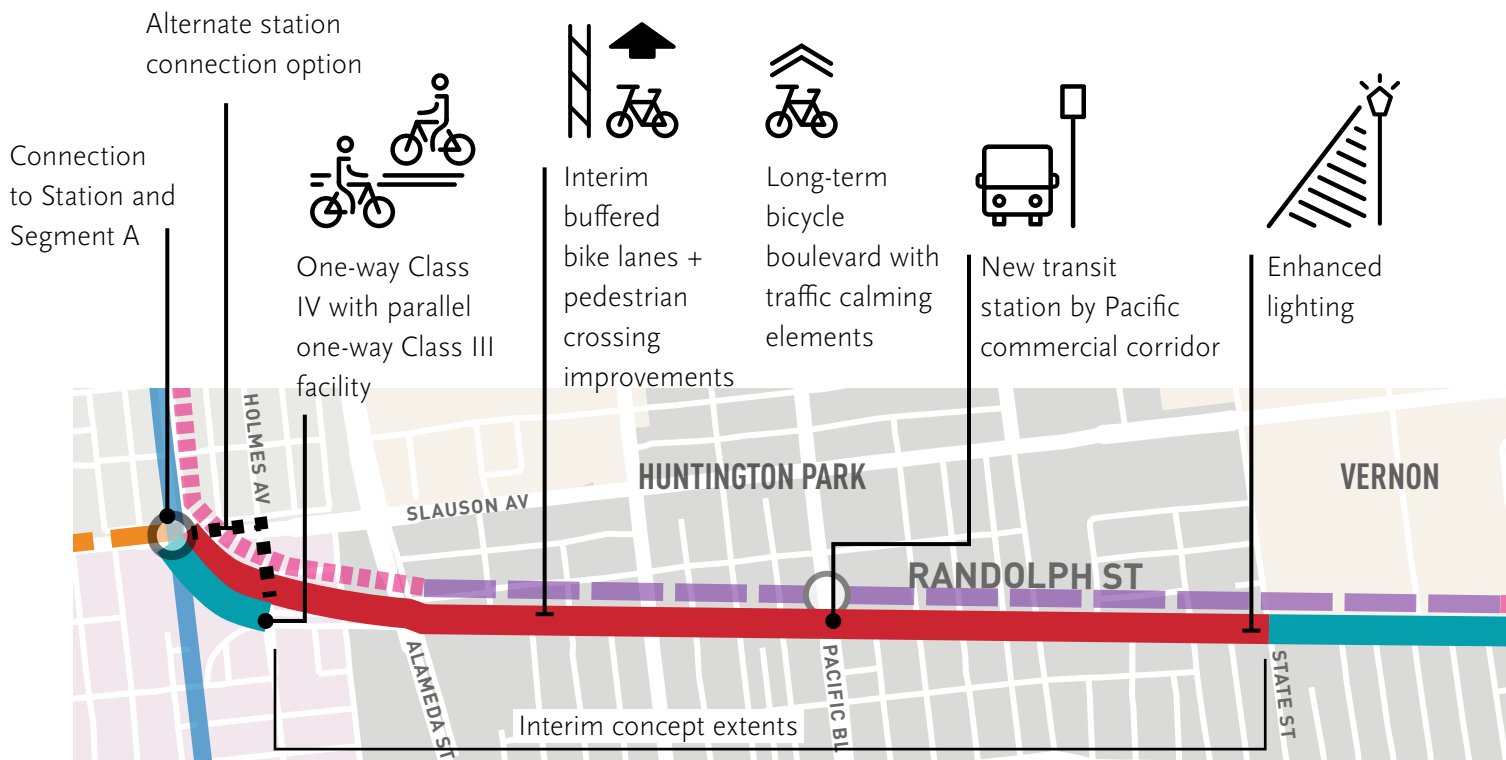
## Overview

Overall, the Viability goal (i.e., traffic impacts and alignment with planned projects) drove the recommendations for this study (Alternative 1). Alternative 1 also scored high through the Feasibility / Implementation screen due to minimal environmental impacts, ability for permitting and coordination streamlining and opportunities for funding. In this regard, Alternative 1 improvements could be considered in related projects.

Additionally, the affected local jurisdictions expressed significant concern over the traffic impacts resulting from Alternatives 3A and

3B along Gage Avenue. They also expressed strong support for the Randolph corridor (Alternative 1). Because local jurisdictions would be responsible for implementing and maintaining Segment B, Alternative 1 (Randolph Street) is recommended as the preferred alignment. Alternative 1 also provides the most direct route between Segment A at the Slauson A Line Station and the LA River and shares many similarities with the related projects, including the project area and active transportation goal.

Figure Ex-12. Alternative 1

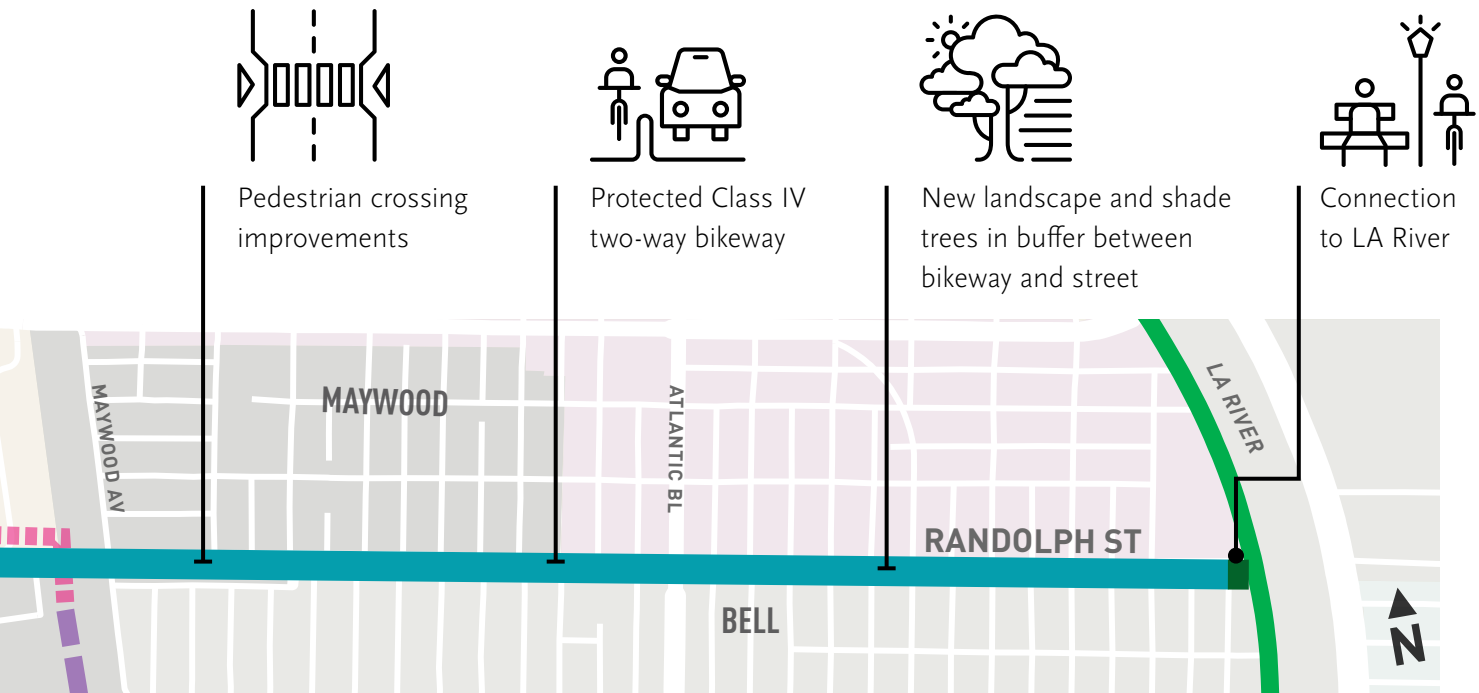


## Alternative 1

The WSAB light rail project is currently under environmental review. This study considered the built condition of Randolph Street following construction of WSAB. After completion of WSAB and its proposed Pacific Boulevard station, Randolph's two existing traffic lanes will be reduced to one lane in each direction, with fewer intersecting north-south through streets, which will result in lower traffic volumes and travel speeds along the corridor. The recommended speed limit along Randolph within the WSAB project area could be lowered to 20-25 mph to further improve safety for bicyclists sharing the travel lane with motor vehicles. Randolph Street can accommodate all modes, including people biking, walking, and taking transit.

Prior to WSAB construction there is an opportunity for an interim condition along the overlapping at-grade WSAB segment of Randolph between Holmes Avenue and State Street to improve walking and biking conditions in a shorter time frame. This interim condition is described in detail on pages 28-29.

Figure Ex-12 provides an overview of potential improvements along Alternative 1. Pedestrians could use existing and new sidewalks adjacent to the street, with new crossing improvements such as curb extensions, high visibility crosswalks, and improved or new pedestrian signals. Amenities such as lighting, street trees, wayfinding, shade structures,



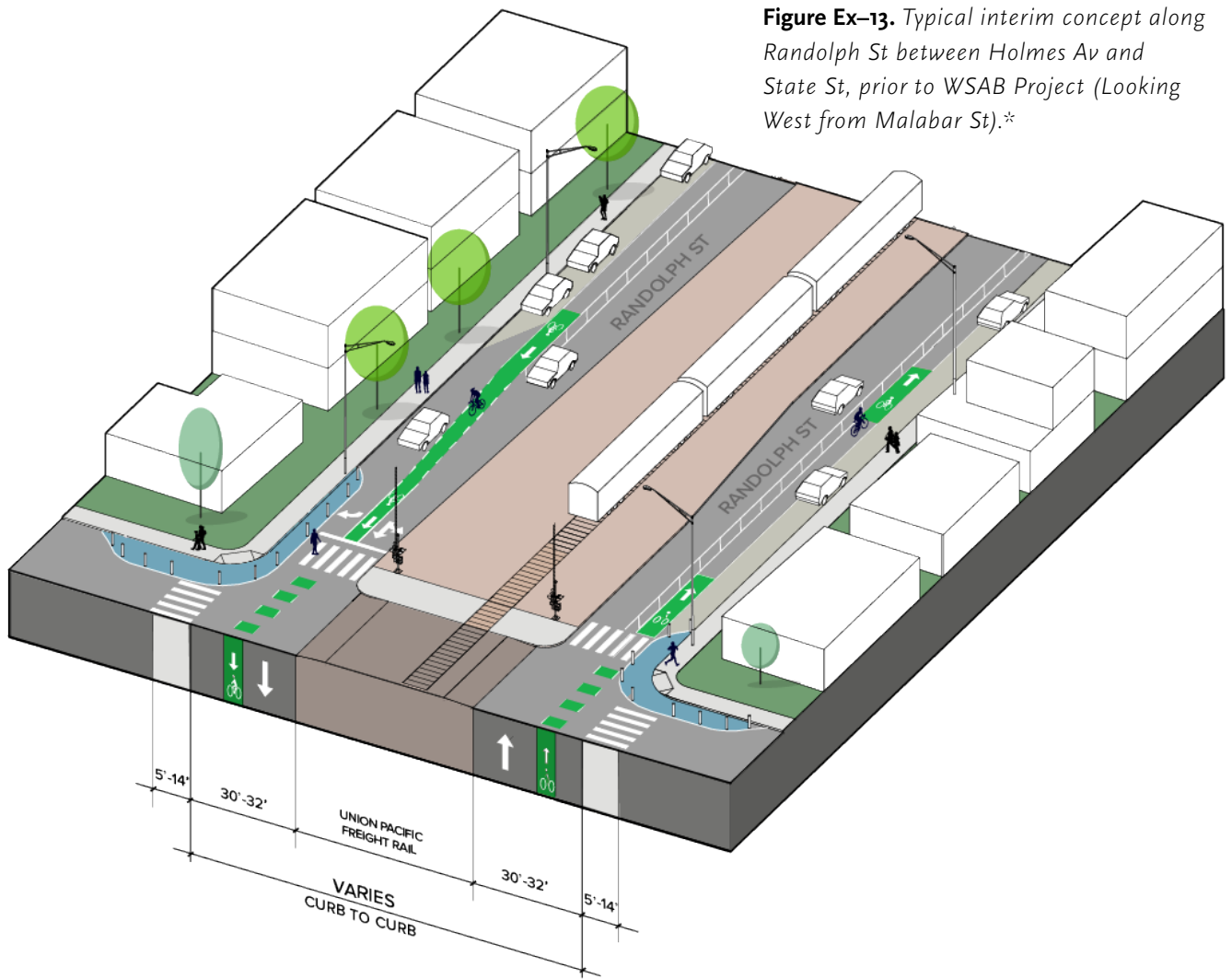
and bicycle racks may be provided at strategic locations (See examples of potential improvements and amenities on page 33). Following WSAB construction, people riding bikes would use a shared lane Class III bike boulevard between Slauson Station and State Street. Because a short segment of Randolph between Slauson Station and Holmes Avenue is a one-way eastbound road, a one-way westbound Class IV bikeway would run parallel to the Class III bike boulevard. East of State Street a two-way Class IV bikeway would provide a protected bikeway to the LA River creating opportunities for new shade trees and landscape in the buffer between the bikeway and the street.

There are also opportunities for local jurisdictions to consider alternative options if preferred. For example, LA County could consider an alternative connection to Slauson Station via Class IV separated bikeways on Slauson and Holmes Avenues rather than the one-way road segment along Randolph. Similarly, the City of Huntington Park may consider implementing Class II bike lanes or a Class III bicycle boulevard along Randolph Street east of State Street in areas where a Class IV facility would require parking removal. Concept design plans were developed for three alternatives (Alternatives 1, 3A, and 3B) and are included as Appendix J.

### **Interim Concept**

Prior to construction of the WSAB project, interim Class II bike lanes could be installed by reducing the existing four-lane road to one lane in each direction, matching the future WSAB roadway configuration. A buffer between the bike lane and the roadway could be accommodated where space allows. In addition, pedestrian improvements including painted curb extensions and high visibility crosswalks at intersections could be installed using quick-build materials (Figure Ex-13). The interim condition would be removed once WSAB project construction begins, after which the roadway would transition to its long-term condition.





**Figure Ex-13.** Typical interim concept along Randolph St between Holmes Av and State St, prior to WSAB Project (Looking West from Malabar St).\*

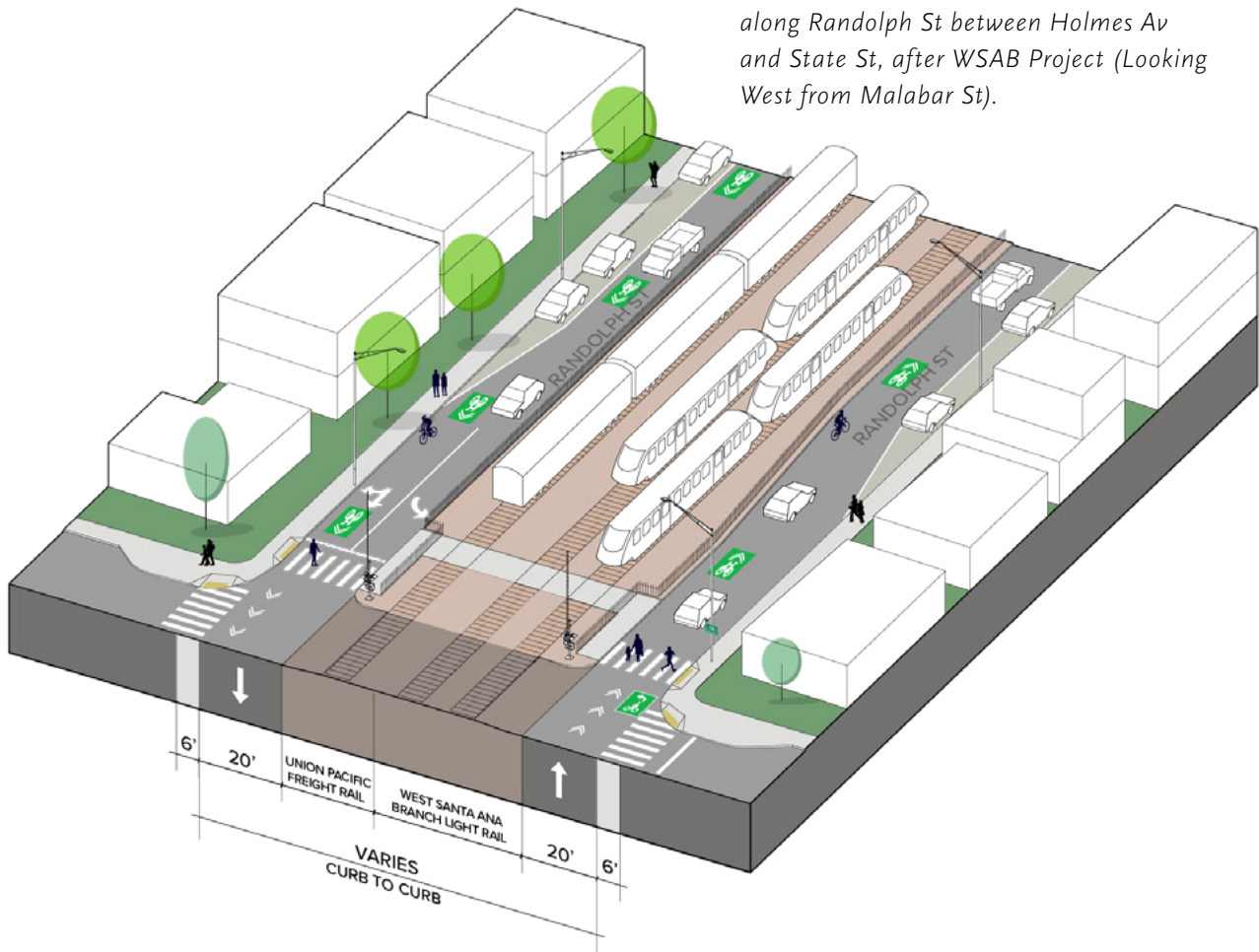
\*Buffer can be accommodated where space allows

## Long-Term Vision

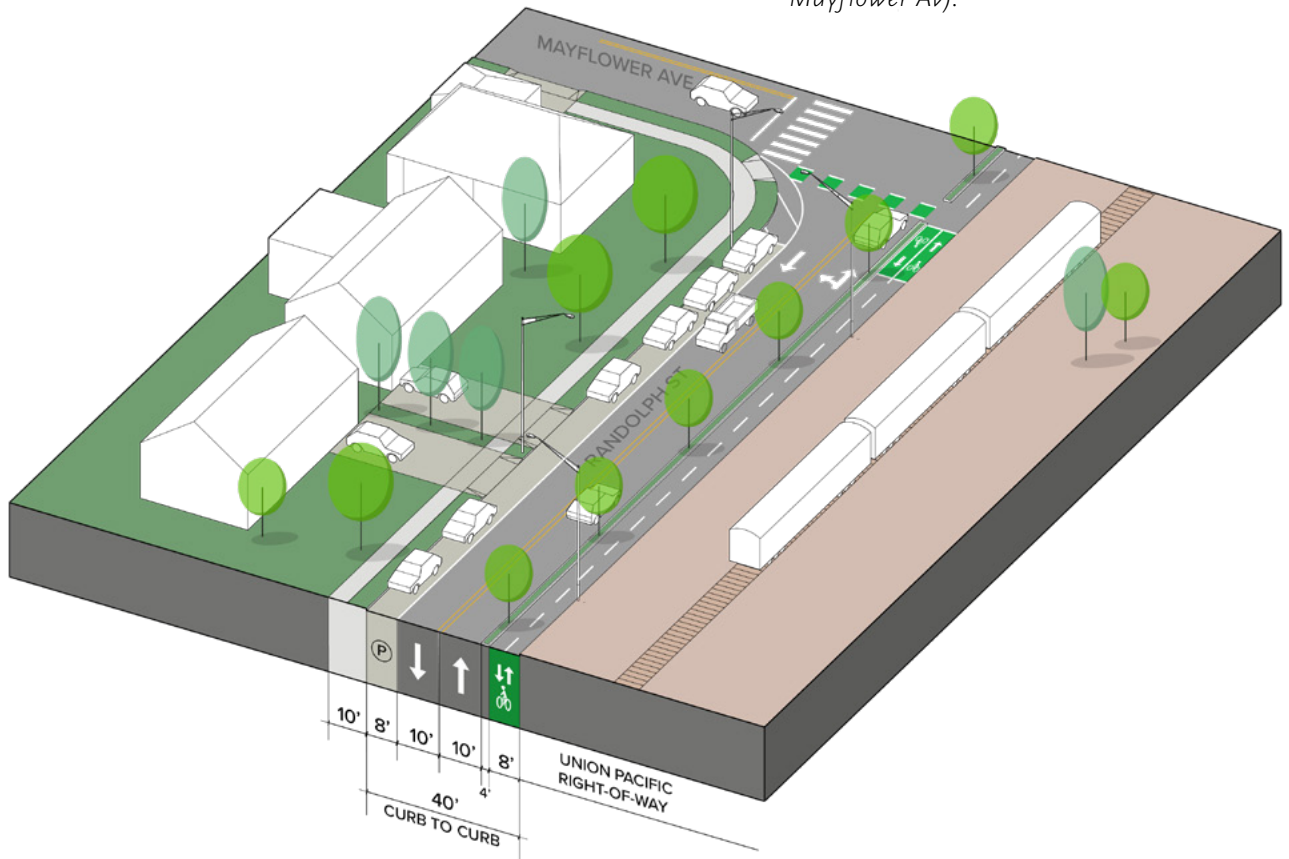
The long-term vision for the Randolph corridor includes a Class III bicycle boulevard between Holmes Avenue and State Street (Figure Ex-14), where it would transition to a two-way protected Class IV bikeway east of State Street to the LA River (Figure Ex-15). Pedestrian improvements could include new sidewalks, crossing improvements, lighting, shade trees, and wayfinding. The quick-build

curb extensions installed as part of the interim concept could be reconstructed using more durable materials to make them permanent features at sidewalk level. In this long-term condition, the Randolph corridor is designed to ensure all users – including people walking, biking, and taking transit – can comfortably travel through the space.

**Figure Ex-14.** Typical long-term vision along Randolph St between Holmes Av and State St, after WSAB Project (Looking West from Malabar St).



**Figure Ex-15.** Long-term vision along Randolph St from State St to the Los Angeles River (Looking West toward Mayflower Av).



## Next Steps

Alternative 1 Randolph has broad support from local jurisdictions along the corridor. Because of this support, Metro staff is recommending a refined Randolph alternative to the Metro Board of Directors, which maintains the same alignment with the 2017 Segment B Locally Preferred Alternative (LPA). Following the Board recommendation, Metro staff will continue to coordinate with the cities on related projects. Local jurisdictions could consider and incorporate any of the proposed recommendations and elements. Additionally, WSAB FLM planning will be underway in late spring 2022, which could also consider active transportation improvements in the study area.



*Sidewalk & street trees*



*Pedestrian-scale lighting*



*Pedestrian signal*



*Curb extension and crosswalk*



*Street trees*



*Wayfinding*

# Map of Rail to Rail/River Active Transportation Corridor



# Map of 2016 Segment B Alternatives Studied



# Map of Study Area

## Rail to River Active Transportation Corridor Project





# Map of Four Alternatives Studied in SAA

## Rail to River Active Transportation Corridor Project



**ATTACHMENT G**

Letters of Support



December 2, 2021

Mr. Anthony Jusay  
Los Angeles County Metropolitan Transportation Authority  
One Gateway Plaza  
Los Angeles, CA 90012-2952

**Subject: Rails to River Active Transportation Corridor Segment B: Huntington Park Support Letter for Alternative 1 – Randolph Street**

Dear Mr. Jusay:

On behalf of the City of Huntington Park ('City'), I am writing to express our strong support for Alternative 1 – Randolph Street of the Rails to River Active Transportation Corridor Segment B Project. Alternative 1 – Randolph Street is the preferred route by our City because it will maximize pedestrian safety and minimize parking loss to our residents.

It is our belief that Alternative 1 – Randolph Street is the most viable option because it will connect the Slauson Station of the West Santa Ana Branch Project to the L.A. River. Additionally, Alternative 1 – Slauson Street merits strong consideration because it is consistent with the Randolph Metro Active Transportation Corridor Project that received a \$6.7 million grant from your agency. Together, the Cities of Commerce (lead agency), Bell, and Huntington Park, as well as Los Angeles County have been working to develop an active transportation corridor along Randolph Street which will benefit our shared-residents.

By contrast, our City is strongly opposed to the Alternatives 3a and 3b – Gage Avenue which will result in significant parking loss to our residents. Notably, at our September 21, 2021 City Council meeting, our City Council collectively voiced their opposition to Alternatives 3a and 3b – Gage Avenue and unanimously endorsed Alternative 1 – Randolph Street. This letter serves reflects the formal position of our City Council and City in support of Alternative 1 – Randolph Street.

Our City appreciates Metro's advocacy for safe travels that utilizes a health and wellness component to improve the overall environment of the region. In this spirit, we are hopeful that your agency will see the positive benefits of Alternative 1 – Randolph Street as a new mode of transportation for our residents.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ricardo Reyes", is written over a horizontal line.

RICARDO REYES  
City Manager

Cc: Board, Los Angeles County Metropolitan Transportation Authority  
Huntington Park City Council



November 1, 2021

Stephanie N. Wiggins  
Chief Executive Officer  
Los Angeles Metro  
One Gateway Plaza  
Los Angeles, CA 90012-2952

Subject: Rail to River Active Transportation Corridor Segment B – Support for Alternative 1

Dear Ms. Wiggins:

The City of Bell greatly appreciates Metro’s ongoing efforts to provide a transportation network that improves regional access for all areas of the County and promotes healthy neighborhoods and linkages between local communities, schools, shopping, employment centers, major transit facilities and other key destinations.

On September 8, 2021, Metro staff provided a presentation to the Bell City Council on the Rail to River Active Transportation Corridor Segment B Project. The goal of the Rail to River Segment B project is to provide a safe dedicated biking and walking path (approximately 4.3 miles long) from the Slauson Metrolink Station to the Los Angeles River. Metro analyzed four alignments that traverse through Los Angeles County and the Cities of Huntington Park and Bell, utilizing a combination of streets that included Randolph Street and Gage Avenue.

On behalf of the Bell City Council, I am writing to express my support for “Alternative 1” which utilizes the Randolph Street corridor for the entire length of the Segment B project. As you know, in January 2021, the Cities of Commerce, Bell, and Huntington Park, and LA County (“MAT Team”) were awarded a Metro Active Transportation (MAT) Grant in the amount of \$6.7 million to develop an active transportation corridor along Randolph Street.

Over the last several months, the Randolph MAT Team has expressed its concerns to Metro staff about implementing bike lanes on Gage Avenue as the bike lanes would result in the loss of traffic lanes or parking in both directions. The proposed “road diet” on Gage Avenue would create traffic congestion on Gage Avenue and divert an estimated 14,000 vehicles daily onto Florence Avenue, worsening traffic conditions on Florence Avenue. Therefore, Bell’s preferred alignment is to use Randolph Street from the Slauson Station to the LA River, or Alternative 1, as it is consistent with the Randolph MAT Corridor Project that is already in progress.

In addition, Bell staff believes Alternative 1 is a safer option as traffic volumes on Randolph Street are much less than on Gage Avenue and would utilize the Union Pacific Railroad right-of-way

adjacent to Randolph Street to create a two-way bikeway that is separated from the roadway. Furthermore, the Huntington Park City Council also recently endorsed Alternative 1 as the preferred alignment.

Therefore, the City of Bell respectfully requests Metro to pursue the Randolph Street alignment, or Alternative 1, as the preferred alternative for the Rail to River Segment B Project. Thank you for your consideration.

Sincerely,



Alicia Romero  
Mayor

cc: Carlos Islas, Acting City Manager  
Allan Perdomo, Director of Community Services  
Bill Pagett, City Engineer  
Tony Jusay, Project Manager, Rail to River (Segment B)  
Jacob Lieb, Sustainability Policy Manager  
Nancy Pfeffer, GCCOG Executive Director  
Metro Board Member Fernando Dutra  
Metro Board Member, Supervisor Hilda Solis  
Metro Board Member, Supervisor Janice Hahn



# CITY OF COMMERCE

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## PUBLIC WORKS DEPARTMENT

January 18, 2022

Anthony Jusay  
Project Manager  
Los Angeles County Metropolitan Transportation Authority  
MS 99-22-6  
One Gateway Plaza Los Angeles, CA 90012-2952

Subject: Rails to River Active Transportation Corridor Segment B Support Letter for Alternative 1 – Randolph Street

The City of Commerce (lead agency) along with partner agencies including Cities of Bell, Huntington Park and the County of Los Angeles are grant recipients of the Metro Active Transport (MAT) Grant Program for the Randolph Corridor. I am writing to convey our support for Alternative 1 - Randolph St identified through Rail to River Segment Supplemental Alternative Analysis efforts. This alternative is consistent with the grant application and our conceptual ideas envisioned for pedestrian and bicycle improvements for the MAT Randolph corridor.

We understand that Cities of Huntington Park and Bell have submitted their Letter of Support recently expressing their support position for Alternative 1 - Randolph and opposition for Alternative 3A and 3B - Gage Avenue as those changes would include either parking loss or travel reductions within their jurisdiction.

This letter reflects the City of Commerce's support for Alternative 1, Randolph

Sincerely,

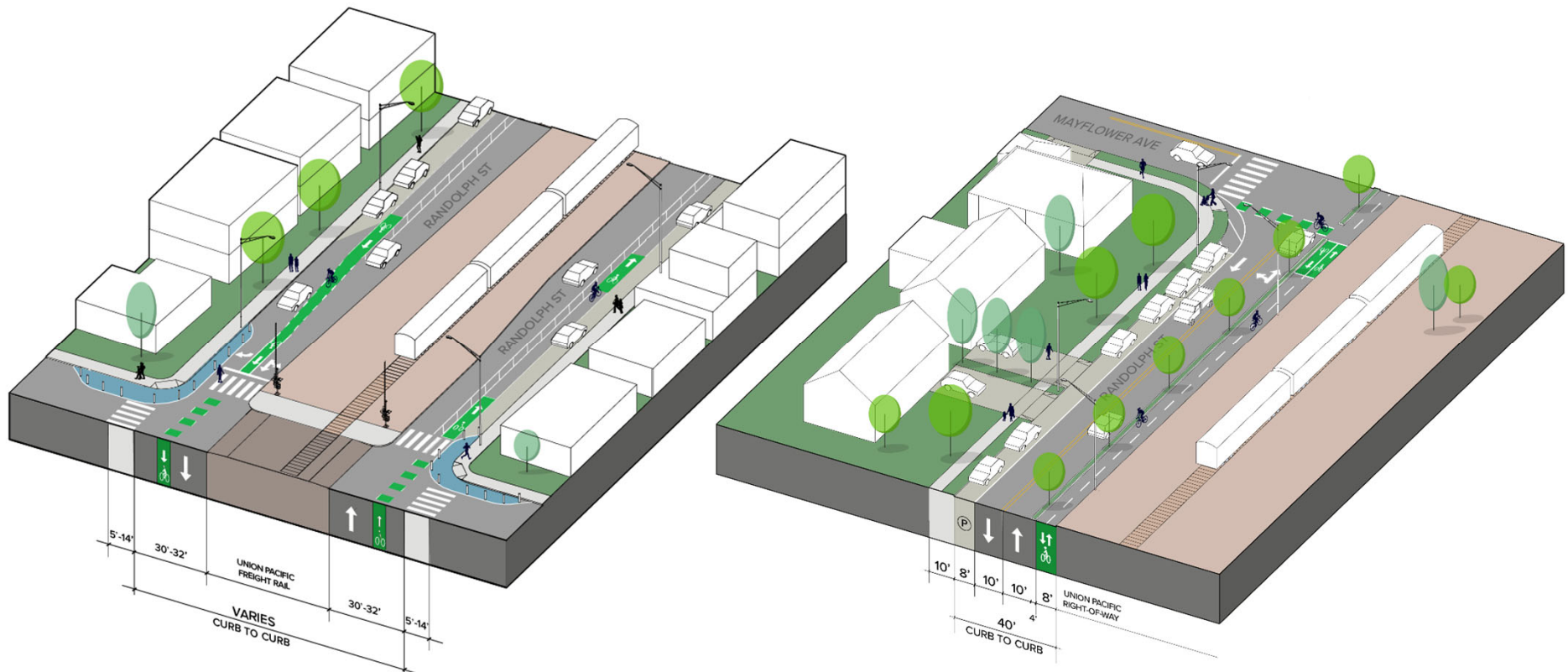
Daniel Hernandez

CC: MAT Sponsor Agencies  
Gateway COG  
Metro Board

# SAA Recommended Randolph Improvements

**Interim Class II Bike Lanes\***  
*Randolph between Holmes Ave & State St*

**Permanent Class IV Separated Bikeways**  
*Randolph between State St & LA River*



\*Buffer can be accommodated where space allows





**Rail to River Active Transportation Corridor Segment B  
Planning and Programming Committee  
August 17, 2022**



# Recommended Board Actions

Consider:

- A. RECEIVING the Rail to River Segment B Supplemental Alternatives Analysis (SAA) Findings; and
- B. APPROVING the Recommendation to Maintain Randolph Street as the Preferred Alignment and Continue Coordination with Corridor Cities and Related Projects

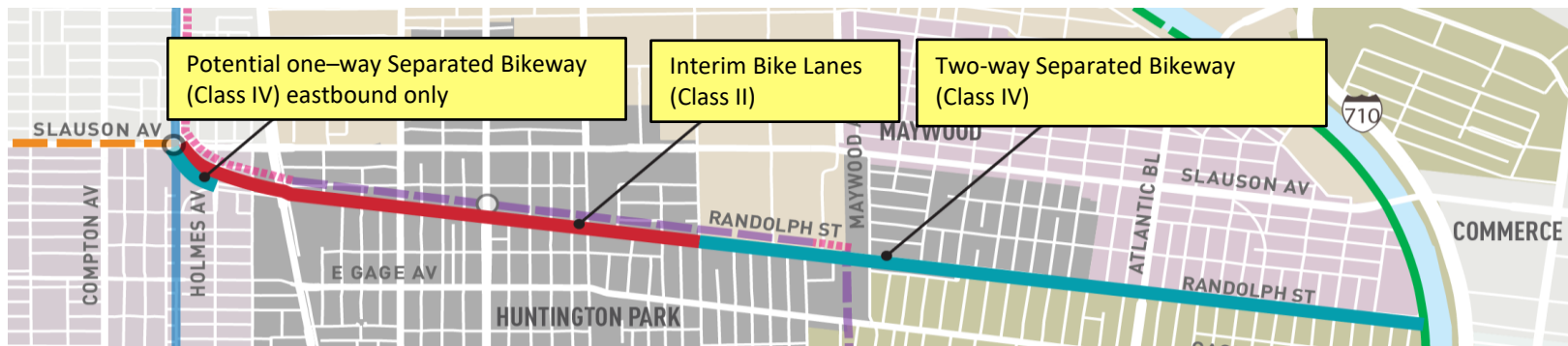
# Project Background

- > Mar 2017 – Board adopted Randolph Street as locally preferred alternative for Rail to River Segment B
- > Mar 2019 – West Santa Ana Branch (WSAB) environmental work identified constraints along Randolph Street
- > Dec 2020 – Supplemental Alternatives Analysis began



# Recommended Alignment on Randolph

## Alternative 1: Randolph



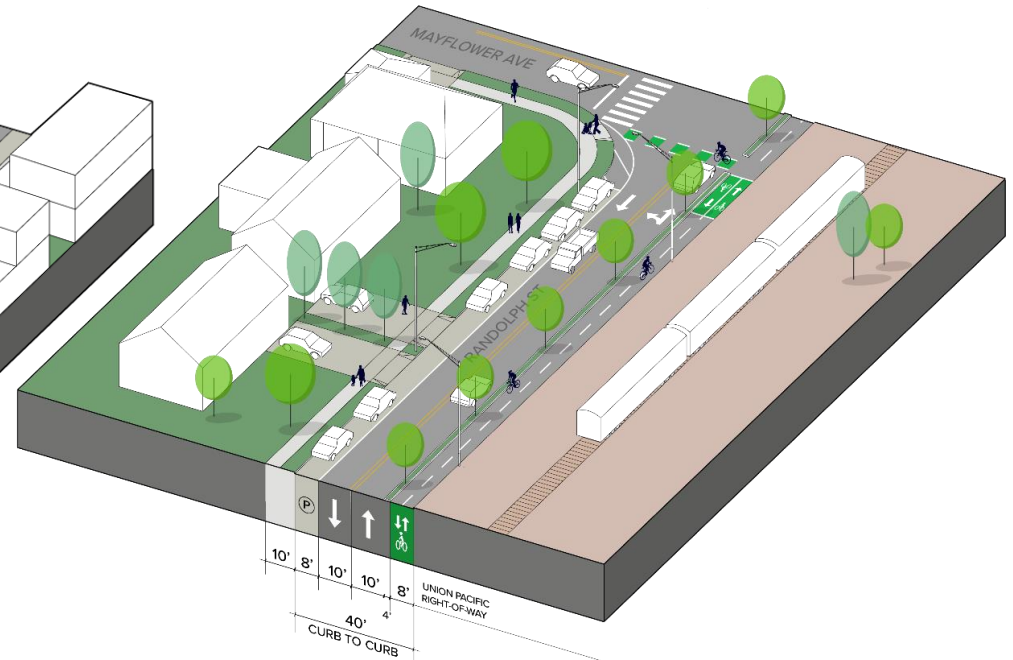
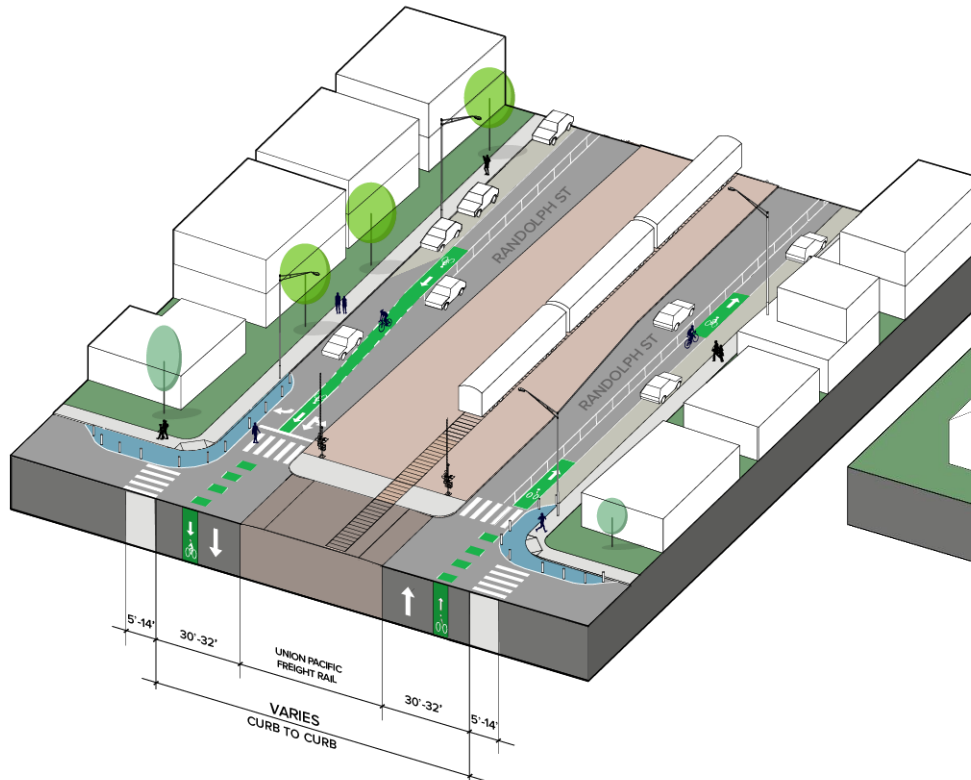
- > Most direct route between A Line and LA River
- > Connects to future WSAB Pacific/Randolph station
- > Strong support from Cities – Letters of Support from cities of Huntington Park, Bell, and Commerce
- > Strong historic support from community for active transportation facilities

# Recommended Randolph Improvements

## Interim Class II Bike Lanes\* *between Holmes Ave & State St*



## Permanent Class IV Separated Bikeways *between State St & LA River*



\*Buffer can be accommodated where space allows

# Next Steps

- > Maintain Randolph as the Preferred Alignment
- > Continue coordinating recommended improvements with related projects:
  - WSAB First/Last Mile (FLM) Planning
  - Metro Active Transport (MAT) Program:
    - Slauson FLM
    - Randolph Corridor
- > Provide grant writing & technical support to cities as necessary to identify potential funding



## Board Report

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**File #:** 2022-0416, **File Type:** Informational Report

**Agenda Number:** 41.

---

### REGULAR BOARD MEETING AUGUST 25, 2022

**SUBJECT: VERMONT TRANSIT CORRIDOR**

**ACTION: RECEIVE AND FILE**

#### **RECOMMENDATION**

RECEIVE AND FILE status report on Vermont Transit Corridor Project's Community-Based Partnership Program.

#### **ISSUE**

In Fall 2021, Metro staff implemented a Community-Based Partnership Program (CPP) to inform the next phase of planning for the Vermont Transit Corridor. The CPP included various activities that focused on gathering quantitative and qualitative data that would be used to develop a proposed project for the Vermont Transit Corridor. Through the CPP, Metro sought to allow stakeholders an opportunity to provide important insights into the challenges and opportunities facing the communities in the area and can help improve Metro's ability to communicate and connect with a wide range of community members. The CPP was designed utilizing Metro's Community-Based Partnering Strategy. The CPP:

- A. Provided stakeholders who live, work, play, study and/or worship along Vermont with an opportunity to express their thoughts about possible transit improvements they envision.
- B. Ensured that Metro staff received comments from a diverse group of stakeholders who do not often participate in helping shape their community; and
- C. Informed a planning approach that considers short-term, medium-term, and long-term transit improvements for the Vermont Transit Corridor.

#### **BACKGROUND**

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The study area for the Vermont Transit Corridor extends approximately 12.4 miles from Hollywood Boulevard in the north to 120th Street in the south (Attachment A). It is the busiest north-south travel corridor in the entire Metro bus system with about 45,000 daily boardings pre-COVID, connecting the B and D Lines (Red and Purple), the E Line (Expo) and C Line (Green), various east-west bus lines as well as many key activity centers, including educational, cultural, medical, governmental, and faith-based institutions.

Funding in the amount of \$425 million for improvements for the Vermont Transit Corridor is identified as part of the 2016 voter-approved ½ cent sales tax from Measure M and other local and state sources. To prepare for those improvements, Metro has completed three studies as discussed below.

#### Vermont Bus Rapid Transit Technical Study

In February 2017, Metro completed the Vermont Bus Rapid Transit (BRT) Technical Study, which evaluated the feasibility of implementing BRT, including bus lanes and other key BRT features. The study identified two promising BRT concepts that were developed with the goal of improving bus speeds and reliability, accommodating higher ridership, and improving the customer experience.

At the March 23, 2017, Board meeting, staff presented the findings and recommendations from the Vermont BRT Technical Study (Item #9, Legistar File 2016-0835). At the same meeting, due to the high transit-dependent ridership on the corridor, the Board approved a motion by Directors Garcetti, Ridley-Thomas and Dupont-Walker (File # 2017-0213) directing staff to proceed with the Vermont BRT project as a near-term transit improvement, while also initiating a study that analyzed the feasibility of rail (Attachment B).

#### Vermont Rail Conversion/Feasibility Study

The Vermont Rail Conversion/Feasibility Study was completed in 2019. It analyzed rail options and further evaluated the BRT concepts to ensure they do not preclude a later conversion to rail. The study found that: BRT continues to be feasible in the Vermont Corridor; BRT does not preclude conversion to rail transit in the future; BRT has the capacity to serve ridership demand at least until 2042; rail transit would maximize the mobility benefits along the corridor and in the region; and three rail alternatives were identified and determined feasible for future implementation.

Additionally, on April 17, 2019, the Board approved Motion #16 by Directors Garcetti, Dupont-Walker, Hahn, Solis and Butts directing staff to advance three BRT alternatives and the three rail concepts identified in the study into environmental review. The Board motion also directed staff to look at the feasibility of extending the Vermont Transit Corridor approximately ten miles south from 120<sup>th</sup> Street to the South Bay J Line (Silver) Pacific Coast Highway (PCH) transitway station (Attachment C).

#### South Bay Extension Feasibility Study

The South Bay Extension Feasibility Study was completed in March 2022. It assessed the feasibility of extending the BRT and rail alternatives further south on Vermont Avenue from 120<sup>th</sup> Street to the South Bay J Line (Silver) PCH transitway station.

### Current Status

In Fall 2020, Metro staff issued a Request for Proposal (RFP) for the environmental clearance of the BRT and rail alternatives identified in previous studies. However, staff later cancelled the RFP and instead implemented a new Community Partnership Program to inform the next planning phase for this important transit corridor and ensure that the community/stakeholders had an opportunity to better understand the transit options being considered and provide feedback. Working closely with the Office of Equity and Race and utilizing best practices outlined in Metro's CBO Partnering Strategy adopted in Spring 2021, the CPP for the pre-environmental phase of planning was launched in December 2021 and concluded in June 2022.

### DISCUSSION

Prior to the Vermont Transit Corridor Project moving into the environmental review process, Metro has conducted a pre-environmental community-based planning engagement program. Because the individual experiences of people vary along the length of the Vermont Transit Corridor, Metro turned to people who live, work, play, study, and/or worship in the area, enlisting them as the subject matter experts and asking them how they envision transit improvements.

Therefore, as a key component of the CPP, Metro partnered with corridor-wide Community Based Organizations, including community development organizations, faith-based organizations, social service organizations, and local neighborhood groups, to solicit input about the types of improvements that should be considered along the corridor. Utilizing Metro's Community Based Organization Partnering Strategy, staff developed a CBO Partnership Program that fostered collaboration with local communities and allowed diverse stakeholders to share their vision for improvements along the Vermont Transit Corridor.

The objective of the CBO Partnership Program was to collaborate with organizations with deep roots within the Vermont Transit Corridor and enlist their network of stakeholders to participate in sharing their vision for future mobility improvements in the communities between Hollywood Boulevard on the north to 120<sup>th</sup> Street on the south and identify improvements for the corridor. Through this effort, Metro partnered with 20 different community-based organizations to expand engagement opportunities.

#### Equity-Focused Outreach Approach

Vermont Avenue reflects Los Angeles' cultural mosaic. If this avenue could talk, it would tell tales that range from Tinseltown, new migrant families coming to America, and the first Great Migration of African Americans to Los Angeles. Implementing an outreach approach across the corridor's vibrant and diverse communities is critical to ensuring that the multifaceted populations, along with the industry and social clusters, share their opinions about the future of public transit along Vermont Avenue.

Further, throughout the corridor, the project benefits Black, Indigenous, and other People of Color (BIPOC) and communities with very diverse socioeconomic backgrounds including a large percentage of low-income communities that heavily rely on public transportation to access jobs, schools, medical centers, and recreational facilities.



From attending services at the Islamic Center on Fridays to living near Fraternity Row by the University of Southern California to buying fruit from a street vendor near the Slauson/Vermont bus station to volunteering in the community garden in Westmont Athens, it is the people of the corridor that share a holistic narrative of the diverse communities that make up the entire corridor.

Further, Metro acknowledges there are institutional, systemic, and structural barriers that perpetuate inequity and silence the voices of communities over time. The CPP made equity the foundation of the community engagement approach. The outreach team had a singular guiding principle: Listen to and learn from the community what they know and what they want and deserve to be heard. Through this process, the CPP provided Metro with an opportunity to ensure stakeholders had a better understanding of the transit options being considered for Vermont Avenue and provide feedback.

Outreach was conducted in Armenian, English, Korean, Spanish, and Thai to ensure that all groups participated in the process. In addition, the team connected with stakeholders that speak Russian, Bangladeshi, and Zapotec (an indigenous dialect from the southern part of Mexico).

### Community Engagement Activities

The engagement program started in December 2021 and was completed in June 2022. Throughout the six-month effort, the Metro team engaged with over 6,000 people via one of the following eight initiatives:

- 20 CBO Partnerships
- Thirty-two (32) CBO Partner-led Community Conversations
- Four (4) Metro-Hosted Community Listening Sessions
- Twenty-one (21) Key stakeholder briefings
- Twelve (12) Bus Rider Intercepts
- Eight (8) Community Events
- Eleven (11) School Presentations
- Eight (8) Focus Groups
- One (1) Corridor-wide Telephone Survey

### **Community-Based Organization Partnerships**

Metro partnered with 20 community and faith-based organizations that provide services along the Vermont Transit Corridor to engage with their network of stakeholders who traditionally do not participate on transportation planning projects.

- Asian American Drug Abuse Program (AADAP) Employment Access
- AADAP Therapeutic Community
- AADAP Youth & Family Programs
- Anderson Munger YMCA
- Bryan Temple AME Church Community Development Corporation

- Bryant Temple AME Church
- Community Reflections
- El Salvador Foundation
- Friends of the Vermont Corridor
- Koreatown YMCA
- Koreatown Youth + Community Center
- Pacific Asian Consortium on Employment
- Southeast Community Development Corporation
- St. Mark AME Church
- Strategic Actions for a Just Economy (SAJE)
- TrueLA Church
- Ward AME Church
- West Athens Westmont Task Force
- Westmont-Athens ROTC Explorer Scouts
- Word of Encouragement Church

Details of all the activities that were completed for this effort including an overall summary of the findings, based on stakeholder feedback received, is summarized in a Community Partnership Program Documentation Report. The Executive Summary of the report is included as Attachment C.

Since the CBO partners work directly with people who live, work and study along the corridor, each provided a detailed plan for the engagement that included:

- Information distribution

Organizations shared information with the community in a manner that the population they serve is accustomed to receiving, such as newsletters, website announcements, email campaigns, flyer distribution to WhatsApp community group chats and church announcements.

- Community Conversations

Collectively, organizations hosted 32 virtual and in-person community conversations throughout the entire corridor. The intention of the community conversations was to provide a safe space for members of the community to share opinions and experiences about their transportation needs, the services Metro provides, and the future of the corridor.

Through the CBO Partnership Program, Metro staff was able to engage with seldomly heard stakeholders that included participants in shelters, rehabilitation centers, and those that are part of parent, youth, and older adult groups within the various, community-, social service- and faith-based

organizations. Of the 32 community conversations, nine (9) were held completely in Spanish.

### *Post Participation Evaluation*

After the engagement period concluded, CBOs were encouraged to participate in a post engagement interview and complete a survey to provide feedback about their experience working on this program. All community partners felt that the people they serve felt heard during the engagement effort. They also recommended:

- Continued growth and partnership opportunities during the subsequent phases of the planning efforts.
- More workshops, discussions, and community interactive events and fairs.

### **Community Listening Sessions**

More than 300 people participated in four Metro-hosted interactive community listening sessions that provided feedback on the proposed options for the future of the corridor. To ensure that everyone in the corridor could participate, one took place virtually in the evening and the other three took place in-person during the daytime and on weekends:

- Los Angeles City College - Saturday, April 30, 2022
- Ward African Methodist Episcopal Church - Saturday, May 7, 2022
- Irmas Youth Center - Saturday, April 23, 2022
- Virtual Meeting, Wednesday, May 4, 2022

The in-person community listening sessions featured various stations:

Station 1: Registration - attendees would sign in for the event and to receive project updates, after they register, they would receive directions on how to take part in the listening session.

Station 2: VTC Virtual Reality (VR) Simulation - attendees wore VR goggles to experience a virtual tour of Vermont Avenue. The trip started in the south at 120th Street and took participants on a ride north to Hollywood Boulevard, making stops along the way to several historic landmarks and favorite destinations: USC, L.A. Coliseum, Koreatown, museums, churches, among others.

Station 3: Storymap - After learning about the entire VTC in the virtual tour, participants had one more digital exercise. With a touchscreen computer, they identified places along Vermont Avenue that they

frequent, whether it was for home, work, study, play, worship, or other activities.

Station 4: “Taco about Transportation” - The outreach team had one-on-one conversations with participants, sharing details of the VTC project. In those conversations, the team provided information on the Bus Rapid Transit and Rail alternatives, answered any questions, and asked for feedback from current public transit users about their experience. After the conversation, participants were given a ticket to receive a light snack that included tacos.

Station 5: Vote - In the last activity, participants voted on which option they felt would best serve public transit needs. Options included:

- Make immediate improvements to the existing bus system along Vermont
- Pursue BRT for completion by 2028
- Pursue BRT and begin planning for rail beyond 2028
- Pursue rail only
- Do it all

## Institutional Briefings

Metro staff met with 21 community, policy, and business leaders and their teams to provide in-depth presentations and discussions about the VTC. Below is a list of the organizations that participated in the briefings:

- American Career College
- Children's Hospital Los Angeles
- East Hollywood Business Improvement District
- Empowerment Congress
- Exposition Park Leadership Meeting
- Harbor Gateway North Neighborhood Council
- Hollywood Presbyterian Medical Center
- Los Angeles City College
- Los Angeles Exposition Park Leadership
- Los Angeles Southwest College
- Lucas Museum of Narrative Art
- Neighborhood Council Briefings - Corridor-Wide
- North Area Neighborhood Development (Empowerment Congress North)
- Pico-Union Neighborhood Council
- Rampart Village Neighborhood Council
- Rampart Village Neighborhood Council Pub Safety, Housing, Transportation Committee

- University of Southern California (USC)
- Voices Neighborhood Council
- West Athens Westmont Task Force
- West Coast University
- Wilshire Center Business Improvement District Board

## **Bus Intercepts**

Since the VTC has the highest daily north-south ridership throughout the Metro bus system, the outreach team conducted twelve (12) transit rider intercepts where over 250 bus riders completed a survey at the most frequented bus stops.

- Vermont Avenue/3rd Street
- Vermont Avenue/Wilshire Boulevard
- Vermont Avenue/Exposition Boulevard
- Vermont Avenue/Slauson Avenue
- Vermont Avenue/Manchester Avenue
- Vermont Avenue/Athens Station

In a span of two weeks, the outreach team asked transit riders questions about the types of improvements they would like to see in the bus system and along Vermont Avenue. Conversations took place in English, Spanish, Korean, and Zapotec.

## **Booths at Community Events**

The team attended eight (8) community events starting in December 2021. Below are the events that the outreach team participated in:

- 21st Annual Navidad en Los Angeles
- Westmont Food Drive
- Los Angeles Urban League Job Fair
- TrueLA Church Community Event
- Keller Park Bunny Hop
- Koreatown Youth + Community Center's Flores de Mayo
- Koreatown Youth + Community Center's Teen Summit
- Anderson Munger Family YMCA Senior Food Distribution

The team also conducted eleven (11) school presentations during this period.

## **Public Opinion Research**

Focus Groups and surveys were conducted with residents along the VTC. Eight (8) focus groups were held in January 2022 with 72 participants. Focus groups were held in English, Spanish, Korean and Armenian.

A telephone survey was also conducted between March - May 2022 that received 1,137 responses from residents throughout the corridor. Surveys were completed in English, Spanish and Korean by respondents.

### Overall Results

Based on the feedback of each of these six initiatives that made up the pre-environmental community-based planning effort, the general feedback from stakeholders from throughout the corridor included support for doing short-, medium-, and long-term transportation improvements.

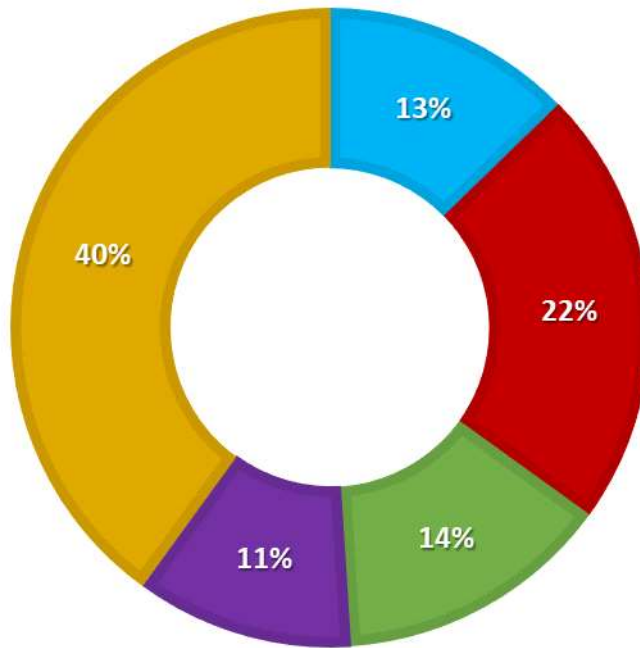
Short-term improvements: Metro should move forward with making immediate improvements to bus service along Vermont Avenue including adding benches, bus shelters and more buses to ensure frequency and reliability of services. Where possible, include bus-only lanes along key segments of the corridor during peak-hour service.

Medium-term improvements: Metro should begin planning for a Bus Rapid Transit project along Vermont Avenue to be in operation by 2028.

Long-term improvements: Metro should begin planning for rail to be delivered as soon as funding is available. Stakeholders recognize that this can take decades to implement.

Stakeholders were asked a series of questions about various transit modes they envision along Vermont that included making immediate improvements to the current bus service, delivering a BRT project by 2028, planning for rail as soon as funding is available or doing it all. Based on responses from all the various engagement activities, 40% of stakeholders would like to see Metro do it all: implement short-, medium- and long-term projects along Vermont as reflected in Figure 1.

**Figure 1: Overall Feedback from Stakeholders for Transit Improvements along Vermont Avenue**



- Implement immediate to the existing bus service along Vermont
- Pursue BRT for completion by 2028
- Pursue BRT and beginning planning for Rail beyond 2028
- Plan for Rail only
- Do it all (short-term bus improvement; medium-term BRT; long -term rail)

### Summary of Comments

Community feedback received is organized by key topic areas and is provided in the Community-Based Outreach Documentation Report (Attachment D). Key themes that emerged during the CPP activities follow:

- Safety/Security Concerns/Opportunities:
  - Impacts to overall customer experience and safety due to unsheltered individuals using transit - bus, rail, stops and stations - in a way in which they were not intended.
  - Personal safety on buses and at stops.
  - Lack of surveillance cameras at stops, stations, and vehicles.
  - Lack of lighting at bus stops, especially south of Gage Avenue, and at stations.
- Equity Concerns/Opportunities
  - Fear of gentrification and displacement from rising housing costs and eminent domain.

- Desire for TOD projects to include affordable housing.
- Stakeholders questioned the overall funding allocation to this project as compared to other projects in more affluent areas of the county.
- Economic Concerns/Opportunities
  - Need to prioritize local hiring and job opportunities.
  - Ensuring impacts to businesses are mitigated.
- Customer Experience Concerns/Opportunities
  - Crowded buses.
  - Rider/passenger conduct/decorum leads to safety issues and confrontations
  - Perceived dirty, unsanitary & vandalized vehicles, stops, & stations and requests for more and regular cleaning.
  - Ensuring operator safety and mental health; requests for operator support.
  - Many positive comments about operators - helpfulness, kindness, courtesy, professionalism.
  - Some negative comments about operators including perceived racist behavior toward riders.
  - Many recommendations to better train operators.
  - Riders want to be treated with respect by transit workers.
- Transit Mode Concerns/Opportunities
  - Bus Rapid Transit
    - Regular transit riders overwhelmingly support dedicated lanes along Vermont Avenue.
    - Loss of parking will impact businesses along Vermont Avenue.
    - Loss of general-purpose lanes causing increased congestion along Vermont Avenue.
    - Opportunity for Metro to prioritize transit riders by implementing bus-only lanes.
    - Adding more frequent and reliable bus services is good.
    - Adding passenger amenities will be beneficial such as Wi-Fi, USB ports, signage, digital displays, art, shelter, seating, lighting, and bike racks.
  - Rail (Light and Heavy Rail Transit)
    - The corridor deserves rail as the busiest north-south bus corridor in the entire system.
    - Concerns about rail given the construction impacts caused by the Crenshaw rail project.
    - Concerns about the timeframe needed to deliver a rail project which can take decades.

## **EQUITY PLATFORM**

Metro's Equity Platform Framework was the guiding document utilized in developing the Vermont Transit Corridor's Community-Based Partnership Program. As stated in the Equity Platform



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Framework, community engagement is the basis for Pillar 2: Listen and Learn, which addresses the agency's effort to "listen and learn from the communities we serve." Our engagement efforts worked to ensure that the diverse range of community members left feeling heard, reflected, and respected. In doing so, the engagement effort has helped shape a vision for the Vermont Transit Corridor Project through the CBO Partnership Program and various activities that were implemented (as described above).

One example of incorporating community feedback is the "do it all" option. Early on in the CPP, when discussing the future vision of the Vermont Transit Corridor, staff heard from stakeholders that not only are immediate bus improvements to existing lines 204 and 754 needed, but that more can be done. Stakeholders like the idea of a Bus Rapid Transit project along Vermont by 2028, but also want Metro to plan for a long-term rail project as soon as funding is available. In summary, stakeholders voiced that Vermont deserves immediate bus improvements, a BRT, and ultimately a rail project.

Therefore, Metro staff's approach for planning future improvements along Vermont are as follows: identify transit and other immediate improvements along the corridor, move forward with initiating environmental review for a BRT project, and develop approaches for future rail improvements.

Staff will also continue Metro's collaboration with local communities and stakeholders during the next phase of planning and throughout the development of this project to ensure that the community is engaged and listened to every step of the way. Further, Metro will continue to implement a CBO Partnership Program with local community-, faith- and social-based organizations in the project's future development phases.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The project will support the goals of the strategic plan by enhancing communities and lives through improved mobility and access to opportunities through the addition of new high-quality mobility options, closing a gap in the transit network that provides outstanding trip experiences and enhances communities and lives through improved mobility and access to opportunity.

## **NEXT STEPS**


Staff will begin the environmental review phase with the implementation of potential near-term improvements and additional study of the BRT alternatives as a medium-term improvement, while considering community and stakeholder input and coordinating with Metro Service Planning. Rail, as a long-term improvement, will also be included as a future phase in the environmental study to be implemented when additional funding becomes available. It is anticipated that an environmental study Request for Proposal will be issued in Fall 2022. Metro will keep the community informed on the progress of the study and upcoming decision points. Metro will also continue to utilize a CPP throughout all project development phases. CPPs are currently being applied to the Eastside Transit Corridor Phase 2 Project and I-710 Task Force efforts. Other major projects that will utilize a community-based organization partnership approach include the Sepulveda Transit Corridor, I-405 ExpressLanes, and East San Fernando Valley Light Rail, among others.

## **ATTACHMENTS**

Attachment A - Vermont Transit Corridor Map  
Attachment B - Board Motion (March 23, 2017)  
Attachment C - Board Motion (April 17, 201))  
Attachment D - Community-Based Outreach Documentation Report

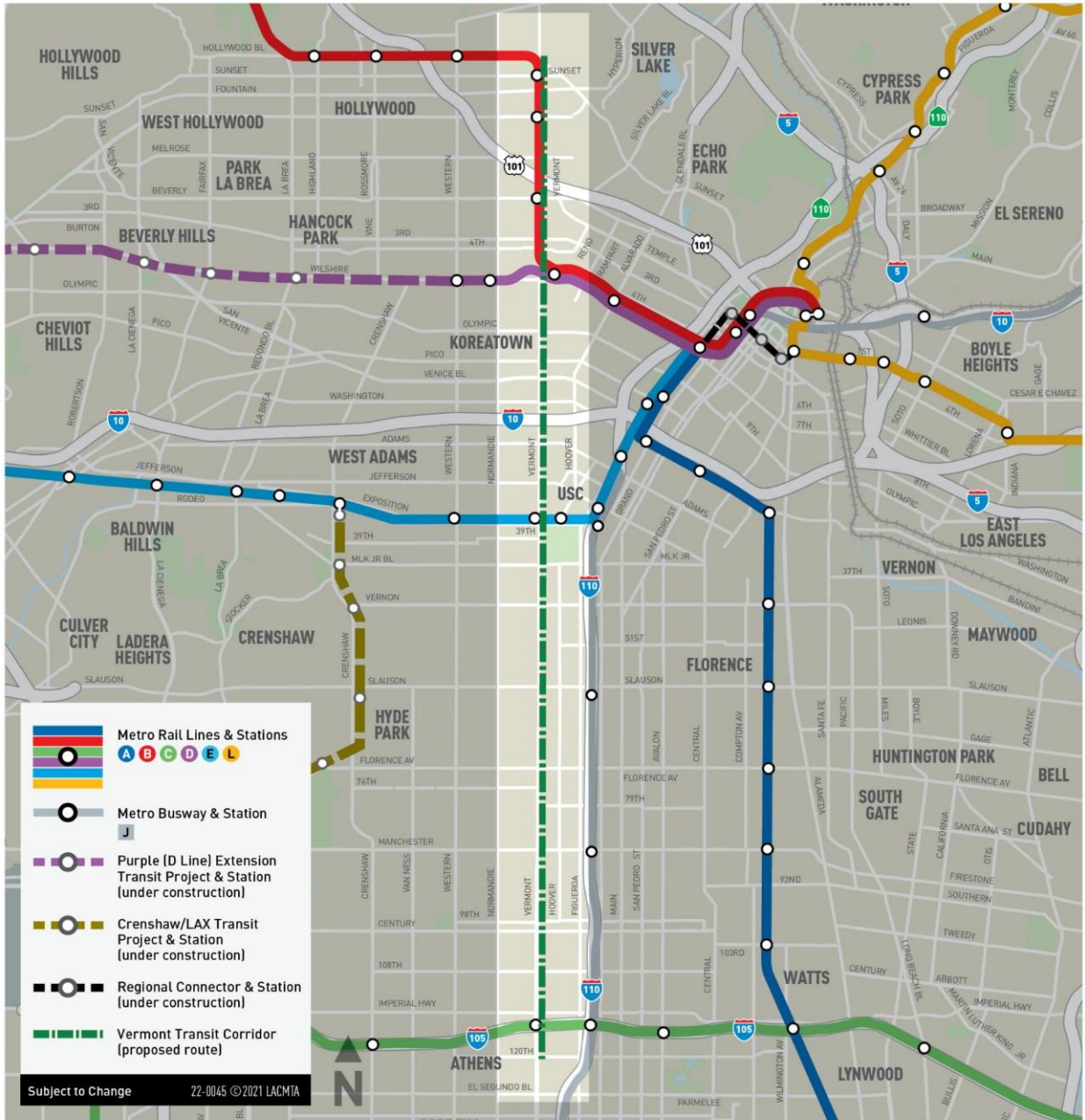
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Stephanie N. Wiggins  
Chief Executive Officer

# Vermont Transit Corridor Study Area





**Metro**

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

**Board Report**

**File #:**2017-0213, **File Type:**Motion / Motion  
Response

**Agenda Number:**

**REGULAR BOARD MEETING  
MARCH 23, 2017**

**Motion by:**

**Directors Garcetti, Ridley-Thomas and Dupont-Walker**

March 23, 2017

**Relating to Item 9, File ID 2016-0835; Vermont Transit Corridor**

Vermont Avenue has the second-highest number of transit boardings of any corridor in Los Angeles County, behind only Wilshire Boulevard.

In February 2017, the Vermont Avenue Rapid and Local bus lines combined for over 43,000 average weekday boardings, higher than the Green, Orange, and Silver Lines.

Recognizing the need for additional transit investment along Vermont Avenue, the 2009 Long Range Transportation Plan included a "Vermont Corridor Subway" in the list of Strategic Unfunded projects.

Since then, MTA staff has worked diligently to advance transit on Vermont Avenue. Vermont was listed as the number-one corridor for Bus Rapid Transit investment in the 2013 Countywide Bus Rapid Transit Study.

In 2014, MTA initiated technical studies for a Vermont Avenue Bus Rapid Transit project and is proceeding with Alternatives Analysis, including providing for a future conversion to light rail.

Bus service improvements on Vermont Avenue are vital, and MTA should proceed with Bus Rapid Transit improvements as quickly as possible. However, the Measure M Expenditure Plan anticipated future conversion to light or heavy rail. Given Vermont Avenue's intense transit ridership, MTA needs to pursue a path now for future rail options to serve this corridor.

**Motion by Garcetti, Ridley-Thomas and Dupont-Walker that the Board direct the CEO to:**

- A. Proceed with the Vermont Bus Rapid Transit project as a near-term "Phase 1" transit improvement along the Vermont Avenue Corridor;
- B. Initiate the study of extending the Red Line along Vermont Avenue to 125<sup>th</sup> Street, specifically

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focusing on connecting the Wilshire/Vermont Red Line Station to the Expo/Vermont Expo Line Station as a "Section 1";

- C. Include a heavy rail alternative in the Alternative Analysis and Environmental Studies for the Measure M Vermont Transit Corridor; and
- D. Report back on all the above to the Planning and Programming Committee during the July 2017 Board cycle.

###

Metro

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



## Board Report

**File #:** 2019-0259, **File Type:** Motion / Motion Response

**Agenda Number:** 16.1

### PLANNING AND PROGRAMMING COMMITTEE APRIL 17, 2019

**Motion by:**

**GARCETTI, DUPONT-WALKER, HAHN, SOLIS AND BUTTS**

#### **Related to Item 16: Vermont Transit Corridor - Rail Conversion/Feasibility Study**

MTA should always strive to deliver the best transit project possible and not prematurely eliminate warranted project alternatives.

The Vermont Transit Corridor is a significant Measure M project intended to improve mobility along Vermont Avenue. Vermont Avenue is MTA's highest-ridership bus corridor. Vermont connects some of the most economically and socially diverse communities and several major destinations in the Los Angeles region.

Historically, Vermont Avenue was the second priority for rail transit investment after Wilshire Boulevard, as seen by the current Red Line route north of Wilshire Boulevard. Current and future Vermont Transit Corridor users deserve a world-class, reliable, and convenient transportation option. While the Bus Rapid Transit (BRT) concepts recommended by MTA will improve bus operations and travel times, the Vermont Transit Corridor rail concepts would deliver superior customer experience, connectivity, reliability, and capacity.

Exposition Park in particular is one of the significant destinations served by the Vermont Transit Corridor. Exposition Park currently draws about four million visitors per year and is developing a new master plan in anticipation of additional growth.

Exposition Park is experiencing nearly \$2 billion in new and recent investments, including the Lucas Museum of Narrative Art, the Oschin Air and Space Center, the Los Angeles Memorial Coliseum renovation, and an addition to the Natural History Museum. The Lucas Museum alone is a \$1 billion investment forecasted to draw an additional one million visitors per year to the regional park. Additionally, the Los Angeles Football Club's Banc of California Stadium is a \$350 million investment with a significant transit-patron attendance. Lastly, Exposition Park will be a major venue for the future 2028 Olympic and Paralympic Games.

The Vermont Transit Corridor also connects to the University of Southern California (USC). USC is LA County's second-largest private employer and eighth-largest employer in LA County overall. USC

serves about 47,500 students, over 20,100 faculty and staff, and many more visitors, whom share a highly constrained parking capacity.

With ongoing development along the corridor, MTA could draw significant public-private partnership interest and private infrastructure investment. The Vermont Transit Corridor Project is a historic opportunity for LA County to close a transit service connectivity gap and to provide a world-class, reliable transportation option for people to access education, employment, and entertainment. This critical corridor connects multiple MTA rail lines, serves various regional employment centers, and connects populous, lower-income communities who rely on transit as well as emerging transit-oriented communities.

Bus service quality and reliability improvements on Vermont Avenue are much needed. MTA should continue to develop world-class Bus Rapid Transit alternatives for Vermont Avenue to ensure transit riders experience a high-quality, seamless ride.

However, given high transit ridership and constrained, congested conditions on Vermont Avenue, MTA must also study all technically feasible rail alternatives during environmental review and explore innovative funding mechanisms to accelerate their effectuation. Additionally, should MTA recommend congestion pricing in the Downtown LA area, a Vermont rail alternative will ensure a high-quality transit option. Lastly, given that MTA seeks to advance BRT concepts that would not preclude future rail conversion, evaluating all technically feasible rail alternatives should not significantly affect the environmental analysis budget and schedule.

MTA should preserve the ability to deliver the Vermont Transit Corridor as a rail project should additional funding materialize. Historically, there is precedent for this. The Expo Phase 1 and Crenshaw/LAX projects included both BRT and rail alternatives in their respective environmental documents.

**SUBJECT: VERMONT TRANSIT CORRIDOR - RAIL CONVERSION/FEASIBILITY STUDY**

**RECOMMENDATION**

APPROVE Motion by Garcetti, Dupont-Walker, Hahn, Solis and Butts that the Board direct the CEO to:

- A. Advance technically feasible rail concepts previously identified through the 2017 Vermont Bus Rapid Transit (BRT) Technical Study into environmental review to preserve the ability to deliver rail transit if additional funding materializes;
- B. Include a feasibility study of extending the Vermont Transit Corridor to the South Bay Silver Line Pacific Coast Highway transitway station to ensure regional connectivity via Minimum Operable Segments, including identification of potential maintenance facility sites; and
- C. Report back to the MTA Board in July 2019 with a Public Private Partnership business case approach for each Minimum Operable Segment.





# 2022 Community-Based Partnership Program Documentation Report

WE'RE PLANNING A NEW WAY TO RIDE ON VERMONT.

## VERMONT TRANSIT CORRIDOR



# Executive Summary

## Background

The study area for the Vermont Transit Corridor extends 12.4 miles from Hollywood Boulevard in the north to 120th Street in the south. The study area map is illustrated as Appendix A. It is the busiest north-south travel corridor in the entire Metro system with about 45,000 daily boardings pre-COVID, connecting the B/D Lines (Red/Purple), the E line (Expo) and C Line (Green), and various east-west bus lines to many key activity centers, including educational, cultural, medical, governmental, and faith-based institutions.

The Vermont Transit Corridor is a Measure M project with \$425M in funding for improvements. To prepare for those improvements, Metro has completed two studies:

- > Vermont Transit Corridor Bus Rapid Transit Technical Study
- > Vermont Rail Conversion Feasibility Study

In February 2017, Metro identified two promising Bus Rapid Transit (BRT) alternatives for the project when it concluded the Vermont Transit Corridor BRT Technical Study. In March 2019, the Vermont Rail Conversion Feasibility Study identified several feasible rail modes and further evaluated the BRT alternatives to ensure that they not preclude a future conversion to rail.

In April 2019, the Metro Board directed staff to advance both BRT and rail concepts into the environmental review. At that same time, the Board directed staff to study the feasibility of extending these BRT and/or rail concepts further south – evaluated separately as the Vermont Transit Corridor South Bay Extension Feasibility Study which was completed in December 2021.

Prior to the Vermont Transit Corridor Project moving into the environmental review process, Metro conducted a pre-environmental, community-based planning effort aligned with agency’s Equity Platform Framework that has successfully elevated the voices of stakeholders who live, work, play, study and/or worship along Vermont Avenue. The purpose of the community-based planning approach is to engage with community partners and stakeholders early to build a common vision for the corridor, listen to their transit needs and concerns, and incorporate their feedback into the development of an equitable transit solution for the corridor.

Over a seven-month period, from December 2021 to June 2022, Metro partnered with community-based organizations, faith-based groups, and local neighborhood groups to solicit feedback about the types of improvements that should be planned for the Vermont Transit Corridor (VTC) Project.

Figure 1

## Project Timeline



ONGOING PUBLIC PARTICIPATION

## Community-Based Outreach

This report documents the activities completed as part of the Community Partnership Program, highlights the findings of all engagement efforts and recommends next steps for planning transit improvements along this important corridor.



*Local neighborhood groups provided feedback about improvements that should be planned for the VTC Project.*



*This process included a wide range of opportunities for feedback that were designed to be transparent and inclusive.*



*The Metro team gathered feedback regarding technical aspects of the study, proposed BRT and rail concepts, potential station locations, and general comments regarding project funding, ridership, and preferred alternative selection process.*



## Purpose

The purpose of the community-based planning process was to:

- > Promote project awareness of the Vermont Transit Corridor.
- > Ensure that community stakeholders had an opportunity to better understand the transit options being considered and provide feedback.
- > Partner with community-based organizations with deep roots within the corridor to meaningfully engage stakeholders.
- > Establish a vision for the corridor and re-evaluate the project goals and objectives.
- > Identify near-, mid-, and long-term transit improvements for the corridor.

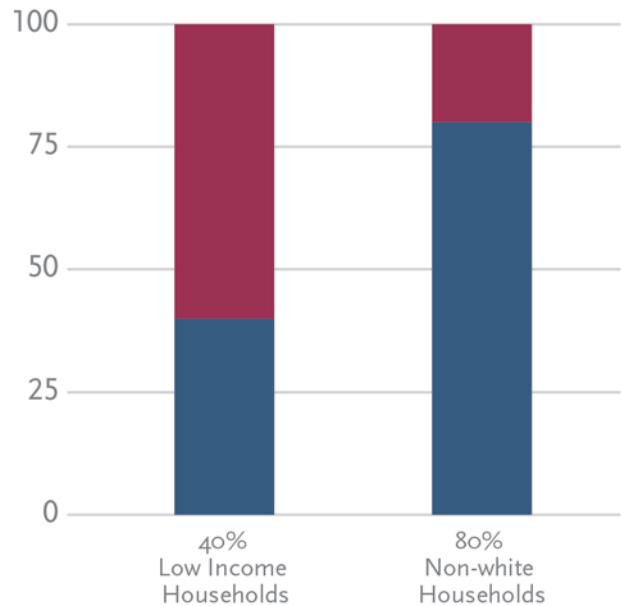
## Program Area

The 12.4-mile-long corridor traverses six Los Angeles City Council Districts, two Supervisorial Districts, 14 neighborhood councils and many key educational, cultural, medical, social and faith-based centers. The various communities that make up the VTC include, but are not limited to: East Hollywood, Thai Town, Little Armenia, Little Bangladesh, Wilshire Center, Koreatown, West Adams, USC Village, Expo Park, Vermont Square, Vermont Knolls, Vermont Vista, Broadway-Manchester, and Westmont-Athens.

All corridor-wide communities are considered Equity Focused Communities given their socioeconomic characteristics where more than 40% of households are low income (making less than \$35,000 annually), 80% are non-white and 10% do not have access to a vehicle.

## Equity Focused Communities

Metro identified communities throughout the corridor that are considered Equity Focused Communities given their socioeconomic characteristics.

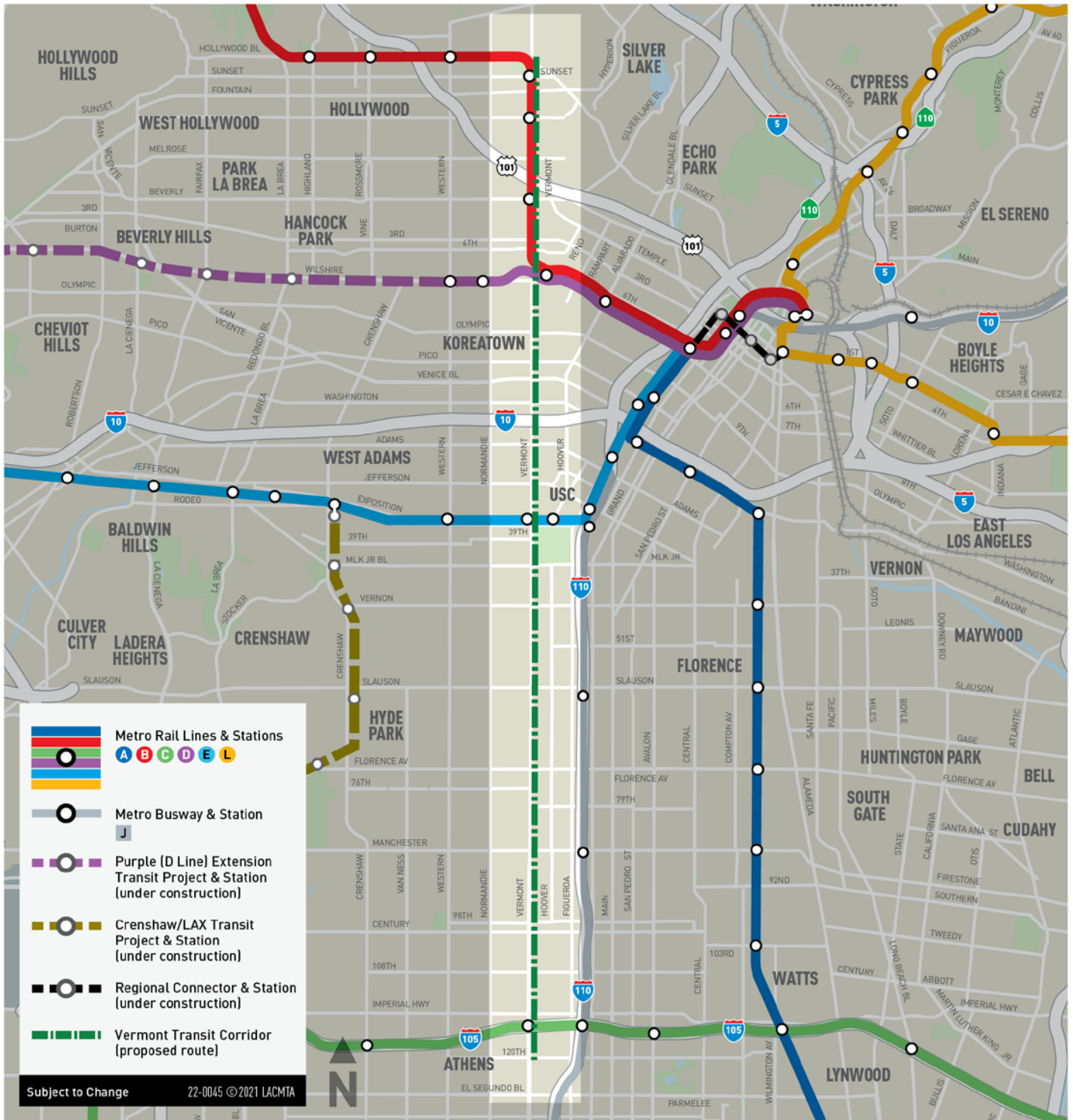


As of May 2022



We engaged area stakeholders by partnering with community-based organizations throughout the corridor.

# Vermont Transit Corridor Study Area



## Engagement Approach

As an agency, Metro ensures people can reach everyday destinations, such as jobs, schools, healthy food outlets, and healthcare facilities, safely and reliably. For Los Angeles County as a whole, but specifically for the Vermont Transit Corridor, public transportation services play an essential role for people who depend on it – such as those that are unable to drive or do not have access to personal vehicles; low-income adults; children; individuals with different abilities; older adults, among other populations. Transit investment along the Vermont corridor is a critical equity issue because improvements will provide people with faster, more reliable mobility options and improve access to employment, community resources, medical care, and recreational opportunities that, in turn, drastically improve the quality of life for area stakeholders.

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To capture the feedback of the diverse stakeholders that make up the Vermont Transit Corridor, Metro implemented a comprehensive engagement program that included:

- > Market Research Surveys
  - 9 focus groups
  - 1 telephone survey
  - 1 online survey targeting transit riders at 6 key bus stops along Vermont Avenue and via Metro’s Transit app
- > 11 pop ups at community and school events
- > 21 briefings with key institutional stakeholders
- > 4 community listening sessions
- > 32 community conversations hosted by 20 Community-Based Organization (CBO) partners

Outreach was conducted in Armenian, English, Korean, Spanish, and Thai to ensure that all groups participated in the process. In addition, the team connected with stakeholders that spoke Russian, Bangladeshi, and Zapotec (an Indigenous dialect from the southern part of Mexico).

Project Information was shared by Metro via virtual and in-person meetings, community events, project website, The Source/El Pasajero blogs, social media posts and email campaigns.

Figure 2

### Outreach Overview



## Community-Based Organization Partnership Program

A key aspect of the engagement approach was the implementation of a CBO partnership program that provided stakeholders with various opportunities to engage with Metro. The conversations also allowed Metro staff with the chance to listen to the community and know what they want and need – which is the guiding principle of Metro’s Equity Platform Framework.

Metro partnered with 20 community and faith-based organizations that provide services along the Vermont Transit Corridor to engage with their network of stakeholders who traditionally do not engage with Metro on transportation planning projects.

Metro’s CBO partners shared information through their email and/or text message campaigns, WhatsApp community group chats, newsletters, websites, announcements made at gatherings, flyer distributions and hosted community conversations to elicit feedback from stakeholders on their experiences riding Metro, their current transportation needs, and future vision for transit improvements along Vermont. Collectively, CBO partners hosted 32 virtual and in-person community conversations throughout the entire corridor.

Through these various engagement activities, more than 6,000 stakeholders actively participated sharing their thoughts for future transit improvements along Vermont.



*Collaborative communication is key when reaching out to large bodies of people. Listening to each individual response is imperative to learning the culture of the community.*

## Findings

Throughout the engagement process stakeholders were presented with possible transit improvements for the Vermont Corridor, which included: near term bus improvements to existing lines 204 and 754, medium-term BRT, long-term Rail, and an option to do all improvements. The benefits and tradeoffs of each transit option were presented in order for stakeholders to provide informed feedback as to their preferred approach that would best address their transit needs, concerns, and priorities as well as achieve the goals of the project.

The following summarizes the feedback received at the various engagement activities.

### Focus Groups

Nine focus groups were conducted with residents representing the various communities that make up the Vermont Transit Corridor. The focus groups were held in January 2022 with 72 ethnically diverse participants and were facilitated in English, Spanish, Korean and Armenian.

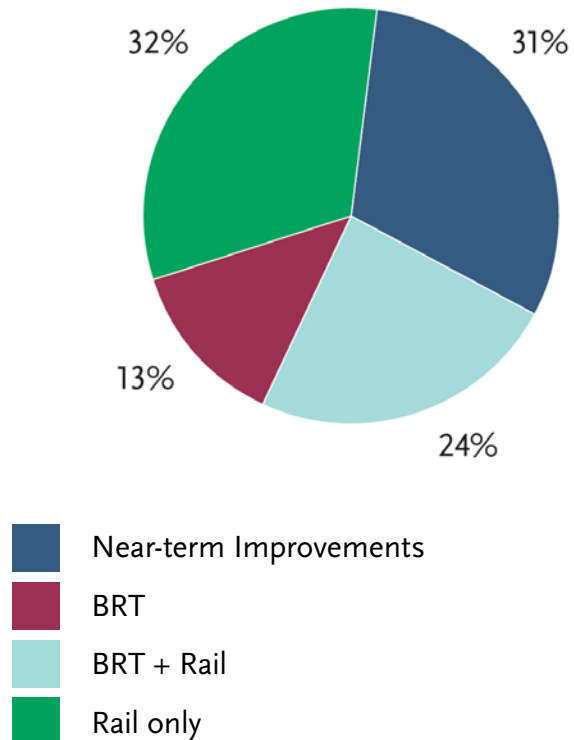
During the focus groups, participants discussed their travel experiences along Vermont (walking, riding, driving), positive and negative aspects of the overall corridor and with Metro service, then participated in a facilitated exercise to discuss transportation options being explored by Metro that include making bus service improvements, adding Bus Rapid Transit and/or a rail project along Vermont. In doing so, various tradeoffs were explored that included available funding, construction length with each transit mode, possible impacts and benefits with each mode.

During the focus groups, participants discussed their travel experiences along Vermont.

Of the focus groups, 32% of participants shared they preferred a rail project, 31% opted to make bus improvements, 24% said to implement bus and rail projects, and 13% opted for a BRT project.

Figure 3

### Focus Group Results





**Survey**

A telephone survey was conducted in March 2022 where 1,137 residents participated reaching them in English, Spanish and Korean. The questions asked of survey participants were similar to those of the focus group participants.

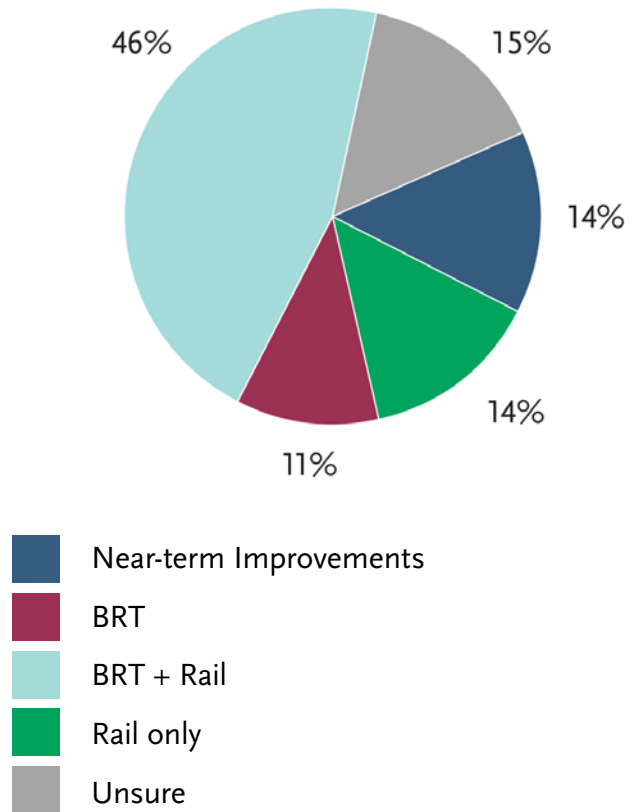
Seven in ten participants felt public transportation improvements along Vermont would benefit their community and over half would prefer a faster route with fewer stops over a slower route with more stops. Overall, the sentiment from the survey was that BRT should be built now and rail should be built sooner than 2067 (as projected under Measure M).

Seven in ten participants felt public transportation improvements along Vermont would benefit their community.

Of the survey participants 46% opted for building both a BRT and rail project, 15% were unsure, 14% opted for rail, 14% opted for bus improvements and 11% opted for a BRT project.

Figure 4

**Telephone Survey**



Community conversations were held in English and Spanish as reflected here.

### Transit Rider Intercept Survey

Over 2,250 bus riders along Vermont Avenue responded to the transit rider intercept survey at six of the busiest bus stops both in the morning and afternoon peak travel hours as well as virtually via Metro's Transit app.

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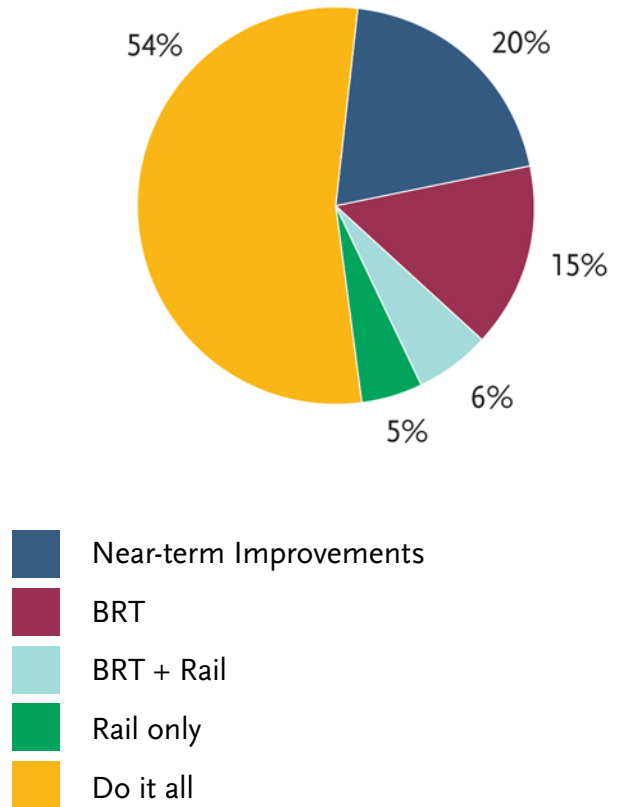
Of the surveys completed, 54% of respondents urged Metro to do it all (make immediate bus improvements, deliver BRT by 2028 and plan for rail), 20% shared that they preferred immediate bus service improvements, 15% opted for a BRT project, 6% want to see both BRT and a rail project and 5% urged for rail only.



The team talked to transit riders about their personal experiences with the services Metro provides.

Figure 5

### Transit Rider Intercept Survey



Discussions were often related to themes of safety and security, equity, customer experience, and traffic.

### Community and School Pop Ups

Staff held eight pop up events at various community events and hosted 11 presentations at local schools during December 2021 – May 2022. Approximately 620 community members provided feedback in English, Spanish and Korean.

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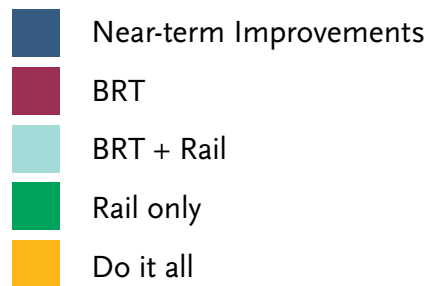
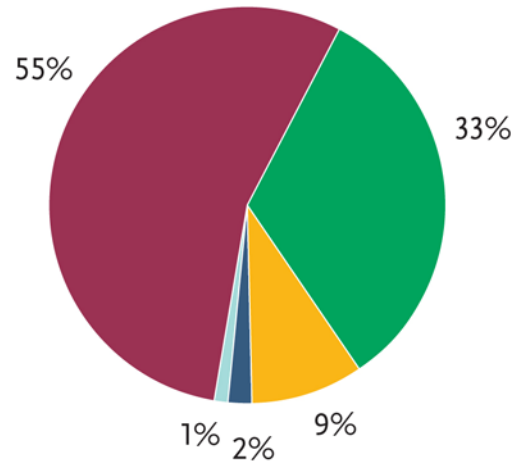
Through these conversations, staff asked stakeholders what their choices for transportation improvements along Vermont would be and 55% opted for a BRT project, 33% chose rail, 9% said to do it all, 2% opted for immediate bus improvements and 1% opted for BRT and rail.



The Metro team engaged the public in one-on-one conversations about their transit needs for the future of Vermont Avenue.

Figure 6

### Community and School Pop Up Events



Interpreters were available during the listening sessions to ensure equitable engagement with the local residents.

## Community Listening Sessions

Metro hosted four interactive community listening sessions with the intent to get feedback on the proposed options for the future of the VTC. One took place virtually, to ensure that everyone in the corridor could attend and the other three took place in-person:

- > Los Angeles City College
  - Saturday, April 30, 2022
- > Ward African Methodist Episcopal Church
  - Saturday, May 7, 2022
- > Irmas Youth Center
  - Saturday, April 23, 2022
- > Virtual Meeting
  - Wednesday, May 4, 2022

The in-person community listening sessions featured various stations:

### Station 1: Registration

Attendees would sign in for the event and to receive project updates, after they registered, they would receive directions on how to take part in the listening session.



*Community stakeholders registered to participate.*



### Station 2: VTC Virtual Reality (VR) Simulation

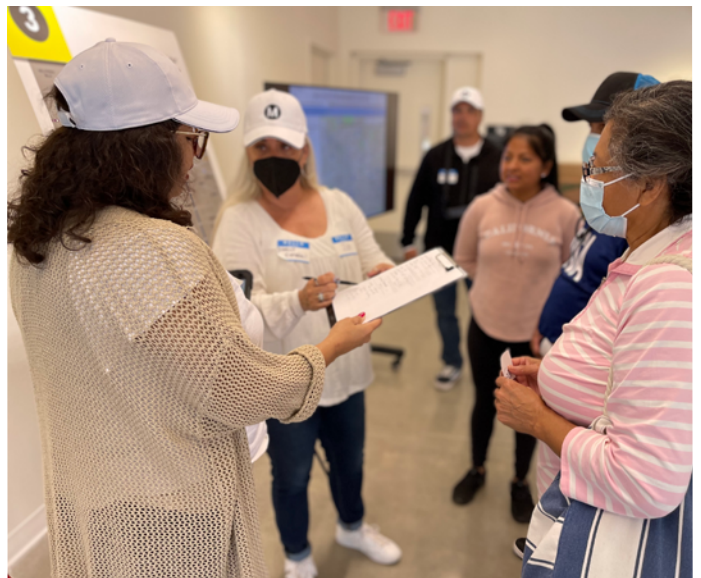
Attendees wore VR goggles to experience a thrilling virtual tour of Vermont Avenue. The trip started south from 120th Street and took participants on a wild ride north to Hollywood Boulevard, making stops along the way to several historic landmarks and favorite destinations: USC, L.A. Coliseum, Koreatown, museums, churches, and much more.



Community stakeholders experienced a VR tour of Vermont Avenue.

### Station 3: Storymap

After learning about the entire VTC in the virtual tour, participants had one more digital exercise. With a touchscreen computer, they identified all the places along Vermont Avenue that they frequent, whether it was for home, work, study, play, worship, or other activities.



Participants identified places along Vermont Avenue that they frequent



#### Station 4: "Taco About Transportation"

The outreach team had one-on-one conversations with participants, sharing details of the VTC project. In those conversations, the team provided information on the Bus Rapid Transit and Rail alternatives, answered any questions, and asked for feedback from current public transit users about their experience. After the conversation, participants were given a ticket to receive a light snack that included tacos.



The team discussed transit options with public transit riders.



Participants received a light snack after providing feedback.



### Station 5: Vote

In the last activity, participants voted on which option they felt would best serve public transit needs. Options included:

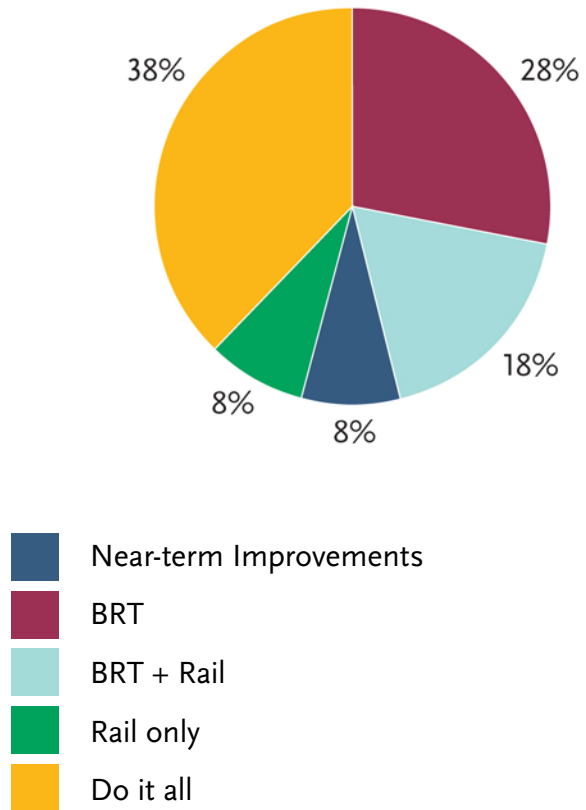
- > Make immediate improvements to the existing bus system along Vermont Avenue
- > Pursue BRT for completion by 2028
- > Pursue BRT and begin planning for rail beyond 2028
- > Pursue rail only
- > Do it all

Over 300 people participated in the community listening sessions. Of the participants, 38% selected to do it all, 28% opted for a BRT project, 18% opted to build both BRT and rail, and 8% shared they would like to see either bus improvements only or a rail project.

Over 300 people participated in the community listening sessions.

Figure 7

### Community Listening Sessions



Participants voted for their preferred VTC transit options.



## Community Conversations

As a core task of CBOs in their partnership with Metro, community conversations were hosted by the 20 partner groups. Collectively, CBOs hosted 32 virtual and in-person community conversations throughout the entire corridor. The intention of the community conversations was to provide a safe space for members of the community to share opinions and experiences about their transportation needs, the services Metro provides, and the future of the VTC. Through this effort, stakeholders were reached at shelters, rehabilitation centers, churches and via immigrant support, parent and youth groups.

During the conversations, participants shared personal experiences taking bus and trains, as most people who participated use public transportation as their only way to get to their destinations. They also learned about options for potential transportation improvements and provided their choices.

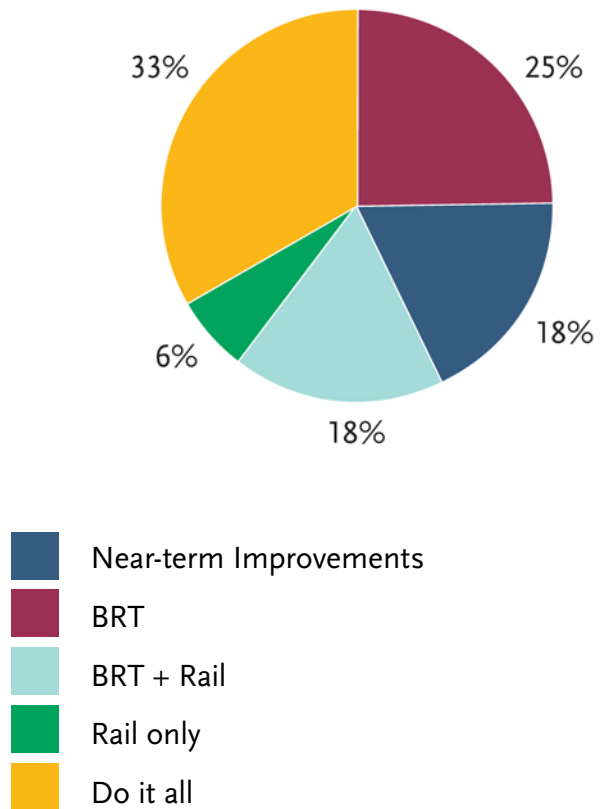
During the conversations, participants shared personal experiences taking bus and trains, as most people who participated use public transportation as their only way to get to their destinations.

Of the 340 people reach through the community conversations, 33% shared that Metro do it all, 25% opted for a BRT project, 18% opted for either BRT and Rail and bus improvements and 6% selected rail only as a choice.

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## Transit Options on Vermont Avenue

Participants learned about options for potential transportation improvements and provided their choices during Community Conversation events.







Community, policy and business leaders provided insight informed by their deep community ties.

## Key Stakeholder Briefings

Metro staff met with 21 community, policy, and business leaders and their teams to provide in-depth presentations and discussions about the VTC that included:

- > American Career College
- > Children's Hospital Los Angeles
- > East Hollywood Business Improvement District
- > Empowerment Congress
- > Exposition Park Leadership Meeting
- > Harbor Gateway North Neighborhood Council
- > Hollywood Presbyterian Medical Center
- > Los Angeles City College
- > Los Angeles Exposition Park Leadership
- > Los Angeles Southwest College
- > Lucas Museum of Narrative Art
- > Neighborhood Council Briefings - Corridor-Wide
- > North Area Neighborhood Development (Empowerment Congress North)
- > Pico-Union Neighborhood Council
- > Rampart Village Neighborhood Council
- > Rampart Village Neighborhood Council Pub Safety, Housing, Transportation Committee

- > University of Southern California (USC)
- > Voices Neighborhood Council
- > West Athens Westmont Task Force
- > West Coast University
- > Wilshire Center Business Improvement District Board

While specific results of their options were not calculated, Appendix B of the full report provides meeting summaries of each meeting where questions and comments are detailed.



Participants learned of community engagement events through community partnerships.

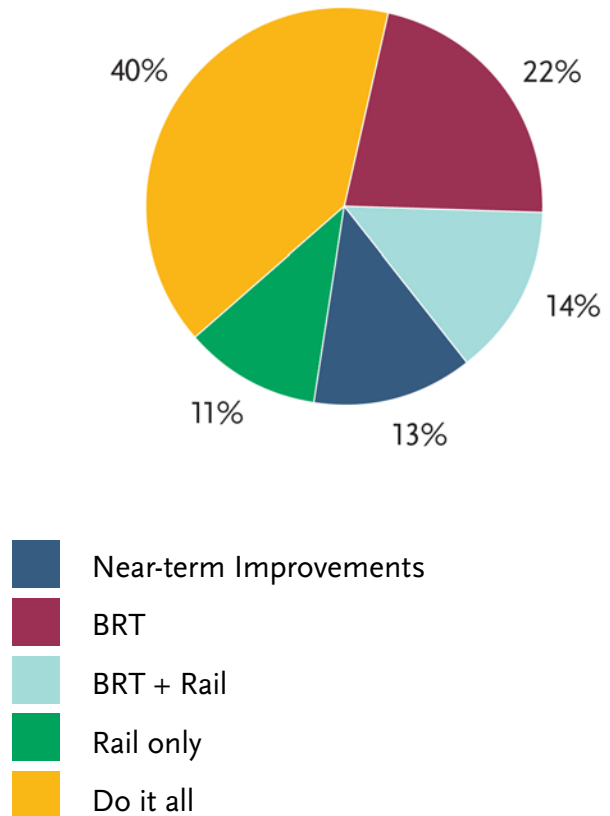
## Overall Findings

Based on all the engagement activities completed as part of the Community Based Partnership Program, 40% of all stakeholders prefer that Metro do it all and implement immediate bus improvements, deliver BRT by 2028 and plan for rail as quickly as possible (not waiting until 2067). Further, 22% opted to implement a BRT project. 14% opted for both BRT and rail, 13% would like to see bus service improvements and 11% would like to see rail only.

Combined between doing it all and adding either bus and/or rail, overwhelmingly 76% of stakeholders would like to see major capital improvements along Vermont.

## Overall Findings from All Engagement Activities

The majority of participants preferred for Metro to implement major capital improvements along Vermont Avenue.



Participants received Metro swag that included free TAP cards for use on Metro transit.

## Context

To fully understand why people selected all viable options available – do it all – one must comprehend their decision in a deeper context. Historically, public agencies and other government institutions representing Vermont Avenue have promised critical infrastructure and quality of life improvements. Unfortunately, many of these promises have not been delivered to date.

Unsure if the improvements promised under Measure M will be implemented, community members have taken a stance to ensure immediate transportation improvements are delivered as quickly as possible and certainly before 2028. Although people like rail, they feel that 25 to 30 years is too long to wait for improvements that are critically needed today. The question becomes, “What can we have now?” BRT, in the near medium term, is more appealing when compared to a thirty–forty-year wait for rail. However, rail is ultimately preferred by the majority of the corridor-wide stakeholders.

When community members opted for immediate improvements, they selected this option as a call to action for Metro to create a safer public transportation experience – where riders feel valued and respected.

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Through the engagement activities conducted, various sentiments were expressed by stakeholders that included themes related to safety and security, equity, customer experience, and traffic. These sentiments are detailed in the full report.

## Recommendations

Given the context of service on Vermont Avenue, the street conditions, the customer experience, the core issue of equity underlying everything, and more importantly, based on community feedback, the overall recommendations are that Metro:

- > Implement immediate bus improvements to Metro Lines 754 and 204.
- > Deliver a medium-term Bus Rapid Transit Project by 2028, and
- > Begin to plan a rail project as quickly as possible.



*Transit rider feedback helps us plan a better transportation experience.*



We're planning a new way to ride on Vermont.

VERMONT TRANSIT CORRIDOR



# Background

- > Fall 2021: Staff implements Community-Based Partnership (CBP) Program to inform next phase of planning for Vermont Transit Corridor Project
  - CBP developed in collaboration with Office of Equity and Race utilizing Community-Based Organization Partnering Strategy
  - CBP Program launched with interest form sent to over 400 CBOs who serve stakeholders within Vermont corridor areas
- > January 2022: Interested CBOs are convened to learn more about CBP Program and invited to submit partnership plans
- > February 2022: Partnership agreements formalized with 20 CBOs who serve stakeholders within Vermont Transit Corridor communities
- > February – June 2022: Community engagement activities implemented

# Outreach Activities



Corridor-Wide  
Survey

1



Community  
Partnerships

20



Bus  
Intercepts

12



Focus  
Groups

9

***Over 6,000 people participated***



Interactive  
Community  
Listening Sessions

4



Community  
Conversations

32



Pop-ups

11



Institutional  
Briefings

21

# Outreach Goal and Objectives

Determine how best to move forward with the project through a community partnership program that:



Collaborates with organizations with deep roots within the Vermont Transit Corridor



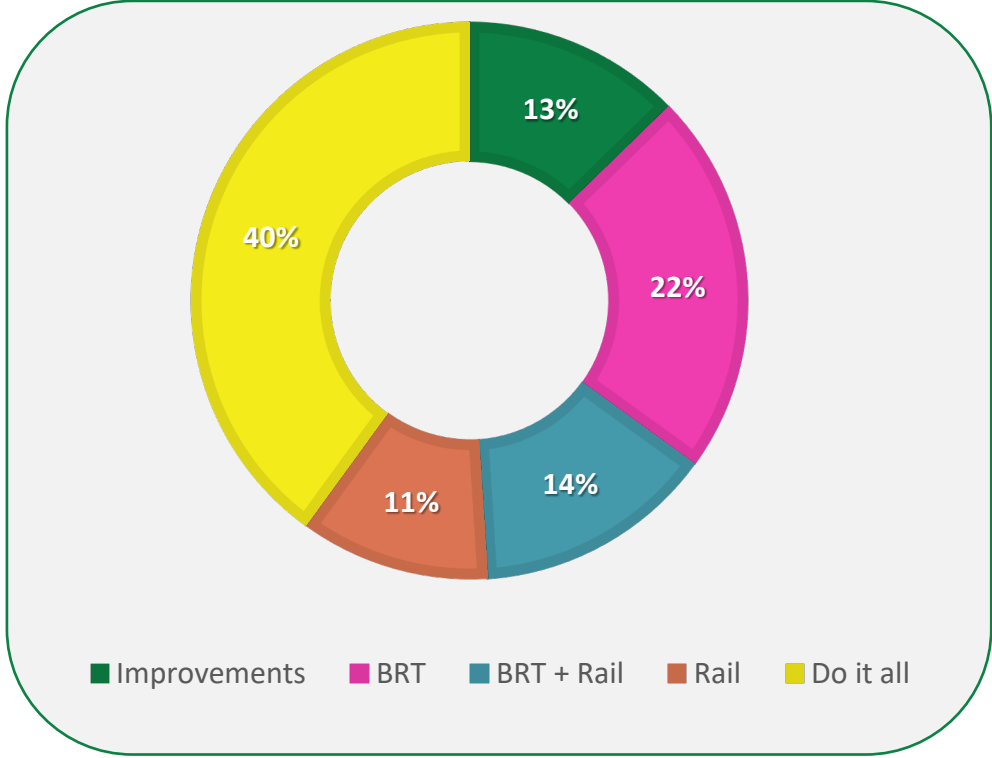
Establishes a vision for the corridor



Identifies near-, mid-, and long-term improvements for the corridor.



# Overall Findings





# Next Steps

Issue RFP for  
environmental studies

Fall 2022

Initiate near-term bus  
improvements

Fall/Winter 2022

Begin environmental study  
for a medium-term BRT  
Project

Spring 2023

Initiate long-term rail study  
and identify potential  
funding sources

As early as 2024

**Continued community engagement with CBO Partners**





Board Report

File #: 2022-0298, File Type: Policy

Agenda Number:

**REGULAR BOARD MEETING  
AUGUST 25, 2022**

**SUBJECT: WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE  
IMPROVEMENT PROJECT RESOLUTION OF NECESSITY**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and
- B. ADOPTING the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a partial fee interest (“Fee”) and a 48-month Temporary Construction Easement (“TCE”) from the property located at 12642 Palm Street, Cerritos, California 90703 with APN of 7016-020-026 (the “Property Interest”) as identified in Attachment A.

(REQUIRES 2/3 VOTE OF THE BOARD)

**ISSUE**

Acquisition of the Property Interest is required for the construction and operation of the Westbound State Route 91 (SR-91) Alondra Boulevard to Shoemaker Avenue Improvement Project (“Project”). After testimony and evidence has been received from all interested parties at the hearing, Los Angeles County Metropolitan Transportation Authority (“LACMTA”), by a vote of two-thirds of its Board of Directors (“Board”), must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment B) to acquire the Property Interest by eminent domain. Attached is evidence submitted by staff that supports adoption of the resolution and which sets forth the required findings (Attachment A).

**BACKGROUND**

The Project intends to widen and improve approximately four (4) miles of freeway along westbound SR-91 between Shoemaker Avenue and the Interstate 605 (I-605) interchange, and at the northbound I-605 exit to Alondra Boulevard, which will reduce congestion and improve freeway operations (both mainline and ramps), improve safety and reduce accidents, and improve local and system interchange operations on the westbound SR-91 to the northbound I-605. The project traverses the cities of Cerritos and Artesia and includes westbound SR-91 Post Miles R16.9- R19.8

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and northbound 1-605 Post Miles R5.0-R5.8. Even though this project was scoped and initiated before the adoption of Metro's Objectives for Multimodal Highway Investment (June, 2022), it is consistent with those objectives given that: 1) implementation of the project will not require any displacements; 2) the project supports traffic mobility, enhanced safety, economic vitality and access to opportunity, and; 3) multi-modal features were incorporated in the scope of the project (on local arterials) through an integrated planning approach to address the needs of local communities, and create a safer transportation system.

A new retaining wall is required along Bloomfield Avenue to stabilize the slope of the road. A new sound wall will be constructed on the retaining wall. An existing private retaining wall at the subject property at the bottom of the Bloomfield Avenue embankment slope is cracked and distressed and needs to be reconstructed or replaced as part of the project. The new retaining wall will be approximately 150' long and will vary up to 10' in height. The proposed retaining wall conforms to Caltrans Standard Plans.

Acquisition of the Property Interest is required for the construction and operation of the Project. The Fee, consisting of the area along the western property line, is required for the reconstruction and maintenance of the new retaining wall. The Fee is almost entirely located within the existing Bloomfield Avenue right-of-way.

The 48-month TCE is located adjacent to the Fee and grants the contractor access to the sound wall/retaining wall work area. The TCE is required to allow the contractor access to construct the new retaining wall/sound wall adjacent to Bloomfield Avenue. Additionally, the TCE provides the contractor access to rebuild a section of the private retaining wall on the owner's property. The portion of the private retaining wall is failing and poses a safety risk. The failing portion of the wall will be taken down and reconstructed as part of the Project. The total term of the TCE will be up to 48 months, with its term currently scheduled to commence on September 30, 2022 and terminating no later than September 30, 2026.

## **DISCUSSION**

A written offer of Just Compensation to purchase the Property Interest was presented to the Owner of Record ("Owner") of the Property on April 22, 2022, as required by California Government Code Section 7267.2. The Owner has not accepted the offer of Just Compensation made by LACMTA, and the parties have not at this time reached a negotiated settlement for the acquisition. Because the Property Interest is necessary for the construction and operation of the Project, staff recommends the acquisition of the Property Interest through eminent domain to obtain possession in order to maintain the Project's schedule.

In accordance with the provision of the California Eminent Domain law and Section 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorizes the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this hearing to the Owner informing them of the right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury; (3) whether the Property is necessary for the Project; (4) whether either the

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offer required by Section 7267.2 of the Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence; (5) that any environmental review of the Project, as may be necessary, pursuant to the California Environmental Quality Act (CEQA) has occurred and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

There are no displacements of residents or local businesses resulting from the acquisition of the Property Interest.

### **DETERMINATION OF SAFETY IMPACT**

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

### **FINANCIAL IMPACT**

The funding for the acquisition of the Property Interest is included in the fiscal year 2023 budget under Project, Cost Center 4720, in Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project 462314, Task 5.3.100, Professional Services Account 50316.

#### **Impact to Budget**

The source of funds will be Measure R Highway Capital (20%) and SB1 Trade Corridor Enhancement. These program funds are not eligible for bus and rail operations and/or capital expenditures.

### **EQUITY PLATFORM**

No other alternative locations for the Project provide greater operational safety, decrease travel time, improve air quality, and e access to the corridor. This public good will also support the fulfillment of Metro's LA County traffic Improvement Plan under measure R. There are no displacements of residents or local businesses resulting from the acquisition of this Property Interest. An offer for the Property Interest was made in April 2022, based on an appraisal of fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." Metro staff has been negotiating with the Owner since April 2022, but agreement has not yet been reached. Approving this action will allow staff to continue negotiations while maintaining the project schedule.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Board action is consistent with Metro Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Adoption of the Resolution of Necessity is a required step to acquire the Property Interest for the Project which will improve freeway operations (both

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mainline and ramps) and improve local and system interchange operations on westbound SR-91 to northbound I-605.

### **ALTERNATIVES CONSIDERED**

The Board could choose not to approve the recommendations. This is not recommended as it will result in significant delays and cost increases for the Project.

### **NEXT STEPS**

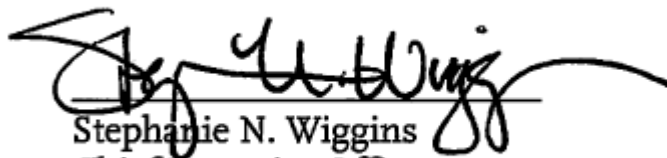
If this action is approved by the Board, Metro's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property Interest by eminent domain and to conclude those proceedings either by settlement or jury trial. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law.

### **ATTACHMENTS**

Attachment A - Staff Report  
Attachment B - Resolution of Necessity

Prepared by: Craig Justesen, Deputy Executive Officer-Real Estate, (213) 922-7051  
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Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins  
Chief Executive Officer

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF THE PROPERTY REQUIRED FOR THE WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE IMPROVEMENT PROJECT (“PROJECT”)**

**BACKGROUND**

The Property Interests are required by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) for the construction and operation of the Project. The parcel address, record property owner, purpose of the acquisition, and nature of the property interests sought to be acquired for the Project are summarized as follows:

<b>Assessor's Parcel Number</b>	<b>Parcel Address</b>	<b>Property Owner</b>	<b>Purpose of Acquisition</b>	<b>Property Interest(s) Sought</b>
7016-020-026	12642 Palm Street, Cerritos, California 90703	Kalpesh Patel and Gayatri K. Patel, husband and wife, as joint tenants	Construction and operation of the Westbound SR-91 Alondra Blvd to Shoemaker Ave Improvements Project	Partial fee interest (“Fee”) and a 48-Month Temporary Construction Easement (“TCE”)

**Property Requirements:**

Purpose of Acquisition: Construction and operation of the Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project.

**Property Interests Sought:** The Fee, consisting of the area along the western property line located primarily within Bloomfield Avenue right of way, is required for reconstruction of a retaining wall and sound wall. After acquiring the Fee area, the new retaining wall and sound wall will be moved less than two feet to the east from where it is in the before condition. Construction will begin at the top of the slope with the wall on Bloomfield Avenue being taken down from the street side. The slope will then be regraded. The regraded slope will be less steep in the after condition. It will be lowered by approximately two feet. The wall at the top of the slope is 10 feet high in the before condition. It will be roughly the same height in the after condition.

The TCE is located adjacent to the Fee and grants access necessary for the reconstruction of the retaining wall and the sound wall. The TCE is also required to allow the contractor access to rebuild a section of a failing retaining wall located on the owner’s property. The TCE will remain in place during the Project construction period and shall have a duration of forty-eight (48) months. The TCE is scheduled to begin on or about September 30, 2022 and terminate September 30, 2026. During the term of the TCE, the

exclusive use of the TCE area is estimated at 6 months. The Fee and 48-month TCE are collectively referred to as the Property Interests.

A written offer was delivered to the Property Owners by letter dated April 12, 2022, for acquisition of the Property Interests. The Property Owners have not accepted the offer of just compensation.

**A. The public interest and necessity require the Project.**

The need for the Project is generated by the findings and recommendations resulting from the Technical Study and a concept for improving the Hot Spot at westbound SR-91 between Alondra Boulevard and Shoemaker Avenue in accordance with Measure R.

The public interest and necessity require the Project because the Project will:

1. Improve operational safety;
2. Benefit the surrounding community by decreasing travel time, improving air quality, and enhancing access to the corridor;
3. Support value for money throughout design and construction and cost certainty throughout construction;
4. Support fulfillment of LACMTA's L.A. County Traffic Improvement Plan, as authorized under Measure R.

It is recommended that based on the above evidence, the Board find and determine that the public interest and necessity require the Project.

**B. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

At its September 23, 2010 meeting, the Board authorized the CEO to prepare a Feasibility Study and up to three optional Project Study Reports (PSRs). The Feasibility Study's recommendations for improving Hot Spots included: improvements to freeway-to-freeway interchanges, adding general purpose lanes (on the freeway), and implementing arterial improvements. Upon completion of the Feasibility Study (2013), Metro exercised the option for preparing a PSR-PDS for the I-605/SR-91 Interchange, and it was approved by Caltrans in July 2014.

On April 13, 2016 the Board authorized Preparation of the Project Approval and Environmental Document (PAED) (File #2016-0123, Agenda No. 12). The core goals of the project are to improve operating speeds and weaving distance between the closely spaced Norwalk Boulevard and Pioneer Boulevard as well as Pioneer Boulevard and SR-91/1-605 connector interchanges, to allow a more efficient and safer movement through the corridor. The Project is consistent with LACMTA's mission and the goals of Measure R.

WB SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project (“Project”) is included in the Board approved Measure R Gateway City Subregional Program (“Program”). The Project was environmentally cleared by Caltrans in January 2019. The Property Interests are required for construction and operation of the Project.

The Project will cause private injury, however, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

It is recommended that, based upon the foregoing, the Board find and determine that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

**C. The Property is necessary for the Project.**

The Property Interests are required for construction and operation of the Project. Acquisition of the Property Interests is required for the construction and operation of the Project. The Fee, consisting of the area along the western property line located primarily within Bloomfield Avenue right of way, is required for reconstruction of a retaining wall and sound wall. The impacted area is located in the backyard of a residential property. The TCE is located adjacent to the Fee and provides critical access to the sound wall/retaining wall work area. The TCE is required to allow contractor the access to the retaining wall and the necessary room to rebuild the section of the retaining wall on owner’s property which needs to be taken down and reconstructed as part of the Project. There are no alternatives to this design. The TCE will remain in place during the Project construction period and shall have a duration of forty-eight (48) months. During the term of the TCE, the exclusive use of the TCE area is estimated at 6 months. Therefore, the Property Interests are necessary for the construction and operation of the project.

Staff recommends that the Board find that the acquisition of the Property Interests is necessary for the Project.

**D. Offers were made in compliance with Government Code Section 7267.2.**

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owner in an amount which the agency believes to be just compensation. The amount must not be less than the agency’s approved appraisal of the fair market value of the property. In



addition, the agency is required to provide the Owner with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Obtained an independent appraisal to determine the fair market value of the Property Interests, which included consideration existing use of the Property, highest and best use of the Property, and impact to the remainder;
2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;
3. Determined the Owner(s) of the Property by examining the county assessor's record and a preliminary title report;
4. Made a written offer to the Owner(s) for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner(s) with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

It is recommended that based on the above Evidence, the Board find and determine that the offer required by Section 7267.2 of the California Government Code has been made to the Owner.

**E. LACMTA has fulfilled the necessary statutory prerequisites.**

LACMTA is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

**F. LACMTA has complied with the California Environmental Quality Act.**

The Project Approval and Environmental Document (PAED) Phase of the project was approved by Caltrans in January 2019. A Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) was prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), respectively.

Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

**CONCLUSION**

Staff recommends that the Board approve the Resolution of Necessity.

**RESOLUTION OF THE  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC  
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE  
EXERCISE OF EMINENT DOMAIN  
WESTBOUND SR-91 ALONDRA BOULEVARD TO SHOEMAKER AVENUE  
IMPROVEMENT PROJECT, (“PROJECT”)**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS (“BOARD”) HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (“LACMTA”) is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The property interests consist of the acquisition of a partial fee interest (“Fee”) and a 48-month Temporary Construction Easement (“TCE”), as described more specifically in the legal descriptions Exhibits “A-1” and “A-2”, respectively, and depicted in the plat maps Exhibit “B-1” and “B-2”, respectively, (hereinafter, the “Property Interests”). The Fee, consisting of the area along the western property line located primarily within Bloomfield Avenue right of way, is required for reconstruction of a retaining wall and sound wall. The 48-month TCE is located adjacent to the Fee and grants access to the sound wall/retaining wall work area. The TCE is also required to allow access to rebuild a section of a failing retaining wall located on the owner’s property.. The TCE term shall have a duration up to forty-eight (48) months. The TCE is scheduled to begin on or about September 30, 2022 or as soon thereafter as agreed by the underlying fee owner or ordered by the Court, and will terminate no later than September 30, 2026. The TCE term shall include exclusive use by

the easement holder of the TCE area for an estimated six (6) concurrent months, with the remainder of the 48-month TCE term non-exclusive allowing fee owner's use of the TCE area to the extent it does not interfere with any Project construction activities.

#### Section 4.

(a.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Westbound SR-91 Alondra Boulevard to Shoemaker Avenue Improvement Project ("Project");

(b.) The Project Approval and Environmental Document (PAED) Phase of the project was approved by Caltrans in January 2019. A Mitigated Negative Declaration/Finding of No Significant Impact (MND/FONSI) was prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), respectively.

(c.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain

#### Section 5.

The Board hereby declares that it has found and determined each of the following:

(a.) The public interest and necessity require the proposed Project;

(b.) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;

(d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

#### Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

That notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein and each person whose property is to be acquired by eminent domain was given an opportunity to be heard.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 25th day of August 2022.

\_\_\_\_\_  
COLLETTE LANGSTON  
LACMTA Board Clerk

Date: \_\_\_\_\_

**ATTACHMENTS**

Exhibit A-1 and A-2 – Legal Description

Exhibit B-1 and B-2 – Plat Map

**LEGAL DESCRIPTION**

## LEGAL DESCRIPTION

### WESTBOUND - STATE ROUTE 91 PARCEL 81507-1 (FEE PARCEL)

That portion of Parcel 1 of Parcel Map No. 10063, in the City of Cerritos, County of Los Angeles, State of California, as per map recorded in Book 97, Page 32, of Maps, in the Office of the County Recorder of said Los Angeles County, described as follows:

**BEGINNING** at the Northwest Corner of said Parcel 1; thence along the Westerly line of said Parcel 1, the following courses: South 00°42'46" East, 159.18 feet; thence South 33°56'33" East, 16.58 feet to a line parallel with and distant 9.08 feet Easterly, measured at right angles, from the Westerly line of said Parcel 1; thence leaving said Westerly line, along said parallel line, North 00°42'46" West, 76.09 feet; thence leaving said parallel line, North 01°26'28" East, 96.97 feet to the Northerly line of said Parcel 1; thence along said Northerly line, South 89°30'44" West, 12.73 feet to the **POINT OF BEGINNING**.

This conveyance is made for the purpose of a freeway and the **GRANTOR** hereby releases and relinquishes to the **STATE** any and all abutter's rights including access rights, appurtenant to **GRANTOR'S** remaining property, in and to the freeway.

**SUBJECT TO** all Covenants, Rights, Rights-of-Way and Easements of Record.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch

Westbound  
State Route 91  
Parcel 81507

1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

 1/6/2022  
\_\_\_\_\_  
JOHN R DUQUETTE, P.L.S. 7566                      Date

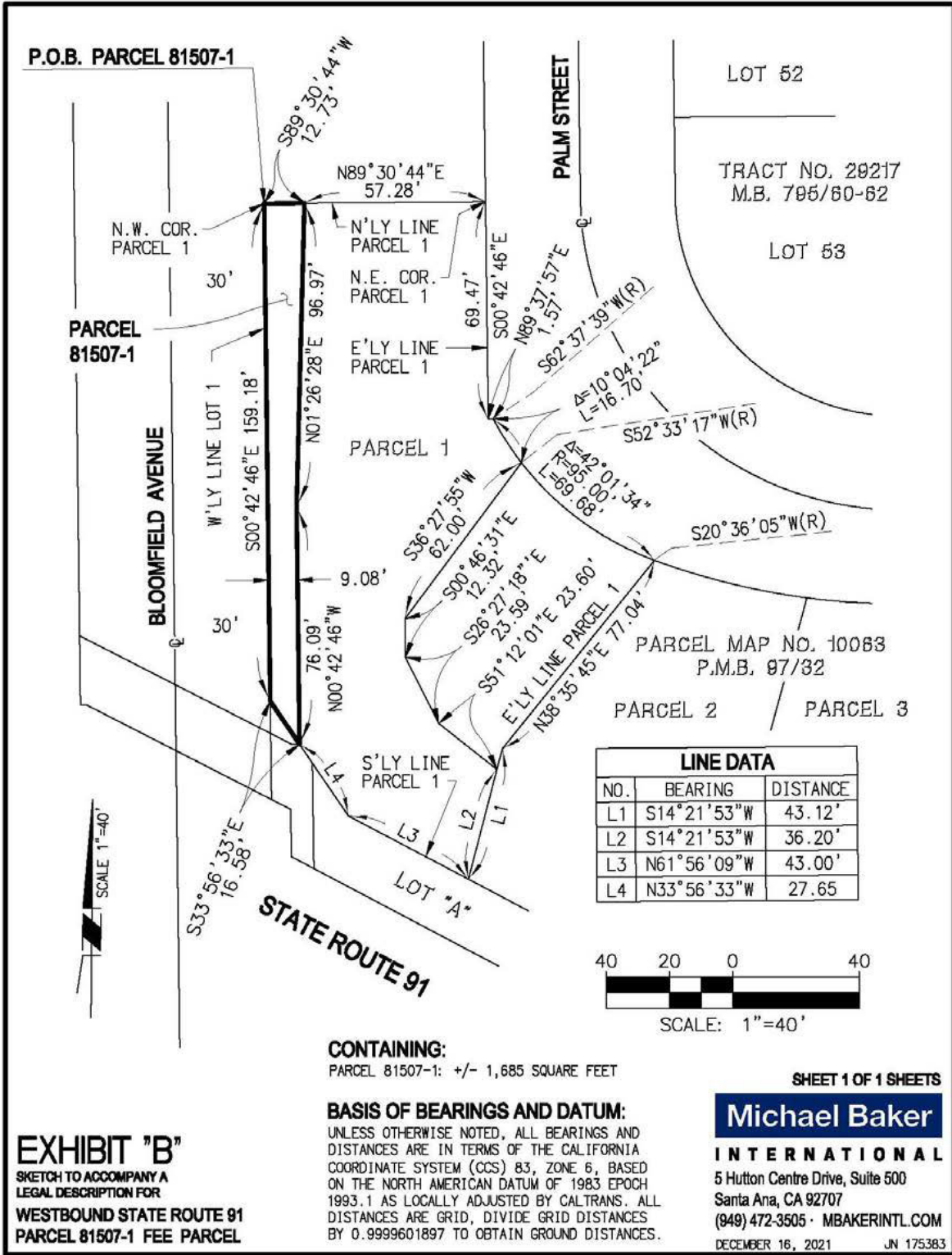


Michael Baker International  
5 Hutton Centre Drive, Suite 500  
Santa Ana, California 92707  
Project No. 175383

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**PLAT MAP**



**LEGAL DESCRIPTION**

**WESTBOUND - STATE ROUTE 91  
PARCEL 81507-2 (TEMPORARY CONSTRUCTION EASEMENT)**

That portion of Parcel 1 of Parcel Map No. 10063, in the City of Cerritos, County of Los Angeles, State of California, as per map recorded in Book 97, Page 32, of Maps, in the Office of the County Recorder of said Los Angeles County, described as follows:

**COMMENCING** at the Northwest Corner of said Parcel 1; thence along the Northerly line of said Parcel 1, North 89°30'44" East, 12.73 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said Northerly line, North 89°30'44" East, 57.28 feet to the Northeast corner of said Parcel 1; thence along the Easterly line of said Parcel 1, South 00°42'46" East, 69.47 feet; thence North 89°37'57" East, 1.57 feet to the beginning of a non-tangent concave Northeasterly having a radius of 95.00 feet, a radial line of said curve to said point bears South 62°37'39" West; thence along said curve Southeasterly, a distance of 16.70 feet, through a central angle of 10°04'22"; thence leaving said Easterly line, South 36°27'55" West, 62.00 feet; thence South 00°46'31" East, 12.32 feet; thence South 26°27'18" East, 23.59 feet; thence South 51°12'01" East, 23.60 feet to said Easterly line of Parcel 1; thence South 14°21'53" West, 36.20 feet to the Southerly line of said Parcel 1; thence along said Southerly line, North 61°56'09" West, 43.00 feet; thence North 33°56'33" West, 27.65 feet to a point lying distant 9.08 feet measured at right angles, Easterly, from the Westerly line of said Parcel 1; thence leaving said Southerly line, parallel with said Westerly line, North 00°42'46" West, 76.09 feet; thence North 01°26'28" East, 96.97 feet to the **TRUE POINT OF BEGINNING**.

Rights to the above described temporary easement shall cease and terminate on September 30, 2026. Said rights may also be terminated prior to the above date by **STATE** upon notice to **GRANTOR**.

Westbound  
State Route 91  
Parcel 81507

**CONTAINING:** 10,777 Square Feet more or less

**SUBJECT TO** all Covenants, Rights, Rights-of-Way and Easements of Record.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System (CCS83), Zone 6, based on the North American Datum of 1983 Epoch 1993.1 as locally adjusted by Caltrans. All distances are grid, divide distances by 0.9999601897 to obtain ground distances.

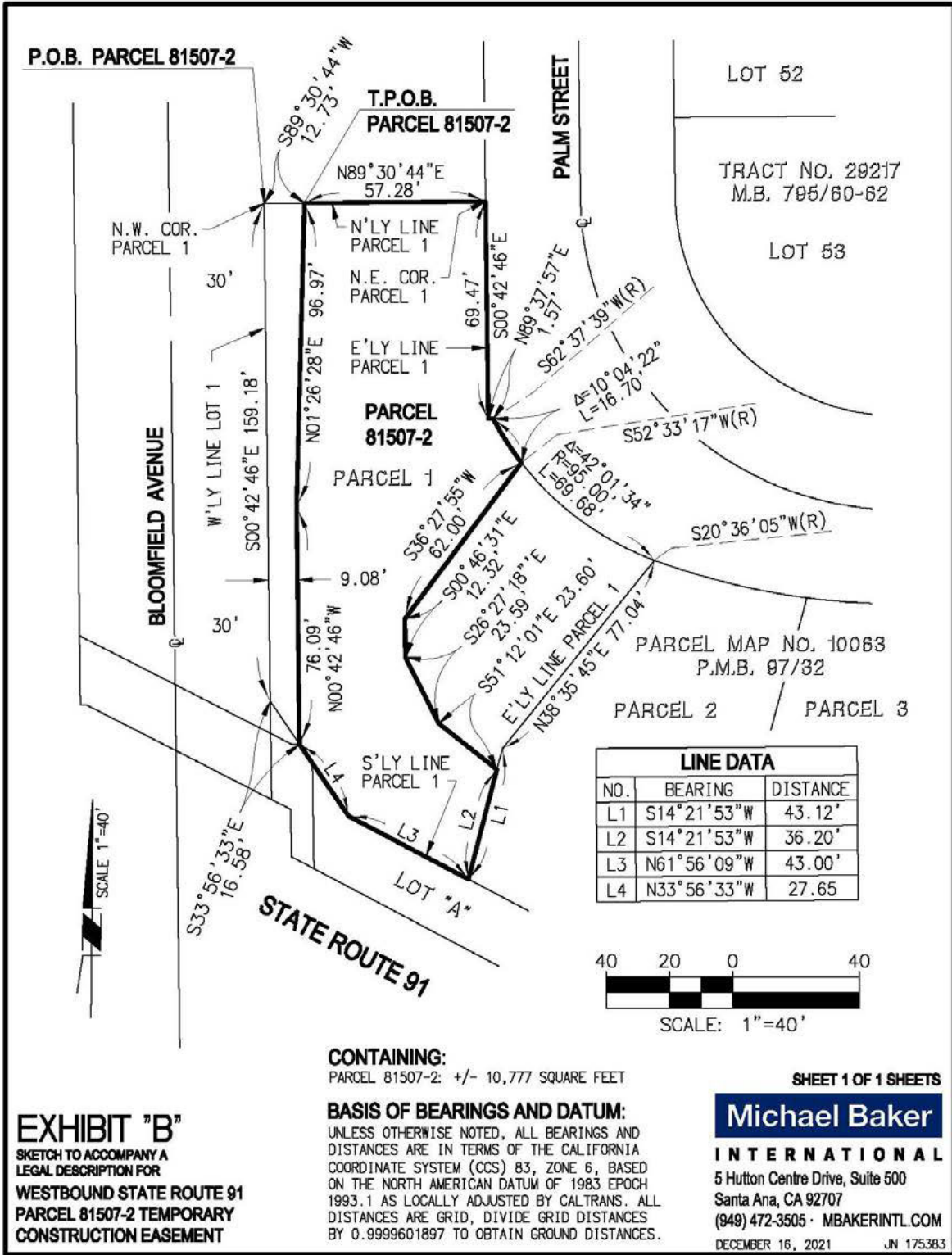
John Duquette 1/6/2022  
JOHN R DUQUETTE, P.L.S. 7566 Date



Michael Baker International  
5 Hutton Centre Drive, Suite 500  
Santa Ana, California 92707  
Project No. 175383

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**PLAT MAP**



P.O.B. PARCEL 81507-2

T.P.O.B.  
PARCEL 81507-2

LOT 52

TRACT NO. 20217  
M.B. 705/60-62

LOT 53

N.W. COR.  
PARCEL 1

N'LY LINE  
PARCEL 1

N.E. COR.  
PARCEL 1

E'LY LINE  
PARCEL 1

PARCEL  
81507-2

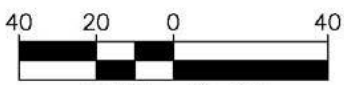
PARCEL 1

PARCEL MAP NO. 10083  
P.M.B. 07/32

PARCEL 2

PARCEL 3

LINE DATA		
NO.	BEARING	DISTANCE
L1	S14°21'53"W	43.12'
L2	S14°21'53"W	36.20'
L3	N61°56'09"W	43.00'
L4	N33°56'33"W	27.65'



SCALE: 1"=40'

**CONTAINING:**  
PARCEL 81507-2: +/- 10,777 SQUARE FEET

SHEET 1 OF 1 SHEETS

**EXHIBIT "B"**  
SKETCH TO ACCOMPANY A  
LEGAL DESCRIPTION FOR  
WESTBOUND STATE ROUTE 91  
PARCEL 81507-2 TEMPORARY  
CONSTRUCTION EASEMENT

**BASIS OF BEARINGS AND DATUM:**  
UNLESS OTHERWISE NOTED, ALL BEARINGS AND  
DISTANCES ARE IN TERMS OF THE CALIFORNIA  
COORDINATE SYSTEM (CCS) 83, ZONE 6, BASED  
ON THE NORTH AMERICAN DATUM OF 1983 EPOCH  
1993.1 AS LOCALLY ADJUSTED BY CALTRANS. ALL  
DISTANCES ARE GRID, DIVIDE GRID DISTANCES  
BY 0.9999601897 TO OBTAIN GROUND DISTANCES.

**Michael Baker**  
**INTERNATIONAL**  
5 Hutton Centre Drive, Suite 500  
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(949) 472-3505 · MBAKERINTL.COM  
DECEMBER 16, 2021 JN 175383



Board Report

File #: 2022-0428, File Type: Policy

Agenda Number:

REGULAR BOARD MEETING  
AUGUST 25, 2022

**SUBJECT: METRO G (ORANGE) LINE BUS RAPID TRANSIT IMPROVEMENT PROJECT  
RESOLUTIONS OF NECESSITY**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATIONS**

CONSIDER:

- A. HOLDING a public hearing on the proposed Resolutions of Necessity; and
- B. ADOPTING the Resolutions of Necessity authorizing the commencement of an eminent domain action to acquire certain property interests in parcels MOL-001, MOL-004, MOL-006 & MOL-008 as listed in List of Parcels Included in the Resolutions of Necessity (Attachment A). The properties listed are herein referred to as “the Property Interests.”

(REQUIRES 2/3 VOTE OF THE BOARD)

**ISSUE**

Acquisition of the Property Interests is required for the construction and operation of the Metro G (Orange) Line Bus Rapid Transit Improvements Project (“Project”). After testimony and evidence has been received from all interested parties at the hearing, Los Angeles County Metropolitan Transportation Authority (“LACMTA”), by a vote of two-thirds of its Board of Directors (“Board”), must make a determination as to whether to adopt the proposed Resolutions of Necessity (Attachment B) to acquire the Property Interests by eminent domain. Attached is evidence submitted by staff that supports adoption of the resolutions and which sets forth the required findings (Attachment A).

..Background

**BACKGROUND**

Acquisition of the Property Interests are required for the construction and operation of the Project. The Property Interests are required for the installation of railroad-style four-quadrant safety gate systems at several at-grade roadway crossings along the G Line between the North Hollywood and Chatsworth Stations.



## **DISCUSSION**

Written offers of Just Compensation to purchase the Property Interests were presented to the Owners of Record ("Owners") of the Property Interests as required by California Government Code Section 7267.2. The Owners have not accepted the offer of Just Compensation made by LACMTA, and the parties have not at this time reached a negotiated settlement for the acquisition. Because the Property Interests are necessary for the construction and operation of the Project, staff recommends the acquisition of the Property Interests through eminent domain in order to maintain the Project's schedule.

In accordance with the provision of the California Eminent Domain law and Sections 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorizes the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this hearing to the Owners informing them of the right to appear at this hearing and be heard on the following issues: (1) whether the public interest and necessity require the Project; (2) whether the Project is planned or located in the manner that will be most compatible with the greatest good and the least private injury; (3) whether the Property Interests are necessary for the Project; (4) whether either the offer required by Section 7267.2 of the Government Code has been made to the Owners, or the offer has not been made because the Owners cannot be located with reasonable diligence; (5) that any environmental review of the Project, as may be necessary, pursuant to the California Environmental Quality Act (CEQA) has occurred and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

After all of the testimony and evidence has been received from all interested parties at the hearing, LACMTA must make a determination as to whether to adopt the proposed Resolutions of Necessity to acquire the Easements by eminent domain. In order to adopt the resolutions, LACMTA must, based on the evidence before it, and by vote of two-thirds of its Board, find and determine that the conditions stated in the items 1 - 6 above exist.

Attached is the Staff Report prepared by staff and legal counsel setting forth the required findings for acquiring the Property Interests through the use of eminent domain (Attachment B).

There are no displacements of residents or local businesses as a result of the acquisition of the Property Interests.

## **DETERMINATION OF SAFETY IMPACT**

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

## **FINANCIAL IMPACT**

The funding for the acquisition of the Property Interests is included in the Fiscal Year 2023 (FY23) budget under Project 871405 Metro G (Orange) Line Bus Rapid Transit Improvement Project, in Cost Center 8510, Account Number 53103 (Acquisition of Land) and Fund 6003.

---

Impact to Budget

The Adopted FY23 budget includes Measure M 35% funding designated for the Metro G (Orange) Line Bus Rapid Transit Improvement Project and does not impact Metro operations funding sources.

**EQUITY PLATFORM**

No other alternative locations for the Project provide greater operational safety, decreasing travel time, improving air quality, and enhancing access to the corridor. This public good will also support the fulfillment of LACMTA's LA County traffic Improvement Plan under measure M. There are no displacements of residents or local businesses resulting from the acquisition of this Property Interest. Offers for the various Property Interests were made from March to June 2022 based on the appraisals of fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." Metro staff has been negotiating with the various Owners, but an agreement has not yet been reached. Approving this action will allow staff to continue negotiations while maintaining the project schedule.

**IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Board action is consistent with LACMTA Vision 2028 Goal #1: Provide high quality mobility options that enable people to spend less time traveling. Adoption of the Resolutions of Necessity is a required step to acquire these Property Interests for the Metro G Line (Orange) Bus Rapid Transit Improvement Project which will provide an additional mobility option.

**ALTERNATIVES CONSIDERED**

The Board could choose not to approve the recommendations. This is not recommended as it will result in significant delays and cost increases for the Project.

**NEXT STEPS**

If this action is approved by the Board, LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property Interests by eminent domain and to conclude those proceedings either by settlement or jury trial. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law.

**ATTACHMENTS**

- Attachment A - Staff Report
- Attachment B - Resolutions of Necessity

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**File #:** 2022-0428, **File Type:** Policy

**Agenda Number:**

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Prepared by: Craig Justesen, Deputy Executive Officer-Real Estate, (213) 922-7051  
Holly Rockwell, Senior Executive Officer, Real Property Management & Development,  
(213) 922-5585

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins  
Chief Executive Officer

**STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF THE  
PROPERTY INTERESTS REQUIRED FOR THE METRO G LINE (ORANGE) BUS  
RAPID TRANSIT IMPROVEMENT PROJECT (“PROJECT”)**

**BACKGROUND**

The Property Interests are required by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”) for the construction and operation of the Project. The Project parcel numbers, parcel addresses & assessor’s parcel numbers, record property owners, and nature of the property interests sought to be acquired for the Project are listed on the attached Exhibit A.

**Property Requirements:**

**The following property requirements apply to the affected properties listed in Exhibit A:**

**Purpose of Acquisition:** Construction and operation of the Metro G Line (Orange) Bus Rapid Transit Improvement Project.

**Property Interests Sought:** Permanent and temporary property interests, including Temporary Construction Easements with specific durations as indicated for each property in column “D” of Exhibit A. Full descriptions are provided in the Exhibits to Attachment B. It should be noted that the actual construction time frame related to each property will have a duration of approximately six (6) months. Additionally, access for ingress and egress will be maintained during construction to minimize impacts to the property and/or the property occupants.

Written offers to acquire the Property Interests was delivered to the Property Owners by letters as follows: MOL-001 on **March 31, 2022**; MOL-004 on **June 1, 2022**; MOL-006 on **May 6, 2022**; MOL-008 on **April 12, 2022**. The Property Owners have not accepted the offer of just compensation.

**A. The public interest and necessity require the Project.**

The need for the Project is generated by the findings and recommendations resulting from the Technical Study and a concept for improving the G Line (Orange) Bus Rapid Transit (BRT) in accordance with Measure M.

The public interest and necessity require the Project because the Project will:

1. Improve operational safety, operation speeds, ridership and capacity;

2. Benefit the surrounding community by decreasing travel time, improving air quality, enhancing access to the corridor and promoting transit-oriented communities;
3. Support value for money throughout design and construction and cost certainty throughout construction;
4. Ready the corridor for conversion to light rail transit in the future;
5. Ensure connectivity and accommodate two other intended intersecting transit projects (the East San Fernando Valley and Sepulveda Pass Transit Corridors);
6. Support fulfillment of LACMTA's L.A. County Traffic Improvement Plan, as authorized under Measure M.

It is recommended that based on the above evidence, the Board find and determine that the public interest and necessity require the Project.

**B The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

A Technical Study was authorized by the Board in January 2016. The core goals of the project are to improve operating speeds/reduce bus travel times to move customers more efficiently and safely through the corridor. Improvements studied included grade separations, minor street closures, better transit signal priority technology, electronic bus connectivity to facilitate bus platooning and a four-quadrant gating system. Six alternatives were packaged together out of numerous individual potential improvements. In April 2017, the Board approved the recommended alternative that included a single-grade separation structure spanning from Van Nuys to Sepulveda Boulevards and three intersecting streets in between with the relocation of existing stations to elevated stations and installation of four quadrant gates at all other intersections. After further conceptual design, updating preliminary cost estimates and coordination with City of Los Angeles Department of Transportation, in July of 2018 the Board approved an updated project description that modified the grade separated structure from one single grade separation spanning from Van Nuys to Sepulveda Boulevards to two standalone aerial grade separated busway and station structures at Van Nuys and Sepulveda Boulevards.

The Project will cause private injury, however, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

It is recommended that, based upon the foregoing, the Board find and determine that the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

**C. The Property is necessary for the Project.**

The Property Interests are required for construction and operation of the Project and required for the installation of railroad-style four-quadrant safety gate systems at several at-grade roadway crossings along the G Line between the North Hollywood and Chatsworth Stations.

The Property Interests required for the Project are listed in Exhibit A. The legal description of the required Property Interest is attached to each Resolution of Necessity as Attachment A and is depicted on the Plat Map attached as Attachment B.

Staff recommends that the Board find that the acquisition of the Property Interests is necessary for the Project.

**D. Offers were made in compliance with Government Code Section 7267.2.**

California Code of Civil Procedure Section 1245.230 requires that a Resolution of Necessity contain a declaration that the governing body has found and determined that either the offer required by Section 7267.2 of the California Government Code has been made to the Owner, or the offer has not been made because the Owner cannot be located with reasonable diligence.

California Government Code Section 7267.2 requires that an offer be made to the Owner in an amount which the agency believes to be just compensation. The amount must not be less than the agency's approved appraisal of the fair market value of the property. In addition, the agency is required to provide the Owner with a written statement of, and summary of the basis for, the amount it established as just compensation.

Staff has taken the following actions as required by California law for the acquisition of the Property:

1. Obtained an independent appraisal to determine the fair market value of the Property Interests, which included consideration existing use of the Property, highest and best use of the Property, and impact to the remainder;
2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;
3. Determined the Owner(s) of the Property by examining the county assessor's record and a preliminary title report;
4. Made a written offer to the Owner(s) for the full amount of just compensation - which was not less than the approved appraised value; and
5. Provided the Owner(s) with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

It is recommended that based on the above Evidence, the Board find and determine that the offer required by Section 7267.2 of the California Government Code has been made

to the Owner.

**E. LACMTA has fulfilled the necessary statutory prerequisites.**

LACMTA is authorized to acquire property by eminent domain for the purposes contemplated by the Project under Public Utilities Code §§ 30503, 30600, 130051.13, and 130220.5; Code of Civil Procedure §§ 1230.010-1273.050; and Article I, § 19 of the California Constitution.

**F. LACMTA has complied with the California Environmental Quality Act.**

In July 2018, the Board approved a determination that the Project is Statutorily Exempt, pursuant to CEQA Guidelines Section 15275(a) (Public Resources Code Section 21080(b)(11)) and is consistent with the intent of the legislature to facilitate “passenger and commuter services” improvements to HOV lanes already in use. Buses are considered high occupancy vehicles (HOVs), which are allowed to use HOV lanes and therefore, the MOL BRT is an HOV facility. In July 2018, the Board authorized the filing of a CEQA Notice of Exemption (NOE) for the Project with the Los Angeles County Clerk.

Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain.

**CONCLUSION**

Staff recommends that the Board approve the Resolutions of Necessity.

**ATTACHMENTS**

Exhibit A –Summary of Affected Properties, Property Owners, and Property Interest Requirements

Exhibit B – List of Parcels for Resolutions of Necessity

# **EXHIBIT A**

## **SUMMARY OF PROPERTY OWNERS, REQUIREMENTS AND AFFECTED PROPERTIES**



EXHIBIT A

SUMMARY OF REQUIREMENTS AND AFFECTED PROPERTIES

A	B	C	D
<b>Project Parcel No.</b>	<b>Affected Property Address and Assessor's Parcel No. (APN)</b>	<b>Record Property Owner</b>	<b>Property Interest Requirements: Permanent Rights Area (Square Feet)</b>  <b>Temporary Construction Easements ("TCE") Area (Square Feet)</b> <b>Duration (in Months)</b> <i>*Estimated Construction Duration</i>
<b>MOL-001</b>	6020 Woodman Ave, Van Nuys, CA 91401  APN: <u>2330-028-016</u>	The Schechter Family Limited Partnership, a California limited partnership	TCE - 152 SF 68-month Duration *6 months
<b>MOL-004</b>	21339 Saticoy St, Canoga Park, CA 91304  APN: <u>2109-031-017</u>	Astra Holding, Inc., a California corporation	Permanent Partial Acquisition - 185 SF  TCE - 313 SF 64-month Duration *6 months
<b>MOL-006</b>	21339 Sherman Way, Canoga Park, CA 91303  APN: <u>2111-030-018</u>	Spectrum Investment Corporation, a California corporation	Permanent Partial Acquisition - 720 SF  TCE - 400 SF 66-month Duration  *6 months
<b>MOL-008</b>	21400 Roscoe Blvd, Canoga Park, CA 91304  APN: <u>2110-003-036</u>	21400 Roscoe, LLC, a California limited liability corporation	Permanent Street Easement – 177 SF  TCE – 264 SF 67-month Duration  *6 months

## EXHIBIT B

### List of Parcels for Resolutions of Necessity

<b>Project Parcel No.</b>	<b>Assessor's Parcel No.</b>	<b>Parcel Street Address</b>	<b>Attachment No.</b>
MOL-001	2330-028-016	6020 Woodman Ave	B-1
MOL-004	2109-031-017	21339 Saticoy St	B-2
MOL-006	2111-030-018	21339 Sherman Way	B-3
MOL-008	2110-003-036	21400 Roscoe Blvd	B-4

**ATTACHMENT B**  
**RESOLUTIONS OF NECESSITY**

**RESOLUTION OF THE  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC  
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE  
EXERCISE OF EMINENT DOMAIN  
METRO G LINE (ORANGE) BUS RAPID TRANSIT IMPROVEMENTS PROJECT,  
("PROJECT") – PARCEL NO. MOL-001**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA") is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The property interests consist of the acquisition of a 68-month Temporary Construction Easement ("TCE"), as described more specifically in the legal description (Exhibit "A-1") and depicted in the plat map (Exhibit "B-1") attached hereto, (hereinafter, the "Property Interests"). The actual construction time frame related to each property will have a duration of approximately six (6) months. Additionally, access for ingress and egress will be maintained during construction to minimize impacts to the property and/or the property occupants.

Section 4.

(a.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Metro G Line (Orange) Bus

Rapid Transit Improvement Project ("Project");

- (b.) In July 2018, the Board approved a determination that the Project is Statutorily Exempt, pursuant to CEQA Guidelines Section 15275(a) (Public Resources Code Section 21080(b)(11)) and is consistent with the intent of the legislature to facilitate "passenger and commuter services" improvements to HOV lanes already in use. In July 2018, the Board authorized the filing of a CEQA Notice of Exemption (NOE) for the Project with the Los Angeles County Clerk
- (c.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain

Section 5.

The Board hereby declares that it has found and determined each of the following:

- (a.) The public interest and necessity require the proposed Project;
- (b.) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (d.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

That notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the

matters contained herein and each person whose property is to be acquired by eminent domain was given an opportunity to be heard.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 25th day of August 2022.

\_\_\_\_\_  
COLLETTE LANGSTON  
LACMTA Board Clerk

Date: \_\_\_\_\_

**ATTACHMENTS**

Exhibit A-1 – Legal Description  
Exhibit B-1 – Plat Map

Parcel MOL-001 – Legal Description (TCE)

LEGAL DESCRIPTION

APN#2330-028-016

That certain 5.00 foot wide strip of land over that portion of Lot 43 of Tract No. 1000, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 19, Pages 1 to 34 of Maps, in the office of the County Recorder of said county, being more particularly described as follows:

**Being** the westerly 5.00 feet of said Lot 43 lying northerly of that certain 100' wide Metropolitan Transportation Authority Right-of-Way recorded March 13, 1991 as Document No. 91-358575 of Official Records.

**Excepting** therefrom, the northerly 6.36 feet of said Lot.

Containing 151.6 square feet.

The southerly sidelines shall be shortened or lengthened as needed to terminate at the northerly curve of said 100' wide Metropolitan Transportation Authority Right-of-Way.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

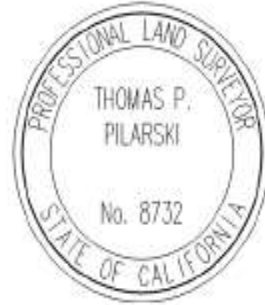
This legal description was prepared by me or under my direction.



Thomas P. Pilarski, PLS 8732

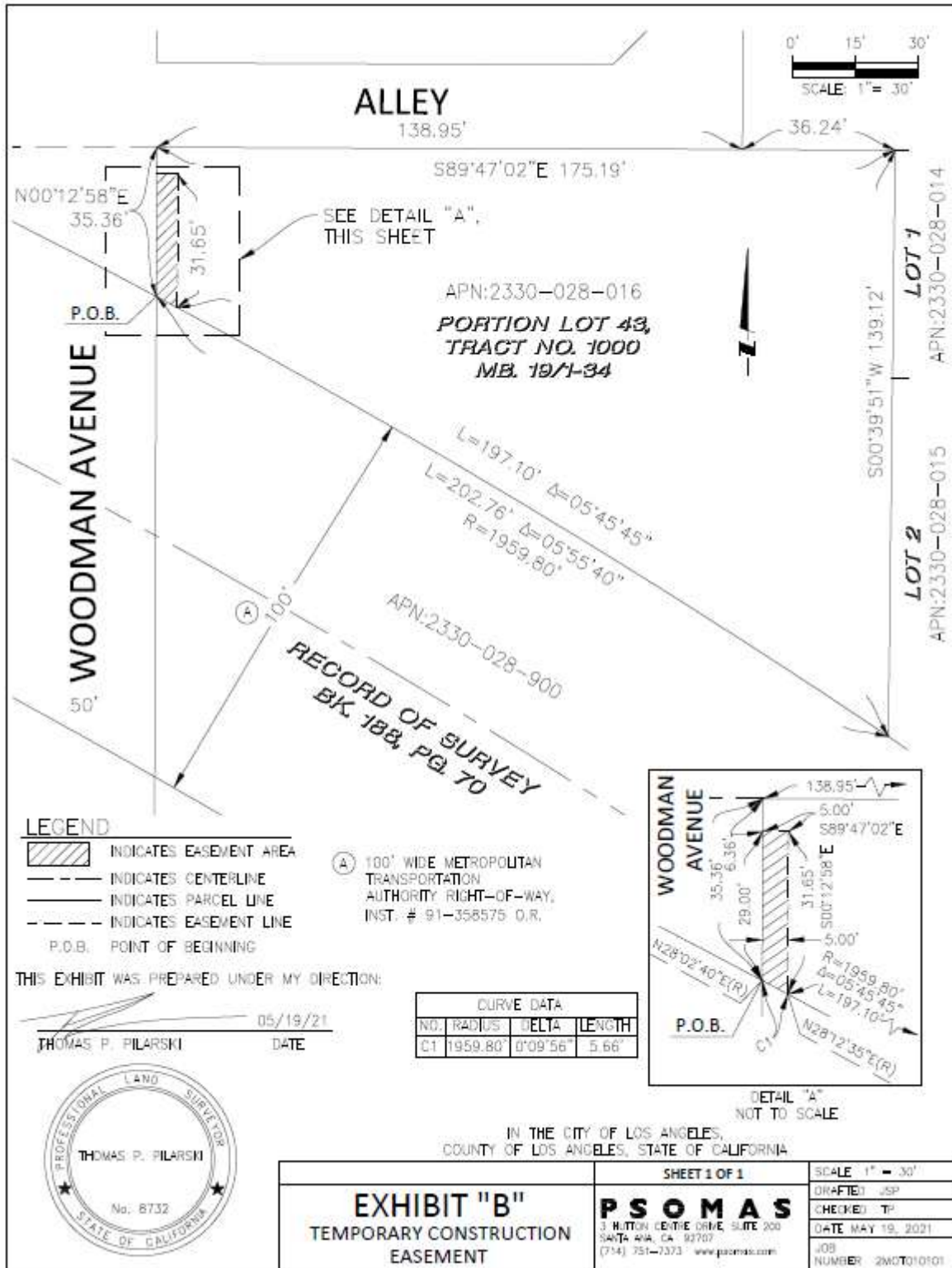
5-19-21

Date





Parcel MOL-001 – Plat (TCE)



**RESOLUTION OF THE  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC  
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE  
EXERCISE OF EMINENT DOMAIN  
METRO G LINE (ORANGE) BUS RAPID TRANSIT IMPROVEMENTS PROJECT,  
("PROJECT") – PARCEL NO. MOL-004**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA") is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The Property Interests consist of the acquisition of a Permanent Partial Acquisition and a 64-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions (Exhibit "A-1" and "A-2"), respectively, and depicted in the plat maps (Exhibit "B-1" and "B-2"), respectively, attached hereto (hereinafter, the "Property Interests"). The actual construction time frame related to each property will have a duration of approximately six (6) months. Additionally, access for ingress and egress will be maintained during construction to minimize impacts to the property and/or the property occupants.

Section 4.

(d.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Metro G Line (Orange) Bus

Rapid Transit Improvement Project ("Project");

- (e.) In July 2018, the Board approved a determination that the Project is Statutorily Exempt, pursuant to CEQA Guidelines Section 15275(a) (Public Resources Code Section 21080(b)(11)) and is consistent with the intent of the legislature to facilitate "passenger and commuter services" improvements to HOV lanes already in use. In July 2018, the Board authorized the filing of a CEQA Notice of Exemption (NOE) for the Project with the Los Angeles County Clerk
- (f.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain

Section 5.

The Board hereby declares that it has found and determined each of the following:

- (e.) The public interest and necessity require the proposed Project;
- (f.) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (g.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (h.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

Section 7.

That notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the

matters contained herein and each person whose property is to be acquired by eminent domain was given an opportunity to be heard.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 25th day of August 2022.

\_\_\_\_\_  
COLLETTE LANGSTON  
LACMTA Board Clerk

Date: \_\_\_\_\_

**ATTACHMENTS**

Exhibit A-1 and A-2 – Legal Descriptions  
Exhibit B-1 and B-2 – Plat Maps

Parcel MOL-004 – Legal Description

**LEGAL DESCRIPTION**

**ACQUISITION**

**APN# 2109-031-017**

That certain portion of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 8, Block 6, as per map recorded in Book 19, Page 36 of Maps, being more particularly described as follows:

**BEGINNING** at the northwest corner of that certain Irrevocable Offer To Dedicate Document, recorded February 8, 1967 as Recording No. 2437, in Book D3553, Page 936 of Official Records, said point being a point on the westerly line of said Lot 8; thence along said westerly line North 00°17'24" East (North 0°03' East per Book 19, Page 36 of Maps) a distance of 3.00 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said line, North 00°17'24" East, a distance of 22.00 feet; thence leaving said line, South 89°47'21" West, a distance of 2.00 feet; thence South 00°17'24" West, a distance of 7.00 feet; thence South 89°47'24" East, a distance of 5.66 feet; thence South 39°32'58" East, a distance of 3.65 feet; thence South 00°17'24" West, a distance of 15.20 feet to the northerly line of said Irrevocable Offer to Dedicate Document; thence along said northerly line, North 89°47'21" West, a distance of 8.00 feet; thence leaving said line, North 00°17'24" East, a distance of 3.00 feet; thence North 89°47'21" West, a distance of 2.00 feet to the **TRUE POINT OF BEGINNING**.

Containing 184.7 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by me or under my direction.



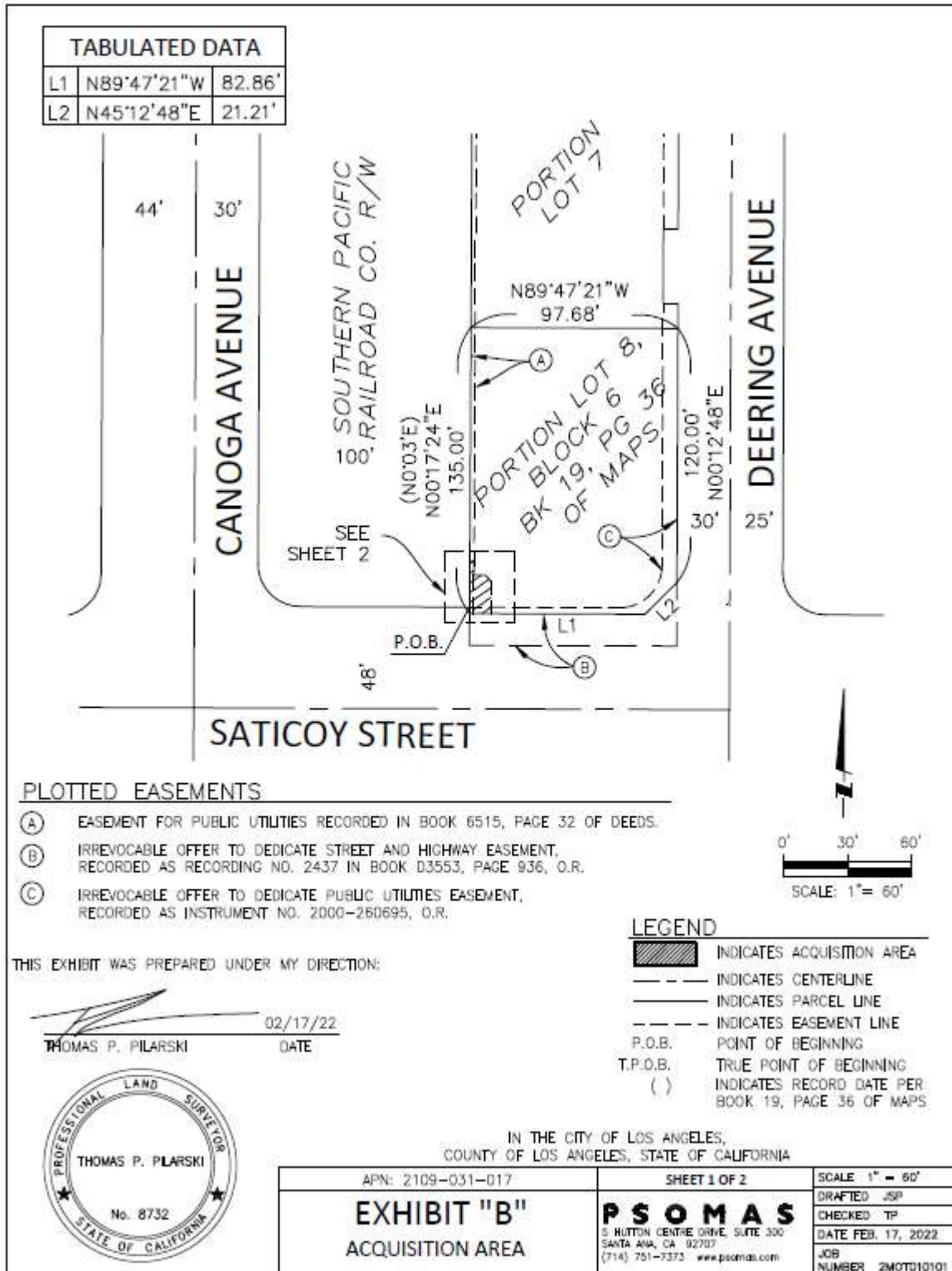
Thomas P. Pilarski, PLS 8732

2-17-22

Date



Parcel MOL-004 – Plat



## Parcel MOL-004 – Legal Description (TCE)

**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**APN# 2109-031-017**

That certain portion of land, being a strip of land 5.00 feet wide, situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 8, Block 6, as per map recorded in Book 19, Page 36 of Maps, being a strip of land lying 5.00 feet northerly, northeasterly and easterly of the following described line:

**BEGINNING** at the northwest corner of that certain Irrevocable Offer To Dedicate Document, recorded February 8, 1967 as Recording No. 2437, in Book: D3553, Page 936 of Official Records, said point being a point on the westerly line of said Lot 8; thence along said westerly line North 00°17'24" East (North 0°03' East per Book 19, Page 36 of Maps) a distance of 25.00 feet to the **TRUE POINT OF BEGINNING**; thence leaving said line, South 89°47'21" East, a distance of 2.00 feet; thence South 00°17'24" West, a distance of 7.00; thence South 89°47'21" East, a distance of 5.66 feet; thence South 39°32'58" East, a distance of 3.65 feet; thence South 00°17'24" West, a distance of 15.20 feet to the northerly line of said Irrevocable Offer to Dedicate Document; thence along said northerly line, South 89°47'21" East, a distance of 30.00 feet.

Said strip of land shall be prolonged or shortened so as to terminate westerly in said westerly line of said Lot 8 and southerly in said northerly line of said Irrevocable Offer to Dedicate Document.

Containing 313.3 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.



Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

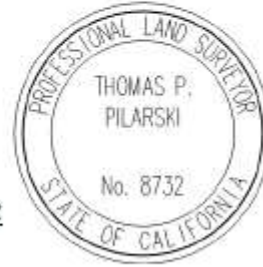
See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by me or under my direction.

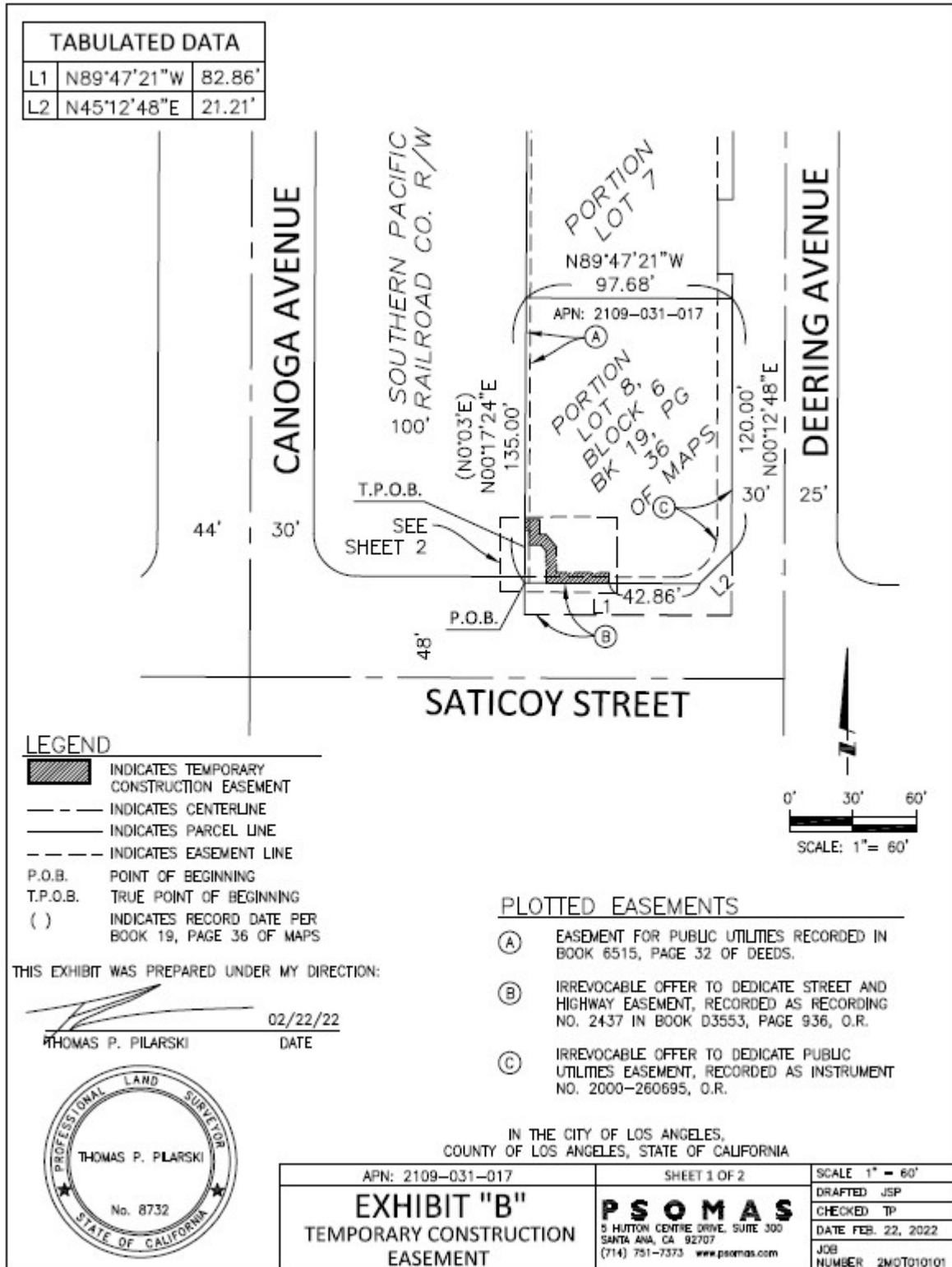


Thomas P. Pilarski, PLS 8732

02-22-22  
Date



Parcel MOL-004 – Plat (TCE)



**RESOLUTION OF THE  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC  
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE  
EXERCISE OF EMINENT DOMAIN  
METRO G LINE (ORANGE) BUS RAPID TRANSIT IMPROVEMENTS PROJECT,  
("PROJECT") – PARCEL NO. MOL-006**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA") is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The Property Interests consist of the acquisition of a Permanent Partial Acquisition and a 66-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions (Exhibit "A-1" and "A-2"), respectively, and depicted in the plat maps (Exhibit "B-1" and "B-2"), respectively, attached hereto (hereinafter, the "Property Interests"). The actual construction time frame related to each property will have a duration of approximately six (6) months. Additionally, access for ingress and egress will be maintained during construction to minimize impacts to the property and/or the property occupants.

Section 4.

(g.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Metro G Line (Orange) Bus Rapid Transit Improvement Project ("Project");

(h.) In July 2018, the Board approved a determination that the Project is

Statutorily Exempt, pursuant to CEQA Guidelines Section 15275(a) (Public Resources Code Section 21080(b)(11)) and is consistent with the intent of the legislature to facilitate “passenger and commuter services” improvements to HOV lanes already in use. In July 2018, the Board authorized the filing of a CEQA Notice of Exemption (NOE) for the Project with the Los Angeles County Clerk

- (i.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain

#### Section 5.

The Board hereby declares that it has found and determined each of the following:

- (i.) The public interest and necessity require the proposed Project;
- (j.) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (k.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (l.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

#### Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

#### Section 7.

That notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein and each person whose property is to be acquired by eminent domain was given an opportunity to be heard.

#### Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 25th day of August 2022.

Date: \_\_\_\_\_

\_\_\_\_\_  
COLLETTE LANGSTON  
LACMTA Board Clerk

**ATTACHMENTS**

Exhibit A-1 and A-2 – Legal Descriptions  
Exhibit B-1 and B-2 – Plat Maps

Parcel MOL-006 – Legal Description

**LEGAL DESCRIPTION**

**ACQUISITION AREA**

**APN# 2111-030-018**

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 11 of Block 44, Owensmouth Tract, as per map recorded in Book 19, Pages 36 and 37, of Maps, in the office of the County Recorder of said County, except the North 120 feet thereof, being more particularly described as follows:

Being the northerly 24.00 feet of the southerly 34.00 feet of the westerly 30.00 feet of that portion of Lot 11 of Block 44, Owensmouth Tract, as per map recorded in Book 19, Pages 36 and 37 of Maps.

Containing 720.0 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

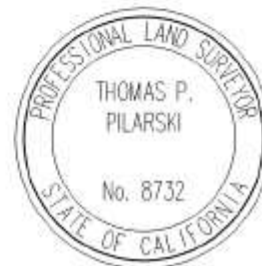
This legal description was prepared by me or under my direction.



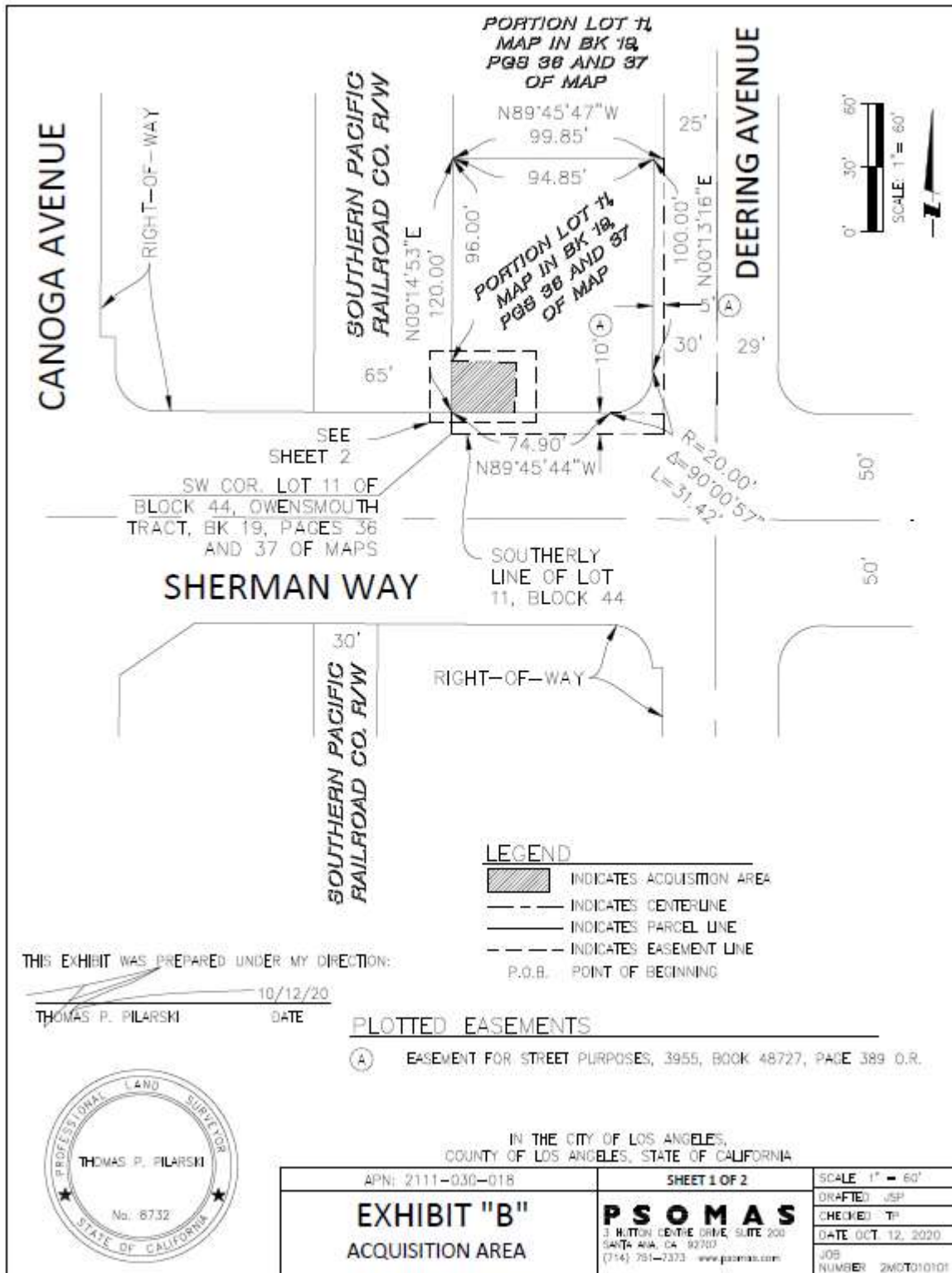
Thomas P. Pilarski, PLS 8732

10-12-20

Date



Parcel MOL-006 – Plat



**Parcel MOL-006 – Legal Description (TCE)**

**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**APN# 2111-030-018**

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 11 of Block 44, Owensmouth Tract, as per map recorded in Book 19, Pages 36 and 37, of Maps, in the office of the County Recorder of said County, being a 5' wide strip, lying northerly and westerly of the following described line:

Beginning at a point on the westerly line of said Lot 11, said point being 34.00 feet northerly of the southerly line of said Lot; thence leaving said line, North 89°45'44" West, 30.00 feet; thence South 00°14'53 West, 24.00 feet to the northerly line of Sherman Way, per Street Easement recorded August 22, 1955 as Document Number 3955, Book 48727, Page 389 of Official Records; thence along said northerly line, North 89°45'44" West, 26.00 feet.

Containing 400.0 square feet, more or less.

The sidelines of said 5.00 wide easement shall be prolonged or shortened as necessary to terminate at the westerly line of said Lot, and the northerly line of Sherman Way, per said Street Easement.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.



See Exhibit 'B' attached hereto and made a part hereof.

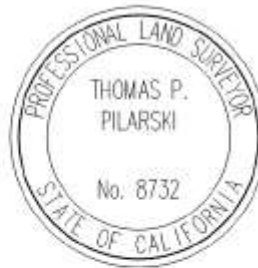
This legal description was prepared by me or under my direction.



Thomas P. Pilarski, PLS 8732

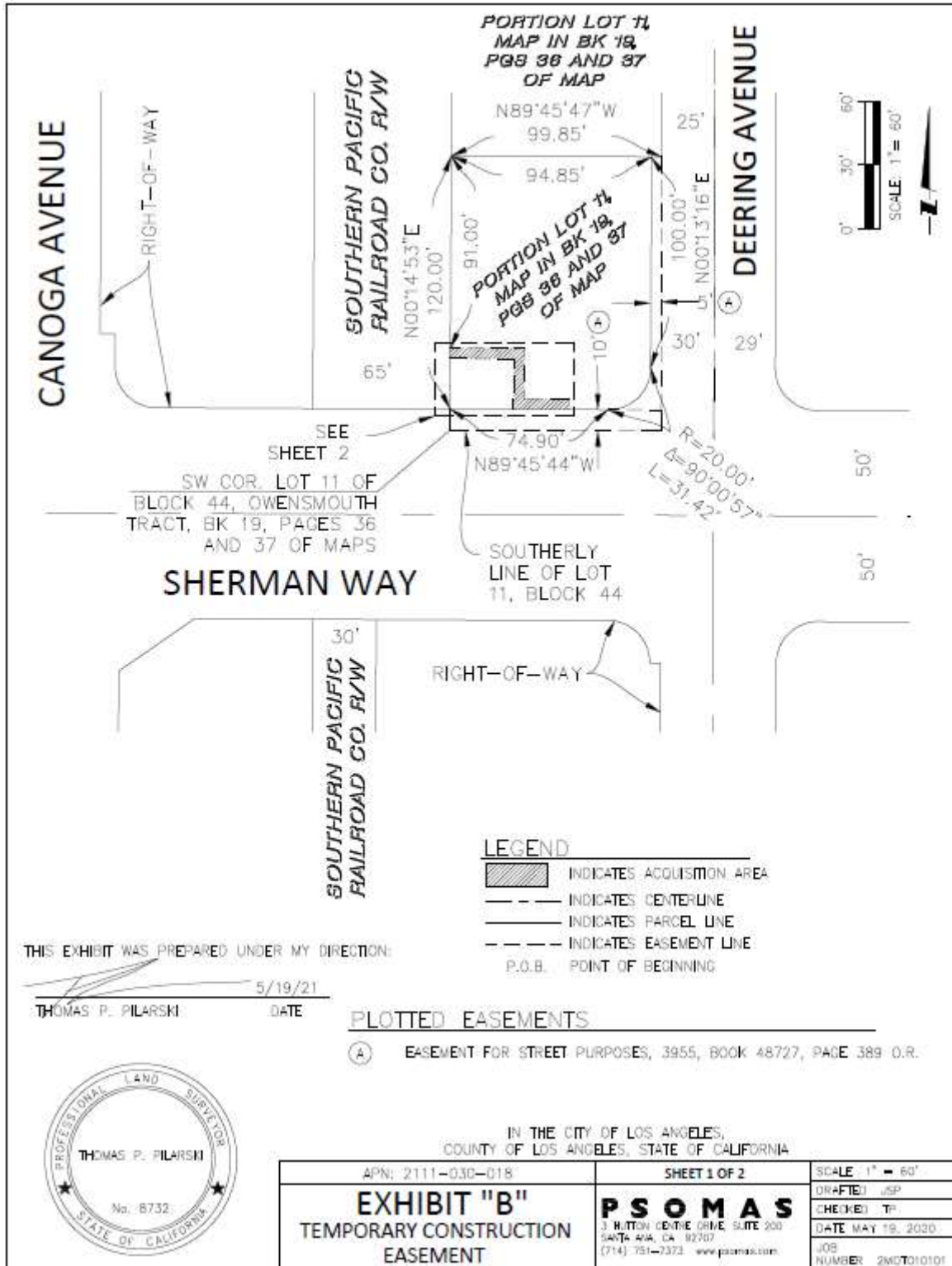
5-19-21

Date



Sheet 2 of 2

Parcel MOL-006 – Plat (TCE)



**RESOLUTION OF THE  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC  
PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE  
EXERCISE OF EMINENT DOMAIN  
METRO G LINE (ORANGE) BUS RAPID TRANSIT IMPROVEMENTS PROJECT,  
("PROJECT") – PARCEL NO. MOL-008**

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY BOARD OF DIRECTORS ("BOARD") HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("LACMTA") is a public entity organized and existing pursuant to Chapter 2 of Division 12 of the California Public Utilities Code (commencing with Section 130050).

Section 2.

The property interests described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The Property Interests consist of the acquisition of a Permanent Street Easement and a 67-month Temporary Construction Easement ("TCE"), as described more specifically in the legal descriptions (Exhibit "A-1" and "A-2"), respectively, and depicted in the plat maps (Exhibit "B-1" and "B-2"), respectively, attached hereto (hereinafter, the "Property Interests"). The actual construction time frame related to each property will have a duration of approximately six (6) months. Additionally, access for ingress and egress will be maintained during construction to minimize impacts to the property and/or the property occupants.

Section 4.

(j.) The acquisition of the above-described Property Interests is necessary for the development, construction, operation, and maintenance of the Metro G Line (Orange) Bus Rapid Transit Improvement Project ("Project");

- (k.) In July 2018, the Board approved a determination that the Project is Statutorily Exempt, pursuant to CEQA Guidelines Section 15275(a) (Public Resources Code Section 21080(b)(11)) and is consistent with the intent of the legislature to facilitate “passenger and commuter services” improvements to HOV lanes already in use. In July 2018, the Board authorized the filing of a CEQA Notice of Exemption (NOE) for the Project with the Los Angeles County Clerk
- (l.) Accordingly, LACMTA has fulfilled the necessary statutory prerequisites to acquire the Property by eminent domain

#### Section 5.

The Board hereby declares that it has found and determined each of the following:

- (m.) The public interest and necessity require the proposed Project;
- (n.) The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (o.) The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;
- (p.) The offer required by Section 7267.2 of the Government Code has been made to the Owner; and said offer was transmitted together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, which offers and accompanying statements/summaries were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).

#### Section 6.

Pursuant to Sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent that the Property is already devoted to a public use, the use to which the Property is to be put is a more necessary public use than the use to which the Property is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property is already devoted.

#### Section 7.

That notice of intention to adopt this resolution was given by first class mail to each person whose Property is to be acquired by eminent domain in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board on the matters contained herein and each person whose property is to be acquired by eminent domain was given an opportunity to be heard.

Section 8.

Legal Counsel is hereby authorized and directed to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, to acquire the Property Interests described above by eminent domain. Counsel is also authorized and directed to seek and obtain an Order for Prejudgment Possession of said Property in accordance with the provisions of the eminent domain law and is directed that the total sum of probable just compensation be deposited with the State Treasurer or the Clerk of the Superior Court. Counsel may enter into stipulated Orders for Prejudgment Possession and/or Possession and Use Agreements, where such agreements constitute the functional equivalent of an Order for Prejudgment Possession. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the real property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property, and, with the concurrence and approval of LACMTA Staff, to make minor adjustments to the scope and descriptions of easements or other Property to be acquired in order to ameliorate any claims for severance damages.

Counsel is further authorized to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary actions to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. If settlement cannot be reached, Counsel is authorized to proceed to resolve the proceedings by means of jury trial. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 25th day of August 2022.

Date: \_\_\_\_\_

\_\_\_\_\_  
COLLETTE LANGSTON  
LACMTA Board Clerk

**ATTACHMENTS**

Exhibit A-1 and A-2 – Legal Descriptions  
Exhibit B-1 and B-2 – Plat Maps

Parcel MOL-008 – Legal Description

**LEGAL DESCRIPTION**

**ACQUISITION AREA**

**APN# 2110-003-036**

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 1 of Tract No. 5596, as per map recorded in Book 61, Page 44 of maps, being more particularly described as follows:

**BEGINNING** at the southwest corner of that certain document Granted to City of Los Angeles, recorded March 13, 1962, Instrument Number 4337 of Official Records, said point also being 30.00 feet southerly and parallel to the northerly line of Lot 1 of said Tract No. 5596; thence easterly along the southerly line of said Instrument Number 4337, North  $89^{\circ}16'26''$  East, a distance of 58.63 feet to **TRUE POINT OF BEGINNING**; thence continuing along said line, North  $89^{\circ}16'26''$  East, a distance of 40.00 feet to the beginning of a 20.00 foot radius curve, concave southwesterly; thence along said curve through a central angle of  $90^{\circ}59'31''$ , an arc length of 31.76 feet; thence leaving said line North  $48^{\circ}11'29''$  West, a distance of 27.14 feet, thence North  $87^{\circ}51'49''$  West, a distance of 40.05 feet to the **TRUE POINT OF BEGINNING**.

Containing 177.2 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by me or under my direction.



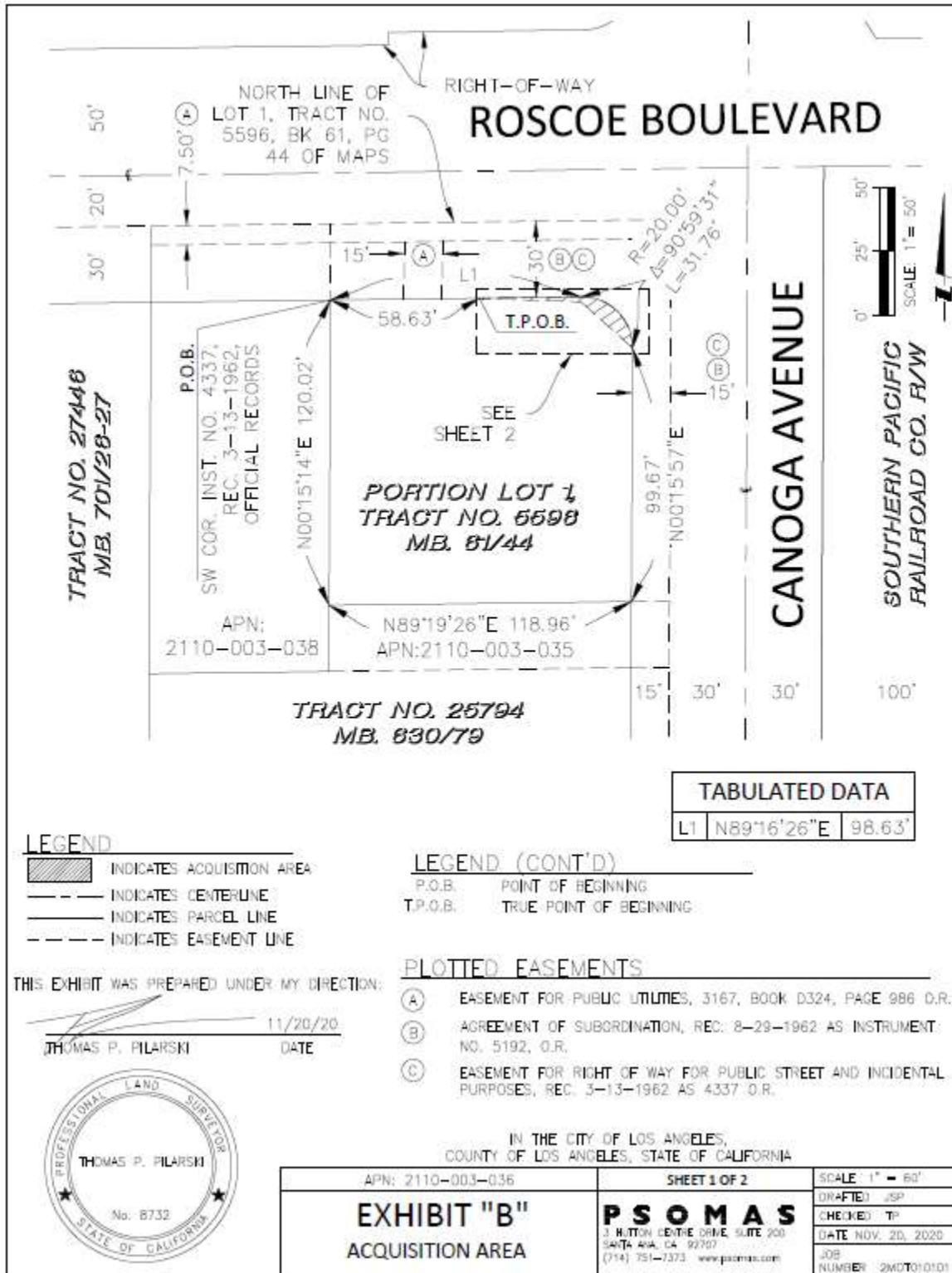
Thomas P. Pilarski, PLS 8732

11-20-20

Date



Parcel MOL-008 – Plat





Parcel MOL-008 – Legal Description (TCE)

**LEGAL DESCRIPTION**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**APN# 2110-003-036**

That certain parcel of land situated in the City of Los Angeles, County of Los Angeles, State of California, being that portion of Lot 1 of Tract No. 5596, as per map recorded in Book 61, Page 44 of maps, being more particularly described as follows:

**BEGINNING** at the southwest corner of that certain document Granted to City of Los Angeles, recorded March 13, 1962, Instrument Number 4337 of Official Records, said point also being 30.00 feet southerly and parallel to the northerly line of Lot 1 of said Tract No. 5596; thence easterly along the southerly line of said Instrument Number 4337, North 89°16'26" East, a distance of 58.63 feet to **TRUE POINT OF BEGINNING**; thence leaving said line, South 87°51'49" East, a distance of 40.05 feet; thence South 48°11'29" East, a distance of 27.14 feet to the southerly terminus of that certain 20.00 foot radius curve concave southwesterly, said curve being the westerly line of said Instrument Number 4337; thence along said west line, South 00°15'57" West, a distance of 5.01 feet; thence leaving said line, North 48°11'29" West, a distance of 30.11 feet; thence South 89°16'26" West, a distance of 37.72 feet; thence North 00°43'34" West, a distance of 5.00 feet to the **TRUE POINT OF BEGINNING**.

Containing 264.0 square feet, more or less.

This legal description is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Subject to easements, covenants, conditions, restrictions, reservations, rights, rights-of-way, and other matters of record, if any.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by me or under my direction.



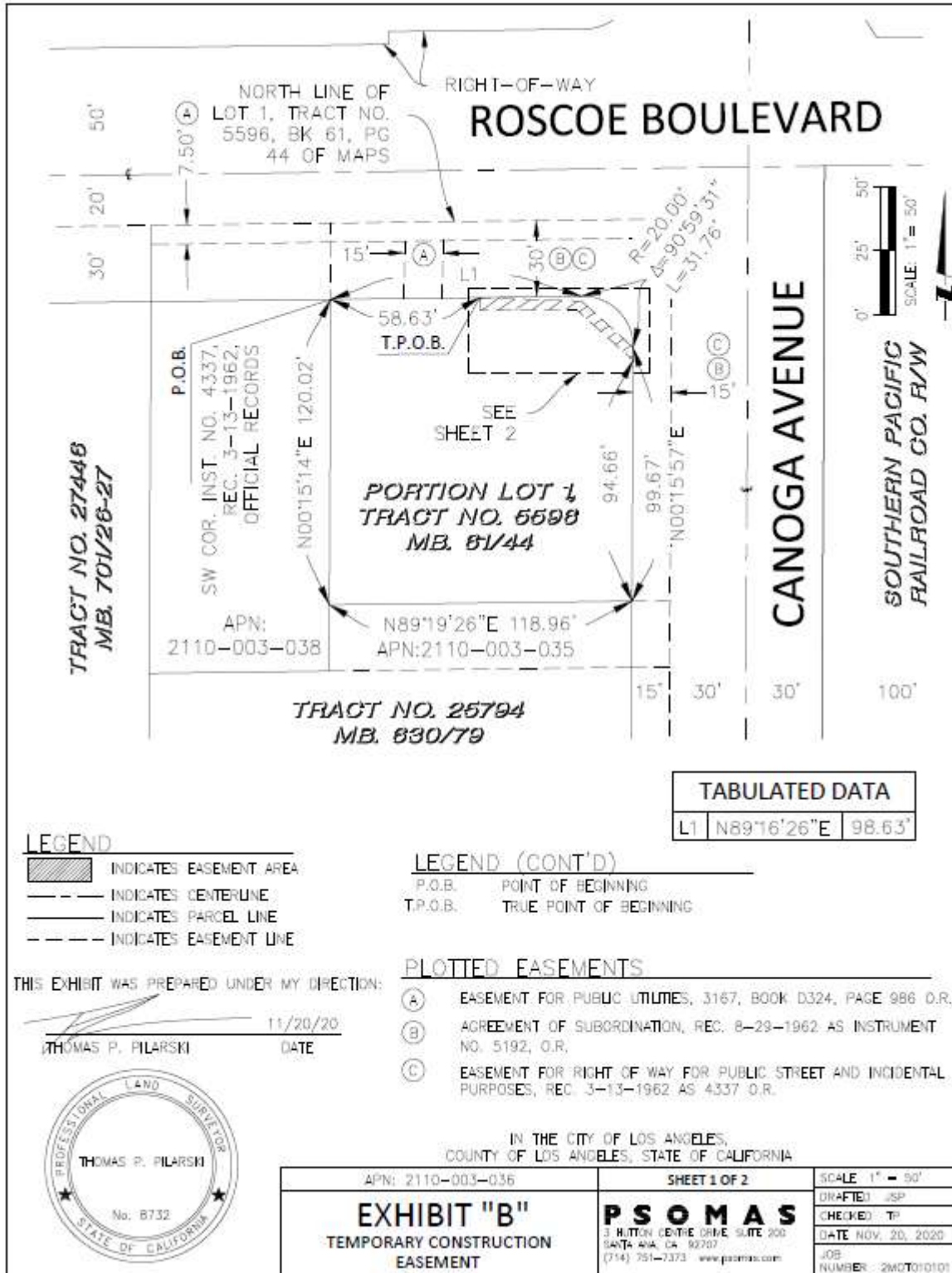
Thomas P. Pilarski, PLS 8732

11-20-20

Date



Parcel MOL-008 – Plat (TCE)



TABULATED DATA	
L1	N89°16'26"E 98.63'

**LEGEND**

- INDICATES EASEMENT AREA
- INDICATES CENTERLINE
- INDICATES PARCEL LINE
- INDICATES EASEMENT LINE

**LEGEND (CONT'D)**

- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING

**PLOTTED EASEMENTS**

- (A) EASEMENT FOR PUBLIC UTILITIES, 3167, BOOK D324, PAGE 986 O.R.
- (B) AGREEMENT OF SUBORDINATION, REC. 8-29-1962 AS INSTRUMENT NO. 5192, O.R.
- (C) EASEMENT FOR RIGHT OF WAY FOR PUBLIC STREET AND INCIDENTAL PURPOSES, REC. 3-13-1962 AS 4337 O.R.

THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

11/20/20  
 THOMAS P. PILARSKI DATE



IN THE CITY OF LOS ANGELES,  
 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

APN: 2110-003-036	SHEET 1 OF 2	SCALE 1" = 50'
<b>EXHIBIT "B"</b> TEMPORARY CONSTRUCTION EASEMENT	<b>PSOMAS</b> 3 HILTON CENTER DRIVE SUITE 200 SANTA ANA, CA 92707 (714) 751-7373 www.psomas.com	DRAFTED: JSP
		CHECKED: TP
		DATE NOV. 20, 2020
		JOB NUMBER: 2607010101



**Board Report**

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**File #:** 2022-0557, **File Type:** Minutes

**Agenda Number:** 2.

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**REGULAR BOARD MEETING  
AUGUST 25, 2022**

**SUBJECT: MINUTES**

**RECOMMENDATION**

APPROVE Minutes of the Regular Board Meeting held June 23, 2022, and the Special Board Meeting held July 20, 2022.

June 2022 EMC Public Comments

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 3:54 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

My name is [REDACTED] and I am a transit rider, PSAC member and with ACT-LA. I depend on the Orange line and Red line to get to work.

I want to congratulate Metro, Metro board and PSAC for this monumental moment. Transit ambassadors are essential to a care first approach and a big step towards real safety on Metro. We thank you for the investment that has gone into this pilot. We want to urge you to ensure that the ambassadors program is set up to succeed by -having ambassadors cover the bus system, that cultural competence is taken into account and that there is a plan to transition ambassadors to in agency union jobs.

We do want to flag that RMI is also one of Metros security contractors. How can the public be sure the security tasks and ambassador tasks are not done by the same people?

We look forward to answers to these questions through regular updates and transparency on the pilot. Thank you.

--

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 3:56 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am writing in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations?

The introduction of transit ambassadors is the right step for Metro, but will require work and assessment at multiple points to ensure that it will serve its ridership well.

Thank you,

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]

**Sent:** Wednesday, June 15, 2022 3:57 PM

**To:** Board Clerk <BoardClerk@metro.net>

**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am writing in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders, including myself.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations?

The introduction of transit ambassadors is the right step for Metro, but will require work and assessment at multiple points to ensure that it will serve its ridership well.

[REDACTED]

**From:** [REDACTED]

**Sent:** Wednesday, June 15, 2022 4:07 PM

**To:** Board Clerk <BoardClerk@metro.net>

**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am writing in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders, including myself.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations?

The introduction of transit ambassadors is the right step for Metro, but will require work and assessment at multiple points to ensure that it will serve its ridership well.

Thank you.

Sent from [Mail](#) for Windows



**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 4:14 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am a longtime transit rider and today I write in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders, including myself.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations?

The introduction of transit ambassadors is the right step for Metro, but will require work with transit riders and assessment at multiple points to ensure that it will serve its ridership well.

Thank you,

[REDACTED]

[REDACTED]

**From:** [REDACTED]

**Sent:** Wednesday, June 15, 2022 4:22 PM

**To:** Board Clerk <BoardClerk@metro.net>

**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am writing in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders, including myself.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations?

The introduction of transit ambassadors is the right step for Metro, but will require work and assessment at multiple points to ensure that it will serve its ridership well.

[REDACTED]

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

From: [REDACTED]

Sent: Wednesday, June 15, 2022 4:22 PM

To: Board Clerk <BoardClerk@metro.net>

Subject: SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am writing in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders, including myself.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations?

The introduction of transit ambassadors is the right step for Metro, but will require work and assessment at multiple points to ensure that it will serve its ridership well.

Thank you.

Best,

[REDACTED]

**From:** [REDACTED]

**Sent:** Wednesday, June 15, 2022 4:25 PM

**To:** Board Clerk <BoardClerk@metro.net>

**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am writing in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders, including myself.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations?

The introduction of transit ambassadors is the right step for Metro, but will require work and assessment at multiple points to ensure that it will serve its ridership well.

Thank you.

Sent from [Mail](#) for Windows

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 4:34 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Cc:** contact@act-la.org  
**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am writing in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders, including myself.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations? Finally, how will program evaluation criteria measure and course correct as needed for proper cultural competence and dispatch?

The introduction of transit ambassadors is the right step for Metro, but will require work and assessment at multiple points to ensure that it will serve its ridership well.

Thank you,

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 4:39 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am writing in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders, including myself.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations? Finally, how will program evaluation criteria measure and course correct as needed for proper cultural competence and dispatch?

The introduction of transit ambassadors is the right step for Metro, but will require work and assessment at multiple points to ensure that it will serve its ridership well.

Thank you.

[REDACTED]

Sent from my iPhone

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 4:41 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

To the Metro Board of Directors,

I am writing to celebrate Metro for beginning the process of implementing the Transit Ambassador pilot on Metro. These transit ambassadors will be critical in a care-first approach for transit riders like myself.

I hope that Metro in the near future will provide clarity about what criteria will be used to evaluate the program once it begins, and course correct as needed. The introduction of transit ambassadors is an exciting step for Metro, and will certainly require work and assessment at multiple points to ensure that it will serve its ridership well.

Thank you

----

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 4:44 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am writing in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders, including myself.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations?

The introduction of transit ambassadors is the right step for Metro, but will require work and assessment at multiple points to ensure that it will serve its ridership well.

Thank you,

[REDACTED]

--

[REDACTED]



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

From: [REDACTED]

Sent: Wednesday, June 15, 2022 4:47 PM

To: Board Clerk <BoardClerk@metro.net>

Subject: SUPPORT and Questions Around Item #39 - Transit Ambassador Contract

Dear Metro Board of Directors,

I am writing in support of awarding a contract for a Transit Ambassador pilot on Metro. The role of the transit ambassadors is critical in a care-first approach for transit riders, including myself.

However, I ask for Metro's consideration and clarity on the issue of security overlap, cultural competence, and robust assessment. In the event that Metro's current security contractor, RMI, is awarded the contract, how can the public be assured that ambassador and security enforcement responsibilities are not conducted by the same individuals?

How will cultural competence be measured and implemented among dispatched ambassadors, to ensure they can correctly serve the public? Additionally, what criteria will decision-makers use to dispatch ambassadors on buses and trains, versus bus stops and stations?

The introduction of transit ambassadors is the right step for Metro, but will require work and assessment at multiple points to ensure that it will serve its ridership well.

Thank you.

[REDACTED]

**June 2022 OPS Public Comments**

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 3:41 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** Public Comment for Item 30: Operations, Safety and Customer Experience Committee

Dear Metro Board and Operations Committee,

I am concerned with the staff recommendation to dissolving the existing Public Safety Advisory Committee (PSAC) and reconstituting it with new members. In my 10+ years working in transportation advocacy in Los Angeles, I have never seen Metro dissolve an advisory committee this fast. If the motivation for doing that is because staff are frustrated the committee is moving slower than Metro staff want, or because the committee has chosen not to have a chair, then that does not seem to warrant disbanding this important group entirely.

While adding new members is one thing, dissolving the existing work that has been built since April 2021 is a mistake. The amount of work and commitment into Metro's PSAC, is in my experience, unprecedented with over 93 meetings in less than 2 years. The committee has established rapport with each other, become increasingly knowledgeable on the challenges and constraints Metro faces and are poised to recommend ideas that prioritize transit riders and operators.

The existing committee members brought their professional and lived experiences to this critical space, and in a way that shifted the parameters of the discussion.

We encourage you to:

- (1) allow members to choose whether or not they'd like to extend their term on the PSAC,
- (2) define criteria for expanded membership and the specific viewpoints Metro would like to see represented, and
- (3) articulate a transparent process for how PSAC membership will evolve in the future.

My best,

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 3:55 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** CONCERNS on Item #30 - Public Safety Advisory Committee Evaluation

My name is [REDACTED] and I am a transit rider, PSAC member and with ACT-LA. I depend on the red line and orange line. I

The reports author as a law enforcement affiliate does not analyze the deep direct democratic governance processes that PSAC members rightfully took the time to complete in the formation of this council by suggesting the first several months were “spent” on administrative matters. The author’s approach was unfair to the service of community members who first defined and applied their trusted processes for decision making.

#### PSAC directive

- PSAC was tasked with giving recommendations on the pilot program, other safety alternatives and auditing the policing contract.
- PSAC recommended that Metro move to a non contractual relationship with law enforcement and instead began rolling out alternatives such as the ambassador program. This recommendation is in line with the directive for the advisory committee to recommend how Metro should move forward with the contracts.

#### Expertise

- PSAC body represents the diversity of transit riders. They were chosen to bring the transit riders perspective.
- Contrary to the report’s findings, many PSAC members have significant experience working on issues like police practices and represent other important constituencies - such as disability rights, work closely with LGBTQ communities, and are survivors of violence.
- Metro appears to be using the report as a means to change PSAC’s membership to get more members that will do what Metro wants them to do - and say what Metro wants them to say – rather than speak up and advocate on behalf of Los Angeles’ marginalized communities.

#### Report tone

- The report's tone is overall disrespectful to PSAC’s members and the life experience and dedication they bring to the committee. Quoting members' responses and comparing them to METRO staff uniformed responses. PSAC members are diverse and have varying experiences on the system and that is the value they bring to the committee.

Thank you

--

[REDACTED]

**From:** [REDACTED]

**Sent:** Wednesday, June 15, 2022 3:58 PM

**To:** Board Clerk <BoardClerk@metro.net>

**Subject:** CONCERNS on Item #30 - Public Safety Advisory Committee Evaluation

Dear Metro Board of Directors,

I am writing with concerns around Metro's Impact Evaluation Report related to the Public Safety Advisory Committee (PSAC).

The author of the report, a law enforcement affiliate, does not take into account the deep and direct democratic governance processes that PSAC members created during the formation of this council when the authors suggest the first several months were "spent" on administrative matters. The author's approach was unfair to the service of community members who intentionally defined and then applied their trusted processes for decision making on PSAC.

Additional concerns include:

- That it dismisses the significant expertise and experience held by members of the Committee. For example, members of PSAC have particular expertise working on issues of policing practices, disability rights, LGBT rights, or are survivors of violence themselves. The diverse and relevant lived experience of the committee members informed their work and strong policy recommendations.
- The overall tone throughout which was used to dismiss the committee members and the work they contributed to. PSAC took on a monumental task of assessing policing and safety practices at Metro, and put ample time into crafting specific policy recommendations based on that work.

Thank you,

[REDACTED]

[REDACTED]

**From:** [REDACTED]

**Sent:** Wednesday, June 15, 2022 4:01 PM

**To:** Board Clerk <BoardClerk@metro.net>

**Subject:** CONCERNS on Item #30 - Public Safety Advisory Committee Evaluation

Dear Metro Board of Directors,

I am writing with concerns around Metro's Impact Evaluation Report related to the Public Safety Advisory Committee (PSAC).

I'm concerned that the overall tone throughout the report is dismissive of the committee members and the important work they contributed to. PSAC took on a monumental task of assessing policing and safety practices at Metro, and put ample time into crafting specific policy recommendations based on that work. The evaluation reads as if Metro did not agree with the PSAC recommendations and is therefore moving to dissolve the committee, rather than grapple with its recommendations.

Thank you,

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 4:23 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** CONCERNS on Item #30 - Public Safety Advisory Committee Evaluation

Dear Metro Board of Directors,

I am writing with concerns around Metro's Impact Evaluation Report related to the Public Safety Advisory Committee (PSAC).

The author of the report, a law enforcement affiliate, does not take into account the deep and direct democratic governance processes that PSAC members created during the formation of this council when the authors suggest the first several months were "spent" on administrative matters. The author's approach was unfair to the service of community members who intentionally defined and then applied their trusted processes for decision making on PSAC.

Other concerns I have in regards to this report include that it dismisses the significant expertise and experience held by members of the Committee. For example, members of PSAC have particular expertise working on issues of policing practices, disability rights, LGBT rights, or are survivors of violence themselves. The diverse and relevant lived experience of the committee members informed their work and strong policy recommendations.

The overall tone throughout the report was dismissive of the committee members and the work they contribute towards an equitable vision of safety for all transit riders. The Public Safety Advisory Committee has taken on the monumental task of assessing policing and safety practices at Metro, and put ample time into crafting specific policy recommendations based on that work.

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 4:24 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** CONCERNS on Item #30 - Public Safety Advisory Committee Evaluation

Dear Metro Board of Directors,

I am [REDACTED], a longtime bus rider and advocate, writing today with concerns around Metro's Impact Evaluation Report related to the Public Safety Advisory Committee (PSAC).

I am concerned that the author of the report, a law enforcement affiliate, does not take into account the deep and direct democratic governance processes that PSAC members created during the formation of this council when the authors suggest the first several months were "spent" on administrative matters. The author's approach disregards the service of community members who intentionally defined and then applied their trusted processes for decision making on PSAC.

I am also concerned that this report dismisses the significant expertise and experience held by members of the Committee. PSAC members have particular expertise working on issues of policing practices, disability rights, LGBT rights, or are survivors of violence themselves. The diverse and relevant lived experience of the committee members informed their work and strong policy recommendations.

The overall tone throughout the report is dismissive of committee members and their contributions towards an equitable vision of safety for all transit riders. The Public Safety Advisory Committee has taken on the monumental task of assessing policing and safety practices at Metro, and put ample time into crafting specific policy recommendations based on that work.

I do hope you consider these concerns prior to any decision making regarding this evaluation.

Thank you,

[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, June 15, 2022 4:41 PM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** CONCERNS on Item #30 - Public Safety Advisory Committee Evaluation

Dear Metro Board of Directors,

I am writing with concerns around Metro's Impact Evaluation Report related to the Public Safety Advisory Committee (PSAC).

The author of the report, a law enforcement affiliate, does not take into account the deep and direct democratic governance processes that PSAC members created during the formation of this council when the authors suggest the first several months were "spent" on administrative matters. The author's approach was unfair to the service of community members who intentionally defined and then applied their trusted processes for decision making on PSAC.

Other concerns I have in regards to this report include that it dismisses the significant expertise and experience held by members of the Committee. For example, members of PSAC have particular expertise working on issues of policing practices, disability rights, LGBT rights, or are survivors of violence themselves. The diverse and relevant lived experience of the committee members informed their work and strong policy recommendations.

The overall tone throughout the report was dismissive of the committee members and the work they contribute towards an equitable vision of safety for all transit riders. The Public Safety Advisory Committee has taken on the monumental task of assessing policing and safety practices at Metro, and put ample time into crafting specific policy recommendations based on that work.

Thank you,

[REDACTED]

Sent from my iPhone



**From:** [REDACTED]  
**Sent:** Thursday, June 16, 2022 11:19 AM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** Public Comment on this morning's Operations meeting

Hi Board Clerk/staff:

Hope your day is well; sure you've got plenty ahead of you today with the upcoming committee meetings.

I'm just commenting because I accidentally misspoke when trying to give verbal comment on today's agenda; during consideration of two items at once (at least that's what I thought was happening), I raised my hand before a director had a comment on item 31--and then got called on public comment for that item. I said "oh sorry I wanted to comment on item 30"--when in reality, the other item was **32**. Apologies, I made a simple mistake! But then, I wasn't allowed to comment on 32, when the time came for that. Apologies for the confusion there--but I do feel it's important to say what I do say, and to stick around for the meetings that I do, so I hope my time can be respected as I'm trying to respect that y'all are trying to do your job as well.

So, I hope you can forwards on to the BoD at that meeting that I'm really displeased to see, as always, the Metro arrest records are very high for the black ridership; while they're lower than 50% for a rare occasion, I can't help but notice that it comes with Black Ridership also falling by 3% from what I'm familiar with it being (sliding from 18% to 15%, definitely something to correct for), and also I was going to point out that in the satisfaction part of the report, Black Folks are also scoring safety on Metro lower than any other group--and yet, they're the most likely to be arrested. While I can't prove anything with two data points, it does match my own experience that a lot of black folks don't feel safe on the bus-- And really underscores why I've been organizing with the Bus Riders Union to ask y'all to stop fare enforcement and other anti-black policies, and get cops off the bus!

Anyhow, hope y'all have a good rest of your day.

Best,

[REDACTED]

## June 2022 P&P Public Comments

**From:** [REDACTED]  
**Sent:** Tuesday, June 14, 2022 10:32 AM  
**To:** Board Clerk <BoardClerk@metro.net>  
**Subject:** AGAINST Item #12 Green Line Extension to Torrance

Attention Metro:

I am writing you this email on behalf of MANY local Residents and Business owners in Redondo Beach as well as Torrance, California who are AGAINST the Green Line, Item #12!! We have had many meetings with homeowners, business owners, local city government officials, and attorneys, etc discussing the dangers, and problems regarding the idea of green line being located here in the residential neighborhoods just feet away from where babies and children play and run around near train tracks. also dogs and pets run around, and long time endangered birds are located.

It is unsafe in many ways. There are multiple pipelines in the area, as well as other reasons that this is a Dangerous location for a green line. There are homes valued at over \$1 million dollars with families, children that reside in this safe neighborhood. We plan on keeping it safe, quiet. Green line is not needed nor desired in this area. People drive and take the Metro bus system. The bus system needs improvement. That is where you need to put the money into rather than the green line in this area.

Statically, Residents in this area don't use light rail locally. You can see these stats on the recent survey done in the area.

Besides issues with being dangerous and causing derailments like recently in Colton, California. Sound, light, crime increase, loss of endangered birds from this area, increase of traffic causing our Police, Firefighters, Ambulances getting stuck waiting for trains to pass and not being able to get to calls on time for both emergencies and to save lives at both businesses, and residences, etc.

Crime has increased in Santa Monica, California more than ever since the light rail has been there.

There are multi million dollar homes in Santa Monica that are being burglarized, robbed. Santa Monica NEVER had crime like it does now due to the light rail which is called the "CRIME TRAIN" in Santa Monica by Business Owners, and residents living there for over 50 years!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

We are not going to put up with a crime increase or anything else since it is proven to be dangerous to have any additional trains on our tracks next to our homes that are used for freight ONLY.

This is COMMON SENSE!!!!!!!

You can't have 1 train that carries explosive freight materials with another train carrying human beings at the same time and not have issues with SAFETY, DERAILMENTS, FIRE, CRIME INCREASE, TRAFFIC INCREASE, ETC!!!!!!!!!!!!!!!!!!!!!!!!!!!!

My husband is a local Firefighter, and Paramedic and was called out on 911 call for the recent train derailment in Colton, California. This was Absolutely an example of how easy derailments happen.

Especially with more than 1 train on the tracks. Especially next to the freight trains going by. These tracks are just FEET away from children playing in our backyards. Therefore, we are all against the idea of any additional trains on our current tracks that are used for Freight Only!!

Obviously, Freight trains are needed, not light rail trains holding human beings at the same time on the same tracks. Obviously, there is Too much danger with the MULTIPLE PIPELINES LOCATED NEXT TO THE TRAIN TRACKS.

There are also issues with illegally intruding on homeowners rights to Peace and Quiet on our properties!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!



The board should be aware of this issue because with all the executives positions approved for Ms. Wiggins, she's still unaware of most of what the day-to-day entails for Metro's employees.

The union is not going to complain about it's members getting more money and in this case neither did metro. Whatever happened to saving that carrot for negotiations.

Here's the issue: metro agreed to give AFSCME instructors at OCI only an increase of over 14,000 a year excluding overtime to their salary. Metro agreed to add an extra hour of pay everyday for time not worked, just giving an extra hour of pay each day as routine.

How does that look if someone else is accused of getting paid an hour in which they never worked. Excluding other AFSCME supervisors in the same band is deem discriminatory and favoring one over the other.

The issue hereis, is it legal to pay any employee for work not done?

Is it legal to favor one particular classification?

Can this decision be looked at as wasting tax payers money or is it fraud?

Metro don't hold wrongdoing accountable and this is wrong in the eyes of any reasonable person and should be addressed.

## LA's Expo Line Off the Rails - From Santa Monica to 7th Street in Downtown LA and back, a Ride into Hell

June 2022

[Click here to see video](#)

I would not be able to enter any sports stadium, airport, or government building, with the weapons many passengers now openly carry on the LA Expo, Metro transit system and Santa Monica's Big Blue Buses. This was only one of many unpleasant details I discovered during three-and-a-half weeks spent riding area public transportation in a fact-finding mission.

As a business and property owner in Santa Monica, I became concerned for the safety of my employees and those of neighboring business in the once-chic downtown and Third Street Promenade as they spoke about the one fear and anxiety they all shared: using public transportation. Dishwashers, janitors, waiters, and shop clerks, of different ages, races, and physical builds all felt the same way, and yet they depended on public transit to travel from their homes to their jobs in Santa Monica.

The graphic and sordid visuals employees described to me on public transit seemed unreal. At the same time, I had heard LA County Sheriff Villanueva claim there are an estimated 5,700 homeless individuals who use the trains as their main shelter.

I decided to conduct my own investigation. I gathered two assistants, and we dressed in worn clothes with hoodies and carried large backpacks with dirty tee shirts hanging from the top. Our original plan was to see what occurred over a weekend. What we saw was so 'off the rails' that we thought it must have been an unusual set of circumstances. I extended the experiment another three weeks, but the result was even worse.

The most immediate and obvious reality was that the Expo line running from Santa Monica to downtown Los Angeles is serving as the county's "hospital on wheels without doctors." Many motionless riders were covered in blankets, asleep, and surrounded by their own urine. By design, there are no restrooms at or near any of the Expo stops. The

train is also a crucible of crime as other travellers were organized, fully alert and walking from train to train looking for their next prey.

Each of us saw either a drug deal or the mixing of weed and crack by males seated on the stained cloth train seats. We saw several individuals bartering for narcotics dressed in the same lime green colored vests with orange stripes as the drivers wear. The ersatz uniform provided an authoritative "cover" for them to complete their drug deals without outside interference. On one occasion, I could see an argument inside a car between several men surrounding a small tray of off-colored white powder, likely meth. They had a guard of their own blocking entry to the car.

And thus there were the weapons. Brass knuckles, 9 mm semiautomatic pistols, small semiautomatic handguns (most likely homemade because they appeared sawed off), 6-inch knives, sawed-off 12-inch cast iron pipes, sawed-off fishing rods, two-foot hardened steel industrial chain.....much of it worn and carried, or hanging from openings in the side of baggy pants or from pockets and backpacks. The less sophisticated, sleeping off the effects of whatever drug they had ingested, carried simple wooden sticks.

It was this last group of people we saw covered and motionless on the same trip and sometimes on the same train, all day. At night they were quiet except for loud snoring, people very sick coughing and wheezing, and the sounds of paper or plastic bags opening to scrape up and place their feces. Urine remained on the floors until it was walked over or dried up. One couple completely covered in a yellow stained blanket were engaged in sex and moaning.

Although the train platforms and rails get a power washing that leaves behind an repelling aroma of cheap bleach and urine, we never saw anyone cleaning the interior of any cab.

A few of the perennial homeless travellers locked eyes with me. Some spoke because there was someone other than themselves to speak to. I could only make sense of about 15% of their words, but they told me about liver disease or, shivering, said they had untreated herpes and HIV.

One common fact stood out -- none had been in California for more than 3 months. All were transplants.

Currently, patrol and law enforcement are shared among Metro "guards and ambassadors," and the Long Beach and LA Police Departments. But we saw no Metro police on the train until we arrived

at the final stop at 7th Street in Downtown LA. The only other law enforcement present was the LA County Sheriff's Department, who faithfully fulfill their contracted duty of keeping order at the terminus in Santa Monica. Comically, there is a loudspeaker announcement advising riders if they "see something, say something", with a phone number. No one will come. Once you are inside the train car, you are dead meat.

I reached out to several members of the Expo Board of Directors, to County Supervisor Sheila Kuehl, who lives in Santa Monica, and Mayor Eric Garcetti. I would like to ride the entire 15.2 mile Expo line with each of them starting in Santa Monica, where they will park inside of one of Santa Monica's seedy garages, without being dropped of by their personal driver, step past puddles of urine, motionless but living bodies here or there, tagged walls, and then past several tented encampments on 4th Street or along Colorado. Then we will wait on the platform for a train, take a deep breath, step in and sit down, watch the doors shut, and see what it's like for the working class of LA. on a daily basis.





Eco-Rapid Transit, formerly known as the Orangeline Development Authority, is a joint powers authority (JPA) created to pursue development of a transit system that moves as rapidly as possible, uses grade separation as appropriate, and is environmentally friendly and energy efficient. The system is designed to enhance and increase transportation options for riders of this region utilizing safe, advanced transit technology to expand economic growth that maximizes ridership in Southern California. The Authority is composed of the following public agencies:

June 20, 2022

Hilda Solis  
 Chair  
 Los Angeles County Metropolitan Transportation Authority  
 One Gateway Plaza  
 Los Angeles CA 90012

Re: Letter of Support - Metro Motion - **Norman Y. Mineta Station Dedication**

Supervisor Solis,

Eco-Rapid Transit supports the motion by you and Metro Director Garcetti to dedicate the Little Tokyo/Arts District Station to Secretary Norman Yoshio Mineta in honor of his contributions to the Los Angeles' transit system, the Japanese American community, the Little Tokyo community, and his career as a public servant.

Secretary Mineta service as the former United States Secretary of Transportation and as a primary author of the American Disabilities Act and Intermodal Surface Transportation Efficiency Act (ISTEA) was vital for the country. He has left a legacy in local government and transportation. He has been an important contributor in our community from the formation of the Gateway Cities Council of Governments to working with all of us on the West Santa Ana Branch.

Sincerely,

Michael R. Kodama  
 Executive Director

Cc: The Honorable Janice Hahn, Los Angeles County Supervisor and Metro Board Member  
 The Honorable Eric Garcetti, City of Los Angeles Mayor and Metro Board Member  
 The Honorable Fernando Dutra, City of Whittier Councilmember and Metro Board Member  
 The Honorable Ali Sajajd Taj, City of Artesia Councilmember and Chair, Eco-Rapid Transit  
 Eco-Rapid Transit Board of Directors  
 Nancy Pfeffer, Executive Director, Gateway Cities COG

- City of Artesia
- City of Bell
- City of Bell Gardens
- City of Cerritos
- City of Cudahy
- City of Downey
- City of Glendale
- City of Huntington Park
- City of Maywood
- City of Paramount
- City of South Gate
- Burbank-Glendale-Pasadena Airport Authority

Chair

Ali Sajjad Taj  
 Council Member  
 City of Artesia

Vice-Chair

Vrej Agajanian  
 Councilmember  
 City of Glendale

Secretary

Jose R. Gonzalez  
 Vice Mayor  
 City of Cudahy

Treasurer/Internal Auditor

Alejandra Cortez  
 Councilmember  
 City of Bell Gardens

Executive Director

Michael R. Kodama

General Counsel

Matthew T. Summers

Ex-Officio

Ricardo Reyes  
 City Manager Representative



June 22, 2022

The Honorable Hilda L. Solis  
Chair, Los Angeles County Metropolitan Transportation Authority Board of Directors  
Los Angeles County Supervisor, First District  
Transmitted by email

Re: Motion to Dedicate Little Tokyo/Arts District Station in Honor of Norman Y. Mineta

Dear Supervisor Solis:

Few Americans have served their country with more dignity or had a greater impact on modern transportation than former United States Secretary of Transportation Norman Y. Mineta. In recognition of his 35 years of public service and his willingness to lend advice during the development of the Regional Connector and West Santa Ana Branch projects, the seven undersigned community-based organizations wholeheartedly support the motion by Metro Board President and County Supervisor Hilda Solis and Mayor Eric Garcetti to dedicate the Little Tokyo Arts District Station in Secretary Mineta's memory.

As a Congressional representative and the first Asian American to serve on a Presidential Cabinet, Secretary Mineta's service included 20 years as a member of the United States Congress during which he led the Subcommittee on Surface Transportation. He worked to include transportation protections in the landmark Americans with Disabilities Act of 1990 and introduced the Intermodal Surface Transportation Efficiency Act, a revolutionary law that gave state and local governments more control over the roadways in their districts and went on to chair the Public Works and Transportation Committee, largest in the House of Representatives.

A lifelong advocate for human rights, he became the driving force behind the Civil Liberties Act of 1988, a law that officially apologized for and redressed the injustices endured by Japanese Americans during World War II. As chair of the Board of Trustees for the Japanese American National Museum, located adjacent to the new Regional Connector station, he helped ensure that the lessons embodied in that wartime experience continue to promote greater understanding among all people.

We, therefore, urge the Metro board of directors to vote in favor of the motion to dedicate the Regional Connector Station as the *Norman Y. Mineta Little Tokyo/Arts District Station*.

Japanese American Citizens League, Downtown Los Angeles Chapter  
Japanese American National Museum  
Chinese American Museum  
Japanese Chamber of Commerce of Southern California  
Little Tokyo Business Association  
Little Tokyo Community Council  
Little Tokyo Legacy Foundation



Little Tokyo Legacy Foundation  
Let's Make it Better



cc: Mayor Eric Garcetti



## **MINUTES**

**Thursday, June 23, 2022**

**10:00 AM**

### **Board of Directors - Regular Board Meeting**

**DIRECTORS PRESENT:**

**Hilda L. Solis, Chair**  
**Ara Najarian, 1st Vice Chair**  
**Jacquelyn Dupont-Walker, 2nd Vice Chair**  
**Kathryn Barger**  
**Mike Bonin**  
**James Butts**  
**Fernando Dutra**  
**Eric Garcetti**  
**Janice Hahn**  
**Paul Krekorian**  
**Sheila Kuehl**  
**Holly Mitchell**  
**Tim Sandoval**  
**Gloria Roberts, non-voting member**

**Stephanie Wiggins, Chief Executive Officer**

**CALLED TO ORDER: 10:00 A.M.**

**ROLL CALL**

1. APPROVED Consent Calendar Items: 2, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 33, 34, 38, 39, 40, 41, 42, 43, 44, and 46.

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

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	Y	Y	A	Y	A	Y	A	Y	Y	Y	Y

2. **SUBJECT: MINUTES** **2022-0418**  
 APPROVED ON CONSENT CALENDAR Minutes of the Regular Board Meeting held May 26, 2022.

3. **SUBJECT: REMARKS BY THE CHAIR** **2022-0377**  
 RECEIVED remarks by the Chair.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
P	P	P	P	P	P	P	P	P	P	P	P	P

4. **SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER** **2022-0378**  
 RECEIVED report by the Chief Executive Officer.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
P	P	P	P	P	P	P	P	P	P	P	P	P

\*\*\*\*\*

KB = K. Barger	FD = F. Dutra	SK = S. Kuehl	HS = H. Solis
MB = M. Bonin	EG = E. Garcetti	HJM = H.J. Mitchell	
JB = J. Butts	JH = J. Hahn	AN = A. Najarian	
JDW = J. Dupont Walker	PK = P. Krekorian	TS = T. Sandoval	

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

**5. SUBJECT: MEASURE R MULTI-MODAL HIGHWAY SUBREGIONAL PROGRAMS SEMI-ANNUAL UPDATE** 2022-0293

APPROVED ON CONSENT CALENDAR:

- A. \$37,227,000 in additional programming within the capacity of the Measure R Multi-Modal Highway Subregional Programs and funding changes via the updated project list for:
  - Arroyo Verdugo Operational Improvements
  - I-405, I-110, I-105, & SR-91 Improvements (South Bay)
  - I-605 Corridor "Hot-Spots" Interchange Improvements in Gateway Cities
  - I-710 South Local Streets Early Action projects in Gateway Cities
- B. APPROVING deobligation of \$1,850,000 of previously approved Measure R Highway Subregional Program funds for re-allocation to the other existing Board approved Measure R projects; and
- C. AUTHORIZING the CEO or designee to negotiate and execute all necessary agreements for the Board-approved projects.

**6. SUBJECT: MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM UPDATE - GATEWAY CITIES SUBREGION** 2022-0339

APPROVED ON CONSENT CALENDAR:

- A. PROGRAMMING an additional \$21,011,308 within the capacity of Measure M Multi-Year Subregional Program (MSP) - I-605 Corridor "Hot Spot" Interchange Improvements Multi-Modal Program;
- B. REPROGRAMMING of projects previously approved to meet environmental, design, right-of-way, and construction time frames; and
- C. DELEGATING the Chief Executive Officer (CEO) or their designee the authority to:
  - 1. Amend Measure M MSP funding agreements to modify the scope of work of projects and project development phases consistent with eligibility requirements;
  - 2. Administratively extend funding agreement lapse dates for Measure M MSP funding agreements to meet revised project schedule, and
- D. AUTHORIZING the CEO or their designee to negotiate and execute all necessary agreements for approved projects.

**7. SUBJECT: MEASURE M MULTI-YEAR SUBREGIONAL PROGRAM - 2022-0343**  
**CENTRAL CITY SUBREGION**

APPROVED ON CONSENT CALENDAR:

- A. PROGRAMMING of \$18,623,792 within the capacity of Measure M Multi-Year Subregional Program (MSP) - Active Transportation, First/Last Mile and Mobility Hubs Program;
- B. DELEGATING the Chief Executive Officer (CEO) or their designee the authority to:
  - 1. Amend Measure M MSP funding agreements to modify the scope of work of projects and project development phases consistent with eligibility requirements;
  - 2. Administratively extend funding agreement lapse dates for Measure M MSP funding agreements to meet environmental, design, right-of-way and construction time frames; and
- C. AUTHORIZING the CEO or their designee to negotiate and execute all necessary agreements for approved projects.

**8. SUBJECT: CHAVEZ/FICKETT L (GOLD) LINE STATION JOINT DEVELOPMENT 2022-0256**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute an amendment to the Exclusive Negotiations and Planning Agreement (ENA) with Abode Communities to extend the term for one year, with an option to extend the term for an additional year, for the joint development of Metro-owned property at Cesar E. Chavez Avenue and Fickett Street in Boyle Heights with up to 110 affordable housing units, an on-site community garden and small-format food retail.

**9. SUBJECT: METRO OBJECTIVES FOR MULTIMODAL HIGHWAY INVESTMENT 2022-0302**

APPROVED ON CONSENT CALENDAR:

- A. ADOPTING the proposed Metro Objectives for Multimodal Highway Investment; and
- B. RECEIVING AND FILING the report back on FY23 Budgeted Multimodal Highway Investments.

(continued on next page)

(Item 9 – continued from previous page)

**SOLIS & DUPONT WALKER AMENDMENT TO ATTACHMENT A,  
OBJECTIVE 2:** Recognizing LA County’s history of inequitable highway investment policies and construction, work with local communities to reduce disparities caused by the existing highway system and develop holistic, positive approaches to maintain and improve the integrity and quality of life of those communities with minimal or no displacement during the implementation of highway improvements.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**10. SUBJECT: AMEND THE MEMORANDUM OF UNDERSTANDING WITH 2022-0314  
THE SAN GABRIEL VALLEY COUNCIL OF  
GOVERNMENTS FOR THE SAN GABRIEL VALLEY  
TRANSIT FEASIBILITY STUDY**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to amend the Memorandum of Understanding (MOU) dated February 1, 2021, with the San Gabriel Valley Council of Governments (SGVCOG) for the San Gabriel Valley Transit Feasibility Study (Study), authorizing the SGVCOG to proceed with next steps of the study with a not-to-exceed amount of \$1,800,000, bringing the total funding to \$3,300,000.

**11. SUBJECT: TRANSFER OF PROPERTIES TO CITY OF LOS ANGELES 2022-0388  
FOR DESTINATION CRENSHAW**

APPROVED ON CONSENT CALENDAR:

- A. DECLARING that 3417 W. Slauson Ave, 5759 11th Ave & 3309 W. Slauson Ave (the Properties, as depicted in Attachment A) are not necessary for use by Metro and are “exempt surplus land” as defined in Section 54221(f)(1) of the California Surplus Land Act, as amended; and
- B. AUTHORIZING the Chief Executive Officer (CEO) to execute any necessary documents to transfer the Properties to the City of Los Angeles (City) in support of Destination Crenshaw, with land value waived, contingent on the following:
  - 1. City or Destination Crenshaw providing an alternative location for the bicycle parking infrastructure originally planned for the IAM Park site, including securing approved plans and permits and installing.
  - 2. Mutual agreement of responsibilities and use restrictions regarding the environmental mitigation program at Slauson Park.
  - 3. Mutual agreement regarding Metro’s obligation to replant trees under Permit No. 31392

**13. SUBJECT: LOCAL RETURN PROPOSITION A, PROPOSITION C,  
MEASURE R AND MEASURE M CAPITAL RESERVE**

2022-0225

**APPROVED ON CONSENT CALENDAR:**

- A. the Chief Executive Officer to negotiate and execute all necessary agreements between Los Angeles County Metropolitan Transportation Authority (LACMTA) and the Cities for their Capital Reserve Account as approved; and
- B. ESTABLISHING new Local Return funded Capital Reserve Accounts for the Cities of La Puente (Proposition C), Montebello (Proposition A), San Marino (Proposition A) and Rolling Hills (Measure R and Measure M).

**14. SUBJECT: EXCESS LIABILITY INSURANCE PROGRAM**

2022-0194

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to negotiate and purchase Public Entity excess liability policies with up to \$300 million in limits at a cost not to exceed \$23 million for the 12-month period effective August 1, 2022, to August 1, 2023.

**15. SUBJECT: TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 8 FUND PROGRAM** 2022-0318

**ADOPTED ON CONSENT CALENDAR:**

- A. Findings and Recommendations (Attachment A) for allocating fiscal year (FY) 2022-23 Transportation Development Act (TDA) Article 8 funds estimated at \$37,668,206 as follows:
  - In the City of Avalon there are no unmet transit needs that are reasonable to meet, therefore TDA Article 8 funds (Attachment B) in the amount of \$220,402 may be used for street and road projects, or transit projects, as described in Attachment A;
  - In the Cities of Lancaster and Palmdale, there are no unmet transit needs that are reasonable to meet; in the Cities of Lancaster and Palmdale and the unincorporated portions of North County transit needs can be met through using other existing funding sources. Therefore, the TDA Article 8 funds in the amount of \$8,952,102 and \$8,658,196 (Lancaster and Palmdale, respectively) may be used for street and road purposes and/or transit, as long as their transit needs continue to be met;
  - In the City of Santa Clarita, there are no unmet transit needs that are reasonable to meet; in the City of Santa Clarita, and the unincorporated portions of the Santa Clarita Valley, existing transit needs can be met through the recommended actions using other funding sources. Therefore, TDA Article 8 funds in the amount of \$12,291,694 for the City of Santa Clarita may be used for street and road and/or transit, as long as their transit needs continue to be met;

(continued on next page)

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- In the Los Angeles County Unincorporated areas of North County, the areas encompassing both the Antelope Valley and the Santa Clarita Valley, transit needs are met with other funding sources, such as Proposition A and Proposition C Local Return. Therefore, TDA Article 8 funds in the amount of \$7,545,812 may be used for street and road purposes and/or transit, as long as their transit needs continue to be met; and
- B. A resolution making a determination of unmet public transportation needs in the areas of Los Angeles County outside the Metro service area.

**16. SUBJECT: FISCAL YEAR 2022-23 TRANSIT FUND ALLOCATIONS** 2022-0313

**APPROVED ON CONSENT CALENDAR:**

- A. \$2.9 billion in FY 2022-23 (FY23) Transit Fund Allocations for Los Angeles County jurisdictions, transit operators and Metro operations as shown in Attachment A. These allocations comply with federal, state, and local regulations and LACMTA Board approved policies and guidelines;
- B. fund exchanges in the estimated amount of \$3,323,653 of Metro's TDA Article 4 allocation with Municipal Operators' shares of Low Carbon Transit Operations Program. Funding will be adjusted based on LCTOP actual allocations;
- C. fund exchanges in the estimated amount of \$975,482 of Metro's Prop C 40% allocation with Antelope Valley, Santa Clarita, Burbank and Pasadena's shares of Low Carbon Transit Operations Program. Funding will be adjusted based on LCTOP actual allocations;
- D. fund exchange in the amount of \$ 170,195 of Metro's TDA Article 4 allocations with La Mirada Transit's share of FY17 Federal Section 5307 and \$199,062 of Metro's TDA Article 4 allocations with Arcadia Transit's share of FY17 Federal Section 5307;
- E. Two-year lag funding for \$842,476 to Torrance Transit, Commerce Transit, and Long Beach Transit for the transitioned services from Metro as follows:
1. The transfer of Metro Line 256 to City of Commerce Municipal Bus Lines consisting of 102,930 Revenue Miles and corresponding fundings in the amount of \$184,608;

(continued on next page)



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2. The transfer of a portion of Metro Line 130 to Torrance Transit consisting of 231,006 Revenue Miles and corresponding funding in the amount of \$414,163;
  3. The transfer of the eastern segment of Metro line 130 to Long Beach Transit consisting of 135,893 Revenue Miles and corresponding funding in the amount of \$243,705;
- F. base funding increase from \$6.0 million to \$7.4 million in FY23 for Tier 2 Operators to accommodate local fund exchanges of American Recovery Plan Act (ARPA) Funding as approved by the LACMTA Board of Directors;
- G. the execution of \$9.2 million local fund exchanges as appropriate to implement the Board approved ARPA allocations;
- H. fund exchange of Federal Section 5307 discretionary fund awarded to the Southern California Regional Transit Training Consortium (SCR TTC) through Long Beach Transit in the amount of \$360,000 with Metro's TDA Article 4 allocation;
- I. fund exchanges in the amount totaling \$17.1 million of Metro's Federal Section 5307 share with Municipal Operators' shares of Federal Sections 5337 and 5339;
- J. AUTHORIZING the Chief Executive Officer to adjust FY23 Federal Section 5307 (Urbanized Formula), Section 5339 (Bus and Bus Facilities) and Section 5337 (State of Good Repair) allocations upon receipt of final apportionments from the Federal Transit Authority and amend FY23 budget as necessary to reflect the adjustment;
- K. AUTHORIZING a \$1.26 million allocation to LIFE Program Administrators, FAME Assistance Corporation (FAME) and the International Institute of Los Angeles (IILA) to fund the FY23 Taxi Voucher component of the LIFE Program;
- L. a resolution designating Transportation Development Act (TDA) and State Transit Assistance (STA) fund allocations are in compliance with the terms and conditions of the allocations;
- M. the reallocation of \$10 million in greater than anticipated FY22 Federal Section 5307 funds, plus additional allocations of \$5 million in FY24 and \$5 million in FY26 Federal Section 5307 funds in support of Local Operators Capital Requirements;

(continued on next page)

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- N. fund exchange of FY22 Federal Section 5307 funds in the amount of \$10 million allocated to Local Operators with other local funds as appropriate to accelerate grant approval and disbursement of funds by the Federal Transit Administration; and
- O. AUTHORIZING the Chief Executive Officer to negotiate and execute all necessary agreements to implement the above funding programs.

**17. SUBJECT: ACCESS SERVICES PROPOSED FISCAL YEAR 2023 BUDGET** **2022-0341**

APPROVED ON CONSENT CALENDAR:

- A. local funding request for Access Services (Access) in an amount not to exceed \$156,094,281 for FY23. This amount includes:
  - 1. Local funds for operating and capital expenses in the amount of \$153,651,022;
  - 2. Local funds paid directly to Metrolink for its participation in Access' Free Fare Program in the amount of \$2,443,259; and
- B. AUTHORIZING the Chief Executive Officer (CEO) to negotiate and execute all necessary agreements to implement the above funding programs.

**18. SUBJECT: FY 2022-23 METROLINK ANNUAL WORK PROGRAM BUDGET** **2022-0255**

APPROVED ON CONSENT CALENDAR:

- A. programming the Los Angeles County Metropolitan Transportation Authority's ("Metro") share of the Southern California Regional Rail Authority's (SCRRA) FY 2022-23 Operating, Rehabilitation, and Capital Budget in the amount of \$171,180,124;
- B. EXTENDING the lapsing dates for funds previously allocated to Metrolink for the Rehabilitation and Renovation Program and Capital projects as follows:
  - FY 2014-15 extended from June 30, 2023 to June 30, 2024 - \$3,423
  - FY 2016-17 extended from June 30, 2023 to June 30, 2024 - \$286,000
  - FY 2018-19 extended from June 30, 2023 to June 30, 2025 - \$1,651,187
  - 94SCRALINK extended from June 30, 2023 to June 30, 2024 - \$245,242

(continued on next page)

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- 94-DORANSCRRRA extended from June 30, 2022 to June 30, 2023 - \$137,029
- 94SCRRAMRLUS extended from June 30, 2022 to June 30, 2023 - \$69,725
- MRBRIGHTRX extended from June 30, 2022 to June 30, 2023 - \$226,990;

C. the FY23 Transfers to Other Operators' payment rate of \$1.10 per boarding to Metro and an EZ Pass reimbursement cap to Metro of \$5,592,000; and

D. AUTHORIZING the Chief Executive Officer to negotiate and execute all necessary agreements between Metro and the SCRRRA for the approved funding.

**19. SUBJECT: NETWORK VIDEO RECORDER KITS**

**2022-0253**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a two-year, Indefinite Delivery / Indefinite Quantity (IDIQ) Contract No. MA85485000 to Peacock Systems, the lowest responsive and responsible bidder for Network Video Recorder Kits. The contract includes a one-year base amount of \$2,162,471 inclusive of sales tax, and a one-year option in the amount of \$2,229,880, inclusive of sales tax, for a total contract amount of \$4,392,351, subject to resolution of protest(s), if any.

**20. SUBJECT: REFURBISHMENT OF SEAT INSERTS WITH VINYL MATERIAL**

**2022-0264**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a two-year, firm fixed unit rate Contract No. RR82767000 to Molina Manufacturing, the lowest responsive and responsible bidder, to refurbish vinyl seat inserts. The Contract is for a one-year base amount in the amount of \$1,785,652, inclusive of sales tax, and a one-year option in the amount of \$1,587,413, inclusive of sales tax, for a total contract amount of \$3,373,065, subject to resolution of protest(s), if any.

**21. SUBJECT: TECHNICAL AND PROGRAM MANAGEMENT SUPPORT SERVICES FOR LACMTA HRV OVERHAUL AND CRITICAL COMPONENT REPLACEMENT PROGRAM**

**2022-0266**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification No. 14 to Contract No. OP30433488 with LTK Engineering Services for Technical and Program Management support services for LACMTA A650 Heavy Rail Vehicle Overhaul and Critical Component Replacement Program (OCCRP) to extend the Period of Performance through March 5, 2025 and increase the Not-to-Exceed Total Contract Price by \$3,126,944, from \$5,488,530 to \$8,615,474.

**22. SUBJECT: POWER SWEEPING SERVICES** **2022-0282**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification No. 11 to Contract No. OP962800003367 with Nationwide Environmental Services, a Division of Joe's Sweeping Services, Inc., to provide power sweeping services for Metro's facilities in the amount of \$995,000, increasing the contract authority from \$5,846,346 to \$6,841,346 and extending the period of performance from September 1, 2022, through March 31, 2023.

**23. SUBJECT: A650 HEAVY RAIL VEHICLE FLEET FRICTION BRAKE OVERHAUL** **2022-0303**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification No. 9 to Contract No. MA6274900, Indefinite Delivery/Indefinite Quantity (IDIQ) contract with Wabtec Passenger Transit (Wabtec) for A650 Heavy Rail Fleet Friction Brake Overhaul to extend the Period of Performance through June 30, 2024, and increase the Not-to-Exceed Total Contract Price by \$531,631.00 from \$3,727,827.00 to \$4,259,458.00.

**24. SUBJECT: CONVENIENCE COPYING SERVICES** **2022-0306**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification No. 5 to Contract No. PS3825500 with Xerox Corporation to continue to provide the lease and maintenance of multi-function convenience copiers at various Metro locations, increasing the total not-to-exceed contract value by \$454,045 from \$4,132,773 to \$4,586,818, and extend the period of performance from September 1, 2022, through February 28, 2023.

**25. SUBJECT: METRO EXPRESSLANES CALIFORNIA HIGHWAY PATROL (CHP) ENFORCEMENT AGREEMENT** **2022-0179**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to execute a three (3) year funding agreement with the California Highway Patrol (CHP) to provide enforcement services on the I-10 and I-110 ExpressLanes from July 1, 2022 to June 30, 2025 in the not-to-exceed amount of \$12,376,790.

**26. SUBJECT: MEMBERSHIP ON METRO'S REGIONAL SERVICE COUNCILS** **2022-0196**

APPROVED ON CONSENT CALENDAR nominees for membership on Metro's Gateway Cities, San Fernando Valley, San Gabriel Valley, South Bay Cities and Westside Central Service Councils.

**30. SUBJECT: PUBLIC SAFETY ADVISORY COMMITTEE EVALUATION** **2022-0319**

**BONIN AMENDMENT:** Extend current Public Safety Advisory Committee (PSAC) membership term to September 1, 2022 to allow Chief Executive Officer (CEO) to return with more specifics and refinement to the recommendation.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

**33. SUBJECT: CRENSHAW/LAX CLOSE-OUT PROJECT** **2022-0337**

AMENDED ON CONSENT CALENDAR the Life-of-Project (LOP) budget by \$17,000,000 for the Crenshaw/LAX Close-Out Project (CP 869512) from \$30,000,000 to \$47,000,000.

**34. SUBJECT: SYSTEMS ENGINEERING AND SUPPORT SERVICES CONTRACT** **2022-0296**

APPROVED ON CONSENT CALENDAR:

- A. an increase in total authorized funding for Contract No. AE47810E0128 with SECOTrans (Joint Venture of LTK Engineering Services, NBA Engineering Inc., Pacific Railway Enterprises Inc., and Ramos Consulting Services, Inc), for pending and future Task Orders to provide systems engineering and support services for Metro Rail and Bus Transit projects, in the amount of \$28,850,000 increasing the total contract authorized funding from a not-to-exceed amount of \$66,432,000 to a not-to-exceed amount of \$95,282,000 through Fiscal Year 2024; and
- B. AUTHORIZING the Chief Executive Officer (CEO) or their designee to execute individual Task Orders and Contract Modifications within the Board approved contract funding amount.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	C	Y	A	Y	A	Y	A	Y	Y	Y	Y

**36. SUBJECT: FY23 ANNUAL PROGRAM EVALUATION FOLLOW UP** **2022-0361**

RECEIVED AND FILED status report on the FY23 Annual Program Evaluation Follow-Up.

APPROVED:

**SANDOVAL AMENDMENT:** Direct the CEO to develop an Early Intervention Project Team comprised of Metro’s finest and the best staff from planning, program management, operations, government relations, OMB, and vendor/contract management to design a list of a comprehensive checklist of criteria on successful project delivery addressing such as (1) funding strategy (either it is local or federal project), (2) project delivery method and why the project is being recommended for such delivery method for all Measure M Expenditure Plan Projects.

**DUPONT-WALKER AMENDMENT:**

1. As part of the next report on the cost management action plan, direct the CEO to include metrics to help evaluate the success and progress of cost control efforts; and
2. In the monthly Countywide Planning Major Project Status Report, direct the CEO to include a cost estimate range and design level for all projects.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y

**38. SUBJECT: MYSTERY RIDER PROGRAM (ADA/LEP)** **2022-0304**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a five-year firm-fixed unit rate Contract No. PS43587000 with Mobility Advancement Group to provide mystery rider observations for an amount not-to-exceed \$835,992 for the three-year base term, \$306,984 for the first option year, and \$322,332 for the second option year, for a total not-to-exceed amount of \$1,465,308, effective August 1, 2022, subject to resolution of protest(s), if any.

**39. SUBJECT: METRO TRANSIT AMBASSADOR PILOT PROGRAM SERVICES**

**2022-0399**

APPROVED ON CONSENT CALENDAR:

- A. AUTHORIZING the Chief Executive Officer to negotiate and award firm fixed unit rate contracts to Strive Well-Being Inc. (Contract No. PS88001001) and RMI International Inc. (Contract No. PS88001000) to provide a pilot Transit Ambassador Services Program, subject to the resolution of protest(s) if any. Strive Well-Being's contract not to exceed amount is \$15,878,421 for the three-year base pilot and \$11,879,023 for the additional two, one-year options, for a total not to exceed amount of \$27,757,444. RMI International's contract not to exceed amount is \$55,400,768 for the three-year base pilot and \$39,690,212 for the additional two, one-year options, for a total not to exceed amount of \$95,090,980. The combined total not to exceed amount for both firms over the five-year pilot is \$122,848,424; and
- B. DELEGATING authority to the Chief Executive Officer to execute any future Memoranda of Understanding (MOUs) with Los Angeles County departments and/or City of Los Angeles partners for supplementary ambassador program services to enhance the Ambassador Program during the pilot period, in an amount not-to-exceed \$20,000,000, inclusive of administrative fees and other pilot initiatives, in support of the annual investments identified for Transit Ambassador Program Services in Board Motion 26.2.

**40. SUBJECT: EXPANDING METRO'S EAT SHOP PLAY PROGRAM TO SUPPORT ECONOMIC RECOVERY AND RESTORE RIDERSHIP**

**2022-0279**

APPROVED ON CONSENT CALENDAR five pilot transit corridors to expand Metro's Eat Shop Play (ESP) Program and launch the first pilot program in the East Los Angeles Area in response to Motion 40, ESP Expansion.

**41. SUBJECT: EXTEND SALE OF PROMOTIONAL HALF-PRICE PASSES AND UPDATE ON FARE CAPPING TIMELINE**

**2022-0351**

APPROVED ON CONSENT CALENDAR:

- A. the Chief Executive Officer to extend the sale of promotional passes at 50% of the cost of full price passes through December 2022 as a continuation of Motion 36: Emergency Relief; and
- B. RECEIVING AND FILING this report on the timeline and plan for Metro fare capping.

42. **SUBJECT: METRO STREET SAFETY, DATA SHARING AND COLLABORATION POLICY** 2022-0340

ADOPTED ON CONSENT CALENDAR Metro Street Safety, Data Sharing and Collaboration Policy.

43. **SUBJECT: REVIEW AND ADOPT A RAIL STATION NAME FOR AIRPORT METRO CONNECTOR/96TH ST AVIATION STATION** 2022-0398

ADOPTED ON CONSENT CALENDAR an Official and Operational name for the Airport Metro Connector/96th St Aviation Station:

<u>Official Station Name</u>	<u>Operational Station Name</u>
LAX/Metro Transit Center	LAX/Metro Transit Center

44. **SUBJECT: ELECTRIC VEHICLE PARKING STRATEGIC PLAN** 2022-0002

ADOPTED ON CONSENT CALENDAR the Electric Vehicle Parking Strategic Plan (EVPSP).

46. **SUBJECT: FINDINGS REQUIRED TO CONTINUE TO MEET VIA TELECONFERENCE IN COMPLIANCE WITH AB 361 WHILE UNDER A STATE OF EMERGENCY AND WHILE STATE AND LOCAL OFFICIALS CONTINUE TO PROMOTE SOCIAL DISTANCING** 2022-0379

APPROVED ON CONSENT CALENDAR the following findings:

Pursuant to AB 361, the Metro Board, on behalf of itself and other bodies created by the Board and subject to the Ralph M. Brown Act, including Metro's standing Board committees, advisory bodies, and councils, finds:

The Metro Board has reconsidered the circumstances of the state of emergency, and that:

- A. The state of emergency continues to directly impact the ability of the members to meet safely in person, and
- B. State or local officials continue to impose or recommend measures to promote social distancing.

Therefore, all such bodies will continue to meet via teleconference subject to the requirements of AB 361.



**47. SUBJECT: I-710 SOUTH CORRIDOR TASK FORCE**

**2022-0336**

APPROVED:

- A. RECEIVING AND FILING report on the I-710 South Clean Truck Program (I-710 South Corridor Zero Emission Truck Program) in response to Board Motion 16; and
- B. AUTHORIZING the Chief Executive Officer to execute Modification No. 28 to Contract No. PS4340-1939, I-710 South Corridor Project EIR/EIS, with URS Corporation (an AECOM Entity) to fund the close out of the EIR/EIS and the new 710 South Corridor Investment Plan in the not-to-exceed (NTE) amount of \$6,276,216.18, increasing the total contract value from \$58,173,718 to \$64,449,934.18.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	C	Y	A/C	Y	A/C	Y	Y	Y	C	Y	Y

**48. SUBJECT: NORMAN Y. MINETA STATION DEDICATION MOTION**

**2022-0421**

APPROVED Motion by Directors Solis and Garcetti that the Board directs the CEO to:

- A. Prepare a plan dedicating the Little Tokyo/ Arts District Station in honor of the late Secretary Mineta; and
- B. Report back on the above at the Executive Management Committee meeting in September 2022.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	Y	Y	A	Y	A	Y	A	Y	Y	Y	Y

**49. SUBJECT: LAND BANK PILOT PARTNERSHIP WITH LOS ANGELES COUNTY MOTION**

**2022-0422**

APPROVED Motion by Directors Solis, Najarian, Kuehl, and Mitchell directing the Chief Executive Officer to:

- A. Collaborate with the Los Angeles County Chief Executive Office, other County Departments and outside community partners to explore opportunities to partner on the Land Bank Pilot;

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- B. Identify specific roles that Metro can take on as part of the Land Bank Pilot and associated duties that align with Metro’s role as a transit operator and transportation planner for the region. Metro should consider a scenario in which the County leads property acquisitions where a nexus to Metro exists and Metro takes on holding and developing the properties;
- C. Explore additional ways to partner with the County leveraging the work of Metro’s Housing Lab, including participating in the County’s Community Land Trust Partnership Pilot Program; and
- D. Report back on all directives above in October 2022.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	Y	Y	A	Y	A	Y	Y	Y	Y	Y	Y

**50. SUBJECT: BOARD OFFICERS**

2022-0380

ELECTED Director Hahn as 2nd Vice Chair.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	Y	Y	A	Y	A	Y	Y	Y	Y	Y	Y

**51. SUBJECT: CLOSED SESSION**

2022-0417

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

1. Tradon Pham Cube v. LACMTA, Case No. 19STCV44312

AUTHORIZED settlement of the remaining balance of \$8,000,000.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	C	Y	A	Y	Y	Y	Y	Y	Y	Y	Y

2. Jasmine Grace v. LACMTA, Case No. 19STCV33495

AUTHORIZED settlement of \$1,600,000.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y

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3. Kathleen Marazoni v. LACMTA, Case No. 18STCV01505

AUTHORIZED settlement of \$245,000.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
C	Y	C	Y	A	Y	Y	Y	Y	Y	Y	Y	Y

4. Juan Padilla, et al. v. LACMTA, Case No. 21STCV08331

AUTHORIZED settlement of \$2,000,000.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	Y	Y	A	Y	Y	Y	Y	Y	C	Y	Y

B. Conference with Legal Counsel-Anticipated Litigation-G.C. 54956.9(d)(4)  
Significant Exposure to Litigation (Three Cases)

AUTHORIZED initiation of litigation.

AN	JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS
Y	Y	Y	A	A	Y	A	Y	Y	Y	Y	Y	Y

C. Conference with Labor Negotiator - G.C. 54957.6

Agency Designated Representative: Robert Bonner and Cristian Leiva, or designees.

Employee Organization: SMART

No Report.

**ADJOURNED AT 3:41 P.M.**

Prepared by: Jessica Vasquez Gamez  
Administrative Analyst, Board Administration

Collette Langston, Board Clerk



## **MINUTES**

**Wednesday, July 20, 2022**

**10:00 AM**

### **Board of Directors - Special Board Meeting**

**DIRECTORS PRESENT:**

**Ara Najarian, Chair**  
**Jacquelyn Dupont-Walker, 1st Vice Chair**  
**Kathryn Barger**  
**James Butts**  
**Fernando Dutra**  
**Paul Krekorian**  
**Sheila Kuehl**  
**Tim Sandoval**  
**Gloria Roberts, non-voting member**

**CALLED TO ORDER: 10:01 A.M.**

**ROLL CALL**

2022-0493

**SUBJECT: FINDINGS REQUIRED TO CONTINUE TO MEET VIA TELECONFERENCE IN COMPLIANCE WITH AB 361 WHILE UNDER A STATE OF EMERGENCY AND WHILE STATE AND LOCAL OFFICIALS CONTINUE TO PROMOTE SOCIAL DISTANCING**

**RECOMMENDATION**

FOUND the following:

Pursuant to AB 361, the Metro Board, on behalf of itself and other bodies created by the Board and subject to the Ralph M. Brown Act, including Metro's standing Board committees, advisory bodies, and councils, finds:

The Metro Board has reconsidered the circumstances of the state of emergency, and that:

- A. The state of emergency continues to directly impact the ability of the members to meet safely in person, and
- B. State or local officials continue to impose or recommend measures to promote social distancing.

Therefore, all such bodies will continue to meet via teleconference subject to the requirements of AB 361.

JDW	KB	MB	JB	FD	EG	JH	PK	SK	HJM	TS	HS	AN
Y	Y	A	Y	Y	A	A	Y	Y	A	Y	A	Y

**ADJOURNED AT 10:07 A.M.**

Prepared by: Mandy Cheung  
Administrative Analyst, Board Administration



Collette Langston Board Clerk

\*\*\*\*\*

KB = K. Barger	FD = F. Dutra	SK = S. Kuehl	HS = H. Solis
MB = M. Bonin	EG = E. Garcetti	HJM = H.J. Mitchell	
JB = J. Butts	JH = J. Hahn	AN = A. Najarian	
JDW = J. Dupont Walker	PK = P. Krekorian	TS = T. Sandoval	

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



## Board Report

File #: 2022-0447, File Type: Program

Agenda Number: 5.

### PLANNING AND PROGRAMMING COMMITTEE AUGUST 17, 2022

**SUBJECT: COUNTYWIDE CALL FOR PROJECTS**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

CONSIDER:

- A. RECERTIFYING \$16.6 million in existing Fiscal Year (FY) 2022-23 commitments from previously approved Countywide Call for Projects (Call) and AUTHORIZING the expenditure of funds to meet these commitments as shown in Attachment A;
- B. DEOBLIGATING \$0.65 million of previously approved Call funding, as shown in Attachment B, and hold in RESERVE;
- C. AUTHORIZING the Chief Executive Officer (CEO) or their designee to:
  - 1. negotiate and execute all necessary agreements and/or amendments for previously awarded projects; and
  - 2. amend the FY 2022-23 budget, as necessary, to include the 2022 Countywide Call Recertification and Extension funding in the Subsidies budget;
- D. APPROVING changes to the scope of work for:
  - 1. City of Bell - Florence Avenue Pedestrian Improvements (#F7634); and
- E. RECEIVING AND FILING:
  - 1. time extensions for 69 projects shown in Attachment D; and
  - 2. reprogram for five projects shown in Attachment E.

#### **ISSUE**

Each year the Board must recertify funding for projects that were approved through prior Calls in order to release the funds to the project sponsors. The Board must also approve the deobligation of lapsing project funds after providing project sponsors with the opportunity to appeal staff's preliminary deobligation recommendations to Metro's Technical Advisory Committee (TAC). The Board must also receive and file the extensions and reprogrammed funds granted through previously delegated Board authority. The background and discussion of each of these recommendations can be found in

Attachment C.

## **BACKGROUND**

The Call, an existing competitive grant program dating back to the early 1990s, programs transportation funds to local jurisdictions for regionally significant projects that are often beyond the fiscal capabilities of local sponsors. The latest Call cycle, including all funding commitments and project scopes of work, was approved by the Metro Board in September 2015.

The Call process implements Metro's multi-modal programming priorities and the adopted Long Range Transportation Plan (LRTP). The 2022 Call Recertification and Deobligation process reinforces the annual authorization and timely use of funds policies. Specifically, Board policy calls for the consideration of deobligation of funding from project sponsors who have not met lapsing deadlines or have formally notified Metro that they no longer wish to proceed with the project (cancellation).

## **DISCUSSION**

### Technical Advisory Committee (TAC) Appeals

On June 1, 2022, TAC heard sponsor appeals on the deobligation of funding from five projects (Attachment F). TAC recommended one-year or two-year extensions with certain reporting conditions. Staff concurs with these recommendations. Therefore, no projects would involuntarily lose funding due to the lapsing schedule and would have the timeline to completion lengthened under this proposed Board action.

Additionally, all proposed deobligated funds included in Attachment B are due to project cancellation requested by the project sponsors and would not be involuntarily deobligated by this proposed Board action, as further described in the attachment.

### Active Call for Projects as of June 30, 2022

In August 2020 and July 2021, Metro staff reported the completed assessments of the past and current recipient performance in project delivery (2007 to 2015 Call cycles). We updated the table as of June 30, 2022 (see below). There are approximately 178 active and/or upcoming Call projects totaling \$385.2 million yet to be fully implemented. Since July 2021, project sponsors have completed 42 projects with total expenditures of \$55.3 million. Staff will continue working with the project sponsors to expedite those projects' delivery.

Cycle	# of Awarded Projects	Original Programming Years	Total Prog Amount (\$000')	# of Active/Upcoming Projects	Remaining Balance (\$000')
2007 Call	169	FY08 - FY13	\$ 454,520	26	\$ 51,023
2009 Call	133	FY12 - FY15	337,551	26	70,226
2011 Call	72	FY15 - FY17	123,516	21	35,118
2013 Call	96	FY15 - FY19	199,390	43	91,682
2015 Call	88	FY17 - FY21	201,923	62	137,150
	<b>558</b>		<b>\$1,316,900</b>	<b>178</b>	<b>\$385,199</b>

**DETERMINATION OF SAFETY IMPACT**

The 2022 Call Recertification and Deobligation will not have any adverse safety impacts on Metro’s employees or patrons.

**FINANCIAL IMPACT**

The amount of \$55.6 million is included in the FY 2022-23 Adopted Budget in Cost Centers 0441 (Subsidies to Others) and 0442 (Highway Subsidies) for the Countywide Call. Since these are multi-year projects, the cost center managers and Chief Planning Officer will be responsible for budgeting in future years.

Impact to Budget

The sources of funds for these activities are Proposition C 25%, State Repayment of Capital Project Loan Funds, Congestion Mitigation and Air Quality (CMAQ), and Regional Surface Transportation Program (RSTP). The Proposition C 25% funds are not eligible for Metro bus and rail operating and capital expenditures.

CMAQ funds can be used for both transit operating and capital. Los Angeles County must strive to fully obligate its share of CMAQ funding by May 1 of each year, otherwise it risks its redirection to other California Regional Transportation Planning Agencies by Caltrans. Staff recommends the use of long lead-time CMAQ funds as planned to insure utilizing Metro’s federal funds.

RSTP funds in this action could be used for Metro’s transit capital needs. Also, while these funds cannot be used directly for Metro’s bus or rail operating needs, these funds could free up other such eligible funds by exchanging the funds used for Metro’s paratransit provider, Access Services Incorporated. Since these RSTP funds originate in the Highway portion (Title 23) of MAP-21, they are among the most flexible funds available to Metro and are very useful in meeting Call projects’ requirements.

**EQUITY PLATFORM**

The projects (and scopes) included in this action predate the Equity Platform (adopted in 2018). As



such, Equity Platform criteria were not included in the evaluation of these projects. However, the third pillar of the Equity Platform, “Focus and Deliver” is applicable to these community-driven projects. Given that no equity analysis occurred during the initial grant process, staff is now working to evaluate the equity impacts to the existing grants. The Equity Focus Communities (“EFCs”, adopted as part of the 2020 Long Range Transportation Plan, updated in May 2022 for equity evaluation) are being applied to all current Call grants to support the first pillar of the Equity Platform “Define and Measure.” Specifically, the EFCs are a mapping tool that have been added to the Call administration database since July 2021. The analysis of the EFC layer to the Call grants (within a 1-mile radius) provides information about the make-up of the communities being served by these projects. See Attachment G for details regarding the 85.9% of the remaining 178 projects in EFCs and other demographic details.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports the following goals of the Metro Vision 2028 Strategic Plan:

Goal 1: Provide high-quality mobility options that enable people to spend less time traveling by alleviating the current operational deficiencies and improving mobility along the projects.

Goal 4: Transform LA County through regional collaboration with the subregions and local jurisdictions in implementation of the projects.

### **ALTERNATIVES CONSIDERED**

The Board could cancel all or some of the FY 2022-23 funding commitments rather than authorize their continued expenditures. This would be a change to the previous Board-approved Countywide Calls programming commitments and would disrupt ongoing projects that received multi-year funding.

With respect to deobligations, the Board could choose to deobligate funds from one or more project sponsors whose projects are beyond the lapse dates and are not moving forward consistent with the adopted Revised Lapsing Policy rather than extending the deadlines. A much stricter interpretation of the Revised Lapsing Policy might encourage project sponsors in general to deliver them in a more timely fashion. However, this would be disruptive to the process of delivering the specific projects currently underway, many of which are now very close to being delivered. On balance, the appeals process between the project sponsors and the Metro TAC is a significant reminder to project sponsors that these funded projects should not be further delayed thus ensuring policy objectives are achieved in expending the funds as intended by the Call program.

### **NEXT STEPS**

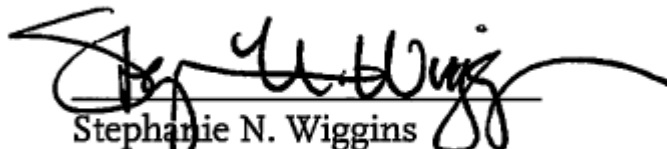
With Board approval of the 2022 Countywide Call Recertification, Deobligation and Extension process, project sponsors will be notified. Amendments to existing Funding Agreements and Letter of Agreements will be completed for those sponsors receiving time extensions. Project sponsors whose funds are being deobligated and those receiving date-certain time extension deadlines for executing their agreements will be formally notified of the Board action.

**ATTACHMENTS**

Attachment A - FY 2022-23 Countywide Call Recertification  
Attachment B - FY 2021-22 Countywide Call Deobligation  
Attachment C - Background/Discussion of Each Recommendation  
Attachment D - FY 2021-22 Countywide Call Extensions  
Attachment E - FY 2021-22 Countywide Call Reprogramming  
Attachment F - Result of TAC Appeals Process  
Attachment G - Call and Equity Focused Communities Map

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Stephanie N. Wiggins  
Chief Executive Officer


**Metro**

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
2022-23 CALL FOR PROJECTS RECERTIFICATION  
(\$000')

PROJ #	AGENCY	PROJECT TITLE	PROG \$ FY 2022-23
1 8002	SGV COG	ALAMEDA CORRIDOR EAST	\$ 5,000
2 8075/F1209	LA CITY	CESAR CHAVEZ AVE./LORENA ST/INDIANA ST INTERSECTION IMPROV.	3,140
3 F5310	LA COUNTY	RAMONA BOULEVARD/BADILLO STREET/COVINA BOULEVARD TSSP/BSP	1,317
4 F5315	LA COUNTY	SAN GABRIEL VALLEY FORUM TRAFFIC SIGNAL CORRIDORS PROJECT	441
5 F5316	LA COUNTY	SOUTH BAY FORUM TRAFFIC SIGNAL CORRIDORS PROJECT	1,496
6 F9302	LA COUNTY	SGV FORUM 2015 TRAFFIC SIGNAL CORRIDORS PROJECT	1,000
7 F9303	LA COUNTY	SOUTH BAY FORUM 2015 TRAFFIC SIGNAL CORRIDORS PROJECT	1,000
8 F9304	LA COUNTY	GATEWAY CITIES FORUM 2015 TRAFFIC SIGNAL CORRIDORS PROJECT	2,000
9 F9305	LA COUNTY	NORTH COUNTY TRAFFIC SIGNAL COMMUNICATIONS PROJECT	800
10 F9800	LA COUNTY	BIKE AIDE STATIONS	426
<b>TOTAL</b>			<b>\$ 16,620</b>



LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
 FY 2021-22 CALL FOR PROJECTS DEOBLIGATION RECOMMENDATIONS  
 (\$000')

PROJ #	AGENCY	PROJECT TITLE	FUNDING SOURCE	MODE	DOLLARS PROGRAMMED AND FISCAL YEARS					\$ EXPD/OBLG	TOTAL DEOB	REASON	
					Prior	FY 17	FY 18	FY 19	FY 20				
1	F7517	ARCADIA	BICYCLE AND FACILITY IMPROVEMENTS	LTF	BIKE				\$ 136		\$ -	\$ 136	CANCELLED
2	F5108	COMMERCE	GARFIELD AVENUE/WASHINGTON BLVD MULTIMODAL INTERSECTION	PC25	RSTI	\$ 239	\$ 299				26	512	CANCELLED
					<b>TOTAL</b>	<b>\$ 239</b>	<b>\$ 299</b>	<b>\$ -</b>	<b>\$ 136</b>	<b>\$ -</b>	<b>\$ 26</b>	<b>\$ 648</b>	

TOTAL DEOBLIGATION RECOMMENDATION BY MODE	
REGIONAL SURFACE TRANSPORTATION IMPROVEMENTS (RSTI)	\$ 512
BICYCLE IMPROVEMENTS (BIKE)	136
<b>TOTAL</b>	<b>\$ 648</b>

## Background/Discussion of Each Recommendation

### A. Recertify

The \$16.6 million in existing FY 2022-23 Board approved commitments and programmed through previous Countywide Call processes are shown in Attachment A. The action is required to ensure that funding continues in FY 2022-23 for those on-going projects for which Metro previously committed funding.

### B. Deobligate

Attachment B shows the \$0.65 million of previously approved Countywide Calls funding that is being recommended for deobligation. This represents cancelled projects requested by the project sponsors.

### C. Authorize

Projects receiving their first year of funding are required to execute Funding Agreements or Letter of Agreements with Metro. And Projects receiving time extensions are required to execute Amendments with Metro. This recommendation will authorize the CEO or their designee to negotiate and execute any agreements and/or amendments with the project sponsors, based on the project sponsors showing that the projects have met the Project Readiness Criteria and timely use of funds policies.

### D. Approve Project Scope Change

1. The City of Bell – Florence Avenue Pedestrian Streetscape Improvements (#F7634) was programmed through the 2013 Call. As approved, the project includes pedestrian improvements, including crosswalk improvements, safety lighting, street trees and bell towers on Florence Avenue. The City is requesting to revise the scope of work by adding monument signage, bike racks, wayfinding signage, bus shelters and other streetscape elements while removing proposed bell towers. After execution of project Funding Agreement, City staff found the proposed bell towers were infeasible within project limits. Per community input, City staff is pursuing monument signs at either end of project limits for a placemaking effect, coupled with new bike racks and bus shelters to enhance the experience of pedestrians connecting to other modes of transportation. Staff has evaluated the proposed change in scope and found that it is consistent with the intent of the original scope of work. Metro will maintain its funding commitment of \$2,220,304, and the City will maintain its local match commitment of \$555,076 (20%). In addition, the City is committed to cover any future project cost overruns, if occurs.

### E. Receive and File

1. During the 2001 Countywide Call Recertification, Deobligation and Extension, the Board authorized the administrative extension of projects based on the following reasons:
  - 1) Project delay due to an unforeseen and extraordinary circumstance beyond the control of project sponsor (federal or state delay, legal challenge, Act of God);

- 2) Project delay due to Metro action that results in a change in project scope, schedule or sponsorship that is mutually agreed; and
- 3) Project is contractually obligated, however, a time extension is needed to complete construction that is already underway (capital projects only).

Based on the above criteria, extensions for the 69 projects shown in Attachment D are being granted.

2. Since the March 2016 Metro TAC approval of the Proposed Revised Call Lapsing Policy, several project sponsors have informed staff that their projects will not be able to be completed within the one-time, 20-month extension. Through the 2016 Call Recertification and Deobligation process, Board delegated authority to reprogram currently programmed Call funds to a later year. Reprograms for the five projects shown in Attachment E are being granted.

**Reason for Extensions:**

1. Project delay due to an unforeseen and extraordinary circumstance beyond the control of the project sponsor (federal or state delay, legal challenge, Act of God, etc.);
2. Project delay due to Metro action that results in a change in project scope, schedule, or sponsorship that is mutually agreed; and
3. Project is contractually obligated, however, a time extension is needed to complete construction that is already underway (capital projects only).



**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY**  
**2021-22 CALL FOR PROJECTS EXTENSION LIST**  
**AS OF JUNE 30, 2022**  
**(\$000')**

PROJ #	AGENCY	PROJECT TITLE	FUNDING SOURCE	LAPSING FUND YR(S)	TOTAL PROG \$	TOTAL \$ EXP/ OBLIG	AMT SUBJECT TO LAPSE	RECOM EXT MONTHS	REASON FOR EXT 1, 2 OR 3	NEW REVISED LAPSE DATE	
1	F7600	ALHAMBRA	ALHAMBRA PED IMPROVEMENT/WALKING VIABILITY PROJECT ON VALLEY	LTF	2018	\$ 665	\$ 531	\$ 134	12	3	2/28/2023
2	F9600	AVALON	CITY OF AVALON FIVE-CORNER COMPREHENSIVE PEDESTRIAN PROJECT	LTF	2018 2019 2020	1,736	342	1,394	20	3	2/29/2024
3	F3507	BALDWIN PARK	SOUTH BALDWIN PARK COMMUTER BIKEWAY PROJECT	LTF	2020	484	-	484	20	3	2/29/2024
4	F7634	BELL	FLORENCE AVE PED IMPROVEMENTS	LTF	2018	2,159	2,036	123	12	3	2/28/2023
5	F7120	BELL GARDENS	FLORENCE AVENUE RSTI PROJECT (SEE MR306.30 FOR FUND MATCH)	PC25	2017 2018	2,200	577	1,623	12	3	2/28/2023
6	F9602	BEVERLY HILLS	PEDESTRIAN IMPROVEMENTS AT SELECTED CROSSWALKS WITHIN BEVERLY HILLS	LTF	2020	392	-	392	20	3	2/29/2024
7	F1502	BURBANK	SAN FERNANDO BIKEWAY	CMAQ	2019	6,173	532	5,641	12	3	6/30/2023
8	F7506	BURBANK	CHANDLER BIKEWAY EXTENSION	CMAQ	2017 2018	2,639	456	2,183	12	1	6/30/2023
9	F9605	CUDAHY	CUDAHY CITY WIDE COMPLETE STREETS IMPROVEMENT PROJECT	PC25	2017 2020	2,135	4	2,131	20	1	2/29/2024
10	F3175	CULVER CITY	CULVER BOULEVARD REALIGNMENT PROJECT (MERGE PROJECT #E1707)	PC25	2015 2018	2,856	2,716	140	12	3	2/28/2023
11	F3317	CULVER CITY	BUS SIGNAL PRIORITY IN CULVER CITY	PC25	2018	2,200	1,697	503	12	3	2/28/2023
12	F7303	CULVER CITY	NETWORK-WIDE SIGNAL SYNCH WITH VID AND ARTERIAL PERFORMANCE ME	PC25	2017	989	840	149	12	3	2/28/2023
13	F7507	CULVER CITY	BALLONA CREEK BIKE PATH CONNECTIVITY PROJECT AT HIGUERA BRIDGE	LTF	2016 2018	616	54	562	12	3	2/28/2023
14	F7118	DOWNEY	FLORENCE AVE. BRIDGE OVER SAN GABRIEL RIVER	CMAQ	2016 2017	1,917	-	1,917	12	1	6/30/2023
15	F7520	EL MONTE	EL MONTE REGIONAL BICYCLE COMMUTER ACCESS IMPROVEMENTS	LTF	2017 2018	987	60	927	12	3	2/28/2023
16	F3306	GARDENA	GARDENA MUNICIPAL BUS LINES LINE 1 TSP PROJECT	PC25	2018	675	326	349	12	3	2/28/2023
17	F7200	INDUSTRY	SR57/60 CONFLUENCE:WB SR60/NB SR57 GRAND OFF-RAMP INTERCHG	PC25	2018	9,448	4,031	5,417	12	3	2/28/2023
18	8046	LA CITY	BURBANK BLVD. STREET IMPROVEMENTS - LANKERSHIM BLVD. TO CLEON AVE. *	RSTP	2018	5,043	5,042	1	12	3	6/30/2023

**Reason for Extensions:**  
 1. Project delay due to an unforeseen and extraordinary circumstance beyond the control of the project sponsor (federal or state delay, legal challenge, Act of God, etc.);  
 2. Project delay due to Metro action that results in a change in project scope, schedule, or sponsorship that is mutually agreed; and  
 3. Project is contractually obligated, however, a time extension is needed to complete construction that is already underway (capital projects only).



**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
 2021-22 CALL FOR PROJECTS EXTENSION LIST  
 AS OF JUNE 30, 2022  
 (\$000')**

PROJ #	AGENCY	PROJECT TITLE	FUNDING SOURCE	LAPSING FUND YR(S)	TOTAL PROG \$	TOTAL \$ EXP/ OBLIG	AMT SUBJECT TO LAPSE	RECOM EXT MONTHS	REASON FOR EXT 1, 2 OR 3	NEW REVISED LAPSE DATE	
19	F1205	LA CITY	OLYMPIC BL AND MATEO STREET GOODS MOVEMENT IMP-PHASE II	PC25	2018	2,874	2,313	561	12	3	2/28/2023
20	F1520	LA CITY	IMPERIAL HIGHWAY BIKE LANES	CMAQ	2019	1,506	-	1,506	12	1	6/30/2023
21	F1609	LA CITY	MAIN STREET BUS STOP AND PEDESTRIAN IMPROVEMENTS	CMAQ	2020	658	130	528	12	1	6/30/2023
22	F3514	LA CITY	EXPOSITION-WEST BIKEWAY-NORTHVALE PROJECT (LRTP PROGRAM)	CMAQ	2014 2015	4,416	1,732	2,684	12	1	6/30/2023
23	F3516	LA CITY	LA CITY RIVER BIKE PATH PHASE IV - CONSTRUCTION	CMAQ	2019	1,827	-	1,827	12	1	6/30/2023
24	F3630	LA CITY	MAIN STREET PEDESTRIAN ENHANCEMENTS	CMAQ	2020	827	165	662	12	1	6/30/2023
25	F3643	LA CITY	BOYLE HEIGHTS CHAVEZ AVE STREETScape/PEDESTRIAN IMPROV.	CMAQ	2020	2,788	140	2,648	12	1	6/30/2023
26	F3646	LA CITY	ARTS DISTRICT/LITTLE TOKYO GOLD LINE STATION LINKAGES	MR	2016	869	729	140	12	3	2/28/2023
27	F3726	LA CITY	FIRST AND LAST MILE TRANSIT CONNECTIVITY OPTIONS	CMAQ	2013 2014	1,313	105	1,208	12	3	6/30/2023
28	F5519	LA CITY	BICYCLE FRIENDLY STREETS (BFS)	CMAQ	2015 2016	586	110	476	12	1	6/30/2023
29	F5525/ F5709	LA CITY	BICYCLE CORRAL PROGRAM LAUNCH	CMAQ	2016 2017	972	190	782	12	1	6/30/2023
30	F5624	LA CITY	WASHINGTON BLVD PEDESTRIAN TRANSIT ACCESS(HOOPER/ALAMEDA) II	CMAQ	2019	1,492	178	1,314	12	1	6/30/2023
31	F5821	LA CITY	VALENCIA TRIANGLE LANDSCAPE BEAUTIFICATION PLAZA	RSTP	2020	553	111	442	24	1	6/30/2024
32	F7109	LA CITY	SOTO STREET COMPLETE STREETS PROJECT	RSTP	2020	4,000	-	4,000	12	3	6/30/2023
33	F7123	LA CITY	MAGNOLIA BLVD. (NORTH) - CAHUENGA BLVD. TO VINELAND AVE. **	RSTP	2017 2018	5,461	975	4,486	12	3	6/30/2023
34	F7205	LA CITY	ALAMEDA ST. WIDENING FROM ANAHEIM ST. TO 300 FT SOUTH OF PCH	RSTP	2017 2018	5,874	1,014	4,860	24	1	6/30/2024
35	F7207	LA CITY	FARRAGUT AVE. TO DOMINGUEZ CHANNEL (MR312.51 - MATCH)	RSTP	2018	3,141	642	2,499	12	1	6/30/2023
36	F7636	LA CITY	BROADWAY STREETScape IMPLEMENTATION (8TH-9TH)	CMAQ	2019	2,384	426	1,958	12	1	6/30/2023



**Reason for Extensions:**

1. Project delay due to an unforeseen and extraordinary circumstance beyond the control of the project sponsor (federal or state delay, legal challenge, Act of God, etc.);
2. Project delay due to Metro action that results in a change in project scope, schedule, or sponsorship that is mutually agreed; and
3. Project is contractually obligated, however, a time extension is needed to complete construction that is already underway (capital projects only).



**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY**  
**2021-22 CALL FOR PROJECTS EXTENSION LIST**  
**AS OF JUNE 30, 2022**  
**(\$000')**

PROJ #	AGENCY	PROJECT TITLE	FUNDING SOURCE	LAPSING FUND YR(S)	TOTAL PROG \$	TOTAL \$ EXP/ OBLIG	AMT SUBJECT TO LAPSE	RECOM EXT MONTHS	REASON FOR EXT 1, 2 OR 3	NEW REVISED LAPSE DATE	
37	F9204	LA CITY	SLAUSON AVENUE - VERMONT AVENUE TO CRENSHAW BLVD	CMAQ	2018 2020	1,930	-	1,930	20	1	2/29/2024
38	F9308	LA CITY	ATSAC ATCS/TPS/LRT/HRI/CMS SYSTEM RELIABILITY AND EFF.	PC25	2020	2,160	1,046	1,114	20	3	2/29/2024
39	F9311	LA CITY	ATSAC TRAFFIC SURVEILLANCE VIDEO TRANSPORT SYSTEM ENHAN.	PC25	2019 2020	1,708	687	1,021	20	3	2/29/2024
40	F9520	LA CITY	MID-CITY LOW STRESS BICYCLE ENHANCEMENT CORRIDORS	CMAQ	2020	1,807	312	1,495	20	1	2/29/2024
41	F9527	LA CITY	CHANDLER CYCLETRACK GAP CLOSURE PROJECT	CMAQ	2019	3,177	459	2,718	20	1	2/29/2024
42	F1311	LA COUNTY	SOUTH BAY FORUM TRAFFIC SIGNAL CORRIDORS PROJECT	PC25	2020	6,939	6,784	155	20	3	2/29/2024
43	F7412	LA COUNTY	LA COUNTY/USC MEDICAL CENTER TRANSIT VEHICLE	CMAQ	2016	282	-	282	12	3	6/30/2023
44	F9412	LA COUNTY	ATHENS SHUTTLE AND LENNOX SHUTTLE TRANSIT VEHICLES	CMAQ	2019	750	-	750	20	3	2/29/2024
45	F9504	LA COUNTY	E. PASADENA & E. SAN GABRIEL VALLEY BIKEWAY ACCESS IMPROVEMENTS	CMAQ	2017 2018	1,802	-	1,802	20	1	2/29/2024
46	F9511	LA COUNTY	BIKEWAY ACCESS IMPROVEMENTS (MR315.64 MATCH)	CMAQ	2018 2020	3,191	-	3,191	20	1	2/29/2024
47	F9310	LANCASTER	CITY OF LANCASTER TRANSPORTATION MANAGEMENT CENTER	PC25	2019 2020	578	230	348	20	3	2/29/2024
48	F7314	LONG BEACH	SANTA FE AVENUE SYNCHRONIZATION ENHANCEMENT PROJECT	PC25	2016 2017 2018	1,920	62	1,858	12	3	2/28/2023
49	F9314	LONG BEACH	MID-CITY SIGNAL COORDINATION IN LONG BEACH	PC25	2019 2020	2,606	48	2,558	20	3	2/29/2024
50	F9628	LONG BEACH	1ST STREET PEDESTRIAN GALLERY	PC25	2019 2020	2,717	-	2,717	20	1	2/29/2024
51	F9402	LONG BEACH TRANSIT	LBT PURCHASE OF ZERO EMISSION BUSES	CMAQ	2020	2,111	-	2,111	20	3	2/29/2024
52	8211	MONROVIA	HUNTINGTON DRIVE PHASE II PROJECT (OLD TOWN PEDESTRIAN IMPROVEMENTS)	RSTP	2017	1,242	-	1,242	12	3	6/30/2023
53	F9502	MONTEREY PARK	MONTEREY PASS ROAD COMPLETE STREETS BIKE PROJECT	PC25	2018 2019 2020	1,994	-	1,994	20	1	2/29/2024
54	F1300	PALMDALE	NORTH COUNTY TRAFFIC FORUM ITS EXPANSION	PC25	2018 2019 2020	12,424	8,507	3,917	20	3	2/29/2024

**Reason for Extensions:**  
 1. Project delay due to an unforeseen and extraordinary circumstance beyond the control of the project sponsor (federal or state delay, legal challenge, Act of God, etc.);  
 2. Project delay due to Metro action that results in a change in project scope, schedule, or sponsorship that is mutually agreed; and  
 3. Project is contractually obligated, however, a time extension is needed to complete construction that is already underway (capital projects only).



**LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
 2021-22 CALL FOR PROJECTS EXTENSION LIST  
 AS OF JUNE 30, 2022  
 (\$000')**

PROJ #	AGENCY	PROJECT TITLE	FUNDING SOURCE	LAPSING FUND YR(S)	TOTAL PROG \$	TOTAL \$ EXP/ OBLIG	AMT SUBJECT TO LAPSE	RECOM EXT MONTHS	REASON FOR EXT 1, 2 OR 3	NEW REVISED LAPSE DATE	
55	F7304	PALMDALE	NORTH COUNTY ITS - PALMDALE EXTENSION	CMAQ	2017 2018 2019	3,000	-	3,000	12	1	6/30/2023
56	F3302	PASADENA	INTELLIGENT TRANSPORTATION SYSTEM (ITS) PHASE III	PC25	2015	4,235	4,012	223	12	3	2/28/2023
57	F7204	PORT OF LONG BEACH	PIER B STREET FREIGHT CORRIDOR RECONSTRUCTION	RSTP	2018 2019	10,955	-	10,955	12	1	6/30/2023
58	F9203	PORT OF LONG BEACH	PIER B STREET FREIGHT CORRIDOR RECONSTRUCTION	CMAQ	2019 2020	5,354	-	5,354	20	1	2/29/2024
59	F3502	REDONDO BEACH	REDONDO BEACH BICYCLE TRANSPORTATION PLAN IMPLEMENTATION	CMAQ	2016	1,559	-	1,559	12	3	6/30/2023
60	F5301	REDONDO BEACH	GRANT AVENUE SIGNAL IMPROVEMENTS	PC25	2017	1,222	-	1,222	12	3	2/28/2023
61	F3307	SAN DIMAS	INTERSECTION IMPROVEMENTS ON BONITA AVE. AT CATARACT AVE.	PC25	2018	1,339	1,002	337	12	3	2/28/2023
62	F1505	SAN FERNANDO	SAN FERNANDO PACOIMA WASH BIKE PATH	CMAQ	2019	1,513	-	1,513	12	3	6/30/2023
63	F9313	SAN FERNANDO	SAN FERNANDO CITYWIDE SIGNAL SYNCH AND BUS SPEED IMPRV.	PC25	2018 2019 2020	775	-	775	20	3	2/29/2024
64	F1804	SAN GABRIEL	LAS TUNAS DRIVE STREETScape ENHANCEMENT PROJECT	CMAQ	2019	641	-	641	12	1	6/30/2023
65	F9306	SANTA CLARITA	ITS PHASE VII	PC25	2018	2,123	1,858	265	12	3	2/28/2023
66	F7320	SANTA MONICA	SANTA MONICA SIGNAL SYNC IMPROVEMENTS	PC25	2018	541	540	1	12	3	2/28/2023
67	F5516	SOUTH EL MONTE	CIVIC CENTER AND INTERJURISDICTIONAL BICYCLE LANES (PLUS MM4703.09)	CMAQ	2016	485	-	485	12	3	6/30/2023
68	F3124	SOUTH GATE	FIRESTONE BOULEVARD CAPACITY IMPROVEMENTS	PC25	2015	7,071	6,002	1,069	12	3	2/28/2023
69	F5308	SOUTH PASADENA	SOUTH PASADENA'S ATMS, CENTRAL TCS AND FOIC FOR FAIR OAKS AV	PC25	2017	464	90	374	12	3	2/28/2023
					<b>TOTAL</b>	<b>\$ 175,470</b>	<b>\$ 59,843</b>	<b>\$ 115,627</b>			

\* Project previously known as Burbank Bl Widening from Lankershim to Cleon Avenue  
 \*\* Project previously known as Magnolia Bl Widening (North Side) - Cahunega Bl to Vineland



LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
 2021-22 CALL FOR PROJECTS REPROGRAMMING  
 (\$000')

*Reprogrammed Years are listed in Bold and Italic*

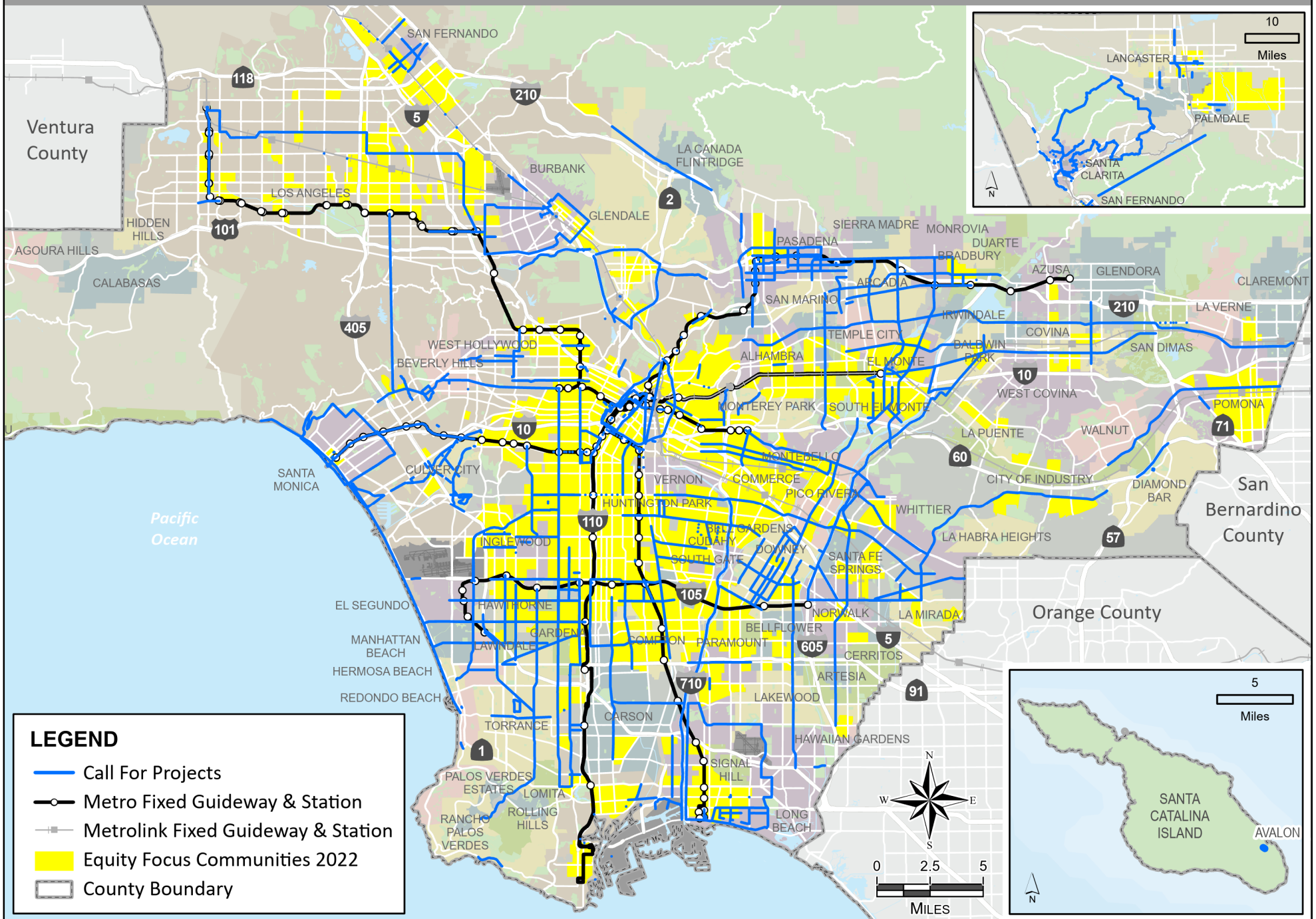
PROJ	AGENCY	PROJECT TITLE	DOLLARS PROGRAMMED AND FISCAL YEARS					TOTAL	FUND SOURCE	
			2019-20 & Prior	2020-21	2021-22	2022-23	2023-24			
1	8075/ F1209	LA CITY	CESAR CHAVEZ AVE./LORENA ST/INDIANA ST INTERSECTION IMPROV.	7,107					7,107	PC25
				<b>3,967</b>			<b>3,140</b>		<b>7,107</b>	
2	F5315	LA COUNTY	SAN GABRIEL VALLEY FORUM TRAFFIC SIGNAL CORRIDORS PROJECT	1,241					\$ 1,241	PC25
					<b>200</b>	<b>600</b>	<b>441</b>		<b>1,241</b>	
3	F9800	LA COUNTY	BIKE AIDE STATIONS	426	2,533				2,959	PC25
							<b>426</b>	<b>2,533</b>	<b>2,959</b>	
4	F7105	SANTA CLARITA	13TH STREET/DOCKWEILER DRIVE EXTENSION	104	5,795				5,899	PC25
								<b>5,899</b>	<b>5,899</b>	
5	F9118	SANTA CLARITA	Dockweiler Drive Gap Closure	3,267	2,208				5,475	PC25
								<b>5,475</b>	<b>5,475</b>	

ORIGINAL PROGRAMMED AMOUNT	\$ 5,038	\$ 10,536	\$ -	\$ -	\$ -	\$ 15,574
<b>REPROGRAMMED AMOUNT</b>	<b>\$ -</b>	<b>\$ 200</b>	<b>\$ 600</b>	<b>\$ 867</b>	<b>\$ 13,907</b>	<b>\$ 15,574</b>
<b>DELTA</b>	<b>5,038</b>	<b>10,336</b>	<b>(600)</b>	<b>(867)</b>	<b>(13,907)</b>	<b>-</b>



**June 2022 Metro Technical Advisory Committee (TAC) Appeals**  
**Sorted by Agency**  
**(\$000')**

PROJ #	AGENCY	PROJECT TITLE	FUND SOURCE	PROG YR(S)	TOTAL METRO PROG \$	LAPSING FUND YR(S)	PROG \$ SUBJECT TO LAPSE	TOTAL YRS EXT	REASON FOR APPEAL	TAC RECOMMENDATIONS	METRO RESPONSE	
1	F7118	DOWNEY	FLORENCE AVE. BRIDGE OVER SAN GABRIEL RIVER	CMAQ	2016 2017	\$ 1,917	2016 2017	\$ 1,917	3	Did not meet Lapsing Policy & Status Update per June 2021 TAC Appeal	One-year extension to June 30, 2023.	Concur with TAC recommendation.
2	F3514	LA CITY	EXPOSITION-WEST BIKEWAY-NORTHVALE PROJECT	CMAQ	2013 2014 2015	4,416	2014 2015	2,684	6	Did not meet Lapsing Policy & Status Update per June 2020 TAC Appeal	One-year extension to June 30, 2023.	Concur with TAC recommendation.
3	F7205	LA CITY	ALAMEDA ST. WIDENING FROM ANAHEIM ST. TO 300 FT SOUTH OF PCH	RSTP	2017 2018	5,874	2017 2018	4,860	3	Did not meet Lapsing Policy	Two-year extension to June 30, 2024. Project Sponsor must provide a project status update at the 2023 TAC appeals.	Concur with TAC recommendation.
4	F7304	PALMDALE	NORTH COUNTY ITS - PALMDALE EXTENSION	CMAQ	2017 2018 2019	3,000	2017 2018 2019	3,000	3	Did not meet Lapsing Policy	One-year extension to June 30, 2023.	Concur with TAC recommendation.
5	F3124	SOUTH GATE	FIRESTONE BOULEVARD CAPACITY IMPROVEMENTS	PC25	2012 2013 2014 2015	7,071	2015	1,069	7	Did not meet Lapsing Policy	One-year extension to February 28, 2023.	Concur with TAC recommendation.





## Board Report

File #: 2022-0445, File Type: Policy

Agenda Number: 6.

### PLANNING AND PROGRAMMING COMMITTEE AUGUST 17, 2022

**SUBJECT: MEASURE M 3% LOCAL CONTRIBUTION GUIDELINES REVISIONS**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

APPROVE the release of the draft revised Measure M 3% Local Contribution Guidelines (Attachment A).

#### **ISSUE**

In April 2022 the Board approved Motion 35 (Attachment B), authored by Directors Hahn, Garcetti, Butts, and Dutra titled 3% Contribution, which in part directed Staff to revise the Measure M Guidelines, Section VIII. - 3% Local Contribution to Major Transit Projects. Staff reported back to the Construction Committee in June 2022 on the response to the motion (2022-0331) and committed to requesting Board approval to release for public review revised Guidelines in August 2022.

#### **BACKGROUND**

The Measure M Ordinance (Ordinance) requires that local jurisdictions pay three percent (3%) of the total project cost of new major rail projects. In advance of Metro notifying jurisdictions of their local contribution obligations for several rail capital projects, the Board requested that Staff revise the Guidelines to be consistent with the Ordinance, confirm several aspects of the calculation, and clarify and provide additional flexibility on sources available to jurisdictions to satisfy the 3% contribution. This action is required because making draft Guidelines revisions available for public comment is consistent with Metro's past practice (e.g. 2021-0008) and may generate constructive input from jurisdictions and other stakeholders to be affected by the proposed changes.

#### **DISCUSSION**

Staff has revised the Guidelines in response to direction from Motion 35. The revisions reflect a change in the cost allocation approach, the exclusion from the total project cost of the First/Last Mile (FLM) expenses incurred by jurisdictions, and the availability of FLM credit in situations when Metro is withholding local return funds in alignment with the Board direction in Motion 35. Staff can implement the direction from Motion 35 immediately, with the Guidelines revisions formalizing the changes in the approach to the 3% local contribution.

## **DETERMINATION OF SAFETY IMPACT**

The proposed approval will not have any adverse safety impacts on employees or patrons.

## **FINANCIAL IMPACT**

### Impact to Budget

Approving the recommendations will have no impact on the FY 2022-23 Budget.

## **EQUITY PLATFORM**

Per the equity assessment of the Guidelines revisions in June 2022 (2022-0331), the 3% local contribution is one of the financial resources supporting Metro's major rail transit projects program in the Measure M Expenditure Plan. These projects will benefit communities by adding new high-quality reliable transit service, many of which will increase mobility, connectivity, and access to opportunities for the historically underserved and transit-dependent communities. Metro will continue to conduct outreach and provide technical assistance on the 3% contribution requirement to affected jurisdictions as we proceed with project planning. Staff will also analyze how each project might impact equity and Equity Focused Communities. These analyses will be included in future Board items (e.g. notifying the Board of the 3% contribution amount by jurisdiction based on 30% design) on a project-by-project basis.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project supports the following strategic plan goals identified in Vision 2028: Goal 1: Provide high-quality mobility options that enable people to spend less time traveling, Goal 3: Enhance communities and lives through mobility and access to opportunity and Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization.

## **ALTERNATIVES CONSIDERED**

The Board could elect not to approve the public release of the revised Guidelines. This is not recommended as the proposed revisions resulted from Board direction and will ensure consistency between Metro's published guidance and the Measure M Ordinance.

## **NEXT STEPS**

Metro will release the Draft Revised Measure M Guidelines Section VIII - 3% Local Contribution to Major Transit Projects, if approved by the Board, for a 60-day public review period beginning August 26, 2022. Metro will circulate the draft revisions to Councils of Governments (COGs) and notify the public via The Source or other appropriate outreach methods. The Guidelines will be posted on the Metro website, and there will be a place at the same location for people to submit comments. Following public input and comment, the final revised Guidelines will be presented to the Board in January 2023 for adoption.

**ATTACHMENTS**

Attachment A - 3% Measure M Guidelines Draft Revisions

Attachment B - Motion 35

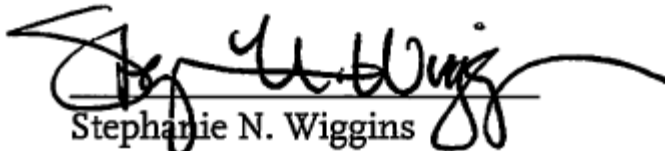
Prepared by: Adam Stephenson, Senior Director, Countywide Planning & Development, (213) 547-4322

Fanny Pan, DEO, Countywide Planning & Development, (213) 547-4312

Shawn Atlow, Executive Officer, Countywide Planning & Development, (213) 547-4315

Laurie Lombardi, SEO, Countywide Planning & Development, (213) 418-3251

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins  
Chief Executive Officer



**REVISED MEASURE M GUIDELINES, SECTION VIII. 3% LOCAL CONTRIBUTION TO MAJOR TRANSIT PROJECTS**

*The following shall replace Section VIII. in its entirety.*

**INTRODUCTION**

The Measure M Ordinance includes a provision for 3% local contribution to major rail transit capital projects. The rationale for the contribution is that local communities with a rail station receive a direct benefit due to the increased access to high-quality transit service that is above and beyond the project's benefit to the County as a whole. Countywide, the 3% local funding contribution represents more than \$1 billion in funding to support the project delivery identified in the Expenditure Plan. The 3% local funding contribution is a critical element of a full funding plan for these rail transit projects. The Ordinance includes provisions that allow development of a mutual agreement between a jurisdiction and Metro, and a default payment mechanism if such an agreement cannot be reached. The agreements shall be in accordance with these guidelines.

**PROGRAM METHODOLOGY**

The Ordinance calculates the local contribution based upon the percent of project total centerline track miles to be constructed within a local jurisdiction's borders if one or more new stations are to be constructed within that jurisdiction. These guidelines reflect the nexus between mobility benefits provided to a jurisdiction based on the presence of a new station within the jurisdiction. The local contribution will be calculated by distributing 3% of the total project cost, estimated at the conclusion of thirty percent (30%) of final design, to jurisdictions based on centerline track miles per the Ordinance. For projects along a larger transit corridor with more than one operable segment, each operable segment will have its own "total project cost" for purposes of calculating the 3% local contribution for each segment. Jurisdictions will incur a 3% local contribution obligation only for operable segments that include station construction within their borders. Other arrangements agreed upon by every local jurisdiction in a project corridor with a local contribution obligation are also acceptable, provided that the total of all jurisdictions' contributions equals 3% of the estimated total project cost. A list of jurisdictions that may be affected, subject to changes determined by the environmental process, is included as Appendix A.

An agreement approved by both Metro and the governing body of the jurisdiction shall specify the total project cost as determined at the conclusion of thirty percent (30%) of final design, the amount to be paid by the local jurisdiction, and a schedule of payments. Once approved, the amount to be paid by the local jurisdiction shall not be subject to future cost increases.

#### Eligible Fund Contributions

Eligible fund sources to satisfy 3% local contribution include any funds controlled by the local agency or local agencies (e.g., General Fund, State Gas Tax Subventions, Prop. A, Prop. C and Measure R and Measure M Local Return Funds, Measure M Subregional Program Funds), or any funds awarded from non-Metro competitive grant process funding. Measure M Subregional Program Fund contributions must be accompanied by documented agreement from all jurisdictions that would otherwise be eligible for those sub-regional funds. In-kind contributions eligible to satisfy 3% local contribution include, but are not limited to, project specific right-of-way, waiver of permitting fees, local agency staff time (incurred and forecast) and other subregional investments that support a Metro transit corridor if those costs are specifically included in the project cost and contribution amount by the conclusion of thirty percent (30%) of final design.

#### Betterments

Betterments are defined consistent with existing policy adopted by the Metro Board on Supplemental Modifications to Transit Projects (October 2013). A “betterment” is defined “as an upgrade of an existing city or utility’s facility or the property of a Third Party, be it a public or private entity, that will upgrade the service capacity, capability, appearance, efficiency or function of such a facility or property of a third party.” Once the 30% design project scope and cost have been determined as the basis of the 3% contribution calculation, subsequent betterments cannot be included in that calculation, nor counted toward a jurisdiction’s eligible contribution. However, they may be included in the project scope if carried at the jurisdiction’s expense.

#### Active Transportation and First/Last Mile Investments

These guidelines reflect provisions adopted by the Board that allow for local jurisdictions, through an agreement with Metro, to meet all or a portion of their 3% local contribution obligation through first/last mile (FLM) investments. All local FLM improvements must be consistent with station area plans that will be developed by Metro in coordination with the affected jurisdiction(s). The criteria for local FLM investments for FLM contributions are being developed by Metro, specifically to carry out

integration of FLM within transit capital projects. FLM improvements consistent with this section will not be considered “betterments” for the purposes of these Guidelines and are eligible to satisfy local contribution obligations in lieu of Metro withholding up to 15 years of Measure M Local Return.

Local Contribution Limits

The 3% local contribution will only be calculated against the overall project scope and cost determined at the conclusion of thirty percent (30%) of final design and will not include costs for FLM improvements delivered by entities other than Metro. Local agencies cannot count other transportation investments that are not included in the project scope and cost estimate after the conclusion of thirty percent (30%) of final design. Metro staff will provide written notice to the affected jurisdiction(s) and a report to the Metro Board after the completion of thirty percent (30%) of final design.

Contributions for calculations assigned to the County of Los Angeles are to be determined by the County.

Opt-Out Option

Metro will withhold up to 15 years of Measure M Local Return Funds from local agencies that fail to reach a timely agreement with Metro on their 3% contribution prior to the award of any contract authorizing construction of the project within the borders of that jurisdiction. Local return funds from Proposition A, Proposition C, and Measure R are not subject to withholding. In some cases, principally in smaller cities, the default withholding of 15 years of local return from Measure M Local Return Funds will be less than a full 3% contribution. In these cases, Metro may establish in an agreement with the city either amount as the 3% contribution. The cities that fulfill the 3% contribution requirement through the Local Return withholding mechanism, including offsets for approved FLM improvements, will suffer no further impact.

**AUDIT REQUIREMENTS**

Use of Measure M funds will be subject to audit and oversight, and all other applicable state and local laws.

**REPORTING REQUIREMENTS**

Metro will provide annual reports to the Measure M Independent Taxpayer Oversight Committee describing how uses of the Measure M Funds are contributing to accomplishing the program objectives.

REVISIONS TO PROGRAM GUIDELINES

These program guidelines may be revised by the Metro Board of Directors.

Metro

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



## Board Report

**File #:** 2022-0258, **File Type:** Motion / Motion Response

**Agenda Number:** 35.

### CONSTRUCTION COMMITTEE APRIL 21, 2022

**Motion by:**

**DIRECTORS HAHN, GARCETTI, BUTTS, AND DUTRA**

#### **3% Contribution Motion**

The Measure M ordinance requires local jurisdictions to pay three percent (3%) of the total project cost of a major Measure M rail project. According to Section 7.f of the Measure M ordinance, each jurisdiction's obligation is calculated "based upon the percent of project total centerline track miles to be constructed within that jurisdiction's borders if one or more stations are to be constructed within the borders of said jurisdiction." This requirement is generally referred to as the "3% Contribution."

Clarifications are necessary to ensure that local jurisdictions fully understand their 3% Contribution calculation and that Metro fully incentivizes local jurisdictions to make First-Last Mile improvements that will benefit Metro projects and increase transit ridership, consistent with Board policy.

First, the Measure M Guidelines (Board File 2017-0280) differ from the Measure M ordinance on how Metro calculates the 3% Contribution. While the Measure M ordinance applies the 3% Contribution only to local jurisdictions where a new station is to be constructed, the Measure M Guidelines extend this obligation to all local jurisdictions within a half-mile of a new station. To ensure clarity, Metro should revise the Measure M Guidelines to be consistent with the Measure M ordinance.

Additionally, not all jurisdictions are presently incentivized to make First-Last Mile investments. Existing Metro Board policy (Board Files 2016-0451 and 2020-0365) seeks to incentivize local jurisdictions to make First-Last Mile investments by allowing the value of those investments to count toward all of a jurisdiction's 3% Contribution obligation. However, as detailed below, this incentive is currently not available to all jurisdictions.

In cases where a jurisdiction's 3% Contribution exceeds 15 years of their Measure M Local Return, per the Measure M ordinance Metro may withhold their Measure M Local Return for up to 15 years. To preserve these jurisdictions' incentive to deliver First-Last Mile investments, Metro should allow withheld funds to satisfy the 3% contribution via an agreement with the jurisdiction such that the value of First-Last Mile investments delivered by that jurisdiction count against their up-to 15-year Measure M Local Return withholding, so long as those investments are consistent with established Metro procedures (such as the First-Last Mile Guidelines). This will ensure First-Last Mile incentives are fully available to all jurisdictions.

Further, to ensure that local jurisdictions are not over-charged for their 3% Contribution, the Board should clarify that a transit corridor's "total project cost" (calculated at 30% design to determine a jurisdiction's 3% Contribution) should refer only to the transit project and related elements delivered by Metro itself. First-Last Mile improvements delivered by local jurisdictions should not be included in the "total project cost" from which Metro calculates a jurisdiction's 3% Contribution.

Finally, the Measure M Guidelines provide that a transit corridor's total 3% Contribution may be met through in-kind contributions or "other arrangements agreed upon by every local jurisdiction in a project corridor." The Board should reaffirm that subregional investments that support a Metro transit corridor should be eligible to count toward a project's total 3% Contribution under this provision.

Following determination of the "total project cost" at 30% design, the manner in which a local jurisdiction shall fulfill its 3% obligation should be generally understood by the time a Metro project reaches construction contract award, pending final agreement between Metro and that jurisdiction.

**SUBJECT: 3% CONTRIBUTION MOTION**

**RECOMMENDATION**

APPROVE Motion by Directors Hahn, Garcetti, Butts, and Dutra that the Board direct the CEO to update the Measure M Guidelines and First-Last Mile Guidelines in accordance with the following:

- A. Revise the Measure M Guidelines 3% Contribution calculation to be consistent with the Measure M ordinance;
- B. In cases where Metro withholds 15 years of Measure M Local Return, clarify that Metro will allow withheld funds to satisfy the 3% contribution via an agreement with the jurisdiction, that jurisdictions may spend withheld funds on First-Last Mile investments, and that those expenses shall be eligible to credit toward a jurisdiction's 15-year total Measure M Local Return obligation in accordance with established Metro procedures, such as the First-Last Mile Guidelines and Measure M Guidelines;
- C. Confirm that the cost of First-Last Mile improvements delivered by local jurisdictions shall not be included in the "total project cost" from which Metro calculates the 3% Contribution;
- D. Consistent with precedent from the Purple Line Extension, confirm that jurisdictions along segments of a larger transit corridor will incur a 3% Contribution obligation only for project segments that include station construction within their jurisdiction; and,
- E. Reaffirm that in-kind contributions and subregional investments that support a Metro transit corridor may count toward a project's total 3% Contribution under existing provisions of the Measure M Guidelines.

WE FURTHER MOVE that the Board direct the CEO to report back on all the above to the Construction Committee in June 2022.





## Board Report

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**File #:** 2022-0338, **File Type:** Agreement

**Agenda Number:** 7.

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**PLANNING AND PROGRAMMING COMMITTEE  
AUGUST 17, 2022**

**EXECUTIVE MANAGEMENT COMMITTEE  
AUGUST 18, 2022**

**SUBJECT: HIGH DESERT CORRIDOR JOINT POWERS AGENCY**

**ACTION: APPROVE RECOMMENDATION**

### **RECOMMENDATION**

APPROVE Metro participation in the Joint Powers Agreement creating the High Desert Corridor Joint Powers Agency.

### **ISSUE**

On March 1, 2022, San Bernardino County voted to withdraw its membership in the High Desert Corridor Joint Powers Authority (HDC JPA), resulting in the HDC JPA being dissolved effective June 30, 2022. A new High Desert Corridor Joint Powers Agency (Agency) comprised of new membership has been created to replace the HDC JPA to continue the planning for the future High Desert Corridor Rail Project. Metro, as a major partner in the planning and funding for the project, is being requested to join the new Agency.

### **BACKGROUND**

In 2006, Los Angeles and San Bernardino Counties entered a Joint Powers Agreement creating the HDC JPA. Representatives from the counties of Los Angeles and San Bernardino; the cities of Palmdale, Lancaster, Adelanto, Victorville; and the Town of Apple Valley were appointed by the counties to serve on the HDC JPA Board of Directors. Metro was not a JPA member but was considered a potential candidate to join an expanded HDC JPA after the passage of Measure R in 2008, which included \$33 million for the development of an environmental document for the corridor.

The HDC JPA, a project-specific Joint Powers Authority, was formed to develop transportation options between the Antelope Valley in Los Angeles County and the Victor Valley in San Bernardino County. The HDC JPA initially considered a new freeway/expressway/tollway connecting SR-14 to I-15, but expanded the scope to include rail, bicycle lanes, and other improvements, ultimately becoming the High Desert Multi-Purpose Corridor (HDMC). In 2016, the HDMC received CEQA clearance, and it was determined that the Locally Preferred Alternative would be a multi-modal corridor with a highway and a high-speed rail line in the median connecting the two valleys. At the



time, Metro's role was to fund the CEQA study.

In December 2020, due to litigation and funding issues, Caltrans eliminated the highway portion of the HDMC, but allowed for the possibility of a highway later.

### HDC Rail Project

Upon elimination of the highway component of the HDMC, the HDC Rail Project moved forward. The HDC Rail Project would link the Metrolink/California High Speed Rail Authority (CHSRA) station in Palmdale with an anticipated high-speed rail station in Apple Valley, which would connect to the planned Brightline West, a privately-funded high-speed rail line to Las Vegas.

The HDC Rail Project will service major employment centers and regional destinations, reduce greenhouse gas emissions, and provide a passenger rail alternative to the congested I-15 corridor between Southern California and Las Vegas.

Travel time on the 54-mile HDC Rail Project from Palmdale to Apple Valley will be 30 minutes, at speeds traveling up to 180 miles per hour. Travel time on the 190-mile Brightline West corridor from Apple Valley to Las Vegas will be 95 minutes, at speeds traveling up to 180 miles per hour.

The HDC Rail Project is estimated to initially carry 3.1 million riders annually and grow to 14 million riders annually by 2050 based upon the 2015 ridership modeling study and connectivity to the future CHSRA service from Los Angeles to Northern California.

The HDC Rail Project is consistent with CHSRA, Brightline West, the California State Rail Plan, and the Metrolink commuter rail network. The Metro Measure M Expenditure Plan and the Metro Long-Range Transportation Plan have committed \$170 million for the HDC, with funds for engineering and right-of-way acquisition. Additionally, \$1.8 billion in future Measure M funds has been committed in 2063 - 2067 for HDC Rail Project construction.

### Metro Service Development Plan

In August 2020, the Metro Board programmed \$5,000,000 in Measure M HDMC funds for Metro to lead a High Desert Corridor Intercity Rail Corridor Service Development Plan (SDP) effort [File #2020-0046]. Starting in early 2021, Metro has been working with key stakeholders to complete detailed ridership and revenue forecasts, conduct operations modeling, Palmdale Transportation Center station planning, conceptual engineering, and financial analysis to advance the HDC Rail Project to the 15% design level. The SDP is expected to be completed in summer 2022.

### CEQA/NEPA Environmental Update

Concurrent with the SDP, environmental work for the HDC Rail Project has continued. In April 2021, Metro programmed \$400,000 in Proposition C 25% funds to the HDC JPA for additional NEPA work for the HDC Rail Project to address changes to the rail alignment, station location and other related infrastructure changes. In 2021 the HDC JPA requested that the Federal Railroad Administration (FRA) act as the lead agency for NEPA compliance and that the FRA issue a Record of Decision

(ROD) for the HDC Rail Project and revalidate the results of the previous 2016 CEQA environmental approvals. In 2022 the FRA agreed to become the NEPA lead agency for the HDC Rail Project. The FRA also requested that the NEPA environmental document closely align with the SDP, requiring additional engineering analysis. An ROD is expected in late 2022/early 2023.

Metro Board Action in April 2022

In April 2022, the Metro Board programmed \$1,236,500 in FY 2022-23 Measure M HDMC funds to the HDC JPA to complete the CEQA and NEPA environmental documents for the HDC Rail Project and other related activities related to the HDC JPA governance, including JPA management, planning and administrative coordination, for FY 2022-23.

**DISCUSSION**

On March 1, 2022, San Bernardino County voted to withdraw its membership in the HDC JPA effective June 30, 2022. Since the HDC JPA consists of only two members, Los Angeles County and San Bernardino County, the withdrawal of San Bernardino County dissolved the HDC JPA as of June 30, 2022.

The new Agency will replace the HDC JPA and complete the federal and state environmental review process, pursue grant funding and facilitate the planning, design, construction, financing, operations, and maintenance of the HDC Rail Project, which is subject to funding availability. Metro was not a member of the original Joint Powers Authority. Metro's participation in the new Agency is timely and appropriate now that the HDMC has evolved into the development of the HDC Rail Project, which has linkages with the LA County regional rail network; Metro is currently leading the development of the SDP; and Metro is funding the completion of the CEQA/NEPA document.

The agreement for this new Agency (Attachment A) eliminates San Bernardino County as a member and adds Metro plus the cities of Palmdale, Lancaster, Adelanto, and Victorville as direct members of the Agency Board of Directors. Each member agency will appoint a representative to the Agency's Board of Directors, with each Director receiving one vote. Metro will be represented on the new Agency by the Metro Board North County/San Fernando Valley Sector appointee, currently Chair Ara Najarian. The six voting members and their dates of approval to join the new Agency is as follows:

<b>High Desert Corridor Joint Powers Agency Member</b>	<b>Governing Board Action</b>
Los Angeles County	June 28, 2022
Metro	August 25, 2022
City of Palmdale	July 20, 2022
City of Lancaster	June 14, 2022
City of Adelanto	June 8, 2022
City of Victorville	July 19, 2022

The County Counsel of Los Angeles County will serve as the Agency's legal adviser. The Auditor-Controller of Los Angeles County will serve as the Agency's auditor. The Treasurer of Los Angeles

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County will serve as the Agency's Treasurer. An annual budget will be established after the new Agency meets, likely to occur in fall 2022.

### **DETERMINATION OF SAFETY IMPACT**

The HDC Rail Project will reduce automobile trips along the SR-138/SR-18 corridor and the I-15 freeway between Southern California and Las Vegas. This project will reduce vehicle accidents and improve safety by moving some people in automobiles along the I-15 corridor to a high-speed rail train, among the safest transportation modes. The HDC Rail Project will be designed to the latest safety standards established by the FRA and other regulatory agencies.

### **FINANCIAL IMPACT**

The previous Metro Board action in April 2022 programmed funds to complete the HDC Rail Project environmental work and fund the management and administration of the new Agency for FY 2022-23. Future year Agency budgets will be established annually by the Agency Board thereafter. Measure M HDMC funds, currently \$166 million, are a potential source of funds for Metro's portion of the Agency operations, dues, etc.

### **EQUITY PLATFORM**

The HDC Rail Project will improve mobility for residents in the North Los Angeles County by providing a high-quality, environmentally friendly, safe, and efficient transportation option to the communities to access jobs, health care, education, other services, and economic opportunities offered at major urban and employment centers in Los Angeles and Las Vegas.

The cities of Adelanto and Victorville are designated as high poverty areas. The multi-modal Palmdale High Speed Rail station will be designed to meet the latest Americans with Disability Act requirements along with commuter rail, bus transit, Access Services, ride share and active transportation needs.

The entire project area falls within the low-income communities and households as defined by AB 1550. A significant portion also falls within the disadvantaged and low-income communities as defined by SB 535. In addition, residents within the HDC project area consist of between 61% and 77% in minority populations, with the highest percentage of minority populations in the City of Palmdale. Many of the minority populations include people with limited English proficiency.

The new Agency will enable the environmental process to continue, leading to the ROD and further engineering, outreach, and eventual construction of the HDC, subject to funding availability.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Metro membership in the new Agency supports Vision 2028 Strategic Plan goals 1, 4 and 5, as follows:

- Goal 1: Invest in a world-class transit system that is reliable, convenient, and attractive to more users for more trips;
- Goal 4: Drive mobility agendas, discussions, and policies at the state, regional and national

levels;

- Goal 5: Exercise good public policy judgement and sound fiscal stewardship.

### **ALTERNATIVES CONSIDERED**

The Board could choose not to participate as a member of the new Agency. This alternative is not recommended as Metro is a major partner in the funding and planning for the HDC, which is funded through the Measures R and M Expenditure Plans. This includes working closely with the new Agency to complete the environmental CEQA/NEPA process and leading the current SDP effort.

Given Metro's large role in funding for the HDC, it is appropriate that Metro participates as a voting member in the new Agency. The recommendation is also consistent with Metro's overall role and responsibility to provide public transportation mobility opportunities throughout Los Angeles County and its creation of a multimodal, integrated planning function that seeks to integrate all modes of transportation in a comprehensive, holistic approach.

### **NEXT STEPS**


Subject to Board approval of the staff recommendation, the new Agency will convene for its first Board meeting in the fall of 2022. The environmental ROD is anticipated from the FRA in late 2022/early 2023. Staff will work with the new Agency, stakeholders and potential funding partners to advance the HDC Rail Project forward.

### **ATTACHMENTS**

Attachment A - Joint Powers Agreement Creating the High Desert Corridor Joint Powers Agency

Prepared by: Jay Fuhrman, Manager, Countywide Planning & Development, (213) 541-4381  
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Laurie Lombardi, SEO, Countywide Planning & Development, (213) 418-3251

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins  
Chief Executive Officer

**JOINT POWERS AGREEMENT**

**CREATING**

**THE HIGH DESERT CORRIDOR JOINT POWERS AGENCY**

**BY AND AMONG**

**THE COUNTY OF LOS ANGELES, LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY, THE  
CITY OF LANCASTER, THE CITY OF PALMDALE, THE  
CITY OF VICTORVILLE, THE CITY OF ADELANTO, AND  
THE CITY OF APPLE VALLEY**

# HIGH DESERT CORRIDOR JOINT POWERS AGENCY

## JOINT POWERS AGREEMENT

This JOINT POWERS AGREEMENT, made in accordance with Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (commencing with Section 6500), as amended and supplemented from time to time (the "Act"), for convenience dated as of XXXXXXXXX (date), by and among the COUNTY OF LOS ANGELES, LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, CITY OF LANCASTER, CITY OF PALMDALE, CITY OF VICTORVILLE, CITY OF ADELANTO, and CITY OF APPLE VALLEY, each of which is a body corporate and politic and a political subdivision of the State of California (the "State") (referred to collectively as "Members").

### RECITALS:

WHEREAS, pursuant to the Act, the agency created under this Agreement (as defined herein) shall possess such common powers of the Members, and may exercise such powers, as specified in this Agreement and to exercise the additional powers granted to it pursuant to the Act;

WHEREAS, by this Agreement, each Member desires to create and establish the High Desert Corridor Joint Powers Agency for the purposes set forth herein and to exercise the powers provided herein;

WHEREAS, the High Desert Corridor Joint Powers Authority, ("Predecessor JPA"), was created between Los Angeles County and San Bernardino County in November 2006, and shall be dissolved effective July 1, 2022;

WHEREAS, it is the intent of the Members that, to the fullest extent possible, the High Desert Corridor Joint Powers Agency shall be the successor in interest in all ways to the Predecessor JPA, and any other mechanisms or sources with which the Predecessor JPA was funded and any other obligations or benefits derived therefrom, including, without limitation, the proposed April 14, 2022, Funding Agreement between Predecessor JPA and the Los Angeles County Metropolitan Transportation Authority for the High Desert Intercity Rail Corridor Environmental Work, Surface, Transportation Board Filing, and Predecessor JPA Administration costs.

NOW, THEREFORE, the Members, for and in consideration of the mutual agreements and covenants contained herein, do agree as follows:

### ARTICLE I

#### DEFINITIONS

**Section 1.01. Definitions.** Unless the context otherwise requires, the words and terms defined in this Article I shall, for the purpose hereof, have the meanings herein specified.

"Act" means the Joint Exercise of Powers Act, Articles 1 through 4 (commencing with Section 6500) of Chapter 5, Division 7, Title 1 of the California Government Code.

"Agency" shall mean the High Desert Corridor Joint Powers Agency, the separate agency created by this Agreement.

"Agreement" means this Joint Powers Agreement as the same now exists and as it may from time to time be amended.

"Board" means the Board of Directors of the Agency created by this Agreement.

"Brown Act" means the Ralph M. Brown Act (Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California (Sections 54950 to 54961), and any successor legislation hereinafter enacted.

"Director(s)" means the person(s) appointed to the Board pursuant to Section 2.03.

"Fiscal Year" means the calendar period from July 1<sup>st</sup> to and including the following June 30<sup>th</sup>, unless and until changed by a resolution of the Agency.

"Member" means each of the County of Los Angeles, Los Angeles County Metropolitan Transportation Agency, City of Lancaster, City of Palmdale, City of Victorville, City of Adelanto, and City of Apple Valley.

"Members" means all of the Member agencies collectively.

"Predecessor JPA" means the High Desert Corridor Joint Powers Authority.

"PTAC" means the Policy and Technical Advisory Committee.

"State" means the State of California.

## ARTICLE II

### GENERAL PROVISIONS REGARDING PURPOSE, CREATION AND OPERATION OF THE AGENCY

**Section 2.01. Purpose.** In accordance with Section 6503 of the Act, the purpose of this Agreement is to provide for the exercise of powers common to each Member, including but not limited to, the creation of the Agency to provide for the financing, planning, design, construction, operation and maintenance of public and/or private transportation and utility corridor(s) (Corridor) from Los Angeles County in the vicinity of the Cities of Palmdale and/or Lancaster to San Bernardino County in the vicinity of the Cities of Victorville, Apple Valley and Adelanto. The activities contemplated by this Agreement include all manner and modes of surface transportation and all manner and modes of utilities including pipelines and conduits, and those substances that may be feasibly conveyed by such.

The Agency is intended to be the successor in interest, to the fullest extent possible, to the High Desert Corridor Joint Powers Authority, which shall be dissolved as of July, 1, 2022.

**Section 2.02. Term.** This Agreement shall become effective when it has been approved by each of the Members. This Agreement shall continue in full force and effect until terminated by mutual consent of the Members.

**Section 2.03. Board of Directors.** The Agency shall be governed by a Board of Directors (Board), with each Director receiving one vote. The Board shall be comprised of seven Directors designated as follows:

- A. The County of Los Angeles shall be represented by its Fifth District Supervisor.
- B. Los Angeles County Metropolitan Transportation Authority (“Metro”) shall be represented by the sitting Metro Board Director representing the Northern Los Angeles County Cities Sector seat.
- C. The City of Lancaster shall be represented by an individual selected by the Lancaster City Council.
- D. The City of Palmdale shall be represented by an individual selected by the Palmdale City Council.
- E. The City of Victorville shall be represented by an individual selected by the Victorville City Council.
- F. The City of Adelanto shall be represented by an individual selected by the Adelanto City Council.
- G. The City of Apple Valley shall be represented by an individual selected by the Apple Valley City Council.

**Section 2.04. Alternates.** Except as provided below, each Member shall appoint an alternate (Alternate) for its Director. The Alternate for Los Angeles County’s Fifth District Supervisor shall be nominated by the Fifth District Supervisor and approved by the County of Los Angeles Board of Supervisors. The Alternate for Metro shall be nominated by the sitting Metro Board Director representing the Northern Los Angeles County Cities Sector seat and approved by the Metro Board of Directors.

**Section 2.05. Term of Board of Directors.** Each Director and Alternate shall serve at the pleasure of his or her appointing authority.

**Section 2.06. Meetings.** All meetings of the Board shall be called, noticed, held, and conducted subject to the provisions of the Brown Act. The Board shall meet a minimum of one time per year. The meeting shall take place at a location determined by the Board, but the location must be within the jurisdictional boundaries of either the County of Los Angeles or the County of San Bernardino.

**Section 2.07. Minutes.** The Secretary shall cause to be kept minutes of the meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director of the Board, committee members of the PTAC, and the Clerk of the Board of Supervisors, or governing body of each Member.



**Section 2.08. Quorum.** A majority of the Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time. The affirmative votes of at least a majority of the Directors present at any meeting at which a quorum is present shall be required to take any action by the Board.

**Section 2.09. Bylaws.** The Board may adopt Bylaws for the conduct of business and as are necessary for the purposes hereof. The Board may adopt additional resolutions, rules, regulations, and policies for the conduct of its business and as are necessary for the purposes hereof in a manner consistent with this Agreement and the Bylaws.

**Section 2.10. Annual Budget.** The Board shall adopt an annual budget for each fiscal year. The Bylaws may further provide for the presentation and content of the budget.

**Section 2.11. Annual Operational and Fiscal Report.** The Board shall cause an annual operational report and annual fiscal report to be prepared and provided to each Member.

**Section 2.12. Enlargement of the Board of Directors.** The Board may increase the number of Directors on the Board from seven Directors by approval by all Directors following ratification by the governing body of each Member.

### ARTICLE III

#### OFFICERS AND EMPLOYEES

**Section 3.01. Chair and Vice-Chair.** The Board of Directors shall elect from among its Members, a Chair and First and Second Vice-Chairs. The Chair shall sign all contracts on behalf of the Agency, except as otherwise set forth in this Agreement, and shall perform such other duties as may be imposed by the Board in the Bylaws. The First Vice-Chair shall sign contracts and perform all of the Chair's duties in the absence of the Chair, unless the Bylaws of the Agency provide otherwise. The duties of the Second Vice-Chair may be set forth in the Bylaws. Elections for such officers shall be held each year at a regular or special meeting of the Board with terms running concurrent with the Agency's Fiscal Year. The term of office shall be the Fiscal Year or until a successor is elected.

**Section 3.02. Secretary.** The Board shall appoint a Secretary to the Board. The Secretary shall serve at the pleasure of the Board. The Secretary shall countersign all contracts signed by the Chair or Vice-Chair on behalf of the Agency, unless the Bylaws of the Agency provide otherwise. The Secretary shall cause a notice of this Agreement to be filed with the California Secretary of State pursuant to Section 6503.5 of the Act and Section 53051 of the California Government Code. The Secretary shall be responsible to the Board for the call, noticing and conduct of the meetings pursuant to the Ralph M. Brown Act (Section 54950 et seq. of the California Government Code). The Board may further provide for the duties and responsibilities of the Secretary in the Bylaws.

**Section 3.03. Treasurer.** Pursuant to Section 6505.5 of the Act, the Treasurer of the County of Los Angeles shall serve as the Treasurer of the Agency, unless and until otherwise determined by the Agency. The Treasurer shall be the depository, shall have custody of all of the accounts, funds and money of the Agency from whatever source, shall have the duties and obligations set forth in Sections 6505 and 6505.5 of the Act, and shall assure that there shall be strict accountability of all funds and reporting of all receipts and disbursements of the Agency. The bond of the Treasurer under this Agreement shall be his official bond as the Treasurer of the County of Los Angeles and no additional bond will be required. The monies of the Agency shall be accounted for separately and invested in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code, including but not limited to investment in the County treasury pool of Los Angeles County.

**Section 3.04. Contract With Certified Public Accountant.** The Auditor-Controller of Los Angeles County shall serve as the Auditor of the Agency, unless and until otherwise determined by the Agency. As required by Section 6505 of the Act, the Auditor shall make arrangements or contract with a certified public accountant or firm of certified public accountants for the annual audit of accounts and records of the Agency. In each case, the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally-accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant, a report thereof shall be filed with each Member and each officer of the Agency. Such a report shall be filed within six months of the end of the fiscal year under examination. Any costs of the audit, including contracts with, or employment of, certified public accountants in making an audit pursuant to this section, shall be borne by the Agency and shall be a charge against any unencumbered funds of the Agency available for that purpose.

**Section 3.05. Officers in Charge of Records, Funds and Accounts.** Pursuant to Sections 6505.1 of the Act, the Treasurer shall have charge of, handle, and have access to all accounts, funds and money of the Agency and all records of the Agency relating thereto. The Secretary shall have charge of, handle, and have access to all other records of the Agency.

**Section 3.06. Legal Advisor.** The County Counsel of Los Angeles County ("County Counsel") shall serve as legal advisor and counsel to the Agency. County Counsel may consult with counsel for the other Members as necessary, or as directed.

**Section 3.07. Other Employees.** The Board shall have the power by adoption of Bylaws to appoint and employ such other employees, consultants, and independent contractors as may be necessary for the purpose of this Agreement.

**Section 3.08. Officers and Employees of the Agency.** As required by Section 6513 of the Act, all of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, workers' compensation, and other benefits that apply to the activities of officers, agents, or employees of a public agency when performing their respective functions shall apply to the officers, agents, or employees of the Agency to the same degree and extent while engaged in the performance of any of the functions and other duties of such offices, agents, or employees under this Agreement with no additional compensation. None of the officers, agents, or employees directly employed by the Board shall be deemed, by reason of their

employment by the Board, to be employed by any of the Members or, by reason of their employment by the Board, to be subject to any of the requirements of the Members.

## ARTICLE IV

### POWERS

**Section 4.01. Creation of a Separate Legal Entity.** As required in the Act, the Agency shall be a public entity separate from each of the Members in accordance with the meaning of California Government Code section 6503.5. Accordingly, there is hereby created a separate legal entity, which shall exercise its powers in accordance with the provision of this Agreement and applicable law.

**Section 4.02. General Powers.** The Agency shall exercise, in the manner herein provided, the powers that are common to each of the Members, or as otherwise permitted under the Act, and as is necessary to the accomplishment of the purpose, as provided in Section 2.01, Purpose, of this Agreement.

**Section 4.03. Specific Powers.** The Agency is hereby authorized, in its own name, to do all acts necessary for the exercise of the foregoing general powers, including but not limited to, any or all of the following:

- (a) to make and enter into contracts;
- (b) to employ agents or employees;
- (c) to sue and be sued in its own name;
- (d) to acquire, by negotiated purchase or condemnation, construct, manage, maintain or operate any property, building, works, or improvements;
- (e) to acquire, by negotiated purchase or condemnation, hold or dispose of property;
- (f) to incur debts, liabilities or obligations, provided that no such debt, liability, or obligation shall constitute a debt, liability or obligation of the Members;
- (g) to apply for, accept, receive and disburse grants, loans and other aids from any agency of the United States of America or of the State;
- (h) to invest any money in the treasury pool as indicated in Section 3.03 of this Agreement; and
- (i) to carry out and enforce all the provisions of this Agreement.

**Section 4.04. Restrictions on Powers.** Pursuant to Section 6509 of the Act, the above powers shall be subject to the restrictions upon the manner of exercising the power of one of the Members, which is designated as County of Los Angeles.

**Section 4.05. Obligations of Agency.** The debts, liabilities and obligations of the Agency shall not be the debts, liabilities and obligations of the Members.

**Section 4.06. Successor in Interest to Predecessor JPA.** It is the intent of the Members that, to the fullest extent possible, the High Desert Corridor Joint Powers Agency shall be the successor in interest in all ways to the Predecessor JPA, and any other mechanisms or sources with which the Predecessor JPA was funded and any other obligations or benefits derived therefrom, including, without limitation, the proposed April 14, 2022, Funding Agreement between Predecessor JPA and the Los Angeles County Metropolitan Transportation Authority for the High Desert Intercity Rail Corridor Environmental Work, Surface, Transportation Board Filing, and Predecessor JPA Administration costs.

## ARTICLE V

### POLICY AND TECHNICAL ADVISORY COMMITTEE

**Section 5.01. Creation of Committee.** There shall exist in the Agency a committee named the Policy and Technical Advisory Committee (PTAC). There shall be fourteen voting members of the PTAC who shall be appointed as follows: two each by the Members.

**Section 5.02. Other Agencies.** The PTAC may include other non-voting agencies that the Board may deem appropriate, including but not limited to Caltrans, San Bernardino Associated Governments, etc.

**Section 5.03. Duties.** The PTAC shall provide advice on policy and technical issues to the Board and have such other and further duties as may be set forth in the Bylaws.

## ARTICLE VI

### CONTRIBUTIONS, ASSETS AND DISTRIBUTION UPON TERMINATION

**Section 6.01. Contributions.** The Members may make contributions from their treasuries for the purpose set forth in Section 2.01, Purpose, make payments of public funds to defray the cost of such purpose, make advances of public funds for such purpose, and/or use their personnel, equipment, or property in lieu of contributions or advances. The provisions of Section 6512.1 of the Act are hereby incorporated into this Agreement by reference.

**Section 6.02. Distribution of Assets upon Termination.** Upon termination of this Agreement and after resolution of all debts, liabilities and obligations, all money and other property, both real and personal, of the Agency shall, pursuant to Sections 6511 and 6512 of the Act, be divided among the Members proportional to the contributions made by the respective Members.

## ARTICLE VII

## LIABILITY, INDEMNIFICATION AND INSURANCE

**Section 7.01. Agency Liability and Indemnification.** The debts, liabilities, and obligations of the Agency shall not be the debts, liabilities, and obligations of the Members. The Board of Directors of the Agency, and the officers, employees, and staff of the Agency shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement. They shall not be liable for any mistakes of judgment or any other action made, taken, or omitted by them in good faith, including without limitation, investment of Agency funds, or failure to invest. No member of the Board of Directors, and no officer or employee of the Agency, shall be responsible for any action taken or omitted by any other director, officer or employee. No director, officer or employee shall be required to give a bond or other security to guarantee the faithful performance of his or her duties pursuant to this Agreement, except as otherwise provided in Section 3.03. The Agency shall indemnify, defend, and hold harmless the individual Board of Director members, and the Agency's officers and employees from any and all claims, actions, losses, damages, and/or liability arising from any actions or omissions taken lawfully and in good faith pursuant to this Agreement. The Agency shall indemnify, defend, and hold harmless each of the Members and their authorized officers, employees, agents, and volunteers from any and all claims, actions, losses, damages, and/or liability arising from the Agency's acts, errors, or omissions and for any costs or expenses incurred by any Member on account of any claim therefor, except where such indemnification is prohibited by law.

**Section 7.02. Member Indemnification.** Pursuant to the provisions of California Government Code Section 895 et seq., and except as required in Section 7.01, Agency Liability and Indemnification, herein, each Member agrees to defend, indemnify, and hold harmless each other Member from any liability, claim,, or judgment for injury or damages caused by any negligent or wrongful act or omission of any agent, officer, and/or employee of the indemnifying Member that occurs or arises out of the performance of this Agreement.

**Section 7.03. Insurance.** The Board shall provide for insurance covering liability exposure in an amount as the Board determines necessary to cover risks of activities of the Agency.

**Section 7.04. Third Party Beneficiaries.** This Agreement and the obligations hereto are not intended to benefit any party other than its Members, except as expressly provided otherwise herein. Only the signatories to this Agreement shall have any rights or causes of action against any party to this Agreement as a result of that party's performance or non-performance under this Agreement, except as expressly stated in this Agreement.

## ARTICLE VIII

### MISCELLANEOUS PROVISIONS

**Section 8.01. Notices.** Notices hereunder shall be in writing and shall be sufficient if addressed to the offices listed below and shall be deemed given upon deposit into the U.S. mail, first class, postage prepaid:

Los Angeles County            Fifth District Supervisor  
869 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

With a copy to:                Los Angeles County Counsel  
500 West Temple Street, Suite 648  
Los Angeles, CA 90012

NOTE: each Member needs to provide contact info for notice

- The County of Los Angeles shall be represented by its Fifth District Supervisor.
- Los Angeles County Metropolitan Transportation Authority (“Metro”) shall be represented by the sitting Metro Board Director representing the Northern Los Angeles County Cities Sector seat.
- The City of Lancaster shall be represented by an individual selected by the Lancaster City Council.
- The City of Palmdale shall be represented by an individual selected by the Palmdale City Council.
- The City of Victorville shall be represented by an individual selected by the Victorville City Council.
- The City of Adelanto shall be represented by an individual selected by the Adelanto City Council.
- The City of Apple Valley shall be represented by an individual selected by the Apple Valley City Council.

The Members may change the above addresses for notice purposes by written notification as provided above to each of the other Members. Said change of address may be filed with the Bylaws. Meeting notices and general correspondence may be served electronically.

**Section 8.02. Law Governing.** This Agreement is made in the State of California under the constitution and laws of the State, and is to be so construed.

**Section 8.03. Amendments.** This Agreement may be amended at any time, or from time to time, by unanimous consent of all Members hereto.

**Section 8.04. Severability.** Should any part, term, or provision of this Agreement be decided by any court of competent jurisdiction to be illegal or in conflict with any law of the State, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

**Section 8.05. Successors.** This Agreement shall be binding upon and shall inure to the benefit of the successors of the Members, respectively. No Member may assign any right or obligation hereunder without the unanimous consent of all Members.

**Section 8.06. Section Headings.** All Article and Section headings in this Agreement are for convenience of reference only and are not to be construed as modifying or governing the

language in the Section referred to or to define or limit the scope of any provision of this Agreement.

**Section 8.07. Multiple Counterparts.** This Agreement may be executed in multiple counterparts, any one of which shall be deemed an original but all such counterparts shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized officers, and their official seal to be hereto affixed, as of the day and year written.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

By: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

DAWYN R. HARRISON  
Acting County Counsel

By: \_\_\_\_\_

- Los Angeles County Metropolitan Transportation Authority (“Metro”) shall be represented by the sitting Metro Board Director representing the Northern Los Angeles County Cities Sector seat.
- The City of Lancaster shall be represented by an individual selected by the Lancaster City Council.
- The City of Palmdale shall be represented by an individual selected by the Palmdale City Council.
- The City of Victorville shall be represented by an individual selected by the Victorville City Council.
- The City of Adelanto shall be represented by an individual selected by the Adelanto City Council.
- The City of Apple Valley shall be represented by an individual selected by the Apple Valley City Council.



## Board Report

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File #: 2022-0448, File Type: Policy

Agenda Number: 8.

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### PLANNING AND PROGRAMMING COMMITTEE AUGUST 17, 2022

**SUBJECT: CMAQ FUNDING UPDATE**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

CONSIDER:

- A. RECEIVING AND FILE the Congestion Mitigation and Air Quality (CMAQ) Funding Update;  
and
- B. ADOPT Modification to Financial Stability Policy to prioritize available CMAQ Program federal grants to the greatest extent possible for any eligible operations costs.

#### **ISSUE**

This Metro Board report responds to a Board action in April 2022 (Attachment A) to report back to the Board in August 2022 on an operations funding outlook beyond Fiscal Year (FY) 23 and a policy to use CMAQ first for any eligible operations costs.

#### **BACKGROUND**

CMAQ is a federal grant program for uses that mitigate congestion and provide air quality benefits. Metro receives an apportionment of about \$156 million per year from CMAQ and uses the funds for buses, rail vehicles, rail capital projects (e.g., Regional Connector, Westside Subway Extension), rail operations, and carpool lanes. CMAQ must be programmed for a particular use in the federal transportation improvement program and obligated for that purpose within three years.

At its April 2022 meeting, the Board approved the use of CMAQ to fund a \$21,749,863 cost increase to the I-10 High Occupancy Vehicle Lanes Project from Puente Avenue to SR-57. The Board approval included an amendment to the Board item to report back in August 2022 per Attachment A.

#### **DISCUSSION**

Metro staff, in practice, currently program a maximum amount of CMAQ on operations costs. CMAQ is eligible to be spent on rail operations costs, net of any fare revenue (which is not part of the federal



share), for three years (up to five years if the third year is spread over three years) of the initial operations of a transit rail line. Metro Countywide Planning & Development Department staff currently estimate the initial three years of operations costs and fare revenue of all planned Metro rail lines based on their estimated revenue service dates and compute the eligible amount of reimbursable CMAQ expenses. The amount is reduced by 20 percent to account for the non-federal share and variances in the actuals versus estimates. Metro staff then include the estimated amount of reimbursable CMAQ in the Federal Transportation Improvement Program (FTIP), a federal requirement needed to qualify for reimbursement, and submit CMAQ grant applications for reimbursement when the operating expenses are incurred. The amount that is included in the grant applications is an estimated maximum amount that is reimbursable. Given this practice, Metro staff currently prioritize and attempt to maximize the amount of CMAQ that is used for operations. The proposed modification to the Financial Stability Policy would incorporate this practice into the policy.

Operations Funding in FY23

Metro staff provided the Board with operations funding as part of the FY23 budget development status update, proposed budget and budget presentation (Board files #2022-0153 and #2022-0243). In the April 2022 budget development status update provided during Metro’s Finance, Budget, and Audit Committee, staff recognized as the source of the anticipated future operations deficit the combined effects of (1) the pace of fare and tax revenue increases being slower than the rate of decrease in stimulus funds and (2) the cost of operations increasing due to labor shortages, inflation, new rail line openings, and new rider initiatives. The FY23 proposed budget (page 52) identifies the amount of subsidy needed to pay for recurring operating expenses net of recurring operating revenues and one-time grants.

The one-time Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) and the American Rescue Plan Act (ARPA) federal grants in the amount of \$1,283.3 million will be expended in FY23. Sales taxes and other operating funds are not enough to mitigate the loss of the one-time federal stimulus funds, leaving a funding gap beginning in FY24 and projected to grow in future years. The funding gap will be addressed through the FY24 EZBB budget development process, along with cost control measures being evaluated by Task Forces.

<b>Resources &amp; Expenses (\$ in millions)</b>	<b>FY23 Proposed</b>
Transit Fares & Other Revenues	\$ 150.9
Federal & State Grants	
Federal CRRSAA/ARPA	1,238.3
Federal & State Grants	104.4
Local Subsidies	\$ 705.6
<b>Total Operations Resources</b>	<b>\$ 2,199.2</b>
<b>Transit Operations Expenses</b>	<b>\$ 2,199.2</b>

CMAQ will be prioritized to the greatest extent allowable to fund new rail service in FY24 and beyond for the initial three years of service for the Crenshaw/LAX and Regional Connector rail lines. There is no additional CMAQ that is available to fund more operating expenses to forestall the magnitude of

the operating deficit as the maximum eligible amount of CMAQ available to Metro will be used for operating assistance.

#### Modifications to Financial Stability Policy

Staff recommend the addition of a CMAQ funding policy to an existing Board-adopted policy to facilitate its reference and use. The existing Financial Stability Policy from 2008 would be modified to add the following provision.

“S15. Prioritize available Congestion Mitigation and Air Quality (CMAQ) Program federal grants to the greatest extent possible for any eligible operations costs.”

The Financial Stability Policy with the proposed modifications is included as Attachment B.

### **DETERMINATION OF SAFETY IMPACT**

Approval of this item will have no negative impact to the safety standards of Metro.

### **FINANCIAL IMPACT**

#### Impact to Budget

The adoption of the modification to the Financial Stability Policy will direct staff to use as much CMAQ as available on operating costs. This is consistent with current practice and the use of CMAQ in the FY23 budget.

### **EQUITY PLATFORM**

The modification to the policy will help fund Metro transit operations and the amount of service. This helps provide transit service to those who rely on transit the most. In 2022, most ridership activity has occurred in Metro’s Equity Focus Communities (EFCs).

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

This item supports the Strategic Plan Goal #5, which seeks to “Provide responsive, accountable, and trustworthy governance within the Metro organization.” The item provides information about the funding of Metro’s transit operations to assist in the agency’s financial decisions.

### **ALTERNATIVES CONSIDERED**

The Board could choose not to approve this item and the current practice of using CMAQ to the greatest extent possible for operating assistance would not be incorporated into a Board-approved policy.

### **NEXT STEPS**

Metro staff has programmed the estimated maximum amount of CMAQ reimbursable for the Crenshaw/LAX and Regional Connector operating expenses in the FTIP and will expect to submit for

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CMAQ reimbursement when the rail lines begin revenue service and incur costs. Metro staff is also developing a financial outlook for FY24 that will be shared with the Board in the forthcoming months.

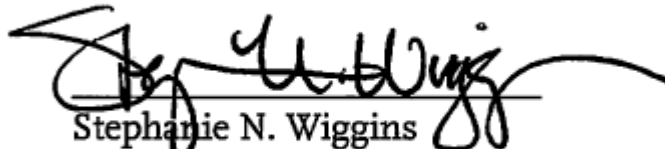
**ATTACHMENTS**

Attachment A - Metro Board Report # 2022-0124

Attachment B - Modified Financial Stability Policy

Prepared by: Craig Hoshijima, EO, Countywide Planning & Development, (213) 928-3384  
Laurie Lombardi, SEO, Countywide Planning & Development, (213) 418-3251

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920  
Nalini Ahuja, Chief Financial Officer, (213) 922-3088



Stephanie N. Wiggins  
Chief Executive Officer



## Board Report

File #: 2022-0124, File Type: Program

Agenda Number: 10.

**REVISED**  
**PLANNING AND PROGRAMMING COMMITTEE**  
**APRIL 20, 2022**

**SUBJECT: INTERSTATE 10 HOV LANES PROJECT PROGRAMMING INCREASE****ACTION: APPROVE RECOMMENDATIONS****RECOMMENDATION**

CONSIDER:

- A. APPROVING \$21,749,863 of additional Congestion Mitigation and Air Quality (CMAQ) programming within the current FY22 budget allocation; and
- B. AUTHORIZING the Chief Executive Officer or their designee to negotiate and execute the necessary amendments to existing agreements for additional funding to the I-10 High Occupancy Vehicle Lanes Project from Puente Avenue to SR-57.

**DUPONT-WALKER AMENDMENT:** Return to the board with other capital-only funding sources for this project in place of CMAQ should there be additional need for operations funding.

Report back in August 2022 on the following:

- A. an operations funding outlook beyond fiscal year 23 and how cmaq can help forestall the expected operations deficit; and
- B. a policy to use CMAQ first for any eligible operations costs.

**ISSUE**

The I-10 High Occupancy Vehicle (HOV) Lanes Project from Puente Avenue to SR-57 (the Project) is led by Caltrans with partial funding from Los Angeles County Metropolitan Transportation Authority (Metro). Additional funds are required to close out the Project to cover several contractor claims. The anticipated costs to close out the Project are as follows: Segment 2 (PA.P000340A-3) in the amount of \$29,688,029 (State share is \$16,103,191 and Metro's share is \$13,584,837) and Segment 3 (PA.P000399A-2) in the amount of \$12,841,343 (State share is \$4,676,317 and Metro's share is \$8,165,026). Metro's total share of the additional funds required to close out the project, using segregated Contractor's bid established based on funding agreements, is: \$21,749,863. The Board's

action to increase programming for the Project will enable Caltrans to close out the construction contract.

## **BACKGROUND**

The Project is being delivered by Caltrans in two segments and has added approximately ten miles of HOV lanes in each direction (now open to traffic), closing the gap to provide a continuous HOV/Express Lanes facility from east of Downtown Los Angeles to the San Bernardino County. Metro's current contribution to the Project is as follows: \$117,726,051 out of \$203,001,051 programmed for Segment 2 per Funding Agreement Number PA.P000340A-3, effective as of February 3, 2020, and \$157,450,000 out of \$267,116,000 programmed for Segment 3 per Funding Agreement Number PA.P000399A-2, effective as of September 30, 2020.

Segment 1, between I-605 and Puente Avenue, was completed in 2016 with a savings of \$10,910,051 in CMAQ funds. For Segment 2, between Puente Avenue and Citrus Avenue, construction was completed in January 2022. Segment 3, between Citrus Avenue and SR-57, is undergoing plant establishment (expected to be completed in February 2023) and was opened to traffic in April 2021.

## **DISCUSSION**

The construction contract for the I-10 improvements between Puente Ave and SR-57 has several claims. The Contractor Claims for Segment 2 totaling \$47,236,856 are for inefficiencies and escalation of material and labor cost due to project delays. The project delays were due to utility relocations, right-of-way possession, site condition that required redesign of retaining walls and roadways, and discovery of buried man-made objects that required removal. The Contractor Claims for Segment 3 total \$8,458,049 primarily due to unsuitable material caused by ground water, pavement grinding issues, and other minor claims. In addition, Segment 3 needs \$2,550,000 to replenish contingencies to complete the Project.

In a letter dated February 14, 2022 (Attachment A), the California Department of Transportation (Caltrans) requested that Metro contribute \$21,749,863 in supplemental funding for Segment 2 and Segment 3 to complete construction and close out these segments. Metro staff supports the programming of additional funds as the claims are being negotiated and the requested additional funds are required for the Project's closeout. Metro's contribution to cover these additional costs was calculated based on the established work items relating to the HOV lane as the original funding agreement scope.

## **DETERMINATION OF SAFETY IMPACT**

The proposed action has no known adverse impact to the safety of Metro patrons and employees or users of our facilities. The I-10 freeway is a state-owned facility and Caltrans standards will be adhered to in the construction of the proposed improvements.

## **FINANCIAL IMPACT**

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Caltrans Life of Project (LOP) budget of I-10 Segments Improvement for Segment 2 is \$203,001,051 per Funding Agreement Number PA.P000340A-3 effective as of February 3, 2020 and Segment 3 is \$267,116,000 per Funding Agreement Number PA.P000399A-2 effective as of September 30, 2020.

The current project budget allocations and shortfalls are summarized in the funding tables below:

**Segment 2:**

<b>Project Cost \$</b>	<b>\$147,564,080 (2022)</b>
<b>Cost Type</b>	Estimated Cost

**Revenue**

Funding Source	Type	Amount	Status
State	IIP & RIP	\$6,838,000	Approved
	SHOPP	\$ 28,312,000	Approved
	IIP Shortfall	\$ 2,187,470	Pending CTC Approval
	SHOPP Shortfall	\$ 13,915,722	Pending CTC Approval
Local	CMAQ	\$ 81,776,051	Approved
	Net Toll Revenues	\$950,000	Approved
	CMAQ Shortfall	\$13,584,838	Pending Metro Board Approval
<b>Total Revenue</b>		<b>\$147,564,080</b>	

**Segment 3:**

<b>Project Cost \$</b>	<b>\$210,100,343 (2022)</b> (\$209,000,343 in Capital & \$1,100,000 in Support)
<b>Cost Type</b>	Estimated Cost

**Revenue**

Funding Source	Type	Amount	Status
State	SHOPP	\$41,750,000	Approved
	G-12 Award	\$4,375,000	Approved
	SHOPP Capital Shortfall	\$4,094,226	Pending CTC Approval
	SHOPP Support Shortfall	\$582,092	Pending CTC Approval
Local	CMAQ	\$148,634,000	Approved
	Net Toll Revenues	\$2,500,000	Approved

	CMAQ Capital Shortfall	\$7,647,118	Pending Metro Board Approval
	CMAQ Support Shortfall	\$517,908	Pending Metro Board Approval
<b>Total Revenue</b>		<b>\$210,100,343</b>	

## **IMPACT TO BUDGET**

Adoption of the recommendation will not have an impact to the FY 2022 budget, as Metro staff has identified CMAQ funds to pay for the cost increase. The CMAQ funds were not included or identified for other uses in the Metro FY 2022 budget.

## **EQUITY PLATFORM**

The Project is administrated by Caltrans. The environmental process for Segment 2 and Segment 3 were completed in December 2002 and included public participation. Throughout the construction phase, the outreach efforts consisted of sending press releases to the cities, communities, media outlets, and elected offices regarding construction work. Caltrans Public Affairs unit responded to constituent inquiries and scheduled as-needed community meetings. Progress reports and updated information have been posted on Caltrans website. Every effort has been made to avoid, minimize, and/or mitigate construction impacts on the corridor communities, such as building sound walls to mitigate noise at various locations throughout the project limits and help improve the quality of life for residents.

The Project transverses through an Equity Focus Community (EFC) within the City of West Covina. In 2019, 53% of the people in West Covina were Hispanic and 81.4% of workers in West Covina drove alone to work, followed by those who carpooled to work (9.32%). This action will complete a Caltrans project that promotes and encourages ridesharing; thereby alleviating congestion through the San Gabriel Valley. The Project was constructed within the existing Caltrans right-of-way and additional acquired right-of-way. It has DBE goal of 9.0 percent for Segment 2 and 10.0 percent for Segment 3. The contract was certified with 10 percent for Segment 2 and 10.4 percent for Segment 3 in DBE.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Approval of staff recommendation would allow for Caltrans and Metro to close out the Project. The Project is consistent with the following Metro Vision 2028 Goals and Objectives:

Goal 1: Providing high-quality mobility options that enable people to spend less time traveling by providing improved mobility at this location through upgrading the Expressway to an access-controlled freeway and HOV lanes to encourage carpooling and improve transit efficiency.

**File #:** 2022-0124, **File Type:** Program

**Agenda Number:** 10.

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Goals 4 and 5: Transforming LA County through regional collaboration with Caltrans and the corridor cities by contributing funds and providing resources to assist Caltrans in management and delivery of this project.

**ALTERNATIVES CONSIDERED**

The Board may choose not to approve staff's recommendation. However, this would be inconsistent with our commitment to partnering with Caltrans on the delivery of High-Occupancy Vehicle network improvements.

**NEXT STEPS**

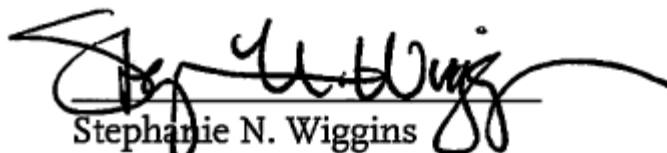
Upon Board's approval of the recommended action, Metro staff will complete the necessary funding agreements.

**ATTACHMENT**

Attachment A - Caltrans letter 2-14-2022

Prepared by: Maher Subeh, Director of Engineering, Highway Program, (213) 418-3291  
Ernesto Chaves, DEO, Countywide Planning & Development, (213) 547-4362  
Michael Cano, Interim EO, Countywide Planning & Development, (213) 418-3010

Reviewed by: James de la Loza, Chief Planning Officer, (213) 922-2920



Stephanie N. Wiggins  
Chief Executive Officer



## California Department of Transportation

DISTRICT 7  
100 S. MAIN STREET, SUITE 100, LOS ANGELES, CA 90012  
PHONE (213) 897-0362  
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February 14, 2022

Mr. Abdollah Ansari  
Senior Executive Officer  
Highway Program  
Los Angeles County Metropolitan Transportation Authority (LACMTA)  
One Gateway Plaza  
Los Angeles, CA 90012

Dear Mr. Ansari:

First, I would like to express the California Department of Transportation (Caltrans) appreciation for LACMTA's partnership in construction of the High Occupancy Vehicle (HOV) projects on Interstate (I) 5 North, I-5 South, and I-10 corridors to serve the people of the region. As you know, these mega projects that takes many years of collaboration and resources from both agencies to complete. The I-10 corridor consists of three segments, all of which are open to traffic. Two of the segments are completed having achieved Construction Contract Accepted (CCA). The last segment is targeted to achieved CCA in February 2023.

Caltrans closed out Segment 1 of the project with the Contractor in 2018, we are now in claim negotiation with both contractors on Segment 2 and Segment 3. With the contractor submitted claims, both segments will need additional funds from Caltrans and Metro to settle the claims and close the projects with each contractor. Caltrans has been discussing the claims with LACMTA team for many months. This letter is a formal request documenting the amounts and the reasons for the LACMTA share of the project cost increase for Segment 2 and Segment 3.

Project Segment 2 (EA 07-1170U) has a total project estimated cost increase of \$29,688,029 in construction capital, of which \$13,584,837 is LACMTA share. Segment 3 has a total estimated cost increase of \$12,841,343 in construction capital and support, of which \$8,165,026 is LACMTA share.

Cost increases for projects such as these with multiple fund sources, are based on the work items that each fund type was programmed for per the STIP and SHOPP guidelines and the CTC approved funds.

ATTACHMENT A

I-10 Cost Increase Request

February 14, 2022

Page 2

For Segment 2, before the Construction contract was advertised, we established the segregated Engineer's Estimate (EE), which identified the items of work that will be funded by SHOPP (Caltrans fund) and CMAQ (Metro fund) for the HOV lane project and a combined soundwall project. The funding proportions for the project was established based on this segregated scope. The project cost split was re-established based on the segregated EE percentages and Contractor's bid prices after award of the contract. After construction complete, the project cost split was re-calculated to include change orders and claims relating to the work for SHOPP, CMAQ, and the soundwall project. Based on these calculations, the LACMTA share was calculated for the CMAQ and RIP (from Soundwall) funds.

Segment 3 project is funded by SHOPP and CMAQ funds. We used the same approach as above to calculate the cost split for Caltrans and LACMTA share.

For the reasons given above, Caltrans is requesting for LACMTA fund their proportional share of the cost increase for these two projects. We request the LACMTA submit the request to add additional funds for these two projects to the LACMTA Board for approval at April 2022 Board meeting.

Please don't hesitate to contact me at (818)254-5439 if you require any additional information.

Sincerely,



Gregory Farr  
District 7 Assistant Division Chief  
Program & Project Management  
California Department of Transportation

c: Mark Archuleta, Deputy District Director - Construction  
Susan Chang, Deputy District Director - PPM

Financial Stability Policy  
(Modified August 2022)

**Policy Statement**

We have an important responsibility to the taxpayers of Los Angeles County to prudently manage our long and short-term finances. In time of economic change and uncertainty, it is especially important for us to ensure our ability to deliver safe, quality and reliable transportation services that are based upon a strong and stable financial foundation.

The Financial Stability Policy is divided into three sections: Goals, Strategies, and General Fiscal Policies. Additional financial guidance is found in the Business Planning Parameters and Debt Parameters. The purpose of the policy is to ensure that we prudently manage our financial affairs, establish appropriate cash reserves, limit the level of debt that may be incurred, ensure that the debt assumptions are based on financial parameters similar to or more conservative than those that would be placed on us by the financial marketplace and to provide management with a framework for developing the upcoming year's budget and other longer range financial plans and establishing future business targets for management to achieve.

**Financial Goals**

- G1. Maintain public safety on our bus and rail system as the top priority.
- G2. Maintain an operating and capital financial base that is sufficient to deliver safe, quality transportation improvements and transit service efficiently and cost-effectively to meet the levels of demand.
- G3. Continuously improve productivity.
- G4. Establish and maintain General Fund balances equal to 5% of the operating budget to ensure that we can adjust to economic downturns, extraordinary cost increases and other financial emergencies.
- GS. Maintain the highest possible credit rating and reputation for prudent financial management.

**FY2008-2009 Financial Strategies**

- S1. We give top priority to funding of public safety on our bus and rail system. Present the details of the safety and security budget to the Board of Directors for separate approval at the time of annual budget adoption.
- S2. Adjust transit operating expenses as needed to reflect changes in service demand, technology, productivity and revenue availability.

- S3. Endeavor to keep growth in regional bus and rail operating expenses (as measured by growth in bus and rail operating cost per vehicle servicehour) at or below the rate of inflation. The proposed budget presented to the Board for adoption will include a summary of actions taken or proposed to reduce expenditures.
- S4. New programs proposed for Board adoption will include a cost recovery analysis to determine the cost of implementing the program in measurable terms.
- SS. Departments who provide services to the public or outside entities will perform a cost recovery analysis during the fiscal year budget process and make the information available as part of budget adoption.
- S6. Any capital project savings above \$200,000 must return to the Board for approval prior to the reprogramming or transfer of funds to other projects or programs.
- S7. Implement technology and productivity advancements designed to reduce or avoid increasing operational costs.
- S8. Explore greater efficiency, effectiveness and ways to increase ridership.
- S9. Work to increase and optimize ridership on our system through partnerships that foster transit-oriented development and improve access to the system.
- S10. Regularly review productivity improvement programs and results as part of the annual budget process.
- S11. Adopt an annual budget that includes an allocation to capital programs adequate to meet annual baseline reinvestment needs for projects and programs which are essential to ensure system performance.
- S12. Pursue grant funding for capital projects pursuant to the priorities as addressed in the Long Range Transportation Plan, Short Range Transit Plan, and Five-Year Capital Improvement Program.
- S13. Use debt financing prudently to leverage local, regional, state and federal funding for major cyclical capital investments, such as, transit vehicles, facilities, fare collection equipment, and train control renovation and replacement.

S14. Increase revenue from other sources such as advertising, parking, concessions, and joint development while meeting customer needs and providing safe, reliable service.

S15. Prioritize all available Congestion Mitigation and Air Quality (CMAQ) Program federal grants to the greatest extent possible for any eligible operations costs.

### **General Fiscal Policies**

- F1. Complete and accurate accounting records shall be maintained in accordance with Generally Accepted Accounting Principles as promulgated by the Government Accounting Standards Board. The fiscal year-end for financial reporting purposes shall be June 30.
- F2. An independent certified public accounting firm shall perform an examination of our consolidated financial statements (including Single Audit requirements) and retirement plan financial statements on an annual basis. The goal is to receive an unqualified opinion on the financial statements and an opinion that we are in compliance with Federal Single Audit requirements in all material respects and to receive the government Finance Officers Association (GFOA) award for excellence in financial reporting.
- F3. Funds shall be invested within the guidelines of the Board's approved Investment Policy and in compliance with applicable state law, California Government Code Section 53600 etseq.
- In accordance with the Investment Policy, the Board shall approve the Financial Institutions Resolution that designates the officials empowered to open, close, or authorize changes to accounts and authorizes the officials to designate individuals as Official Signatories for financial accounts.
- F4. The policies and procedures described herein shall be known as the Financial Stability Policy and shall supersede all other financial policies previously adopted by the Board.
- FS. An annual actuarial analysis shall be performed on all our self-administered retirement plans. We shall make annual contributions that, when combined with employee contributions, fund actuarially computed costs as they accrue.
- F6. Appropriate insurance coverage shall be maintained to mitigate the risk of material loss. For self-insured retentions, we shall record the liabilities, including losses incurred but not reported, at 100% of the net present value.

The goal is to maintain restricted cash balances in amounts equal to the present value of estimated liabilities but in no event less than the next year's projected cash outflows. An actuarial review of self-insured liabilities will be made annually.

**Board Report**

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**File #:** 2022-0454, **File Type:** Program

**Agenda Number:** 13.

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**FINANCE, BUDGET AND AUDIT COMMITTEE  
AUGUST 17, 2022**

**SUBJECT: CYBERSECURITY LIABILITY INSURANCE PROGRAM**

**ACTION: APPROVE RECOMMENDATION**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to negotiate and purchase a cybersecurity liability insurance policy with up to \$50 million in limits at a cost not to exceed \$2.8 million for the 12-month period effective September 1, 2022 to September 1, 2023.

**ISSUE**

To date, Metro has not purchased an insurance policy to cover our cybersecurity liability exposures. Cybersecurity is the practice of being protected against criminal or unauthorized use of systems and electronic data. These exposures include but are not limited to:

- Unavailability of IT systems and networks
- Physical asset damage and associated loss of use
- Loss or deletion of data
- Data corruption or loss of data integrity
- Data breach leading to compromise of third party confidential/personal data
- Cyber espionage resulting in release of confidential/sensitive information
- Extortion demands to cease a cyber attack
- Direct financial loss due to theft
- Damage to reputation
- Bodily injury/property damage to third parties

Without this insurance, Metro is subject to unlimited liability for claims resulting from a cyber-attack or data breach event.

**BACKGROUND**

Metro's insurance broker, USI Insurance Services ("USI") was requested to market a cybersecurity liability insurance program to qualified insurance carriers. USI partnered with London broker Howden to develop the program of insurance. As a result, we received a quote from a carrier with A.M. Best ratings indicative of acceptable financial soundness and ability to pay claims. The premium

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indications below are based on current market expectations. The quoted price expires September 1, 2022.

USI provides a not-to-exceed number that serves three functions. First, the number provides an amount to cover the recommended premium and contingency that Risk Management can bring to the CEO and Board to obtain approval for the binding of the new program. Second, the number allows our broker ample time to continue to negotiate with underwriters to ensure that Metro obtains the most competitive pricing available. And third, the not-to-exceed amount allows Metro to secure the quoted premium during the board cycle process prior to quote expiration.

## **DISCUSSION**

Public entities are increasingly coming under cyber-attacks. A robust cybersecurity insurance program could help reduce the number of successful cyber-attacks and financial risks associated with doing business online by 1) promoting the adoption of preventative measures in return for more coverage; and 2) encouraging the implementation of best practices by basing premiums on an insured's level of self-protection.

Robert Rosenzweig, a national cyber practice leader for Risk Strategies stated during Advisen's virtual Cyber Risk Insights Conference last October, "Underwriters, unable to ignore increased claim frequency and severity, now need more information from buyers and have been more 'discerning' about where to deploy capital. More data and better correlation from threats to losses is making the difference." He commented, "Risk selection is paramount. It's tougher for insureds to get the capacity they need in the market. If controls aren't there, where you find yourself on the spectrum of average rate increases is going to fluctuate to the high end." At the same conference, Paul Needle, senior vice president of cyber treaty reinsurance at Munich Re concluded, "What the cyber market has going for it right now is a drastic increase in expertise for underwriting. We've come a long way in thinking critically about the controls an insured might have."

Multiple questionnaires and interviews were completed by Metro's information security and Supervisory Control And Data Acquisition (SCADA) team's experts on our systems and network controls. USI and Howden provided a proposal of coverage for cybersecurity liability insurance based on the findings and the insurance carrier's knowledge of Metro's internal controls. The proposed program from carrier BRIT Re, a Lloyds of London consortium, provides up to \$75 million in excess coverage on a claims-made basis with a \$10 million self-insured retention (deductible). Attachment A summarizes the premium options and Attachment B summarizes the coverages. The proposal was reviewed by Risk Management and Information Technology Services (ITS) team members who agree the proposed coverage will help mitigate Metro's financial and reputational risk should the agency experience a cyber-attack event.

According to a report published by S&P Global Ratings in September 2021, "The pandemic caused economic and insured losses from cyber-attacks to skyrocket, which has heightened awareness of the risk and increased demand for cyber insurance. 'Prices in the cyber insurance market could therefore rise sharply over 2021-2023, even doubling in some cases,'" said S&P Global Ratings credit analyst Manuel Adam. "The market faces increasing demand, but limited supply. In our opinion, lack of capacity could be holding back the development of a sustainable cyber insurance

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market.” We appreciate the hard work of our Metro team and broker to present this insurance program in a difficult and demanding insurance market.

### **DETERMINATION OF SAFETY IMPACT**

Approval of this recommendation to purchase a cybersecurity liability insurance policy will not directly impact the safety of Metro's patrons or employees. The policy will limit Metro's liability for claims resulting from a cyber-attack or data breach event. Additionally, the policy will aide in Metro's recovery and moderate financial losses as well as harm to Metro's reputation resulting from cyber events and incidents.

### **FINANCIAL IMPACT**

Funding for ten months of \$2 million for this action is included in the FY23 Budget in cost center 0531, Risk Management - Non Departmental Costs, under projects 100001 General Overhead, 300022 Rail Operations - Blue Line, 300033 Rail Operations - Green Line, 300044 Rail Operations - Red Line, 300055 Gold Line, 300066 Rail Operation - Expo Line, 301012 Metro Orange Line, 306001 Operations Transportation, 306002 Operations Maintenance, 320011 Union Station and 610061 Owned Property in account 50699 (Ins Prem For Other Ins). Additional funding of \$237,000 required to cover premium costs beyond FY23 budgeted amounts will be addressed by fund reallocations during the year.

The remaining two months of premiums will be requested during the FY24 Budget development cycle, cost center 0531, Risk Management - Non Departmental Costs, under projects 100001 General Overhead, 300022 Rail Operations - Blue Line, 300033 Rail Operations - Green Line, 300044 Rail Operations - Red Line, 300055 Gold Line, 300066 Rail Operation - Expo Line, 301012 Metro Orange Line, 306001 Operations Transportation, 306002 Operations Maintenance, 320011 Union Station and 610061 Owned Property in account 50699 (Ins Prem For Other Ins).

### **Impact to Budget**

The current fiscal year funding for this action will come from the Enterprise, General and Internal Service funds paralleling funding for the actual benefiting projects charged. This activity will result in an increase in operating costs from the prior fiscal year.

### **EQUITY PLATFORM**

There are no equity impacts anticipated as a result of this action.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports strategic plan goal # 5 “Provide responsive, accountable and trustworthy governance within the LA Metro organization.” The responsible administration of Metro's risk management programs includes the use of insurance to mitigate large financial risks resulting from cybersecurity events.



## **ALTERNATIVES CONSIDERED**

The Board may choose to continue the past practice of not covering cybersecurity liability risks through an insurance policy. This alternative is not recommended as it can expose Metro to unlimited liability costs for claims resulting from a cybersecurity incident.

Various limits of coverage were considered as outlined in Attachment A for the cybersecurity liability program of insurance. All options include a deductible of \$10 million for the same program. Option A provides \$25 million in coverage, Option B provides \$50 million, and Option C provides \$75 million in coverage.

Option B is recommended as the best value option while retaining a reasonable amount of risk over the coverage limit. Option A, with a premium within the adopted FY23 budget, is not recommended since the double amount of coverage afforded by Option B is more cost effective. Option C is not recommended since the additional premium outweighs the benefit of additional coverage.

## **NEXT STEPS**

Upon Board approval of this action, staff will advise USI to proceed with the placement of the cybersecurity liability insurance program outlined herein effective September 1, 2022.

## **ATTACHMENTS**

Attachment A - Coverage Options and Premiums

Attachment B - Coverage Description

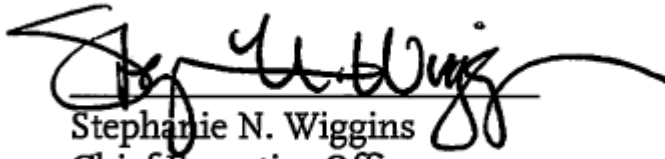
Prepared by: Tim Rosevear, Manager, Risk Financing, (213) 922-6354

Kenneth Hernandez, Deputy Chief Risk, Safety and Asset Management Officer,  
(213) 922-2990

Bryan Sastokas, Deputy Chief Information Technology Officer, (213) 922-5510

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Stephanie N. Wiggins  
Chief Executive Officer

**Coverage Options and Premiums**

Carrier: BRIT Re

**Cyber Security Insurance Program Premium and Proposed Options**

	CURRENT PROGRAM	OPTIONS		
		A	B	C
Self-Insured Retention (SIR)	Unlimited	\$10 mil	\$10 mil	\$10 mil
Limit of Coverage	None	\$25 mil	\$50 mil	\$75 mil
Premium *		\$1,876,357	\$2,663,635	\$3,431,918
Contingency **		\$123,643	\$136,365	\$68,082
Not to Exceed		\$2,000,000	\$2,800,000	\$3,500,000
Premium per million coverage		\$75,054	\$53,273	\$45,759

\* Includes commissions, taxes and fees.

\*\* For carrier and premium adjustments, tax and fees.

**Coverage Description**

USI provided a proposal of coverage for cyber liability insurance. The following summarizes the coverages and exclusions:

**Included Coverage**

<b>Exposure</b>	<b>Brief Description</b>
SECURITY AND PRIVACY LIABILITY (INCLUDING EMPLOYEE PRIVACY)	Covers the insured's liability for damages resulting from a data breach. Such liability most often results from (1) loss, theft, or unauthorized disclosure of personally identifiable information (PII) in the insured's care, custody, and control; (2) damage to data stored in the insured's computer systems belonging to a third party; (3) transmission of malicious code or denial of service to a third party's computer system; (4) failure to timely disclose a data breach; (5) failure of the insured to comply with its own privacy policy prohibiting disclosure or sharing of PII; and (6) failure to administer an identity theft program required by governmental regulation or to take necessary actions to prevent identity theft. In addition, this insuring agreement covers the cost of defending claims associated with each of these circumstances
SECURITY BREACH RESPONSE COVERAGE	Coverage for the expenses involved in responding to a data breach. These include legal expenses, forensic experts, costs to notify affected parties and provide credit monitoring, and public relations expenses to mitigate reputational damage.
PRIVACY REGULATORY CLAIMS COVERAGE	The insuring agreement covers the costs of dealing with state and federal regulatory agencies (which oversee data breach laws and regulations), including (1) the costs of hiring attorneys to consult with regulators during investigations and (2) the payment of regulatory fines and penalties that are levied against the insured (as a result of the breach).
PCI-DSS ASSESSMENT COVERAGE	Payment Card Industry Data Security Standard (PCI DSS) was formed around 2004 by the major credit card companies to establish guidelines in the handling and processing of transactions including personal information. The policy will provide coverage for assessments, fines or penalties imposed by banks or credit card companies due to non-compliance with the Payment Card Industry

	Data Security Standard (PCI DSS) or payment card company rules.
CYBER EXTORTION COVERAGE	Cyber extortion is an online crime in which hackers hold your data, website, computer systems, or other sensitive information hostage until you meet their demands for payment. The policy will cover the cost to investigate a ransomware attack and negotiate with the hackers.
MULTIMEDIA LIABILITY	Multimedia Liability provides coverage for third-party liability claims alleging damage resulting from dissemination of media material. This covers both electronic and non-electronic media material and may include claims of copyright or trademark infringement. libel.
DIGITAL ASSET RESTORATION COSTS	Digital assets loss occurs when company data or software is corrupted or destroyed because of a network security failure. This type of loss can come because of an outside network breach or an inside job carried out by an employee. The policy covers the reasonable and necessary cost to replace, restore or re-collect digital property from written or electronic records. Additionally, investigation expenses such as disaster recovery and computer forensics is also covered.
BUSINESS INCOME LOSS RESULTING FROM A NETWORK DISRUPTION	Business Interruption covers business income loss and extra expenses incurred during a computer network outage. The coverage applies to outages of <i>internally managed IT</i> , such as employee devices or internal networks or databases -- not a cloud computing provider or other type of third-party IT vendor.
Bodily Injury	Injury to persons (including death)

**Excluded Coverage**

The proposal of coverage also indicates various exclusions or exposures that will not be covered:

<b>Exposure</b>	<b>Brief Description</b>
BUSINESS INCOME LOSS (Physical Damage)	Some insurers have brought forward business interruption coverage as part of cyber insurance or as stand-alone business interruption insurance policies. There doesn't have to be a complete shutdown to trigger the coverage. Instead, a system slowdown due to network issues or malicious elements can also be classified as a trigger.

	However, the proposal indicates there will be no coverage for physical damage BI claims.
ENSUING PROPERTY DAMAGE LOSS	Exception to an exclusion in a first-party property policy that applies in a special type of fact pattern where the damage caused by an excluded peril operates as a link in the "chain of events" that enables a covered peril to damage other property. (proximate cause) Symbolically, a classic ensuing loss fact pattern can be represented as follows: <i>excluded peril</i> → <i>excluded damage</i> → <i>covered peril</i> → <i>ensuing damage</i> . Note that there must be two kinds of damages—an initial loss and an ensuing loss. Most courts will not apply an ensuing loss provision if an excluded peril caused a covered peril that results in only one kind of damage.
Inspection and Loss Prevention/Mitigation Expense	Loss prevention aims to reduce the possibility of damage and lessen the severity if such a loss should occur.
Debris Removal	Debris removal insurance is a section of a property insurance policy that provides reimbursement for clean-up costs associated with damage to property.

**Board Report**

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**File #:** 2022-0470, **File Type:** Program**Agenda Number:** 14.

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**FINANCE, BUDGET & AUDIT COMMITTEE  
AUGUST 17, 2022****SUBJECT: SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS' LOCAL CONTRIBUTION  
AND DIRECT LOAN TO ALAMEDA CORRIDOR EAST - MONTEBELLO CORRIDOR  
PROJECT****ACTION: APPROVE RECOMMENDATION****RECOMMENDATION**

AUTHORIZE and delegate authority to the Chief Executive Officer (CEO) or their designee to negotiate and execute all necessary agreements to enter into a direct loan of \$61.1 million, current estimate, between the Los Angeles County Metropolitan Authority (Metro) and the San Gabriel Valley Council of Governments (SGVCOG). The loan advances partial funding for the Montebello Corridor Project that has a total project cost of \$216.2 million.

**ISSUE**

The SGVCOG is seeking to fund the Montebello Corridor Project, which includes the construction of an underpass on Montebello Boulevard ("Grade Separation Project") and at-grade safety improvements at Vail Avenue, Greenwood Avenue and Maple Avenue ("At-Grade Improvements") along the Alameda Corridor-East ("ACE") Trade Corridor. Cost increases associated with the Grade Separation Project have created a potential funding shortfall that could jeopardize the timely allocation of state grant funding awarded to the Grade Separation Project by the California Transportation Commission ("CTC"). The state has requested that the SGVCOG identify local match funds to allow the state to "allocate" the funds and avoid relinquishing the state grant funding.

**BACKGROUND**

The SGVCOG established the ACE Construction Authority in 1998 to provide direction and oversight of the ACE Project, which includes a series of rail-highway grade separation and at-grade safety improvement projects, to mitigate the impacts of significant increases in freight rail traffic on over 70 miles of mainline railroad in the San Gabriel Valley of Los Angeles County. In the same year, Metro and SGVCOG entered into a funding agreement to support the ACE Project.

In May 2019, the Metro Board of Directors approved San Gabriel Valley Subregion's first Measure M Multi-Year Subregional Program ("MSP") Five-Year Plan and programmed funds in: 1) Active Transportation Program; 2) Bus System Improvement Program; 3) First/Last Mile and Complete

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Streets; and 4) Highway Efficiency Program. Measure M MSPs are included in the Measure M Expenditure Plan. All MSP funds are limited to capital projects. The annual update approves additional eligible projects for funding and allows the San Gabriel Valley subregion and implementing agencies to revise the scope of work and schedule.

In December 2021, the Metro Board approved Motion 44 (Attachment A) by Directors Solis, Hahn, Barger, Sandoval, and Butts regarding this Montebello Corridor Project.

Of primary importance is to address the SGVCOG's need to resolve the funding shortfalls for the Montebello Boulevard Grade Separation Project to ensure that the CTC Trade Corridor Enhancement Program ("TCEP") funding is not relinquished. Metro staff has identified a path forward to allow the SGVCOG to secure CTC allocation of TCEP funding for the Grade Separation Project and to complete the At-Grade Improvements through a loan from Metro to the SGVCOG secured by future Measure M MSP funds.

## **DISCUSSION**

At this time, staff recommends developing a funding plan that includes a local match financial contribution agreement between the SGVCOG and Metro. The SGVCOG will repay the advance by making payments of principal plus interest as outlined in the promissory note. The funding plan will begin with an approximately \$16.3 million initial draw in Fiscal Year ("FY") 2026, followed by a \$29.7 million draw in FY 2027 and a \$15.1 million draw in FY 2028 based on cashflow provided by SGVCOG. Repayment is scheduled to begin in FY 2029 for a period of six years. The exact terms and conditions of the promissory note will be negotiated and approved by the Metro CEO or their designee.

### **Repayment Provisions of the Local Match Financial Contribution Agreement**

The loan agreement is payable from Measure M MSP funds that Metro allocates to the SGVCOG, net of any amounts previously programmed by Metro for other identified uses that are included in a funding agreement between Metro and SGVCOG (for the purposes of the loan agreement, "programmed" means the allocation of MSP funds for specified and mutually agreed upon uses).

Metro will identify the amount of MSP available to the SGVCOG in October of each year. The amount of MSP allocated to the SGVCOG will include a rolling five (5) year period beginning with the then current fiscal year, less all amounts previously programmed to the SGVCOG. The amount of allocated MSP in the final year of the five (5) year period will not include any deductions for previously programmed funds as this fiscal year has heretofore not been available to the SGVCOG, and will be reduced by the amount of loan debt service that is payable in this fiscal year. In the event the amount of final year MSP funding is insufficient for loan debt service payable in this fiscal year, all previously allocated but unprogrammed MSP funds will be reduced by the amount needed to fully pay the loan debt service due in the fiscal year. Metro will use the reduced or deducted amount of MSP funds to meet the loan debt service payments.

The MSP funds are comprised of eight (8) separate programs that are designated for specified purposes. The loan is payable from the Goods Movement and Highway Efficiency MSP programs



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included in the Measure M Ordinance. The Measure M Ordinance restricts the use on construction of both Goods Movement and Highway Efficiency Program prior to fiscal year 2048. Therefore, the amount of loan debt service paid from the MSP funds will be exchanged with the following MSP that are allocated to the SGVCOG in fiscal years 2018 through 2057: i) Active Transportation Program, ii) Bus System Improvement Program, iii) First/Last Mile and Complete Streets, and iv) Highway Demand Based Program. The amount allocated to the SGVCOG for each MSP that is available for construction in fiscal years 2018 through 2057 is equal to 1% of the total for the first ten years and 3% of the total, adjusted for inflation, in the subsequent thirty years.

### **DETERMINATION OF SAFETY IMPACT**

Approval of this recommendation will not impact the safety of Metro's patrons or employees.

### **FINANCIAL IMPACT**

Since this is a multi-year project, the Countywide Planning & Development staff will be responsible for budgeting in future years.

#### **Impact to Budget**

Approval of this action has no impact on the FY23 budget.

### **EQUITY PLATFORM**

Approval to develop a funding plan for the Montebello Corridor Project that includes a local match financial contribution will ensure the SGVCOG avoids relinquishing the state grant funding and will facilitate the completion of the Grade Separation Project and at-grade safety improvements in Equity Focus Communities ("EFCs") within and adjacent to the project area.

The Montebello Corridor Project enhances safety for vulnerable roadway users by incorporating protected pedestrian walkways at grade separated project sites, as well as installation of active warning signs, new pedestrian sidewalks and protections, and a variety of median improvements to discourage and/or prevent motorists from driving around lowered crossing gates at at-grade rail and highway crossings.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Board approval will support Metro's Strategic Plan Goals to (1) Provide high-quality mobility options that enable people to spend less time traveling and (3) Enhance communities and lives through mobility and access to opportunity.

### **ALTERNATIVES CONSIDERED**

The Board could choose not to approve this action. However, this is not recommended as the Project is subject to loss of previously approved State funds.

**NEXT STEPS**

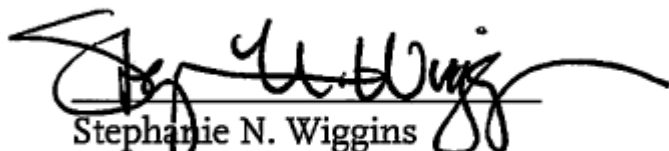
Upon Board approval, staff will take the appropriate steps needed to execute a loan agreement with assistance from County Counsel to demonstrate to the State a local funding commitment for the Montebello Corridor Project.

**ATTACHMENTS**

Attachment A - Motion 44

Prepared by: Rodney Johnson, Deputy Executive Officer, Finance, (213) 922-3417  
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Michael Kim, Debt Manager, (213) 922-4026

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



Stephanie N. Wiggins  
Chief Executive Officer

**Board Report**

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**File #:** 2021-0767, **File Type:** Motion / Motion Response**Agenda Number:** 44.

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**REVISED**  
**REGULAR BOARD MEETING**  
**DECEMBER 2, 2021****Motion by:****DIRECTORS SOLIS, HAHN, BARGER, SANDOVAL, AND BUTTS**

## Alameda Corridor-East Projects

The San Gabriel Valley Council of Governments (SGVCOG) intends to seek the allocation of previously programmed state funds for the final two Alameda Corridor-East (ACE) grade separation projects by vote of the California Transportation Commission (CTC) by no later than June 2022. However, due to extraordinary recent increases in construction phase and right-of-way costs as experienced by multiple public projects across the transportation infrastructure sector in Southern California, a shortfall in local match funds to the state funds has developed. If local match is not timely secured, the ACE Project will forfeit a total of \$116,851,000 in state funds programmed to the Montebello Boulevard grade separation project and the Turnbull Canyon Road grade separation project and committed from the following state programs: Proposition 1B Trade Corridor Improvement Fund (\$18,851,000), 2018 SB1 Trade Corridor Enhancement Program (\$78,000,000), and Section 190 priority grade separation funds (\$20,000,000).

Since inception of the ACE Project in 1998, SGVCOG has successfully secured federal, state and local funding and cost-efficiently implemented the design and construction of the ACE Project, a series of rail-highway grade separation and at-grade safety projects in the San Gabriel Valley of Los Angeles County.

The ACE Project was among 25 projects in the nation designated in the federal SAFETEA-LU transportation program legislation in 2005 as Projects of National and Regional Significance, nationally recognized as enhancing the safe, secure, and efficient movement of people and goods through the U.S. to improve the national economy. At the state level, the ACE Project was awarded funding from the 2006 Prop 1B Trade Corridor Improvement Fund intended for infrastructure improvements along federally designated "Trade Corridors of National Significance." LA Metro has acknowledged the regional significance of the ACE Project via multiple funding agreements and amendments since an initial agreement between Metro and SGVCOG (previously the ACE Construction Authority) was entered into in July 1998.

With the federal, state and local funding SGVCOG has fully funded and completed 14 grade separation projects and multiple at-grade crossing safety projects. Three grade separations are fully

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funded and currently in construction. Lacking sufficient local funds to advance into construction are two grade separations projects in the design and right-of-way phases, one located in the City of Montebello and another located in the City of Industry and the unincorporated community of Hacienda Heights, as well as a program of at-grade pedestrian crossing safety improvements at four crossings in the City of Pomona. All three projects are located in Metro Equity Focus Communities or within state-defined Disadvantaged Communities.

The total shortfall in local funds for the three projects is estimated at \$136,00,000. Metro can partner with the SGVCOG to provide technical assistance and explore and identify funding streams to help close this funding gap, which will allow SGVCOG to secure a fund allocation vote from the CTC, thereby avoiding forfeiture of the state funds and moving the projects into the construction phase as scheduled.

**SUBJECT: ALAMEDA CORRIDOR-EAST PROJECTS**

**RECOMMENDATION**

APPROVE Motion by Directors Solis, Hahn, Barger, Sandoval, and Butts that the Board of Directors direct the Chief Executive Officer to:

- A. Collaborate with the SGVCOG to evaluate the cost increases for the three projects and potential strategies such as value engineering to close the funding gap;
- B. Explore funding streams such as grant funding and other sources to help the SGVCOG secure sufficient funding to complete all three projects, with priority placed on securing full funding for the grade separation projects prior to the CTC funding allocation vote by no later than June 2022;
- C. Assist and collaborate with SGVCOG in developing Project Labor Agreements for the two grade separation projects to prioritize partnerships with labor in expeditiously advancing construction of the grade separation projects and the employment of Los Angeles County workers;
- D. Report back on all directives in March ~~2021~~ 2022.



## Board Report

File #: 2022-0508, File Type: Plan

Agenda Number: 15.

### FINANCE, BUDGET AND AUDIT COMMITTEE AUGUST 17, 2022

**SUBJECT: FY23 AUDIT PLAN**

**ACTION: ADOPT RECOMMENDATION**

#### **RECOMMENDATION**

ADOPT the Fiscal Year 2023 (FY23) Proposed Annual Audit Plan (AAP).

#### **ISSUE**

Management Audit Services (MAS) is required to complete an annual agency-wide risk assessment and submit an annual audit plan to the Board of Directors for approval.

#### **BACKGROUND**

The Board approved Financial Stability Policy requires MAS to develop a risk assessment and an annual audit plan (AAP) each year and present it to the Board. It also requires the Finance, Budget, and Audit Committee to provide input and approve the audit plan.

#### **DISCUSSION**

The FY23 AAP has been developed with consideration to the current state of the agency, which is still recovering from the impacts of the COVID-19 pandemic. In addition, the AAP was prepared with consideration of the results of the agency-wide risk assessment. The agency-wide risk assessment incorporated research and input received from Metro's senior leadership teams across the agency. MAS leveraged the results of the risk assessment to prepare an AAP that is flexible, relevant and risk based. The AAP includes audit projects which add value, provide actionable information to support agency risk management efforts, and will lend to the achievement of organizational goals aligned with Metro's Vision 2028 Strategic Plan.

##### **A. Risk Assessment**

MAS staff performed an agency-wide risk assessment between March 2022 and July 2022. The agency-wide risk assessment was a structured, systematic process consisting of both research and stakeholder engagement. The agency-wide risk assessment is the primary basis for selecting internal audit projects which will add value and support the agency's objectives. The recognized risks

varied in nature, the likelihood of occurrence, and their potential impact on the agency. The agency-wide risk assessment also identified areas of potential future opportunity related to the agency goals and objectives.

To help MAS understand the various risks the agency currently faces and their potential impacts, MAS incorporated the following foundational principles in the development of the FY23 AAP which include:

- Identification of auditable units
- Identification of potential risks
- Categorization of identified risks
- Assessment of the likelihood of identified risks qualitatively and quantitatively
- Assessment of the impact of identified risks qualitatively and quantitatively

The following risk categories were considered in the performance of the agency-wide risk assessment:

- Capital Project
- Financial
- Human Capital
- Information Technology
- Legal / Regulatory
- Operational
- Public Image / Reputational
- Safety / Security.

## B. Enterprise Risk Themes

The agency-wide risk assessment process led to the identification of the core enterprise-risk themes summarized below:

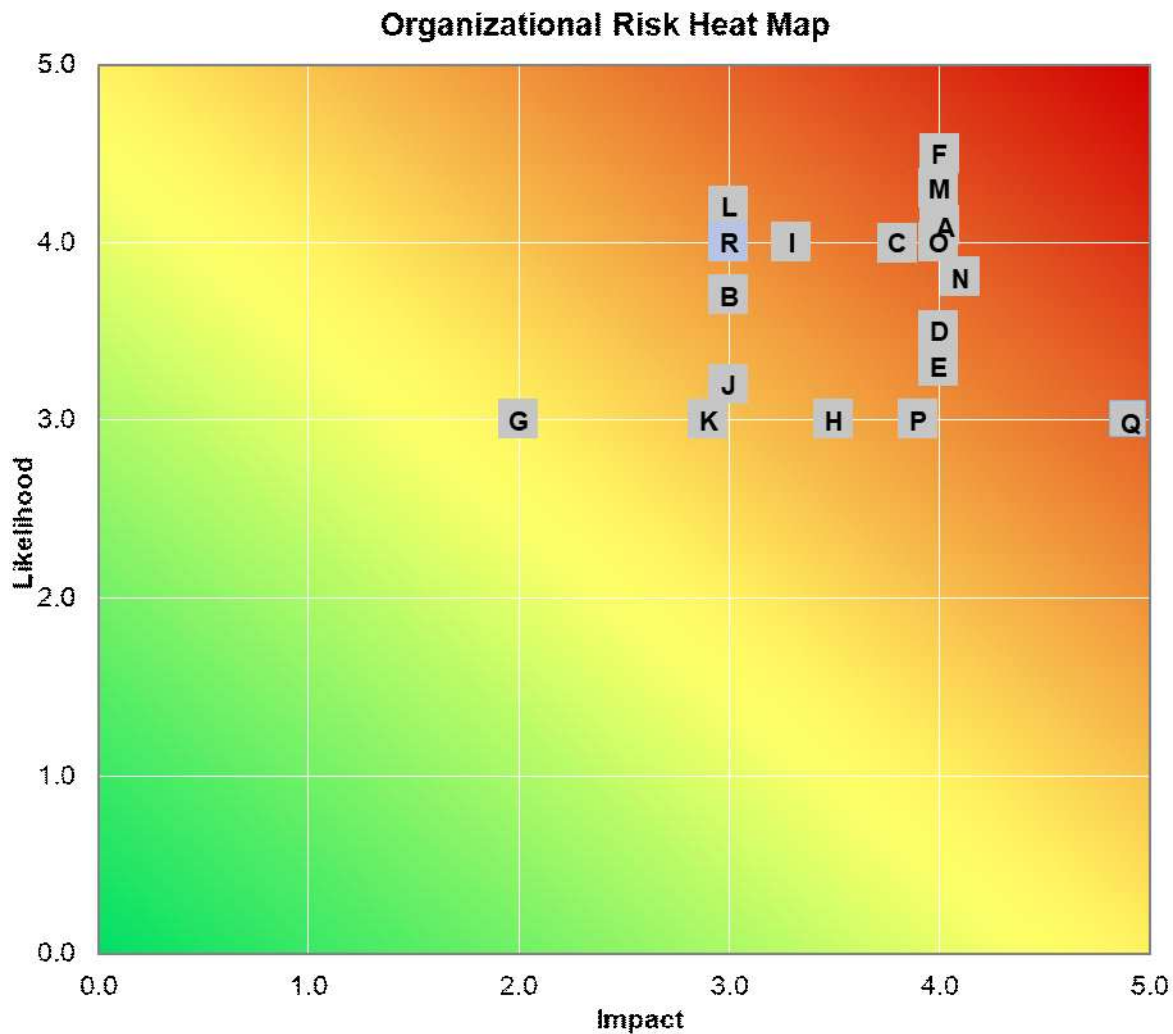
- **Staffing:** Metro leadership across all departments expressed concern related to the competitive labor market, and the agency's ability to recruit and retain critical workforce needed to fulfill the agency's mission, goals, and objectives. The staffing risks presented as a high-level risk, particularly in regard to recruitment of bus operators, skilled labor, and the professional workforce needed to support the delivery of the agency's capital program.
- **Political/external:** Risks were identified related to the agency's ability to deal effectively with the increase of the unhoused and other crisis populations on Metro buses, trains, and throughout stations. Risks were also identified regarding the public perception of safety while riding Metro buses and trains, and the potential impact this could have on restoring ridership to pre-pandemic levels.
- **Financial:** The agency's ability to replace lost revenues when one-time large-scale infusions of federal funds are exhausted presented as a concern. This includes funding that was provided as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The

impact of inflation on the cost of utilities, fuel, and spare parts inventories were also risks identified as part of the agency-wide risk assessment. In addition, uncertainty about the definitive amount of funding that will be made available to the agency from the November 2021 Infrastructure Investment and Jobs Act lends to potential exposure.

- **Resources for capital projects:** As projects move from the planning phase to the construction phase risks were identified related to the reliance that Program Management has on consultant resources. Risks and opportunities were identified related to alternative project delivery methods such as progressive design build and construction manager/general contractor.
- **Global/supply chain:** The impacts of the pandemic led to disruptions in the supply chain, such as key material shortages and delays in delivery. The current rate of inflation may exacerbate the effects of supply chain disruptions and in-turn remain an enterprise risk to the agency. These continued impacts to the supply chain presented as a risk, including the ongoing impacts of global factors such as the conflict in Ukraine.
- **Unknown:** There are also unique risks that do not fit clearly into one of the outlined major risk categories, as well as unique risks that may have not been identified and/or presented during the agency-wide risk assessment, hence defined as “unknown” risks.

### C. Audit Plan

The FY23 AAP is based primarily on the results of the agency-wide risk assessment. The most prominent risks from the risk assessment and the projects associated with those risks are presented in the heat map below:



A.	Continuity of Operations Plan - Bus Operations	J.	Monitoring of Environmental Contracts
B.	Metro Center Street Project	K.	Contract price structures for professional services
C.	Westside Purple Line Extension 1	L.	Information Technology Governance
D.	Spare Parts Inventory	M.	Continuity of Operations Plan - Rail
E.	Information Security Risk - Contractors	N.	Micro Transit
F.	Construction Inflation Risk	O.	Operations Central Instruction & Development Training
G.	Business Interruption Fund	P.	Central Maintenance Shops Manufacturing Process
H.	Operations and Maint. of CNG Div.	Q.	Cybersecurity Follow-Up
I.	Division 20 Portal Widening Project	R.	Real Estate Management System

The total score assigned to a risk is based on the risk score, which is a consideration of the assigned likelihood and potential impact. The risk score may place the risk in a low, moderately low, moderate, moderately high, or a high- risk range. Higher risk scores occur when the risk identified is high in likelihood and potential impact. These risks were therefore identified as areas that would benefit from



independent audit engagement.

Of note, risk scores were not the only guide used by MAS to select audit projects for the FY23 AAP. Additional factors were considered as part of the agency-wide risks assessment such as:

- Perceived strength of management controls
- Prior audits or reviews
- Subject matter expertise/capacity required by MAS to perform an audit or review
- Complexity of the risk area
- Input from senior leadership

Accordingly, the AAP includes audit projects to address areas of moderate risk which are expected to add value, mitigate potential future risks, and will lead to advancement of enterprise opportunities.

The FY23 AAP includes 18 audit projects in three categories: priority, carryover, and discretionary.

- Priority: Audit projects that will be given primary focus and initiated during the first part of FY23. The priority projects address high-level risk areas.
- Carryover: Audit projects that were initiated in FY22 which will be completed in FY23.
- Discretionary: Audit projects in areas with relatively lower-level risk scores. These are projects that MAS will perform based on the status of Priority and carryover projects throughout the course of the annual audit plan year.

A summary of the FY 23 priority, carryover, and discretion audits is provided as Attachment A.

The FY23 AAP also includes the required Contract and Financial Compliance Audits throughout the year. These audits include contract pre-award and incurred cost audits as requested by Vendor/Contract Management, incurred cost audits of various grant projects, and external financial and compliance audits of Metro and subrecipients.

Professional audit standards and leading practices indicate that the agency is best served if the audit plan is a dynamic plan that can be modified based upon changing business conditions, the discovery of new information, or areas being elevated to priority status based upon the needs of the Board of Directors, Chief Executive Officer, and/or senior leadership.

### **DETERMINATION OF SAFETY IMPACT**

Approval of this item will not impact the safety of Metro patrons or employees.

### **FINANCIAL IMPACT**

Funding for the annual audit plan has been included within Management Audit's FY23 budget and corresponding cost center.

## **EQUITY PLATFORM**

In applying an equity lens to the FY23 AAP, MAS included a program area for audit in the FY 23 AAP where MAS will assess if the department overseeing the selected program completed a Rapid Equity Assessment or Equity Planning and Evaluation Tool. The inclusion of this project is consistent with goals articulated in FY 23 Comprehensive Agency Performance Evaluation for MAS.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Approval of this item supports Metro Vision 2028 Goal #5: Provide responsive, accountable, and trustworthy governance within the Metro organization. The projects included in the Audit Plan directly or indirectly support various goals outlined in Metro's Vision 2028 Strategic Plan.

## **ALTERNATIVES CONSIDERED**

An alternative is not to approve the Annual Audit Plan. This is not recommended since the Annual Audit Plan is a management tool to systematically assign resources for the delivery of an agency-wide audit plan in accordance with the Financial Stability Policy. Additionally, the development of an annual internal audit plan is consistent with the MAS' Charter and with Generally Accepted Government Auditing Standards.

## **NEXT STEPS**


Upon Board approval, MAS will develop the Annual Audit Plan schedule and deliver quarterly status reports to the Board of Directors.

## **ATTACHMENTS**

Attachment A - FY23 Proposed Audit Plan

Prepared by: Shalonda Baldwin, Executive Officer, Administration, (213) 418-3265  
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Alfred Rodas, Sr. Director, Audit (213) 922-4553

Reviewed by: Sharon Gookin, Deputy Chief Executive Officer, (213) 418-3101

  
Stephanie N. Wiggins  
Chief Executive Officer



### Priority Projects

#### Continuity of Operation Plan (COOP) - Bus

Office: Operations

Objective: To evaluate the adequacy of the Bus Operations' COOP and Standard Operating Procedures to support Bus Operations' mission essential functions in emergency situations.

Anticipated Value: Independent assurance about bus operations emergency preparedness & response.

#### Metro Center Steet Project (MCP)

Office: Program Management

Objective: To evaluate the overall project management processes for the Metro Center Street Project (MCP) for sufficiency and effectiveness.

Anticipated Value: Independent assurance about MCP project management controls and effectiveness.

#### Westside Purple Line Extension (WPLE) 1

Office: Program Management

Objective: To evaluate the state of post-construction final-year processes and planning (acceptance, testing, certification, training, activation) for the WPLE 1 transit project prior to start of revenue operations.

Anticipated Value: Added expertise to identify any potential unaddressed gaps in readiness about key compliance controls for the area

#### Spare Parts Inventory

Offices: Operations, Strategic Financial Management

Objective: To assess Metro's identification of key spare parts for Rail and Bus Operations, including evaluating Metro's reliance on third parties and identification of alternatives in the event of supply-chain disruptions. The audit will also review Metro's determination of minimum on-hand and reorder quantities.

Anticipated Value: Key inventory management controls & processes will be tested for effectiveness

**Third Party Risk Management – Outsourced Service Providers**

Office: Chief People Office

Objective: To assess Metro's third-party information security risk management policy and program.

Anticipated Value: Insight about the agency's efforts to mitigate 3<sup>rd</sup> party information security risk

**Construction Inflation Risk**

Offices: Program Management, Strategic Financial Management

Objective: To review Metro's process for projecting and managing inflation risk for construction projects.

Anticipated Value: Independent and objective feedback about the agency's risk response to a critical area

**Business Interruption Fund (BIF)**

Offices: Chief of Staff

Objective: This audit will verify Pacific Coast Regional Small Business Development Corporation's compliance with the Los Angeles County Metropolitan Transportation Authority's BIF Administrative Guidelines and Fund Disbursement Procedures as listed in the notes to the BIF Pilot Program for the period July 1, 2021 to June 30, 2022.

Anticipated Value: Independent assurance about compliance with BIF reporting requirements

## Discretionary Projects

### Operations and Maintenance of Compressed Natural Gas (CNG) Divisions

Office: Operations

Objective: To assess oversight and monitoring activities over Contract No. OP749030003367 with Clean Energy, for Operation and Maintenance of CNG fueling stations at Divisions 1, 3, 5, 7, 10 & 18.

Anticipated Value: Independent assurance about contract management activity over this operational area

### Division 20 Portal Widening Project

Office: Program Management

Objective: To evaluate the overall project management processes for the Division 20 Portal Widening project.

Anticipated Value: Independent assurance about project management controls and effectiveness

### Monitoring of Environmental Contracts

Office: Program Management

Objective: To evaluate management oversight of Metro's environmental contracts for consistency, quality of services, risk management practices, and internal controls.

Anticipated Value: Independent assurance about contract management over this key area

### Contract Price Structures for Professional Services

Office: Strategic Financial Management

Objective: To assess the process performed by contract administrators and project managers for firm fixed price professional service contracts, payment structures and performance milestones.

Anticipated Value: Assessment of the process used to determine the use of firm fixed price professional service contracts

**Discretionary Projects**

**Information Technology Governance**

Office: Chief People Office

Objective: To assess Metro's IT Governance Framework which would include examination of the strategic alignment between IT and business objectives, performance management, delivering value, and risk management.

Anticipated Value: Independent assurance about the agency's governance framework after reorganization

<b>Carry Over Projects</b>
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<b>Continuity of Operations Plan - Rail</b>
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Office:	Operations
Objective:	This audit will evaluate the adequacy of the Bus Operations' COOP and Standard Operating Procedures to support Bus Operations' mission essential functions in emergency situations.
Anticipated Value:	Independent assurance about rail operations emergency preparedness & response

<b>Micro Transit</b>
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Office:	Operations
Objective:	The general objective and scope of the audit is to assess Shared Mobility's efforts in managing the Micro Transit program, including review of monitoring processes and review of selected Micro Transit Pilot Project Contract documentation.
Anticipated Value:	Insight about contract management effectiveness and contractor compliance



### Carry Over Projects

#### Operations Central Instruction and Development Training

Office: Operations

Objective: The general objective and scope of the audit will be to assess the training records of new Bus Operators and other Operations employees for accuracy, completeness, and compliance of with applicable requirements.

Anticipated Value: Insight about the reliability and completeness of operations staff training records

#### Central Maintenance Shops Manufacturing Process

Office: Operations

Objective: The objective of this engagement will be to review primarily the CMS manufacturing request process. The process will be assessed for reasonableness, efficiency (time and cost), completeness and safety considerations.

Anticipated Value: Insight about the efficiency of an important internal process

#### Cybersecurity Follow-Up

Office: Chief People Office

Objective: Verify if corrective actions have been taken by ITS on the prior external review recommendations provided for this area.

Anticipated Value: The results of remedial steps taken by ITS to address cybersecurity gap will be reported

#### Real Estate Management System

Office: Planning and Development

Objective: This project will be a collaboration with the Real Estate Department to determine if prior audit findings have been considered as part of the upcoming implementation of the new Real Estate Management System.

Anticipated Value: Confirmation that prior MAS findings have been addressed as part of a new system

**Contract, Financial and Compliance Annual Audits**

**Pre-Award Audits**

Office: Strategic Financial Management  
Objective: Pre-award audits for procurements and modifications  
Anticipated Value: Independent verification of condition of contractor accounting system prior to award

**Incurred Cost Grant Audits**

Office: Planning and Development / Program Management  
Objective: Verify that costs are reasonable, allowable and allocable on cost reimbursable contracts for contractors  
Anticipated Value: Confirmation that billed contract costs are appropriate and supported

**Financial and Compliance External Audits**

Offices: Agencywide  
Objective: Complete legally mandated financial and compliance audits  
Anticipated Value: Confirmation of third-party financial condition and compliance

# FY23 Proposed Annual Audit Plan

Finance, Budget and Audit Committee

August 17, 2022



MANAGEMENT AUDIT SERVICES

# Risk Assessment Results

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A risk assessment was done to identify areas of high importance which resulted in a tentative workplan with three project categories:

- *Priority projects* which are deemed to be of high importance and will be worked on first.
- *Discretionary projects* which are less critical but that will be performed as time and resources permit.
- *Carry Over projects* which are projects initiated in FY22 to be completed in FY23.

# Category Factors

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Relevance

Potential  
Value

Timely  
Completion

Resource  
Balancing

Stakeholder  
Feedback

# Risk Discussion Themes

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# Proposed Audit Plan

Priority	Discretionary	Carry Over
Continuity of Operations Plan - Bus	Operations and Maintenance of CNG Divisions	Continuity of Operation Plan - Rail
Metro Center Street Project	Division 20 Portal Widening	Micro Transit
Westside Purple Line Ext. 1	Monitoring of Environmental Contracts	Operations Central Instruction and Development Training
Spare Parts Inventory	Contract Price Structures for Professional Services	Central Maintenance Shops Manufacturing Process
Third Party Risk Management	IT Governance	Cybersecurity Follow-up
Capital Project Inflation Risk		Real Estate Management System
Business Interruption Fund		

# Next Steps

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- Initiate kick-off process – September 2022
- Quarterly reporting to the Board – through June 30, 2023





## Board Report

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File #: 2022-0248, File Type: Policy

Agenda Number: 21.

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### EXECUTIVE MANAGEMENT COMMITTEE AUGUST 18, 2022

**SUBJECT: TITLE VI EQUITY ANALYSIS POLICIES**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

ADOPT Title VI Equity Analysis Policies presented in Attachments A, B and C.

#### **ISSUE**

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin in programs that receive federal funding. The Federal Transportation Administration (FTA) requires transportation agencies to demonstrate their compliance with Title VI by adopting policies in compliance with FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," issued October 1, 2012. FTA requires the Metro Board of Directors to review and approve the Title VI Equity Analysis policies.

#### **BACKGROUND**

Section 601 of Title VI of the Civil Rights Act of 1964 (Title VI) states the following:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

FTA Circular 4702.1B, revised in 2012, requires transportation agencies to develop policies to assist in the evaluation of impacts to minority and low-income riders when considering service and fare changes. Metro's Title VI equity policies were adopted into the Administrative Code under Part 2-50 "Public Hearings".

The Title VI Equity Analysis policies consist of:

**Major Service Change Policy:** This policy defines what constitutes a major service change for the agency which will require a service equity analysis. (Attachment A)

**Disparate Impact Policy:** Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color or national origin and the policy lacks a substantial legitimate justification, including one or more alternatives that would serve the same legitimate objectives but with less disproportionate effects on the basis of race, color or national origin. (Attachment B)

**Disproportionate Burden Policy:** Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non low-income populations. (Attachment C)

### *Metro's Title VI Obligations when evaluating service and fare changes*

Metro will utilize the Board adopted Title VI policies included in the agency's Board adopted Title VI Program Update when analyzing service and fare changes. The equity analysis will be completed during the planning stages of the proposed changes. The results of the analysis will be approved by the Metro Board of Directors and evidence of the Board action will be included in the next Title VI Program Update submitted to FTA.

Metro must submit a Title VI Program Update every three years. The last submitted Title VI Program Update was October 30, 2019, and FTA concurrence was received on April 7, 2020. The next Title VI Program Update will be submitted on October 1, 2022.

## **DISCUSSION**

Metro is required under FTA Circular 4702.1B to submit Board approved Title VI policies to ensure minorities and low-income communities are not impacted when it conducts Service and Fare Equity (SAFE) Analyses. There are three policies that must be approved by the Board every three years:

- 1) The Major Service Change Policy. Metro's current policy states that a Title VI Equity Analysis will be completed for all Major Service Changes and will be presented to the Board for its consideration and the results will be included in the subsequent Metro Title VI Program Update with a record of action taken by the Board. There are no recommended changes to this Policy for 2022. The full policy is attached as Attachment A.
- 2) The Disparate Impact Policy. Metro's current policy states that testing for Disparate Impact evaluates effects on minority riders or populations as compared to non-minority riders or populations. While performing a Title VI Equity Analysis for possible disparate impact, Metro will analyze how the proposed major service change or fare change action could impact minority populations, as compared to non-minority populations. There are no recommended changes to this Policy for 2022. The full policy is attached as Attachment B.
- 3) The Disproportionate Burden Policy. Metro's current policy states that testing for Disproportionate Burden evaluates potential effects on low-income riders or populations, which Metro defines in the 2022 program update as \$59,550 for a four-member household in

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Los Angeles County. The line and system level evaluations are identical to those used to determine potential disparate impacts but compare low-income and non-low-income populations rather than minority and non-minority populations. There are no recommended changes to this policy. The full policy is attached as Attachment C.

The Metro Board last approved the Title VI Policies in September 2019.

### **DETERMINATION OF SAFETY IMPACT**

The requested action in this report will have no direct impact on the safety of Metro's employees or customers.

### **FINANCIAL IMPACT**

Adoption of the Title VI Equity Policies has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2020 Budget.

#### **Impact to Budget**

Adoption of the Title VI Equity Policies has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2023 Budget.

### **EQUITY PLATFORM**

Title VI Equity Policies address impacts to Minority Communities and Low-Income Communities as required by FTA Title VI Circular 4702.1B. While the FTA does not recommend thresholds for Disparate Impacts or Disproportionate Burdens, Metro's commitment to identifying inequities is illustrated by the 5% absolute different thresholds in the recommended policies, which are more ambitious than higher percentages (e.g. 10%) utilized by other public agencies.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports strategic plan goal # 5, "Provide responsive, accountable and trustworthy governance within the Metro organization" by adhering to civil rights equity requirements mandated by FTA Title VI Circular 4702.1B.

### **ALTERNATIVES CONSIDERED**

The alternative to not including Board approved Title VI Equity Policies could have significant negative impacts to the agency. Failure to include Board approved policies in the Title VI Program update may result in FTA not concurring Metro's Title VI Program Update which may result in suspension of federal grants by being non-compliant with civil rights requirements.

### **NEXT STEPS**

The Title VI Program Update is scheduled for Board approval at the September 22, 2022, Board of

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Directors meeting. Upon Board approval, Metro's Title VI Program Update will be submitted to FTA by the due date of October 1, 2022.

**ATTACHMENTS**

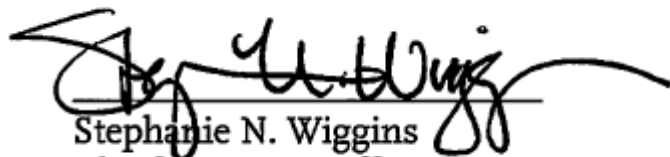
Attachment A - Major Service Change Policy  
Attachment B - Disparate Impact Policy  
Attachment C - Disproportionate Burden Policy

Prepared by: Aida Berry, Senior Manager, Civil Rights Programs,  
(213) 922-2748

Joseph Forgiarini, Senior Executive Officer, Service Development, Scheduling &  
Analysis, (213) 418-3400

Teyanna Williams, Deputy Chief Civil Rights Officer (Interim), (213) 418-3168

Reviewed by: Nicole Englund, Chief of Staff, (213) 922-7950

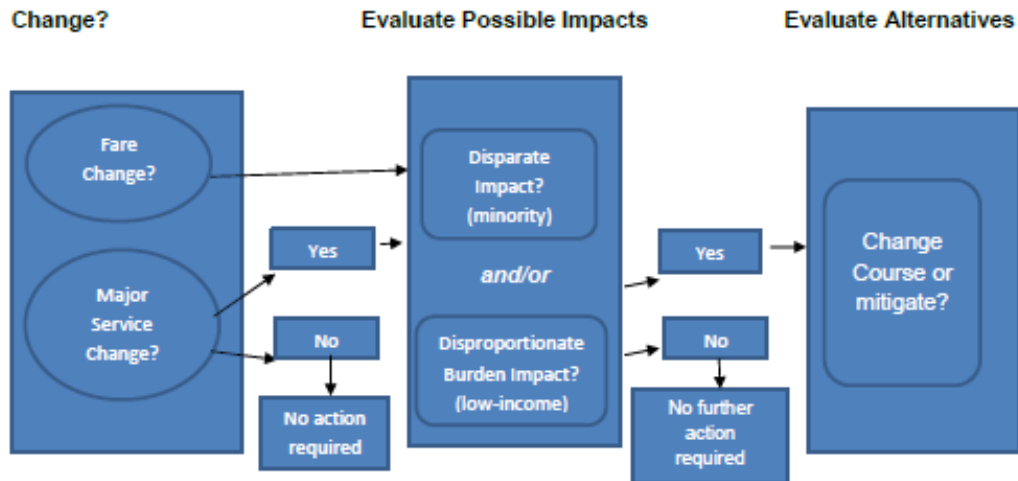


Stephanie N. Wiggins  
Chief Executive Officer

## Metro Major Service Change Policy

FTA Circular 4702.1B, revised in 2012, requires transportation agencies to develop policies to assist in the evaluation of impacts to minority and low-income riders when considering service and fare changes.

Figure 1: Overview of Metro's Title VI Equity Analysis process



All changes in service meeting the definition of “Major Service Change” are subject to a Title VI Service Equity Analysis prior to Board approval of the service change. A Title VI Equity Analysis will be completed for all Major Service Changes and will be presented to the Board for its consideration and the results will be included in the subsequent Metro Title VI Program Update with a record of action taken by the Board. Service changes considered “Minor” due to not meeting the thresholds of a Major Service Change are also analyzed and alternatives considered are documented, however, a Service Equity Analysis is not performed.

For the 2022 FTA Title VI Program Update Major Service Change is defined as any service change meeting at least one of the following criteria:

1. A revision to an existing transit route that increases or decreases the route miles and/or the revenue miles operated by 25% or more at one time or cumulatively in any period within 36 consecutive months since the last major service change;
2. A revision to an existing transit service that increases or decreases the scheduled trips operated by at least 25% at one time or cumulatively in any period within 36 consecutive months since the last major service change;

3. An increase or decrease to the span of service of a transit line of at least 25% at any one time or cumulatively in any period within 36 consecutive months since the last major service change;
4. The implementation of a new transit route that provides at least 50% of its route miles without duplicating other routes;
5. Six months prior to the opening of any new fixed guideway project (e.g. BRT line or rail line) regardless of whether or not the amount of service being changed meets the requirements in the subsections 1 – 5 above to be inclusive of any bus/rail interface changes.
  - a. Experimental, demonstration or emergency service changes may be instituted for one year or less without a Title VI Equity Analysis being completed and considered by the Board of Directors. If the service is required to be operated beyond one year the Title VI Equity Analysis must be completed and considered by the Board of Directors before the end of the one year experimental, demonstration or emergency.
  - b. A Title VI Equity Analysis shall not be required if a Metro transit service is replaced by a different route, mode, or operator providing a service with the same headways, fare, transfer options, span of service and stops.

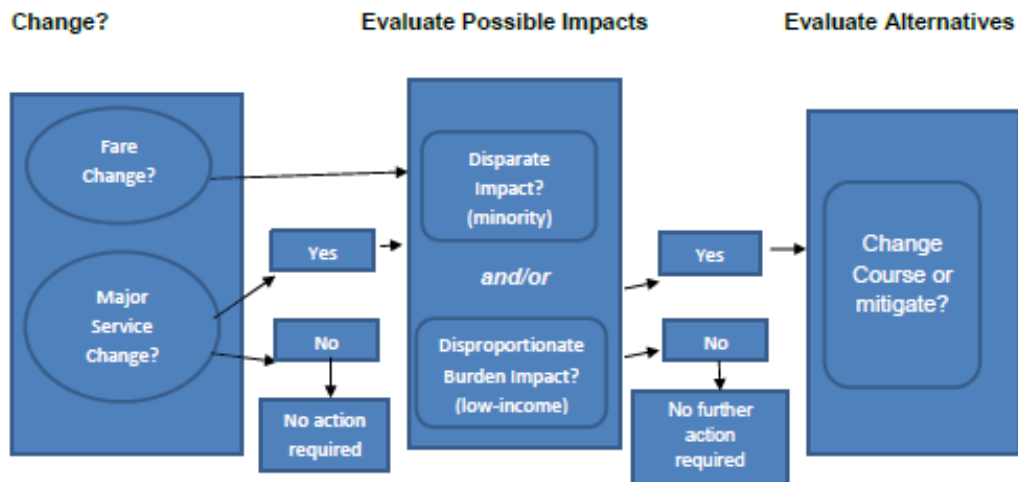
## Metro Disparate Impact Policy

FTA Circular 4702.1B, revised in 2012, requires transportation agencies to develop policies to assist in the evaluation of impacts to minority and low-income riders when considering service and fare changes.

Testing for Disparate Impact evaluates effects on minority riders or populations as compared to non-minority riders or populations. “Minority” is defined as all persons who identify as being part of racial/ethnic groups besides white, non-Hispanic.

In the course of performing a Title VI Equity Analysis for possible disparate impact, Metro will analyze how the proposed major service change or fare change action could impact minority populations, as compared to non-minority populations.

**Figure 1: Overview of Metro’s Title VI Equity Analysis process**



In the event the proposed action has an adverse impact that affects protected populations more than other populations at a level that exceeds the thresholds established in the Board adopted Disparate Impact Policy, or that restricts the benefits of the service change to protected populations, the finding would be considered as a potential Disparate Impact. In the possible scenario of finding Disparate Impact, Metro will evaluate whether there is an alternative that would serve the same objectives and with a more equitable impact. Otherwise, Metro will take measures to minimize or mitigate the adverse impact of the proposed action.

The Disparate Impact Policy defines measures for determination of potential adverse impact on minority populations/riders from major service changes or any change in fares (increase or decrease) The policy is applied to both adverse effects and benefits of major service changes.

All changes in service meeting the definition of “Major Service Change” and any change in fares and/or fare media are subject to a Title VI Service Equity Analysis prior to Board approval of the change. A Title VI Equity Analysis will be completed for all Major Service Changes and all fare and/or fare media changes (increase or decrease). The results of the Title VI Equity Analysis will be presented to the Board for its consideration and the results will be included in the subsequent Metro Title VI Program Update with a record of action taken by the Board. Service changes considered “Minor” due to not meeting the thresholds of a Major Service Change are also analyzed and alternatives considered are documented, however, a Service Equity Analysis is not performed.

For the 2022 FTA Title VI Program Update:

Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color or national origin and the policy lacks a substantial legitimate justification, including one or more alternatives that would serve the same legitimate objectives but with less disproportionate effects on the basis of race, color or national origin. This policy defines the threshold Metro will utilize when analyzing the impacts to minority populations and/or minority riders.

- a. For major service changes, a disparate impact will be deemed to have occurred if the absolute difference between the percentage of minority adversely affected and the overall percentage of minorities is at least five percent (5%).
- b. For any applicable fare changes, a disparate impact will be deemed to have occurred if the absolute difference between the percentage of minority adversely affected and the overall percentage of minorities is at least five percent (5%).

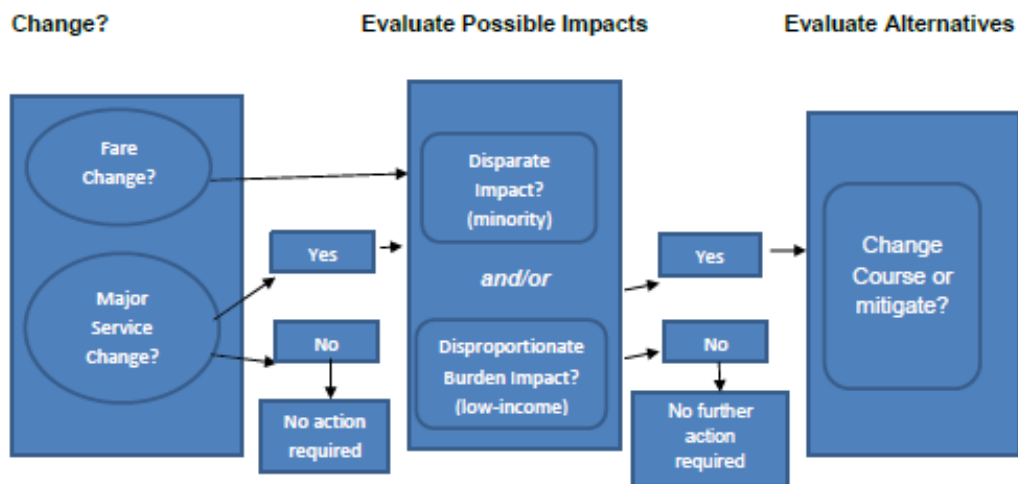


## Metro Disproportionate Burden Policy

FTA Circular 4702.1B, revised in 2012, requires transportation agencies to develop policies to assist in the evaluation of impacts to minority and low-income riders when considering service and fare changes.

Testing for Disproportionate Burden evaluates potential effects on low-income riders or populations, which Metro defines as \$59,550 for a four-member household in Los Angeles County. The line and system level evaluations are identical to those used to determine potential disparate impacts but compare low-income and non-low-income populations rather than minority and non-minority.

**Figure 1: Overview of Metro’s Title VI Equity Analysis process**



All changes in service meeting the definition of “Major Service Change” and any change in fares and/or fare media are subject to a Title VI Service Equity Analysis prior to Board approval of the change. A Title VI Equity Analysis will be completed for all Major Service Changes and all fare and/or fare media changes (increase or decrease). The results of the Title VI Equity Analysis will be presented to the Board for its consideration and the results will be included in the subsequent Metro Title VI Program Update with a record of action taken by the Board. Service changes considered “Minor” due to not meeting the thresholds of a Major Service Change are also analyzed and alternatives considered are documented, however, a Service Equity Analysis is not performed.

For the 2022 FTA Title VI Program Update:

Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden for major service and fare changes requires Metro to evaluate alternatives and mitigate burdens where practicable.

- a. For major service changes, a disproportionate burden will be deemed to exist if an absolute difference between percentage of low-income adversely affected by the service change and the overall percentage of low-income persons is at least five percent (5%).
- b. For fare changes, a disproportionate burden will be deemed to exist if an absolute difference between the percentage of low-income adversely affected and the overall percentage of low-income is at least five percent (5%).



## Board Report

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**File #:** 2022-0430, **File Type:** Informational Report

**Agenda Number:** 22.

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### EXECUTIVE MANAGEMENT COMMITTEE AUGUST 18, 2022

**SUBJECT: SERVICE STANDARDS POLICIES FOR TITLE VI PROGRAM UPDATE**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

ADOPT Service Standards policies for Title VI Program Update presented in Attachment A.

#### **ISSUE**

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin in programs that receive federal funding. The Federal Transportation Administration (FTA) requires transportation agencies to demonstrate their compliance with Title VI by adopting policies in compliance with FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," issued October 1, 2012. FTA requires the Metro Board of Directors to review and approve the Metro Service Standards to be included in the Title VI Program Update due every three years.

#### **BACKGROUND**

Section 601 of Title VI of the Civil Rights Act of 1964 (Title VI) states the following:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

FTA Circular 4702.1B, revised in 2012, requires transportation agencies to develop service standards and include them in the Title VI Program update due every three years. These service standards should be followed for the three year period until the next program update.

#### **DISCUSSION**

Metro is required under FTA Circular 4702.1B to submit Board approved Service Standards. The Service Standards assist Metro in providing bus and rail service. The Service Standards must be approved by the Metro Board every three years. The Metro Board last approved the monitoring results in September 2019 and there have been no changes.

## **DETERMINATION OF SAFETY IMPACT**

The requested action in this report will have no direct impact on the safety of Metro's employees or customers.

## **FINANCIAL IMPACT**

Adoption of the Service Standards Policies has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2023 Budget. Failure to approve the Service Standards Policies could result in an incomplete Title VI Program Update which could potentially result in the loss of federal funding.

### **Impact to Budget**

Adoption of the Title VI Equity Policies has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY203 Budget. Failure to approve the Service Standards Policies today may result in an incomplete Title VI Program Update which may impact federal grants.

## **EQUITY PLATFORM**

Title VI sets the minimum federal requirements to prevent discrimination or benefits from being denied to federally protected groups, as noted above. The Monitoring of Transit Service for Title VI purposes meets the federal requirements, as it ensures that Metro's Service Standards are being applied consistently throughout the system. The monitoring also provides a means to measure and adjust for impacts and benefits to protected groups, which supports Metro's goal to ensure that impacts to marginalized groups are considered in transportation decisions and service delivery.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports strategic plan goal # 5, "Provide responsive, accountable, and trustworthy governance within the Metro organization" by adhering to civil rights requirements mandated by Title VI of the Civil Rights Act of 1964.

## **ALTERNATIVES CONSIDERED**

The alternative to not including Board approved Service Standards Policies which would have significant negative impacts to the agency. Failure to include Board approved Service Standards policies in the Title VI Program update may result in FTA, not concurring with Metro's Title VI Program Update which may result in the suspension of federal grants by being non-compliant with civil rights requirements.

## **NEXT STEPS**

The Title VI Program Update will be scheduled for Board approval at the September 22, 2022 Board of Directors meeting. Upon Board approval, Metro's Title VI Program Update will be submitted to FTA by the due date of October 1, 2022.

**ATTACHMENTS**

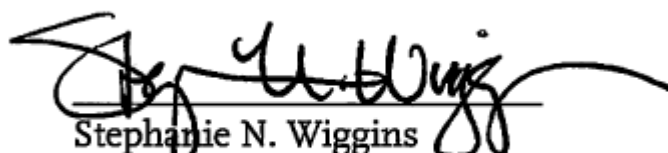
Attachment A - Metro Service Standards

Prepared by: Aida Berry, Senior Manager, Civil Rights Programs (Title VI),  
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Teyana Williams, Deputy Chief Civil Rights Officer (Interim), (213) 418-3168

Reviewed by: Nicole Englund, Chief of Staff, (213) 922-7950



Stephanie N. Wiggins  
Chief Executive Officer

# ATTACHMENT A- SYSTEMWIDE SERVICE STANDARDS

## 2022 METRO SYSTEMWIDE OPERATING STANDARDS

### Passenger Loading

Proposed passenger loading standards are summarized in Table A-1. The standard expresses the maximum average ratio of passengers to seats *by direction* for a one-hour period by time of day *and should not be exceeded for at least 95% of all hourly periods*.

	Peak Passengers/seat	Off-Peak Passengers/seat
Heavy Rail	2.30	2.30
Light Rail	1.75	1.75
BRT	1.30	1.30
Rapid	1.30	1.30
Express	1.30	1.30
All Other Bus	1.30	1.30

Table A-1  
Passenger Loading Standards

## ATTACHMENT A- SYSTEMWIDE SERVICE STANDARDS

### Headways

Current headway standards are summarized in Table A-2. The headway standards provide for the maximum scheduled gap (in minutes) between trips *in the peak direction of travel* at the maximum load point of a line by time of day *and should not be exceeded for at least 90% of all hourly periods*.

	Peak	Off-Peak
Heavy Rail	10	20
Light Rail	12	20
BRT	12	30
Rapid	20	30
Express	60	60
Limited	30	60
All Other Bus	60	60

Table A-2  
Headway Standards

## ATTACHMENT A- SYSTEMWIDE SERVICE STANDARDS

### On-Time Performance

On-time performance standards are based on the Board adopted fiscal year budget target for bus, light rail and heavy rail. The standards provide for the minimum desired percentage of time point departures that are between one minute early and five minutes late (excluding terminal departures). *This standard is that 90% of lines achieve at least 90% of the adopted budget target for the fiscal year.*

### Stop Spacing

Proposed stop spacing standards are shown in Table A-3. The standards provide for the average stop spacing in miles by type of service *and spacing should fall within 0.1 mile of the specified average at least 90% of the time.*

Heavy Rail	1.50
Light Rail	1.50
BRT	1.25
Rapid	0.75
Express	1.25
All Other Bus	0.30

Table A-3  
Average Stop Spacing Standards (in miles)



## ATTACHMENT A- SYSTEMWIDE SERVICE STANDARDS

### Accessibility

The current accessibility standard is shown in Figure A-1. The standard ensures the availability of fixed route service to virtually all residents of Metro's service area while limiting duplication of service by using services operated by others to achieve the standard.

*Service is to be provided within 1/4 mile of 99% of Census tracts within Metro's service area having at least 3 households per acre and/or at least 4 jobs per acre. Fixed route service provided by other operators may be used to meet this standard.*

Figure A-1  
Accessibility Standard

## ATTACHMENT A- SYSTEMWIDE SERVICE STANDARDS

### Passenger Amenities Policy

The current passenger amenities policy is shown in Figure A-2. The standard applies to all off-street facilities owned by Metro that permit passenger boardings.

Shelters:	HR – not applicable LR – at least 80 linear ft. Bus – at least 6 linear ft. per bay
Seating:	HR – at least 12 seats LR – at least 10 seats Bus – at least 3 seats per bay
Info Displays:	HR – at least 12 LR – at least 10 Bus – at least 3
LED Displays:	HR – at least 8 arrival/departure screens LR – not applicable Bus – not applicable
TVMs:	HR/LR = at least 2 Bus – not applicable
Elevators:	HR – at least 2 LR – at least 1 for elevated/underground Bus – at least 1 for multi-level terminals
Escalators:	HR – at least 4 (2 Up / 2 Down) LR – not applicable Bus – not applicable
Waste Receptacles:	HR – at least 6 LR – at least 2 Bus – at least 1 per 3 bays / 2 minimum

Figure A-2  
Passenger Amenities Policy

### Vehicle Assignment Policy

The current vehicle assignment policy is shown in Figure A-3.

Heavy Rail:	Not applicable – only one line and one vehicle type
Light Rail:	Vehicles will be assigned to individual lines on the basis of compatibility of vehicle controllers with each line’s signal system. The number of vehicle types/manufacturers will be kept to no more than two at any facility to minimize parts storage and maximize maintenance expertise.
Bus:	Vehicles will be assigned to individual facilities on the basis of vehicle size requirements for lines supported by each facility.

Figure A-3  
Vehicle Assignment Policy



## Board Report

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File #: 2022-0431, File Type: Informational Report

Agenda Number: 23.

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### EXECUTIVE MANAGEMENT COMMITTEE AUGUST 18, 2022

**SUBJECT: SERVICE MONITORING RESULTS FOR TITLE VI PROGRAM UPDATE**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

ADOPT Service Monitoring Results for Title VI Program Update presented in Attachment A.

#### **ISSUE**

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin in programs that receive federal funding. The Federal Transportation Administration (FTA) requires transportation agencies to demonstrate their compliance with Title VI by ensuring compliance with FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," issued October 1, 2012. FTA requires the Metro Board of Directors to review and approve the Metro Service Monitoring Results to be included in the Title VI Program Update due every three years.

#### **BACKGROUND**

Section 601 of Title VI of the Civil Rights Act of 1964 (Title VI) states the following:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

FTA Circular 4702.1B, revised in 2012, requires transportation agencies to develop service standards and monitor the implementation of these standards. The results must be approved by the Metro Board every three years. The Metro Board last approved the monitoring results in September 2019.

#### **DISCUSSION**

Metro is required under FTA Circular 4702.1B to monitor the approved Service Standards and submit the results of the monitoring to the Board for approval. The monitoring results assist Metro in

ensuring the Service Standards are accurate in providing service.

Systemwide, bus service did not meet the on-time performance standard. The current standards define on-time as no more than one minute early or five minutes late when leaving a time point. The standard requires that at least 90% of lines be on-time 80% of the time. Based upon data from January through March 2022, bus service on-time performance was 69% on weekdays, 68% on Saturdays, and 74% on Sundays. This is largely attributed to the return of traffic on LA County roads to pre-COVID volumes in the second half of 2021 and into 2022. In June 2022, Metro revised over half its bus schedules to add time to mitigate the increased traffic impacts (previous schedules were based on lower traffic congestion). Initial results for the June changes show improvement, with performance hovering between 74%-78%. Further improvements are expected as a result of Metro's roll out of additional speed and reliability improvements such as new bus lanes, expanded all door boarding, and improved transit signal priority.

### **DETERMINATION OF SAFETY IMPACT**

The requested action in this report will have no direct impact on the safety of Metro's employees or customers.

### **FINANCIAL IMPACT**

Adoption of the Service Monitoring Results has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2023 Budget. Failure to approve the Service Monitoring Results could result in an incomplete Title VI Program Update which could potentially result in the loss of federal funding.

### **EQUITY PLATFORM**

Title VI sets the minimum federal requirements to prevent discrimination or benefits from being denied to federally protected groups, as noted above. The Monitoring of Transit Service for Title VI purposes meets the federal requirements, as it ensures that Metro's Service Standards are being applied consistently throughout the system. The monitoring also provides a means to measure and adjust for impacts and benefits to protected groups, which supports Metro's goal to ensure that impacts to marginalized groups are considered in transportation decisions and service delivery.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports strategic plan goal # 5, "Provide responsive, accountable, and trustworthy governance within the Metro organization" by adhering to civil rights requirements mandated by Title VI of the Civil Rights Act of 1964.

### **ALTERNATIVES CONSIDERED**

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The alternative to not including Board approved Service Monitoring Results could have significant negative impacts on the agency. Failure to include Board approved Service Monitoring Results in the Title VI Program update may result in FTA not concurring with Metro's Title VI Program Update which may result in the suspension of federal grants by being non-compliant with Title VI requirements.

### **NEXT STEPS**

The Title VI Program Update will be scheduled for Board approval at the September 22, 2022 Board of Directors meeting. Upon Board approval, Metro's Title VI Program Update will be submitted to FTA by the due date of October 1, 2022.

### **ATTACHMENTS**


Attachment A - Metro Service Monitoring Results

Prepared by: Aida Berry, Senior Manager, Civil Rights Programs (Title VI),  
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Teyanna Williams, Deputy Chief Civil Rights Officer (Interim), (213) 418-3168

Reviewed by: Nicole Englund, Chief of Staff, (213) 922-7950



Stephanie N. Wiggins  
Chief Executive Officer

## Review of Service Policies and Standards FY2020 – FY2022

This is a review of Metro’s compliance with specified service standards and policies under the requirements of FTA Circular 4702.1B, Chapter IV-9, Section 6. The review covers the period of FY2020 through FY2022.

The following topics are addressed:

1. Service Availability
2. Classification of Services
3. Headway Standards
4. Loading Standards
5. On-Time Performance Standards
6. Stop Spacing Standards
7. Passenger Amenities Standards
8. Vehicle Assignment Standards

All reviews assess whether Metro has complied with its policies and standards, and whether any non-compliance is biased toward minority population (disparate impact) or low-income household in poverty (disproportionate burden).

### 1. Service Availability

The adopted service availability standard is:

At least 99% of all Census tracts within Metro's service area having at least 3 HH/acre and/or 4 jobs/acre shall be within one quarter mile of fixed route service (a bus stop or rail station).

Fixed route service provided by other operators may be used to meet this standard. The use of other operator services to meet this standard ensures maximum availability without unnecessary duplication of service.

There are 2,022 tracts within Metro’s service area that meet the above thresholds of 3 HH/acre and/or 4 jobs/acre. Only 14 of these tracts are not within one-quarter mile of fixed route service. This is a service availability of 99.3% which meets the standard.

### Service Area Demographics – Minority Population

	Service Area	Tracts Not Served
Population	8,185,999	56,157
Minority Population	6,086,572	32,674

Minority Share	74.4%	58.2%
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Service Area Demographics – Low Income Households

	Service Area	Tracts Not Served
Households	2,737,823	18,643
Low Income Households	1,055,231	5,663
Low Income Share	38.5%	30.4%

Both the minority population share, and low-income household share of the unserved tracts are less than the service area minority population and low-income household shares. Therefore, there is no disparate impact or disproportionate burden created by the unserved areas.

## 2. Classification of Services

The review of service policies and standards requires determination of Minority routes (and Low-income routes) so that a comparison of compliance between Minority (or Low-income) routes and all routes may be made. If the share of Minority routes meeting a standard is an absolute 5% or more less than the share of all routes meeting a standard, then a disparate impact on Minority routes has occurred. If the share of Low-income routes meeting a standard is an absolute 5% or more less than the share of all routes meeting a standard, then a disproportionate burden on Low-income routes has occurred.

FTA has defined a Minority route as having one-third or more of its revenue miles operated in census areas that exceed the service area minority share of population. By extension, a Low-income route will have one-third or more of its revenue miles operated in census areas that exceed the service area poverty share of population.

There are 112 fixed route bus lines operated by Metro. It was determined that 96 of these are Minority lines (85.7%), and 97 of these are Low-income lines (86.7%). Both Heavy Rail lines are Minority and Low-income lines. All four Light Rail lines are Minority lines and Low-income lines.

These definitions were used to stratify compliance levels in the subsequent evaluations.

## 3. Headway Standards

Current service standards were last adopted in FY19. The adopted headway standards follow:

Rail Headway Standards

Mode	Peak Max. ( in min)	Off-Peak Max (in min)
Heavy Rail	10	20



Light Rail	12	20
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Not to be exceeded for at least 90% of all hourly periods

#### Bus Headway Standards

Service Type	Peak Max. ( in min)	Off-Peak Max (in min)
Local	60	60
Limited	30	60
Express	60	60
Shuttle	60	60
Rapid	20	30
BRT	12	30

Not to be exceeded for at least 90% of all hourly periods

Compliance determination used service in effect as of December 19, 2021, which represents full implementation of the NextGen Service Plan in terms of scheduled service. Service Plans implemented on February 20 and June 26, 2022, were not used since they utilized temporarily reduced schedules due to bus operator shortage. All bus and rail lines were in full compliance with the adopted standards for weekdays, Saturdays, Sundays, and Holidays.

#### Weekday Headway Compliance - 112 of Bus Lines

	All Lines	Minority Lines Only	Low Income Lines Only	All Compliance	Minority Compliance	Low Income Compliance
Meets Standard	112	96	97	100%	100%	100%
Exceeds Standard	0	0	0			

#### Saturday Headway Compliance - 107 of Bus Lines

	All Lines	Minority Lines Only	Low Income Lines Only	All Compliance	Minority Compliance	Low Income Compliance
Meets Standard	107	91	93	100%	100%	100%
Exceeds Standard	0	0	0			

**Sunday & Holiday Compliance -107 of Bus Lines**

	All Lines	Minority Lines Only	Poverty Low Income Only	All Compliance	Minority Compliance	Low Income Compliance
Meets Standard	107	91	93	100%	100%	100%
Exceeds Standard	0	0	0			

**4. Loading Standards**

Current service standards were adopted in FY19. The adopted passenger loading standards follow:

**Rail Passenger Loading Standards**

Mode	Peak Psgrs/Seat	Off-Peak Psgrs/Seat
Heavy Rail	2.30	2.30
Light Rail	1.75	1.75

Not to be exceeded for at least 95% of all hourly periods

**Bus Passenger Loading Standards**

Service Type	Peak Psgrs/Seat	Off-Peak Psgrs/Seat
BRT	1.30	1.30
Rapid	1.30	1.30
Express	1.30	1.30
Limited	1.30	1.30
Local	1.30	1.30

Not to be exceeded for at least 95% of all hourly periods

Although a headway of greater than 60 minutes would be an exception to the headway standards a loading standard is provided for such services when they occur.

Heavy rail is based on trip samples collected by scheduled checkers. Checkers ride randomly selected cars on randomly selected trips recording data for Ons and Offs by station. Over a six-month sliding time frame this data is aggregated to build a profile of rail ridership and is the primary source for ridership estimation by day type and line. While only one car is monitored on any given sample trip, whether that car meets the

loading standard is a surrogate for whether trains are meeting the standard. Light rail loading based on using Automated Passenger Counters (APC).

Loading on the bus system is monitored every six months using quarterly APC data for max loads at time points. Since the most recent bus load standard evaluation was performed using January through March 2022 data, the samples collected from rail ride checks were compiled for the same three months.

Each rail ride check record was processed using Line # (determines mode and applicable # of seats), day type, trip start time (used to categorize weekday trips as peak or off peak), and max accumulated load (calculated from the observations in each check).

Since the light rail system is now equipped with APCs on its rail cars, the loading standards is based on APC data.

A rail mode is assumed to comply with the loading standards if 95% of all monitored trips conform to the standards. Data is from the period January through March 2022 which is the same time frame used for bus monitoring.

#### Weekday Rail Load Standard Monitoring

	Weekdays		
	# Of Checks/Trips	Within Standard	% Compliance
Heavy Rail	1,071	1,071	100%
Light Rail	68,559	68,545	100%

#### Weekend Rail Load Standard Monitoring

	Saturday			Sundays & Holidays		
	# Of Checks/Trips	Within Standard	% Compliance	# Of Checks/Trips	Within Standard	% Compliance
Heavy Rail	931	931	100%	931	931	100%
Light Rail	10,329	10,328	100%	12,234	12,230	100%

Both modes met the standard at least 95% of the time, and each line was always found in compliance, as well.

Bus monitoring is more extensive as all buses are equipped with APC's, and data is available for all time points along each bus route for observed max loads by trip. Every

six months the most recent quarterly data is evaluated to determine adherence with the adopted standards. The most recent evaluation used January through March 2022 data.

#### Bus Load Standard Monitoring

Day Type	# Trips	Within Standard	% Compliance
Weekdays	580,775	568,490	97.9%
Saturdays	81,650	80,934	99.1%
Sundays/Holidays	86,429	85,823	99.3%

In reviewing the data, Lines 45, 51, 108, and 603 failed to meet the standard on weekdays while Line 16 did not meet the standard throughout the week. Other than these exceptions, the rest of the bus system was in conformance with the adopted loading standards.

### 5. On-Time Performance Standards

The current on-time performance standards for the system define on-time as no more than one minute early or five minutes late when leaving a time point. In the currently adopted standard both rail and bus have the same objective: 80% on-time on at least 90% of lines at least 90% of the time at the terminal.

Rail is currently monitored using Hastus. Since bus is evaluated every six months using quarterly data this evaluation was performed on the same basis. Data for the months of January through March 2022 was compiled.

#### Weekday Rail On-Time Performance

Mode	# of Time Point Observations	# of On-Time Observations	On-Time Percentage
Heavy Rail	25,340	25,213	99.5%
Light Rail	69,308	68,564	98.3%

#### Saturday Rail On-Time Performance

Mode	# of Time Point Observations	# of On-Time Observations	On-Time Percentage
Heavy Rail	4,188	4,171	99.6%
Light Rail	9,060	9,009	99.4%

#### Sundays & Holidays Rail On-Time Performance

Mode	# of Time Point Observations	# of On-Time Observations	On-Time Percentage
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Heavy Rail	4,592	4,559	99.3%
Light Rail	10,192	10,138	99.5%

We find that on-time performance for both heavy and light rail is very good and consistently exceeds the standard.

However, the bus on-time performance is consistently short of the 80% objective. The following observations are based upon three months of data from January through March 2022.

#### Bus Weekday On-Time Performance

	All Lines	Minority Lines	Low Income Lines
Avg On-Time %	69.0%	69.7%	69.1%
Lines Meeting Std	8	7	6
Lines Failing Std	104	89	91
% Meeting Std	7.1%	7.3%	6.1%

#### Bus Saturday On-Time Performance

	All Lines	Minority Lines	Low Income Lines
Avg On-Time %	68.4%	68.4%	68.1%
Lines Meeting Std	11	10	10
Lines Failing Std	96	81	83
% Meeting Std	10.3%	11.0%	10.8%

#### Bus Sunday & Holiday On-Time Performance

	All Lines	Minority Lines	Low Income Lines
Avg On-Time %	74.5%	74.6%	74.4%
Lines Meeting Std	21	19	19
Lines Failing Std	86	72	74
% Meeting Std	19.6%	20.9%	20.4%

On any given day type non-Minority, non-Poverty, Minority, and Poverty bus lines exhibit similar on-time percentages. Unfortunately, only handful of bus lines achieve the 80% on-time standard with lowest percentages on Weekdays where there is more

congestion and the highest on Sundays and Holidays where congestion is the lowest. Systemwide, bus service does not meet the standard whether it is all the lines, minority lines or low-income lines. But since most of the system are both minority and low-income lines, the percentages that achieve the standard are all within one percent of each other for weekdays, Saturdays, and Sunday/Holidays. Consequently, there are no observations of disparate impacts on minorities and disproportionate burdens on low-incomes lines since everything is less than the five percent threshold.

Please note, a significant reason for the low rates of on-time performance has to do with the route running time used for scheduling. During the beginning of the COVID-19 pandemic in 2020, traffic congestion dropped significantly. Accordingly, running time was reduced systemwide. Now that congestion has returned to roughly pre COVID-19, the running time used for scheduling was no longer adequate and was addressed in the June 26, 2022, Service Change. With this change along with the implementing more projects to speed up bus service as part the NextGen Bus program, on-time performance for bus services should improve significantly systemwide.

## 6. Stop Spacing Standards

Stop spacing standards were incorporated with the FY19 Metro Service Policy update. It states the average stop/station spacing by service type in miles where the average spacing should fall within 0.1 miles of the specified average at least 90% of the time.

Average Stop/Station Spacing Standards

Service Type	Average Stop Spacing
Heavy Rail	1.50
Light Rail	1.50
BRT	1.25
Rapid	0.75
Express	1.25
Local	0.30

Transit Line Average Stop/Station Spacing

Service Type	No. of Lines Meeting the Standard	No. of Lines Not Meeting the Standard	Service Type Average
Heavy Rail	2		0.8 miles
Light Rail	4		1.1 miles
BRT	2		1.1 miles
Rapid	3		0.6 miles
Express	4	1	1.5 miles
Local	102		0.2 miles

As shown above, only one transit line does not meet the standard – Express Line 577 which has an average stop spacing of 4.8 miles. Even though it exceeds the standard,

the spacing is appropriate due to the travel market for the corridor. Since this is only one line out of 116 transit lines, Metro’s Transit System meets the standard overall.

## 7. Passenger Amenities Standards

With the FY19 update of Metro’s Service Policies a set of passenger amenities standards were incorporated. Those standards are presented here.

### Heavy Rail Passenger Amenities Standards

<b>Amenity</b>	<b>Allocation</b>
Seating	At least 12 seats
Info Displays	At least 12
LED Displays	At least 8 Arrival/Departure screens
TVM’s	At least 2
Elevators	At least 2
Escalators	At least 4 (2 Up / 2 Down)
Trash Receptacles	At least 6

Applies to each station

### Light Rail Passenger Amenities Standards

<b>Amenity</b>	<b>Allocation</b>
Shelters	At least 80 linear feet per bay
Seating	At least 10 seats
Info Displays	At least 10
TVM’s	At least 2
Elevators	At least 1 for elevated / underground
Trash Receptacles	At least 2

Applies to each station

### Bus Passenger Amenities Standards

<b>Amenity</b>	<b>Allocation</b>
Shelters	At least 6 linear feet per bay
Seating	At least 3 seats per bay
Info Displays	At least 3
Elevators	At least 1 for multi-level terminals
Trash Receptacles	At least 1 per 3 bays / 2 minimum

Applies to off-street bus facilities serving 4 or more bus lines

There are no standards for bus stops because apart from painting the curb Red and erecting bus stop signage Metro has no jurisdiction over street furniture or other appurtenances. The latter are controlled by individual cities and often contracted to third parties who support their costs through advertising revenues.

All applicable facilities comply, and none have opened since the last review.

## 8. Vehicle Assignment Standards

Adopted vehicle assignment standards include:

Heavy Rail Maintained at a single facility

Light Rail Primarily assigned based on compatibility of vehicle controllers and rail car weight with rail line(s) served. Wherever possible, no more than two vehicle types at each facility.

Bus Assigned to meet vehicle seating requirements for lines served from each facility.

While these standards are consistently applied, we have historically looked at the average age of vehicles assigned to each facility to ensure that there are no extremes serving any area. This is most applicable to the bus system, but we provide the data for rail here also.

Heavy Rail – Vehicle Age by Facility

Facility	Model	# Active	Average Age (years)
Div. 20 – Los Angeles	Breda A650 Base	26	29.3
	Breda A650 Option	74	23.6
		<b>100</b>	<b>25.1</b>

Light Rail – Vehicle Age by Facility

Facility	Model	# Active	Average Age (years)
Div. 11 – Long Beach	Siemens 2000 GE/ATP	23	19.4
	Kinkisharyo P3010	57	4.4
		<b>80</b>	<b>8.7</b>
Div. 14 – Santa Monica	AnseldoBreda2550Base	2	13.3
	Kinkisharyo P3010	56	5.6
		<b>58</b>	<b>5.9</b>
Div. 21 – Los Angeles	AnseldoBreda2550Base	14	12.4
	Kinkisharyo P3010	10	4.6
		<b>24</b>	<b>9.1</b>
Div. 22 - Lawndale	Siemens 2000 Base	29	20.9
	Kinkisharyo P3010	25	3.3
		<b>54</b>	<b>12.8</b>
Div. 24 - Monrovia	AnseldoBreda2550Base	34	12.6
	Kinkisharyo P3010	39	4.1
		<b>73</b>	<b>8.1</b>



Note: As of June 26, 2022

A couple of constraints apply to the light rail assignments. The Siemens 2000 Base vehicles may only operate from Div. 22 (C Line) because their controller package is not compatible with other lines. This will no longer be an issue once they undergo their mid-life overhaul/modernization program which is expected to be completed toward the beginning of FY24. The Ansaldo Breda 2550 Base vehicles may not be operated from Div. 22 as they are too heavy for the C Line. This sub-fleet is also beginning their mid-life overhaul/modernization program.

Each light rail facility's average vehicle age is between 6 and 13 years which is consistently young to medium for vehicles that should have a 30-year life span. Meanwhile Breda A650 option heavy rail cars are nearly at the end of their useful life and will be replaced once the new HR4000 vehicles start arriving in the second half of FY23. Meanwhile the Breda A650 option vehicles are currently undergoing a mid-life overhaul/modernization program which is expected to extend the life of these vehicles at least five more years.

**Bus – Vehicle Age by Facility – Directly Operated**

Division	32-foot	40-foot	45-foot	60-foot	# of Buses	Avg. Age
1		164	8	24	196	4.5
2		181			181	6.9
3		139	30			5.0
5		120		45	165	9.5
7		112	77	25	214	8.3
8		127	33	40	200	4.9
9		172	52		224	6.1
13		53	60	69	182	7.9
15		144	42	43	229	5.6
18		121	102	24	247	6.5

Note: As of June 26, 2022

**Bus – Vehicle Age by Facility – Purchased**

Division	32-foot	40-foot	45-foot	60-foot	# of Buses	Avg. Age
95	11	22	4		37	9.7
97		70			70	3.3
98	18	23	8		49	9.9

Note: As of June 26, 2022

**Bus – Vehicle Age Summary**

	32-foot	40-foot	45-foot	60-foot	# of Buses	Avg. Age
	<b>29</b>	<b>1448</b>	<b>416</b>	<b>269</b>	<b>2,162</b>	<b>6.5</b>

Note: As of June 26, 2022

The average fleet age by Division ranges from 3.3 years for contract Division 97 to 9.5 years for directly operated Division 5. All these average ages are within 3 years for the system average. The useful life for a bus, ranges from 12 – 15 years. So, the average age of each division fleet is well within this range. In the last review, Division 97 had the oldest average fleet. Consequently, it now has the youngest fleet since it was next in line to have its fleet replaced. Within the next few years, the 32-foot and 45-foot buses will be phased out and then during the next decade, the entire bus fleet will be converted over to battery electric buses.

## **Conclusion**

In conclusion, the results of the service monitoring indicate that the adopted systemwide standards are set properly. However, Metro needs to significantly improve the systemwide bus service on time performance. Much of this should be remedied with the running time adjustments made for the June 26, 2022 service change and future NextGen capital improvement projects designed to speed up service.



**Board Report**

**File #:** 2022-0443, **File Type:** Contract

**Agenda Number:** 24.

**CONSTRUCTION COMMITTEE  
AUGUST 18, 2022**

**SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT PROJECT, PUBLIC PRIVATE PARTNERSHIP FOR SOLAR PANELS AT MAINTENANCE AND STORAGE FACILITY**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer (CEO) to award and execute a public-private partnership (P3) Contract No. PS84743000, East San Fernando Valley Light Rail Maintenance and Storage Facility Solar and Energy Storage System Public Private Partnership, for a maximum duration of 15 years, with PCS Energy LLC pursuant to Public Utilities Code Section 130242, in the amount of \$1,063,190, for Phase 1 (Preconstruction design services) subject to the resolution of any timely protest(s), if any. Pricing for Phase 2 (Finance, design, supply, installation, and commissioning) and Phase 3 (Monitor systems performance and oversight of Metro O&M activities) will be negotiated in the future with a not to exceed margin percentage of 10% and 12%, respectively; and
- B. ESTABLISHING Contract Modification Authority (CMA) for 10% of the not-to-exceed contract award value and authorizing the CEO to execute individual Contract Modifications within the CCMA and within the project budget authorization.

**ISSUE**

Pursuant to Public Utilities Code Section 130242, and with Board approval on October 28, 2021, staff solicited competitive proposals to use a P3 procurement method as an alternative delivery project method to design, build and finance a solar panel system at the maintenance and storage facility (MSF) for the East San Fernando Valley (ESFV) Light Rail Transit Project (Project). This P3 contract satisfies a federal Expedited Project Delivery Grant requirement for a P3 component to be integrated within the overall Project.

**BACKGROUND**

The Project is a light rail system that will extend north from the Van Nuys Metro G-Line station to the

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Sylmar/San Fernando Metrolink Station, a total of 9.2 miles with 14 at-grade stations. The Metro Board certified the Final Environmental Impact Report on December 3, 2020. The Project achieved a Record of Decision on January 29, 2021. Included in the Project environmental document was the initial operating segment (IOS) defined as the southern 6.7 miles of the Project alignment. The IOS is street running in the middle of Van Nuys Boulevard and includes 11 at-grade stations along with the maintenance facility. The final design for select advanced utility relocations is also being advanced. The Project includes an MSF that covers approximately 21-acres and includes several buildings that are an opportunity to implement a solar photovoltaic (PV) power system.

As the IOS was cleared and the design has advanced, the IOS portion of the Project is proceeding into the next phase of final design and construction, and the procurement process for a Progressive Design Build Contractor began in the Summer of 2022. The remaining northern 2.5-mile environmentally cleared segment is going through additional analysis as directed by the Board in December 2020 and is not included in the IOS.

In April 2021, the Board approved the ESFV Project as a priority for pursuing a grant from the Federal Transit Administration (FTA) Expedited Project Delivery (EPD) Pilot Program. In May 2022, the FTA agreed that the Project is eligible for a grant of up to \$908.7 million. The federal grant requires a P3 component to be included as part of the Project. In addition to meeting the requirements of the EPD Grant and helping to achieve sustainability objectives, this P3 contract will provide an opportunity for Metro to engage with the private sector to manage cost, schedule, and performance of the PV power system over a long-term contract.

## **DISCUSSION**

PCS Energy LLC, was selected for recommendation following the competitive P3 procurement process to provide the funds (including finance charges) for the capital costs, and be responsible for the design, procurement and installation of the solar panels, battery energy storage system and related infrastructure. Metro will use the power generated by the PV system to provide an estimated 70% of the electrical requirement for the MSF on an annual basis. Excess power not used will be stored and could provide power when weather or seasonal variability impacts solar exposure. Availability payments for the P3 contractor will include scheduled payments over the life of the contract for the capital cost and for oversight and assistance for operations and maintenance of the PV system. Availability payments will also be based on requirements for system performance, efficiency, and reliability.

Per available heat assessment data, the San Fernando Valley experiences maximum temperatures upwards of 20°F hotter than other parts of Los Angeles, and the number of days above 95°F (extreme heat days) is at least 5 times that of other, more coastal areas of the region. Metro will use the power generated by the PV system to provide an estimated 70% of the electrical requirement for the MSF on an annual basis, to ultimately operate and maintain the fleet and system, including during extreme heat or other high-energy demand events. Excess power not used will be stored and could provide power when weather or seasonal variability impacts solar exposure. The PV system will assist in California's Flex Alert when high temperatures threaten California's electric grid. The PV system will also help conserve energy when demand for power could outstrip supply, which generally

occurs during heat waves when electrical demand is at its highest.

Metro Union employees will perform operations and maintenance of the PV power system under current Metro Labor Agreements. However, the P3 contractor will work with Metro Operations to provide protocols, procedures, and guidance to oversee and assure the PV system continues to meet performance metrics over the life of the contract.

Metro's experience with this type of contract has been successful on the Metro Support Services Center (MSSC) Solar Energy & Energy Conservation Equipment Project - A Public/Private Partnership, where a similar P3 contract was used for the contractor to design and install the PV system, and Metro Labor forces provided the operations and maintenance under Metro Labor Agreements. Under the Services Center P3 contract, the contractor also provided professional guidance and training for operations and maintenance of the PV system over a long-term contract.

In addition to a price factor, the competitive solicitation included evaluation criteria structured to facilitate the selection of a qualified proposer with experience in design and construction of PV power systems, experienced technical and management personnel, demonstrated experience with third-party permitting and approvals, and proven strategies for implementing a collaborative approach.

### **DETERMINATION OF SAFETY IMPACT**

This Board action will have no adverse impacts on safety standards for Metro. The contract provisions require P3 team members to follow the direction of the Metro construction safety policies and procedures to ensure that safety is the highest priority during oversight of all phases of construction.

### **FINANCIAL IMPACT**

This Project is funded on a fiscal year basis under Project number 865521 East San Fernando Valley Light Rail Transit Corridor, cost center 8510, under various accounts including Professional/Technical Services and \$248,236,500 is included in the FY23 Adopted Budget. This is a multi-year project requiring expenditure authorizations in fiscal year increments until a Board Authorized Life of Project Budget is adopted. It is the responsibility of the Cost Center Manager, Project Manager and Chief Program Management Officer to budget for this project in the future fiscal years.

#### **Impact to Budget**

There are no impacts to the FY 23 Budget. In the future, there may be a small impact during the term of the P3 agreement to Operations eligible funding as Metro would be responsible for the operations and maintenance of the solar panels and battery energy storage system. Annual O&M costs and availability payments will be budgeted in future fiscal years.

### **EQUITY PLATFORM**

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To ensure maximum opportunity for participation on this contract, Metro staff performed extensive outreach to the small business community, including those within the Disadvantaged Business Enterprise (DBE) community. The solicitation was advertised through periodicals of general circulation (i. e., Asian Journal, LA Daily News, La Opinion, and LA Sentinel), posted on Metro's Vendor Portal, and an e-mail notice to small businesses with applicable NAICS codes. Also, a virtual Industry Outreach Event was held on December 3, 2021. The Proposal Evaluation Team was comprised of department personnel that was gender diverse. The selected firm made a DBE commitment of 8.94%. This commitment exceeds the DEOD recommended goal of 5%.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project supports the following strategic goals:

Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. The purpose of the Project is to provide high-capacity transit service in the San Fernando Valley.

Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system.

The at-grade light rail system will attract bus ridership and improve the trip experience for users of the transportation system.

Strategic Goal 3: Enhance communities and lives through mobility and access to opportunity. With 11 stations, including connections to Metro G-Line and Metrolink, the ESFV enhances mobility to the community.

Strategic Goal 4: Transform LA County through regional collaboration and national leadership. Collaboration with the elected officials, citizens, and Metro patrons of San Fernando Valley continues to positively impact the Project.

## **ALTERNATIVES CONSIDERED**

The Metro Board may reject the recommended action and direct staff to pursue a capital construction project to be designed and built by Metro. Staff does not recommend this approach, as alternatives that do not include a P3 component would impact the submitted EPD grant application. With the EPD Program funded on a first come/first-serve basis, and with limited funding authorized and appropriated by Congress, staff recommends utilizing the P3 contracting method for the Maintenance and Storage Facility Solar Panels for the ESFV Project.

## **NEXT STEPS**

Upon Board approval, staff will execute Contract No. PS84743000 with PCS Energy LLC for the East San Fernando Valley Light Rail Maintenance and Storage Facility Solar and Energy Storage System

Public Private Partnership.

**ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by:

Monica Born, Deputy Executive Officer, Program Management, (562) 524-0597

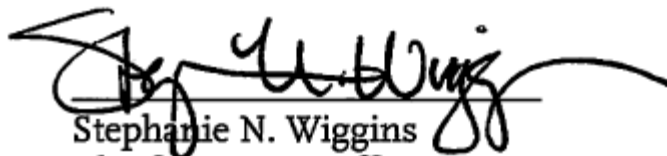
Debra Avila, Deputy Chief, Vendor/Contract Management Officer, (213) 418-3051

Reviewed by:

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James Dela Loza, Chief Planning Officer (213) 922-3038

Sharon Gookin, Deputy Chief Executive Officer (213) 922-418-3101



Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

**EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT PROJECT, PUBLIC  
PRIVATE PARTNERSHIP FOR SOLAR PANELS AT MAINTENANCE AND  
STORAGE FACILITY/PS84743000**

1.	<b>Contract Number:</b> PS84743000	
2.	<b>Recommended Vendor:</b> PCS Energy LLC	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> March 25, 2022	
	<b>B. Advertised/Publicized:</b> March 25, 30-31, 2022, and April 6, 2022	
	<b>C. Pre-Proposal Conference:</b> April 6, 2022	
	<b>D. Proposals Due:</b> May 31, 2022	
	<b>E. Pre-Qualification Completed:</b> July 14, 2022	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> June 2, 2022	
	<b>G. Protest Period End Date:</b> August 23, 2022	
5.	<b>Solicitations Picked up/Downloaded:</b>  82	<b>Bids/Proposals Received:</b>  2
6.	<b>Contract Administrator:</b> Lily Lopez	<b>Telephone Number:</b> (213) 922-4639
7.	<b>Project Manager:</b> Monica Born	<b>Telephone Number:</b> (562) 524-0597

**A. Procurement Background**

This Board Action is to approve Contract No. PS84743000 issued in support of a Public-Private Partnership (P3) for the design, build, finance, and oversight of operations and maintenance of solar photovoltaic (PV) power (commonly known as solar panels) generation system at the maintenance and storage facility for the East San Fernando Valley (ESFV) Light Rail Transit Project. Board approval of contract awards are subject to resolution of any properly submitted protest.

Prior to the release of the solicitation, Metro held a virtual Industry Outreach Event on December 3, 2021, to provide general information of the upcoming procurement opportunity and allow for prospective proposers to network and ask questions. The event also informed the small business community of the upcoming contracting opportunity and to increase and promote DBE participation.

The Request for Proposals (RFP) was issued in accordance with Metro's Acquisition Policy under a P3 firm-fixed price contract. The RFP was issued with a DBE goal of 5%

Three (3) amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on April 27, 2022, provided revisions related to the DEOD DBE Forms and Instruction to Proposers and extended the proposal due date to May 31, 2022;



- Amendment No. 2, issued on June 28, 2022, after receipt of proposals, provided revised Form 70 (Phase 2 and 3 Margin Percentage) and requested submission of best and final offers (BAFOs).
- Amendment No. 3, issued on July 8, 2022, provided revised Form 70 and Cost Allocation Matrix for Phase 2 Margin Percentage.

A virtual pre-proposal conference was held on April 6, 2022, attended by 33 participants representing 25 firms. A total of 19 questions were asked and responses were released prior to the proposal due date.

A total of 82 firms downloaded the RFP and were included in the planholders list. A total of two proposals were received on May 31, 2022, from the following firms:

- Ameresco, Inc. (Ameresco)
- PCS Energy LLC (PCSE)

## **B. Evaluation of Proposals**

A Proposal Evaluation Team (PET) consisting of staff from Metro’s Program Management, Countywide Planning, and Environmental Services Department was convened and conducted a comprehensive technical evaluation of the proposals received.

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

- |                             |           |
|-----------------------------|-----------|
| • Capability and Experience | 35 points |
| • Project Understanding     | 10 points |
| • Project Approach          | 35 points |
| • Price                     | 20 points |

The evaluation criteria are appropriate and consistent with criteria developed for other, similar solar panels generation system procurements. Several factors were considered when developing these weights, giving the greatest importance to the capability, experience and project approach. The PET evaluated the proposals according to the pre-established evaluation criteria.

In addition, the price evaluation criteria consisted of three sections with pre-established parameters to reflect the phases of the project designed to establish a level playing field and to arrive at one price that would be evaluated with the understanding that only the amount listed under Phase 1 would be used for the Contract Value (subject to clarification and/or negotiations) as follows:

1. Phase 1 Pre-Construction Lump Sum Fee;
2. Phase 2 Margin Percentage – (for evaluation purposes only) with an estimated contract price for Phase 2 of \$4,750,000;

3. Phase 3 Margin Percentage – (for evaluation purposes only) with an estimated Phase 3 contract price of \$500,000.

During the period of June 2 to June 13, 2022, the PET members independently evaluated and scored the technical proposals. Both firms were invited for oral presentations on June 21, 2022, which provided each firm the opportunity to present each team's qualifications and respond to PET's questions.

Following the interviews, the PET finalized technical scores based on both written proposals and the oral presentations. On June 22, 2022, the PET agreed that the final ranking of proposals scored PCSE's proposal as the highest ranked firm. The PET concluded that PCSE's proposal presented the highest degree of capability and experience as well as demonstrated the best understanding of the project approach.

### **Qualifications Summary of Firms:**

#### **PCSE**

Overall, PCSE demonstrated strong technical capabilities, thorough implementation plan and direct relevant experience working on similar types of projects. PCSE has applied and achieved net energy metering and interconnection agreements, including with Los Angeles Department of Water and Power (LADWP). The Project Manager and Energy Resource Manager have experience on alternative delivery projects through the concept, design and construction phases on privately finance projects of similar size. Their implementation plan showed an in-depth understanding of the project along with anticipated challenges and solutions based upon other projects. PCSE also demonstrated direct experience with transparent cost estimating and emphasized the importance of communication within their team, their client and third parties.

#### **Ameresco**

Overall, Ameresco demonstrated the technical capabilities to design and construct the project but did not demonstrate the experience of applying and achieving net energy metering and interconnection agreements with LADWP. Ameresco's Project Manager appeared to have relevant experience and the structure of the team showed an understanding of the project. The challenges and solutions presented showed Ameresco understood the key issues and approach to implementation of the project but lacked some details on collaborative, transparent pricing.

A summary of the PET scores is provided below:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>PCSE</b>				
3	Capability and Experience	77.14	35.00%	27.00	
4	Project Understanding	86.70	10.00%	8.67	
5	Project Approach	78.08	35.00%	27.33	
6	Price	100.00	20.00%	20.00	
7	<b>Total</b>		<b>100.00%</b>	83.00	<b>1</b>
8	<b>Ameresco</b>				
9	Capability and Experience	58.09	35.00%	20.33	
10	Project Understanding	80.00	10.00%	8.00	
11	Project Approach	72.86	35.00%	25.50	
12	Price	77.30	20.00%	15.46	
13	<b>Total</b>		<b>100.00%</b>	69.29	<b>2</b>

### C. Price Analysis

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

	Proposer Name	Proposal Amount	Metro ICE	Award Amount
1.	<b>PCSE</b>	\$1,063,190 (Phase 1)	\$1,180,000	\$1,063,190 (Phase 1)
		10% Margin Percentage (Phase 2)		10% Margin Percentage (Phase 2)
		12% Margin Percentage (Phase 3)		12% Margin Percentage (Phase 3)
2.	<b>Ameresco</b>	\$1,077,096.83 (Phase 1)		
		20% Margin Percentage (Phase 2)		
		8% Margin Percentage (Phase 3)		

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

The recommended firm, PCSE, located in Culver City, California, was established in 2016. PSCE operates within the Renewable Energy Semiconductor Manufacturing sector, providing services and products addressing the demand of the entire energy grid ecosystem by creating innovative electric vehicle charger solutions, demand response tools, and solar development.

PSCE has installed 200+ solar power systems in the Los Angeles area ranging from 30kW systems up to 1MW. These projects include government buildings, such as airports and other city-owned lands. Other projects are commercial, including hotel chains, factory warehouses, large multifamily buildings.

The proposed Project Manager has several years of experience in the solar development process: O&M, procurement, project development, and project management. The proposed Project Manager will be the lead project developer in the solar and storage installation.

## DEOD SUMMARY

**EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT PROJECT, PUBLIC PRIVATE  
PARTNERSHIP FOR SOLAR PANELS AT MAINTENANCE AND STORAGE FACILITY/  
PS84743000**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 5% Disadvantaged Business Enterprise (DBE) goal for this project. PCS Energy LLC exceeded the goal by making an 8.94% DBE commitment on Phase 1.

<b>Small Business Goal</b>	<b>5% DBE</b>	<b>Small Business Commitment</b>	<b>8.94%</b>
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**Phase 1:**

	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>
1.	Indian Energy, LLC	Native American	8.94%
<b>Total DBE Commitment</b>			<b>8.94%</b>

**Phase 2 & 3:**

PCS must achieve DBE participation in each of Phase 1, Phase 2, and Phase 3 by demonstrating a DBE participation percentage of greater than 0% of each of the Phase 1 Contract Price, Phase 2 Contract Price, and the Phase 3 Contract Price.

PCS Energy LLC will be required to commit to meet or exceed the DBE goal for the Project at the time of negotiation of the Implementation Supplement for the Phase 2 Work and Phase 3 Work, and prior to issuance by Metro of the Notice to Proceed for Phase 2.

If the PCS Energy LLC's DBE commitment for the Phase 2 Work and Phase 3 Work is less than the stated DBE goal, PCS Energy LLC will be required to submit at the time of Implementation Proposal submission for Phase 2 Work and Phase 3 Work, its Good Faith Efforts (GFE) documentation evidencing that it made adequate GFE to achieve the stated goal.

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

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

**C. Prevailing Wage Applicability**

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial

Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

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

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



Board Report

File #: 2022-0438, File Type: Contract

Agenda Number: 25.

**REVISED  
CONSTRUCTION COMMITTEE  
AUGUST 18, 2022**

**SUBJECT: EAST SAN FERNANDO VALLEY LIGHT RAIL TRANSIT PROJECT -  
CONSTRUCTION SUPPORT SERVICES CONTRACT**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to award and execute a seven-year contract ending in September 2029, for Contract No. AE82218, with Arcadis Mott MacDonald (AMM) ESFV LRT JV on a Cost Reimbursable Plus Fixed-Fee basis to provide Construction Management Support Services (CMSS) for the East San Fernando Valley (ESFV) Light Rail Transit Project (Project), for an amount of \$65,606,451, subject to the resolution of any timely protest; and
- B. ESTABLISHING Contract Modification Authority (CMA) for \$6,560,645 (10%) of the not-to-exceed contract award value and authorizing the CEO to execute individual Contract Modifications within the CMA and within the project budget authorization.

**ISSUE**

A CMSS is required to provide constructability review, design review support, inspection, estimating, and construction and administration support of the Project to ensure the Project is completed in compliance with contract requirements and applicable government regulations. The CMSS will also provide support for final design, pre-construction activities, administration, pre-revenue service, and contract close-out.

**BACKGROUND**

The Project is a light rail system that will extend north from the Van Nuys Metro G-Line station to the Sylmar/San Fernando Metrolink Station, a total of 9.2 miles with 14 at-grade stations. The Metro Board certified the Final Environmental Impact Report on December 3, 2020. The Project achieved Record of Decision on January 29, 2021. The Initial Operating Segment (IOS) is street running in the middle of Van Nuys Boulevard and includes 11 at-grade stations along with the Maintenance and

Storage Facility (MSF). The remaining northern 2.5-mile environmentally cleared segment is going through additional analysis as directed by the Board in December 2020 and is not included in the IOS.

The Project is currently finalizing the preliminary engineering design, with street improvements and guideway design advanced to 60 percent complete and all other design elements (stations, MSF, and systems) to 30 percent complete. Final design for select advanced utility relocations is also being advanced. The MSF is comprised of approximately 21 acres and includes several maintenance buildings where Metro will implement a solar photovoltaic (PV) power system via a Public/Private Partnership (P3).

As the IOS has been cleared and the design has advanced, the IOS portion of the Project is proceeding into the next phase of final design and construction. The IOS procurement process for a Progressive Design Build (PDB) Contractor began in July 2022. The CMSS services requested in this item will support execution of the PDB contract once it is awarded in early 2023.

### **Project Delivery Method**

The Project Delivery Method for the ESFV light rail construction Project will be PDB, a delivery method that was approved by the Board in October 2021 and will be supported by this CMSS contract. The PDB delivery method has been determined by staff to be the best delivery alternative for the Project, primarily because it is a partnership-based model that will allow Metro and the PDB team to collaborate early, progressively build up the final design of the project, and transparently negotiate the price in an open-books fashion at specific intervals of the design process until a Guaranteed Maximum Price is reached and agreed to. This method will allow Metro to leverage private sector innovation and expertise to identify efficiencies and cost saving opportunities during the next stage of design development. The CMSS consultant is a critical component of the PDB process, as the CMSS team will be providing qualified staff to assist in the PDB process including estimators, construction managers, resident engineers, and professionals experienced in alternative project delivery.

The CMSS consultant will also support the proposed P3 contract for the solar PV system at the MSF, as well as stand-alone utility relocation projects performed by third-party agencies or separate contractors.

### **DISCUSSION**

Arcadis Mott MacDonald (AMM) ESFV LRT JV, has been selected for recommendation following a competitive procurement process to provide the CMSS in support of the Project. The scope of services includes administration, inspection services, estimating, and technical support during advanced utility relocations, final design, construction, pre-revenue operations, and closeout phases of the Project. The primary role of the CMSS consultant is to provide highly skilled and qualified individuals to support and assist Metro with construction management of the Project by becoming part of a fully integrated construction management team residing in the project field



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office, under the direction of Metro Project Management. Staff augmentation by the CMSS consultant is necessary to efficiently provide resources and technical expertise that will vary throughout each phase of the Project.

The term of the contract is to support the completion of the PDB and Solar P3 contracts through construction of the projects all the way through the contract closeout process.

### **DETERMINATION OF SAFETY IMPACT**

This Board action will have no adverse impacts on safety standards for Metro. The CMSS contract will provide services that support Metro's internal safety staff on the Project. The contract provisions require CMSS consultant's team members to follow the direction of the Metro construction safety policies and procedures to ensure that safety is the highest priority during oversight of all phases of construction.

### **FINANCIAL IMPACT**

This Project is funded on a fiscal year basis under Project number 865521 East San Fernando Valley Transit Corridor, cost center 8510, under various accounts including Professional/Technical Services and \$248,236,500 is included in the FY23 Adopted Budget. This is a multi-year project requiring expenditure authorizations in fiscal year increments until a Board Authorized Life of Project Budget is adopted. It is the responsibility of the Cost Center Manager, Project Manager and Chief Program Management Officer to budget for this project in the future fiscal years and within the cumulative budget limit for the affected fiscal year.

#### **Impact to Budget**

Sources of funds for the recommended actions are a federal grant from the Federal Transit Administration (FTA) Expedited Project Delivery (EPD) Pilot Program, State Grants and Measure M 35%. These funds are not eligible for bus and rail operations.

### **EQUITY PLATFORM**

The Project study area's average transit-dependent population of 7.04 persons per acre is more than 100 percent higher than the 3.21 County average. The Project will provide new reliable service and/or infrastructure that improves passenger mobility and enhances transit accessibility/connectivity for residents within the Project study area to local and regional destinations and activity centers. This contract will facilitate Project construction and the Progressive Design/Build delivery method is not anticipated to have any adverse impacts to engagement or mitigation opportunities for the surrounding communities.

To ensure maximum opportunity for participation on this contract, Metro staff performed extensive outreach to the small business community, including those within the Disadvantaged Veterans Business Enterprise and the Small Business Enterprise programs. The solicitation was advertised through periodicals of general circulation, posted on Metro's Vendor Portal, and an e-mail notice to small businesses with applicable NAICS codes. The Proposal Evaluation Team was comprised of department personnel that were both race and gender diverse. The selected firm committed to achieving a Disadvantaged Business Enterprise (DBE) goal of 30.05% through 9 identified subcontractors. This commitment exceeds the DEOD recommended goal of 28%.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project supports the following strategic goals:

Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. The purpose of the Project is to provide a high-capacity transit service in the San Fernando Valley.

Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system. The at-grade light rail system will attract bus ridership and improve the trip experience for users of the transportation system.

Strategic Goal 3: Enhance communities and lives through mobility and access to opportunity. With 11 stations, including connections to Metro G-Line and Metrolink, the ESFV enhances mobility to the community

Strategic Goal 4: Transform LA County through regional collaboration and national leadership. Collaboration with the elected officials, citizens, and Metro patrons of San Fernando Valley continues to positively impact the Project.

### **ALTERNATIVES CONSIDERED**

The Board could direct Metro staff to perform construction support tasks with current in-house resources. However, this alternative is not recommended or feasible, as Metro does not currently have available in-house resources with expertise in the negotiation, estimation, and delivery of alternative delivery contracts such as Progressive Design-Build. The FY23 budget does include several new positions in Program Management for this project; however, these positions are primarily for Project Management, Program Controls, and Engineering and the CMSS is still required. Program Management will continue to manage the consultant/staff balance as we continue to on-board new staff and Metro full-time equivalents.

### **NEXT STEPS**

After the recommended Board actions are approved, staff will complete the process to award Contract No. AE82218.

**ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by::

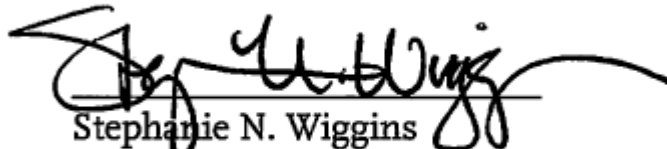
Monica Born, Deputy Executive Officer, Program Management, (562) 524-0597

Reviewed by:

Bryan Pennington, Chief Program Management Officer, (213) 922-7557

James Dela Loza, Chief Planning Officer (213) 922-2920

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



Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES CONSULTANT (CMSSC)  
FOR EAST SAN FERNANDO VALLEY (ESFV) LIGHT RAIL TRANSIT PROJECT  
CONTRACT NO. AE82218**

1.	<b>Contract Number:</b> AE82218	
2.	<b>Recommended Vendor:</b> ARCADIS MOTT MACDONALD (AMM) ESFV LRT JV	
3.	<b>Type of Procurement (check one) :</b> <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued</b> November 17, 2021	
	<b>B. Advertised/Publicized:</b> November 22, 2022 (Periodicals of General Circulation)	
	<b>C. Pre-Proposal Conference:</b> November 30, 2021	
	<b>D. Proposals Due:</b> February 10, 2022	
	<b>E. Pre-Qualification Completed:</b> July 1, 2022	
	<b>F. Organizational Conflict of Interest Review Completed by Ethics:</b> June 23, 2022	
	<b>G. Protest Period End Date:</b> Est. August 20, 2022	
5.	<b>Solicitations Picked up/Downloaded:</b> 165	<b>Proposals Received:</b> 4
6.	<b>Contract Administrator:</b> Robert Romanowski	<b>Telephone Number:</b> 213.922.2633
7.	<b>Project Manager:</b> Monica Born	<b>Telephone Number:</b> 562.524.0597

**A. Procurement Background**

This Board Action is to approve the award of Contract RFP No. AE82218 to provide construction management support services to Metro, to manage the construction contracts for the ESFV LRT including AUR (Advanced Utility Relocation) D/B/B Contract and Progressive-Design Build Construction Contract for the East San Fernando Valley (ESFV) LRT Project.

Board approval of contract awards are subject to resolution of any properly submitted protest.

The Request for Proposals (RFP) was an Architectural and Engineering (A & E) services, qualifications-based procurement process performed in accordance with Los Angeles County Metropolitan Transportation Authority (Metro) Procurement Policies and Procedures and California Government Code §4525-45429.5. The contract type is a Cost Plus Fixed Fee (CPFF) type contract for a term of seven (7) years with no options. A virtual pre-proposal conference was held on November 30, 2021, in accordance with the California Governor's Executive Order N-33-20 related to Covid-19. One Hundred Sixty-Five (165) individuals from various firms downloaded the RFP Package.

Four (4) Amendments were issued during the Solicitation phase of this RFP:

- Amendment No. 1, issued on December 16, 2021, to extend the Proposal Due Date.
- Amendment No. 2, issued on December 22, 2021, to correct DBE Goal Language in the LOI and in the DEOD Instructions to Proposers, delete requirement for Contractor Outreach Mentoring Plan (COMP); and clarify which Volume of the Proposal shall contain certain required Exhibits
- Amendment No. 3, issued on January 20, 2022, to Extend the Proposal Due Date and issue Metro’s Staffing Plan of 155.3 FTEs for the Key and Required Personnel for Proposers’ use in submitting VOLUME III – Cost and Fee Proposal.
- Amendment No. 4, issued on January 28, 2022, to extend the Proposal Due Date one final time to February 10, 2022.

A total of four (4) proposals were received on February 10, 2022, from the following firms, in alphabetical order:

1. ARCADIS MOTT MACDONALD (AMM) ESFV LRT JV
2. JOINT VENTURE OF DESTINATION ENTERPRISES, MACE GROUP, AND COMTECH GROUP (DMC-JV)
3. KLEINFELDER, INC.
4. PGH WONG ENGINEERING, INC.

All four (4) of the Proposals were responsive to the requirements of the RFP Documents, including all four (4) amendments.

**B. Evaluation of Proposals**

The Proposal Evaluation Team (PET) was comprised of representatives from the following departments: Countywide Planning, Finance & Budget, and Program Management Department. The PET conducted a comprehensive evaluation of the proposals received.

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

- Experience and Capabilities of the Firms on the Proposer’s Team (15%)
- Personnel’s Skills and Experience (30%)
- Approach to Team Management (20%)
- Approach to Implementation (35%)

Total 100%

The evaluation criteria are appropriate and consistent with criteria developed for other similar A & E procurements. Several factors were considered when

developing the weightings, giving the greatest importance to the Personnel's Skills and Experience and Approach to Implementation.

This is an A & E qualification-based procurement; therefore, price cannot and was not used as an evaluation factor pursuant to state and federal law.

**Qualifications Summary of Recommended Consultant:**

The evaluation performed by the PET determined, in accordance with the evaluation criteria established in the RFP, that the proposal from ARCADIS MOTT MACDONALD (AMM) ESFV LRT JV demonstrated outstanding competence and professional qualifications for the best performance of the services required and is determined to be the most qualified proposer. What distinguished ARCADIS MOTT MACDONALD (AMM) ESFV LRT JV was the demonstrated extensive technical expertise of the proposed Key Personnel and Required Personnel's Skills and Experience to perform Construction Management Support Services, that it is well versed in providing the Scope of Services related to this contract, and has the capabilities to provide staffing for the type of work that exceed what is required under this contract.

Furthermore, ARCADIS MOTT MACDONALD (AMM) ESFV LRT JV demonstrated an Approach to Implementation that indicates an exceptional, thorough, and comprehensive understanding of the Project goals, resources, and schedules essential to the performance of the Contract to accomplish the Scope of Services as reflected in the weighted criteria.

The scoring was based on evaluation of the written proposals received from the Proposers and Oral Presentations. All four Proposers participated in Oral Presentations to the PET on May 13, 2022. The results of the final scoring are shown below, in rank order:

Firm	Average Score	Factor Weight	Weighted Average Score	Rank
<b>ARCADIS MOTT MACDONALD (AMM) ESFV LRT JV</b>				
Experience and Capabilities of the Firms on the Proposer's Team	90.40	15%	13.56	
Personnel's Skills and Experience	90.17	30%	27.05	
Approach to Team Management	90.80	20%	18.16	
Approach to Implementation	92.20	35%	32.27	
<b>Total</b>		<b>100.00%</b>	<b>91.04</b>	<b>1</b>

<b>PGH WONG ENGINEERING, INC.</b>				
Experience and Capabilities of the Firms on the Proposer's Team	88.60	15%	13.29	
Personnel's Skills and Experience	86.20	30%	25.86	
Approach to Team Management	86.30	20%	17.26	
Approach to Implementation	89.40	35%	31.29	
<b>Total</b>		<b>100.00%</b>	<b>87.70</b>	<b>2</b>
<b>KLEINFELDER, INC.</b>				
Experience and Capabilities of the Firms on the Proposer's Team	82.80	15%	12.42	
Personnel's Skills and Experience	81.53	30%	24.46	
Approach to Team Management	79.10	20%	15.82	
Approach to Implementation	88.14	35%	30.85	
<b>Total</b>		<b>100.00%</b>	<b>83.55</b>	<b>3</b>
<b>JOINT VENTURE OF DESTINATION ENTERPRISES, MACE GROUP, AND COMTECH GROUP (DMC-JV)</b>				
Experience and Capabilities of the Firms on the Proposer's Team	79.00	15%	11.85	
Personnel's Skills and Experience	80.67	30%	24.20	
Approach to Team Management	80.20	20%	16.04	
Approach to Implementation	80.48	35%	28.17	
<b>Total</b>		<b>100.00%</b>	<b>80.26</b>	<b>4</b>

Note: All Scores rounded to the second decimal.

## C. Cost Analysis

A cost analysis of the elements of cost including labor rates, indirect rates and other direct costs was completed in accordance with Metro's Procurement Policies and Procedures, including fact-finding, clarification and cost analysis and the cost factors were determined to be fair and reasonable. Metro negotiated and established indirect cost rates and as appropriate provisional indirect (overhead) rates, plus a fixed fee factor to establish a fixed fee amount based on the total estimated cost of performance of the Scope of Services, during the contract term.

Audits will be completed, where required, for those firms without a current applicable audit of their indirect cost rates, other factors, and exclusion of unallowable costs, in accordance with Federal Acquisition Regulation (FAR) Part 31. In order to prevent any unnecessary delay in contract award, provisional overhead rates have been established subject to retroactive Contract adjustments upon completion of any necessary audits. In accordance with FTA Circular 4220.1.f, if an audit has been performed by any other cognizant agency within the last twelve-month period, Metro will receive and accept that audit report for the above purposes rather than perform another audit.

<b>Proposer: ARCADIS MOTT MACDONALD (AMM) ESFV LRT JV</b>			
<b>Contract Duration</b>	<b>Cost Proposal Amount</b>	<b>Metro ICE</b>	<b>NTE Funding Amount</b>
Base Period – 7 Years	\$60,508,189 <sup>(1)</sup>	\$56,448,898 <sup>(2)</sup>	\$65,606,451 <sup>(3)</sup>

Notes:

- (1) This is a Cost Plus Fixed Fee (CPFF) Contract with no definable level of effort for the Scope of Services at the time of proposal. In order for Metro to perform the cost analysis, Proposers submitted a cost proposal amount for the standardized level of effort based on Metro's Staffing Plan issued in Amendment No. 3 of the RFP, for the Key and Required Personnel which the most qualified Proposer estimated at 1,860 hours for each of the 155.3 Full Time Equivalents (FTEs), totaling 288,858 labor hours.
- (2) The Independent Cost Estimate (ICE) was established based on the same Staffing Plan of 155.3 FTEs, but Metro estimated the FTEs at 1,920 hours for a total of 298,176 labor hours for the Scope of Services developed for the Contract. The ICE is based on only estimated direct labor hourly rates for the Consultant, estimated overhead rates, estimated Subcontractors' costs, estimated other direct costs, and estimated fixed fee factor.
- (3) During negotiations, the labor hours per FTE were standardized at 1,920 hours, resulting in agreement on a total estimated level of effort of 298,176 labor hours for the Key and Required Personnel. Direct labor hourly rates are supported by payroll data validated by Metro; overhead rates for the JV Partners are based on current FAR Part 31 compliant audits submitted by the Proposer during negotiations; and other direct costs and fixed fee amount were negotiated and determined to be fair and reasonable. The additional 9,318 labor hours required by Metro to perform the Scope of Services at actual, validated labor and overhead costs is why the negotiated final amount is higher than both the Cost Proposal Amount and the ICE. The final amount of **\$65,606,451** is the requested NTE for the total cost of the agreed estimated level of effort required to perform the Scope of Services by the Consultant and sub-consultants for the base term of the contract.



#### **D. Background on Recommended Consultant**

ARCADIS U.S., Inc., JV Partner of ARCADIS MOTT MACDONALD (AMM) ESFV LRT JV, with local office in Los Angeles, provide a full spectrum of consulting, design, engineering, project and construction management services related to infrastructure, environment, and waste solutions in the public and private business sectors. The Company is a Delaware corporation and maintains offices throughout the United States, including several in the greater-Los Angeles area. ARCADIS U.S., Inc. is a wholly owned subsidiary of its ultimate parent entity, ARCADIS N.V., a leading global design and consultancy organization for natural and built assets headquartered in the Netherlands. ARCADIS N.V. is a publicly traded company with its shares traded on the EuroNext exchange. ARCADIS US Inc. has significant experience specifically related to providing and construction support for large capital projects. ARCADIS has four active contracts with LA Metro, three as a prime: Construction Claims Management, Regional Connector Construction Management and Environmental Operations Support and AST/UST Management. ARCADIS is providing the Principal in Charge for this Contract.

MOTT MACDONALD GROUP, a JV Partner of ARCADIS MOTT MACDONALD (AMM) ESFV LRT JV, with local office in Los Angeles, is also a publicly traded company headquartered in the U.K. with experience in architecture, engineering, construction management, and construction management support services including two active contracts with LA METRO, both as a prime: Construction Management Support Services for Section Three of the D Line Extension (WPLE3), and Supplemental Engineering Services (SES) including design, engineering, and design support services during construction for the Metro G Line Bus Rapid Transit Improvements Project. MOTT MACDONALD GROUP is providing the Project Manager for this Contract.

**DEOD SUMMARY**

**CONSTRUCTION MANAGEMENT SUPPORT SERVICES CONSULTANT (CMSSC)  
FOR EAST SAN FERNANDO VALLEY (ESFV) LIGHT RAIL TRANSIT PROJECT  
CONTRACT NO. AE82218**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 28% Disadvantaged Business Enterprise (DBE) goal for this solicitation. Arcadis Mott MacDonald (AMM) ESFV LRT JV exceeded the goal by making a 30.05% DBE commitment.

<b>Small Business Goal</b>	<b>28% DBE</b>	<b>Small Business Commitment</b>	<b>30.05% DBE</b>
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	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>
1.	AIM Consulting Services	Caucasian Female	1.54%
2.	American Safety Group	Hispanic American	3.02%
3.	Baryeh Construction	African American	7.91%
4.	Kelly McNutt Consulting	Caucasian Female	3.56%
5.	Material Culture Consulting	Caucasian Female	0.00%*
6.	MTGL, Inc.	Hispanic American	1.82%
7.	Steiner Consulting Inc.	Caucasian Female	4.53%
8.	Suenram Associates, Inc.	Caucasian Female	2.36%
9.	The Sierra Group	Hispanic American	5.31%
<b>Total DBE Commitment</b>			<b>30.05%</b>

**\* Firm was listed in AMM's proposal with zero commitment as a non-DBE. Although, DEOD's review determined that Material Culture Consulting is DBE certified, the firm is not part of the Proposer's dollar commitment. Only DBE firms listed with dollar commitments are calculated toward the goal.**

**B. Contracting Outreach and Mentoring Plan (COMP)**

COMP is not applicable for this A&E contract. In accordance with the California Government Code Section 4525, et seq., Metro shall use qualifications-based competitive procedures for the procurement of architectural and engineering services, as defined in the code. Only a competitor's qualifications to perform the architectural and engineering services are to be evaluated and the most qualified proposing firm to be selected.

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

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

**D. Prevailing Wage Applicability**

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

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

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



**Board Report**

**File #:** 2022-0440, **File Type:** Contract

**Agenda Number:** 26.

**CONSTRUCTION COMMITTEE  
AUGUST 18, 2022**

**SUBJECT: METRO G LINE BUS RAPID TRANSIT IMPROVEMENTS PROJECT**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a firm fixed price Contract No. PS85661000 to Valley Transit Partners, for Phase 1 Preconstruction Services of the Progressive Design-Build contract for the Metro G Line Bus Rapid Transit Improvements Project (Project) in the amount of \$43,997,256, subject to the resolution of protest(s) if any;
- B. ESTABLISH a Preconstruction Phase-of-Project Budget (Preconstruction Budget) for the Project in the amount of \$149,683,000; and
- C. NEGOTIATE and EXECUTE all project-related agreements and modifications to existing contracts within the authorized Preconstruction Budget.

**ISSUE**

Staff is seeking the Board's approval for two items: (1) to award a Progressive Design-Build firm fixed price Contract No. PS85661000 to Valley Transit Partners in the amount of \$43,997,256; and (2) to establish a Preconstruction Budget in the amount of \$149,683,000. The Preconstruction Budget is inclusive of all previously awarded contracts, incurred expenses to date of \$30,145,000, and anticipated additional preconstruction activities performed by existing professional services contracts for the Project, all as summarized in the expenditure and funding plan for the Preconstruction Budget as shown in Attachment A.

**BACKGROUND**

The Project seeks to provide safe and cost-effective improvements to the operating speeds, capacity, and safety of the existing G Line busway while addressing passenger needs and minimizing disruption to the San Fernando Valley residents. The proposed improvements include grade

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separations over Van Nuys Boulevard and Sepulveda, enhanced signal priority technology, electronic bus connectivity, and a four-quadrant railroad style gating system. The proposed gating-system is intended to reduce incidents between vehicles and Metro buses and increase the speeds of buses along the corridor which will reduce travel times for riders. The Project is a Measure M deliverable, with an anticipated revenue date of July 2026.

In March of 2020 the Board approved the use of Progressive Design-Build for this Project. In order to move the Project through the Preconstruction Phase of the Progressive Design-Build process, the Project will utilize the Progressive Design-Build contract that is the subject of this action, and will continue to utilize support from previously awarded and existing contracts, agreements, and Metro labor, as listed below and further explained in Attachment A:

- Measure W Stormwater Infiltration scope using the as needed CEQA/NEPA support services contract with ICF to revalidate CEQA to ensure staff are meeting grant funding requirements (Contract No. PS20111 Board Report 2016-0887 - \$2,394,000);
- Construction Support Services from PMA Consultants LLC which was the first medium sized business set aside professional services contract (Contract No. PS70129 Board Report 2021-0362 \$3,967,000);
- As needed program management support services provided by KTJV's on call support contract (Contract No. AE35279 Board Report 2017-0188 - \$3,950,000);
- Supplemental engineering support during the PA&ED and the ongoing PS&E phase with Mott MacDonald (Contract No. AE36687 Board Report 2017-0262 \$12,686,000); and
- Metro Labor (\$10,649,000), Right of Way Acquisitions (\$2,394,000), Third Party costs with the City of Los Angeles and local utilities (\$3,558,000), and Legal Support (\$1,509,000).

## **DISCUSSION**

Progressive Design-Build is a delivery method wherein the Contractor and their designer are brought in early to progress design and evaluate constructability of a project from approximately 30% design to approximately 80-90% design. Through the development of design, the Contractor becomes knowledgeable about the details of the Project, most important of which is the Project risks and risk mitigation strategies. The Contractor will provide cost estimates throughout the design development process and at each major milestone of the Project.

Progressive Design-Build works best on projects with sequence and schedule sensitivities and where design is complex, difficult to define, and/or subject to change. Those criteria exist on the subject Project due to the interfaces with other transit projects that are currently in the planning stages (and therefore are subject to design and schedule changes), emerging technology elements related to the crossing gates, and necessary interfaces with third party stakeholders. Utilizing the Progressive Design-Build delivery method will provide for the efficient management of risks, appropriate collaboration with the selected qualified contractor to deliver a complex project, and the optimization of interface management between internal Metro departments, other projects, and third-party stakeholders. Progressive Design-Build is one of the strategies being applied by the Program Management Department to address Project risks and current cost escalation trends in the construction industry.

The Progressive Design-Build contract for the Project will be delivered in two phases, as described in more detail below:

- Phase One Preconstruction Services (Phase One) expressly sets out the work that the Contractor will perform, such as design and early works construction packages. Phase One also establishes the performance and outcome-based specifications for Phase Two Construction (Phase Two). All Phase One work is performed within the Board approved Preconstruction Budget.
- Upon issuance of Notice to Proceed (NTP) for Phase One, the Contractor and Metro will work side by side to review constructability, undertake value engineering and innovation tasks, conduct site investigations, assess market conditions, provide cost estimates, perform risk assessments, and develop a design and construction schedule for the Project.
- Throughout Phase One, the Contractor will provide Metro with Opinions of Probable Construction Cost (OPCC) which are open book detailed cost estimates that will enable staff to evaluate the overall projected Project costs against the Project budget and make necessary adjustments to scope and/or schedule that protect the affordability of the Project.
- To optimize the Project schedule, early work packages for discrete scopes of work included in Phase Two may be defined and Metro and the Contractor may agree to firm pricing, after which Metro may issue NTP prior to issuance of the full Phase Two NTP. Examples of these early works packages may include gating proof-of-concepts, gated intersection design, operations and maintenance plans, and early electrical equipment installations. A line item for early works packages is included within Attachment A.
- If a final negotiated OPCC is reached, staff will seek Board approval to award all of Phase Two work to the Contractor. If a final OPCC cannot be reached, Metro will have the option to terminate the contract with the Contractor and package the design documents into a separate bid package. This off-ramp will be available to Metro throughout the course of Phase One and will be evaluated at each OPCC.
- Throughout Phase One negotiations, the following parameters will be maintained to mitigate discrepancies and lead to a positive outcome:
  - the Contractor's fee and margin originally proposed will be retained in all OPCCs;
  - if Metro and the Contractor cannot reach an agreement on the Phase Two pricing and terms, Metro may exercise its right to "off-ramp" as described above, ensuring accountability for the Contractor to effectively work with Metro through all phases;
  - the Phase One specification sets out the form and frequency of OPCCs to provide for multiple checkpoints for Metro;
  - the Progressive Design-Build contract sets out the form of the price proposal for Phase Two and the information that the Contractor is required to submit;
  - the Progressive Design-Build contract sets out a clear governance structure for managing Phase One, including establishment of working groups that include members from Metro, the Contractor team and any relevant third parties; and

- the process for establishing all OPCCs will employ transparent open-book methods and the use of independent cost estimates to enable validation of pricing.
- Phase Two work begins upon successful negotiations for all work associated with the Project and includes constructing all work not included in Phase One or early works packages. When the Project proceeds into Phase Two, staff will return to the Board to set the Life of Project budget (LOP). The LOP will be inclusive of all previous costs, including the Preconstruction Budget and the negotiated final price for all Phase Two work. Board approval of the LOP and a successfully negotiated construction contract with Metro allows the Contractor to proceed into Phase Two .

As an essential element of the Preconstruction Phase, staff recommends the award of a firm fixed price contract for the Project for the Phase One Preconstruction Services as further explained in the Procurement Summary in Attachment B and DEOD Summary in Attachment C.

### **DETERMINATION OF SAFETY IMPACT**

The recommended Board action will have no detrimental safety impact.

### **FINANCIAL IMPACT**

The funds required in FY23 for the preconstruction work are included in the adopted budget under project 871405. This is a multi-year project and with Board approval, budgeting for the future fiscal years (FY24, FY25, and FY26) will be the responsibility of the Project Manager, Cost Center Manager, and the Chief Program Management Officer.

### **Impact to Budget**

The award and execution of the Progressive Design-Build Contract and all necessary support costs for the Preconstruction Budget are funded with Measure M 35% Construction, as well as a \$30M Measure W Grant from the County of Los Angeles. The Funding and Expenditure Plan for this Project from inception to Preconstruction is included in the Expenditure and Funding Table, provided as Attachment A. The funding sources - Measure M 35% Construction, SB1 LPP, and Measure W - are not eligible for Metro bus and rail operations.

### **EQUITY PLATFORM**

The Project, which passes through or is adjacent to 18 Equity Focused Communities, will improve transit passenger experience and pedestrian safety through the construction of grade separations, vehicle and pedestrian crossing gates, first/last mile improvements, and ADA accessible features along the entire G Line alignment. More than 80% of riders connect to bus transit by walking, and the improved ADA curb ramps, and pedestrian crossing gates will create a more positive experience for both patrons and pedestrians. The end to end run time will be reduced by more than 15 minutes through signal priority, separating the alignment from traffic at Van Nuys Boulevard and Sepulveda Boulevard, and installing gates at the intersections. Impacts to the community due to this action will

primarily be realized during the construction phase, where noise and vibration pollution and construction traffic may create an unpleasant and sometimes untenable situation for individuals near the alignment, and bus and bicycle path detours will create delays and confusion for some patrons. Additional consideration will be given to the potential impacts created by bus and bike detours, and lessons learned will be drawn from the recent A Line and L Line bus detours, such as proper and timely notification provided in multiple languages, concise and prominently located signage, and having Metro Ambassadors to minimize impacts related to the disruption.

To ensure maximum opportunity for participation on this contract, Metro staff conducted an industry forum that included extensive outreach to the small business community, including those within the Disabled Veterans Business Enterprise and the Small Business Enterprise programs. The solicitation was available for download from Metro's Vendor Portal, was advertised in four leading publications within Los Angeles County (Los Angeles Daily News, Watts Times, La Opinion and the Asian Journal), and notifications were sent to small businesses based on applicable North American Industry Classification System (NAICS) codes. The Proposal Evaluation Team was comprised of personnel from various Metro Departments that was gender diverse and have relevant background and experience. The selected firm made an SBE commitment of 18.35% and a DVBE commitment of 3.73%. This commitment exceeds the DEOD goal of 17% SBE and 3% DVBE.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project supports the following strategic goals:

Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling.

One of the Project's main objectives is to reduce end to end travel times on the G Line.

Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system.

The addition of safety features and the reconstruction of stations at Van Nuys and Sepulveda will improve the trip experience for users of the transportation system.

Strategic Goal 4: Transform LA County through regional collaboration and national leadership.

Collaboration with the elected officials, citizens, and Metro patrons of San Fernando Valley continues to positively impact the Project.

## **ALTERNATIVES CONSIDERED**

The Board may choose not to move forward with award of the contract and establishment of the Preconstruction Budget. This is not recommended as Metro will incur undesirable schedule delays and cost increases if the Project does not move forward. Furthermore, delay to the Project will have detrimental effects on the available LPP funding dollars.



**NEXT STEPS**

After Board approval, staff will execute Contract No. PS85661000 with Valley Transit Partners to begin Phase One work. As the design nears completion level and assuming successful OPCC negotiations for Phase Two work, staff will return to the Board for approval of an LOP budget and seek further authority for the Chief Executive Officer to execute project agreements and contract modifications within the LOP budget.

**ATTACHMENTS**

Attachment A - Expenditure and Funding Plan

Attachment B - Procurement Summary

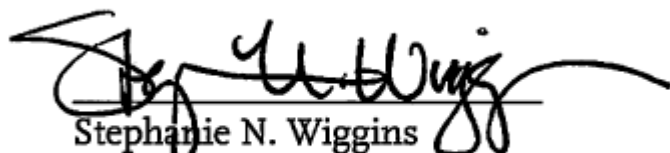
Attachment C - DEOD Summary

Prepared by: Brad Owen, Executive Officer, Program Management (213) 418-3143

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Stephanie N. Wiggins  
Chief Executive Officer

**Attachment A - Expenditure and Funding Plan**  
**Metro G Line BRT Improvements Project Preconstruction Budget**

Use of Funds	Total (million)	Inception Thru FY 22 (million)	FY 23 (million)	FY 24 (million)
<b>August 2022 Progressive Design Build Contract Award</b>				
<b>Phase 1 - Preconstruction Services</b>	\$ 43.997		\$ 21.999	\$ 21.999
<b>Additional Preconstruction Activities</b>				
<b>PDB Identified Early Works Packages</b>	\$ 48.008	\$ -	\$ 9.602	\$ 38.406
<b>Agency Labor Costs</b>	\$ 10.649	\$ 6.614	\$ 2.421	\$ 1.614
<b>Right of Way Acquisition</b>	\$ 2.283	\$ 0.101	\$ 2.182	\$ -
<b>Measure W - Storm Water Infiltration</b> <i>(previously awarded)</i>	\$ 2.394	\$ 0.133	\$ 1.356	\$ 0.905
<b>Third Party</b> <i>(previously awarded)</i>	\$ 9.374	\$ 5.815	\$ 2.135	\$ 1.423
<b>Construction Support Services</b> <i>(previously awarded)</i>	\$ 3.967	\$ 0.677	\$ 1.974	\$ 1.316
<b>Other Professional Services</b> <i>(previously awarded)</i>	\$ 5.459	\$ 4.119	\$ 0.804	\$ 0.536
<b>Engineering Services for Project through FY22</b>				
<b>PA&amp;ED Support</b> <i>(previously awarded)</i>	\$ 0.966	\$ 0.966		
<b>PS&amp;E Support</b> <i>(previously awarded)</i>	\$ 11.720	\$ 11.720		
<b>Contingency</b>				
<b>Contingency (10%)</b>	\$ 10.867		\$ 4.247	\$ 6.620
<b>Total Preconstruction Services Budget</b>	\$ 149.683	\$ 30.145	\$ 46.720	\$ 72.819
<b>Source of Funds</b>				
<b>LACMTA Measure M Funds</b>	\$ 147.289	\$ 30.013	\$ 45.364	\$ 71.914
<b>Measure W (Stormwater Infiltration)</b>	\$ 2.394	\$ 0.133	\$ 1.356	\$ 0.905
<b>SB1 LPP (for Construction)</b>				
<b>Total Preconstruction Phase Funding</b>	\$ 149.683	\$ 30.145	\$ 46.720	\$ 72.819

**PROCUREMENT SUMMARY  
G-LINE BRT IMPROVEMENTS PROJECT/PS85661000**

1.	<b>Contract Number: PS85661000</b>	
2.	<b>Recommended Vendor:</b> Valley Transit Partners	
3.	<b>Type of Procurement (check one):</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> IFB <input type="checkbox"/> IFB-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> February 10, 2022	
	<b>B. Advertised/Publicized:</b> February 16, 2022, and February 17, 2022	
	<b>C. Pre-proposal/Pre-Bid Conference:</b> February 22, 2022	
	<b>D. Proposals/Bids Due:</b> May 2, 2022	
	<b>E. Pre-Qualification Completed:</b> June 30, 2022	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> May 4, 2022	
	<b>G. Protest Period End Date:</b> August 22, 2022	
5.	<b>Solicitations Picked up/Downloaded:</b> 229	<b>Bids Received:</b> 4
6.	<b>Contract Administrator:</b> Aielyn Dumaua	<b>Telephone Number:</b> (213) 922-7320
7.	<b>Project Manager:</b> Annalisa Murphy	<b>Telephone Number:</b> (213) 922-2143

**A. Procurement Background**

This Board Action is to approve the award of Contract No. PS85661000 to Valley Transit Partners to provide G-Line Bus Rapid Transit (BRT) Improvements Project (“G-Line Project”) under a progressive design-build contract. Board approval of contract award is subject to the resolution of any properly submitted protest.

In March 2021, the Board authorized the use of alternative delivery methods, including progressive design-build, for the G-Line Project to achieve certain private-sector efficiencies in the integration of design, project works, and other components, pursuant to Public Utilities Code (PUC) Section 130242 (file 2020-0884). The Board also approved the competitive solicitation of a progressive design-build contract to achieve the proposed design approach, specific project features and functions, and other project criteria in addition to price, pursuant to PUC 130242(e).

Prior to the release of the solicitation, Metro conducted an Industry Review in November 2021 to give firms interested in the project the opportunity to review and submit written comments on the draft RFP and progressive design-build contract for the G-Line Project and request one-on-one meetings with Metro to discuss the proposed project delivery approach. The one-on-one meetings were held virtually on December 20, 2021, and December 21, 2021, and were participated by five (5) firms. Metro responded to a total of 193 industry review comments/questions.

On February 10, 2022, RFP No. PS85661 was issued as a competitive procurement in accordance with Metro’s Acquisition Policy and the contract type is a progressive

design build. Work under the Contract is intended to be delivered in two phases, as follows:

- Phase 1 - Pre-construction services; and
- Phase 2 - Final design development and construction services.

If it is in the best interest of Metro and the general public for the Contractor to continue to complete the design development and undertake the construction of the Project, Metro will issue a Notice to Proceed for the Phase 2 work upon acceptance of the Contractor's phase 2 proposal. In the spirit of expanding competition, Metro had not determined the gating and signal pre-emption technology for the Project. Therefore, firms were encouraged to propose innovation and cost savings measures across the full breadth of the scope of work that will assure that Metro receives value for money for the Phase 2 Contract Price, and cost-effectiveness throughout construction.

The RFP was issued with the following Small Business Enterprise (SBE) and Disabled Veteran Business Enterprise (DVBE) goals and is subject to Metro's Contract Outreach and Mentoring Plan (COMP) and a Small Business Engagement Outreach Plan (EOP).

Phase 1 - 17% SBE and 3% DVBE goal for Phase 1 of the Contract

Phase 2 - Range of 15% to 30% of the Phase 2 Contract Price for Phase 2 Work

Five amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on March 4, 2022, revised Form 063 – Proposer's Industrial Safety Record to require disclosure of Proposer's current year's safety record.
- Amendment No. 2, issued on March 23, 2022, provided revisions to various sections of the RFP and Contract including RFP Appendices A (Definitions and Interpretation), C (Administrative Submittals), D (Phase 1 Proposal Instructions), E (Price Proposal Instructions-Cost Allocation Matrix), and G (Reference Documents); and Contract Exhibits 1 (Definitions), 3 (Project Requirements) and 11 (Form of Phase 2 Proposal).
- Amendment No. 3, issued on March 25, 2022, provided revisions to various sections of the RFP and Contract, including RFP Appendices E and G; and Contract Exhibit 3.
- Amendment No. 4, issued on March 30, 2022, extended the proposal due date.
- Amendment No. 5, issued on April 14, 2022, provided revisions to various sections of the RFP and Contract including RFP Appendices B (Summary and Checklist of Proposal Content), C, D, and E; and Contract Exhibit 3.

A virtual pre-proposal conference was held on February 22, 2022, and was attended by 163 participants.

A total of 229 firms downloaded the RFP and were included on the plan holders list. Four proposals were received by the due date of May 2, 2022, and are listed below in alphabetical order:

1. Bechtel-Griffith, JV
2. Herzog/Rados, A Joint Venture
3. Valley Transit Partners
4. Skanska USA Civil West California District Inc.

## **B. Evaluation of Proposals**

A Proposal Evaluation Team (PET) consisting of staff from Alternative Delivery/ Construction Management, Systems Engineering, Project Engineering, and Mobility Corridors Team convened and conducted a comprehensive technical evaluation of the proposals received. In addition, a subject matter expert (SME) from Metro's Corporate Safety and DEOD offered the PET a technical analysis of the Proposers' safety record, safety program, approach to risk management; and approach to engagement and outreach to small and disadvantaged business communities.

Proposals were evaluated based on the following evaluation criteria stated in the RFP:

- |                             |           |
|-----------------------------|-----------|
| • Capability and Experience | 35 points |
| • Project Understanding     | 10 points |
| • Project Approach          | 35 points |
| • Price Proposal            | 20 points |

Several factors were considered in developing these weights, giving the greatest importance to capability and experience, and project approach. As noted above, to maximize potential competition and innovation, Metro did not specify a required gating and signal pre-emption technology for the Project. Therefore, firms were encouraged to propose innovation and cost savings measures across the full breadth of the scope of work and assure that Metro receives value for money for the Phase 2 Contract Price and cost-effectiveness throughout construction. Proposers were also asked to identify risks, challenges, and opportunities of the Project and how their experience on other projects can be utilized to address the major elements of the G-Line Project scope that will require focus and present the greatest risk to the successful delivery of the G-Line Project. Finally, firms were encouraged to demonstrate how their qualifications and experience on comparable projects (or comparable elements of projects), would support their approach to successfully deliver the project.

In addition, the price evaluation criteria consisted of five sections with pre-established parameters to reflect the phases of the project designed to establish a

level playing field and to arrive at one price that would be evaluated with the understanding that only the amount listed under Phase 1 would be used for the Contract Value (subject to clarification and/or negotiations) as follows:

1. Phase 1 Pre-Construction Lump Sum Fee;
2. Delay Compensation Rate for Phase 1 (for evaluation purposes only) in an amount no less than \$10,000 per day as a parameter;
3. Phase 2 Management Lump Sum Fee – (for evaluation purposes only);
4. Phase 2 Margin Percentage – (for evaluation purposes only);
5. Phase 2 Design Support During Construction (DSDC) – (for evaluation purposes only).

On May 4, 2022, the PET met to review the evaluation criteria package, process confidentiality and conflict of interest forms, and take receipt of the proposals to initiate the evaluation phase. Evaluations were conducted from May 4, 2022, through May 17, 2022.

On May 25, 2022, virtual and/or in-person oral presentations were held with the four firms. The project managers and key team members from each firm were invited to present their firm's respective qualifications and respond to the PET's questions. At the conclusion of the oral presentations, Valley Transit Partners was determined to be the highest-rated firm.

VTPs proposal more closely correlated its relevant design and construction experience to the G-Line Project's key objective outcomes: improving operational speeds, capacity/ridership/throughput, connectivity, safety, allowing for future conversion to light rail, and minimizing impacts to area traffic. Most significant was VTP's recent successful work in the Los Angeles region and other referenced projects, demonstrating VTPs depth of knowledge and expertise in the design and construction of all key elements of the G-Line Project, particularly on gating technology/signal preemption applied to Bus Rapid Transit (BRT), which is a key component of achieving the project outcomes. VTP also outlined innovative cost savings solutions, such as allowance agreements, performance incentives, and risk sharing arrangements, that would also promote efficiency, improved productivity, and ultimately provide added value to Metro. Reference checks conducted by Metro staff revealed consistent high-performance ratings in terms of quality, innovation, schedule adherence, minimizing claims, personnel, and partnership.

### **Qualifications Summary of Proposers:**

#### **Bechtel-Griffith JV**

Bechtel-Griffith JV (BGJV) is a partnership between Bechtel Infrastructure Corporation (Bechtel), the managing partner, and Griffith Company. The BGJV is supplemented by three key subconsultants: TY Lin International, a global, multi-disciplinary infrastructure services firm that provides a range of planning, design,

construction, and project management services to the aviation; bridge; facilities; mobility, planning, and management; ports and marine; rail and transit; and surface transportation industries; L.K. Comstock National Transit, LLC, a subsidiary of RailWorks, is a transit rail systems specialty electrical contractor; and B&C Transit a subsidiary of Alstom, provides automated train control design, technical engineering, system installations, field testing, networked and stand-alone control, office monitoring systems, station communications, and design-build engineering. Collectively, reference projects include the Metro Sepulveda Transit Corridor Project, E street BRT with the San Bernardino County, Metro Orange Line Extension, Metro Exposition 2, Metro Blue Line Re-Signaling, and Dallas Area Rapid Transit (DART) Blue Line Extension to Rowlett.

### **Herzog/Rados, A Joint Venture**

Herzog/Rados, A Joint Venture (HRJV) is comprised of Herzog Contracting Corp. (Herzog) and Steve P. Rados, Inc. (Rados). Herzog, the lead JV partner, brings over 30 years of experience constructing light rail and modern streetcar projects, including eight Metro rail transit projects while Rados has a 100-year construction presence in California and a long history of building complex highway and heavy civil projects for Los Angeles Department of Transportation (LADOT) and Caltrans along with Metro experience with the delivery of the Expo Phase 2 LRT DB project. The HRJV team includes STV Incorporated (STV), the lead designer and three (3) technology-specialist subcontractors: C3M Power Systems (C3M), Herzog Technologies, Inc. (HTI), and Thompson Technologies, Ltd. will support STV with the detailed gate crossing technology. Collectively, reference projects of the HRJV Team include Brightline High-Speed Rail Project - Phases 1 and 2, Expo Phase 2 LRT Design-Build, Virginia Department of Transportation GRTC Pulse BRT Design-Build, and Charlotte Area Transit System LYNX Blue Line Extension Light Rail Project.

### **Skanska USA Civil West California District Inc.**

Skanska USA Civil West California District, Inc. (Skanska) headquartered in Riverside, CA, was incorporated in 2020 and provides construction services. It constructs highways, streets, roads, airport runways, sidewalks, and bridges. Its team includes AECOM Technical Services, Inc. (AECOM) as the lead designer. Skanska and AECOM's history of partnering on alternative delivery projects in Southern California include the Expo Phase 2, I-210 Iconic Bridge, Regional Connector, Mid-Coast Corridor, and I-805 HOV/BRT projects. Its team also handled, developed, and performed pilot programs of novel technologies to demonstrate a Concept of Operations for the Miami Dade South Corridor BRT Project.

### **Valley Transit Partners**

Valley Transit Partners (VTP) is a joint venture of Stacy and Witbeck, Inc. (Stacy and Witbeck), Flatiron West Inc. (Flatiron), and Modern Railway Systems (MRS). Stacy

and Witbeck and Flatiron are heavy civil construction companies experienced in alternative delivery of transit and transportation projects while MRS is a turn-key provider of railroad systems design and implementation and has expertise in gating technology, including directly relevant experience working on Metro's G-Line Pilot Gate Technology. The VTP team includes Parsons Transportation Group, Inc. (Parsons) as the lead designer. Collectively, reference projects include the Utah Transit Authority's FrontRunner Commuter Rail, Sonoma-Marín Area Rail Transit's SMART Commuter Rail, Miami South Dade Transitway BRT Corridor Project, BART Oakland Airport Connector, Caltrans North Coast Corridor Project, and LAX Automated People Mover. Parsons is the lead designer on the Miami South Dade Transitway BRT Project.

The following is a summary of the PET scores:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>Valley Transit Partners</b>				
3	Capability and Experience	87.86	35.00%	30.75	
4	Project Understanding	90.00	10.00%	9.00	
5	Project Approach	88.63	35.00%	31.02	
6	Price Proposal	66.70	20.00%	13.34	
7	<b>Total</b>		<b>100.00%</b>	<b>84.11</b>	<b>1</b>
8	<b>Skanska</b>				
9	Capability and Experience	78.00	35.00%	27.30	
10	Project Understanding	76.00	10.00%	7.60	
11	Project Approach	78.91	35.00%	27.62	
12	Price Proposal	100.00	20.00%	20.00	
13	<b>Total</b>		<b>100.00%</b>	<b>82.52</b>	<b>2</b>
14	<b>Herzog/Rados, A Joint Venture</b>				
15	Capability and Experience	78.42	35.00%	27.45	
16	Project Understanding	74.00	10.00%	7.40	
17	Project Approach	76.46	35.00%	26.76	
18	Price Proposal	30.50	20.00%	6.10	
19	<b>Total</b>		<b>100.00%</b>	<b>67.71</b>	<b>3</b>
20	<b>Bechtel-Griffith JV</b>				
21	Capability and Experience	66.57	35.00%	23.30	
22	Project Understanding	60.00	10.00%	6.00	
23	Project Approach	72.29	35.00%	25.30	
24	Price Proposal	64.00	20.00%	12.80	
25	<b>Total</b>		<b>100.00%</b>	<b>67.40</b>	<b>4</b>



### C. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based on adequate price competition including cost analysis, price analysis, technical analysis, and fact-finding.

<b>Proposer Name</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
Valley Transit Partners	\$46,315,349 Phase 1	\$34,373,200	\$43,997,256
	Phase 1 Delay Compensation Rate \$10,000/day		
	Phase 2 Management Lump Sum Fee \$67,710/week		
	Phase 2 Margin Percentage 10.5%		
	Phase 2 DSDC Fee 3.0%		
Skanska	\$34,753,562 Phase 1		
	Phase 1 Delay Compensation Rate \$10,000/day		
	Phase 2 Management Lump Sum Fee \$70,768/week		
	Phase 2 Margin Percentage 7.0%		
	Phase 2 DSDC Fee 2.0%		
Herzog/Rados, A Joint Venture	\$57,215,277 Phase 1		
	Phase 1 Delay Compensation Rate \$50,982/day		
	Phase 2 Management Lump Sum Fee \$93,900/week		
	Phase 2 Margin Percentage 12.0%		
	Phase 2 DSDC Fee 4.04%		
Bechtel-Griffith JV	\$49,500,000 Phase 1		
	Phase 1 Delay Compensation Rate \$25,000/day		
	Phase 2 Management Lump Sum Fee \$60,000/week		
	Phase 2 Margin Percentage 11.0%		
	Phase 2 DSDC Fee 2.0%		

Metro's independent cost estimate (ICE) was prepared using a traditional bid-build cost estimate where the design cost is calculated as a percentage of total anticipated construction costs. It did not fully consider the nuances of a progressive design-build delivery method, the Phase 1 Proof of Concept task required for gated intersections, and unique staff requirements due to the G-Line Project's aggressive schedule. Further, the ICE did not take into consideration current increases in labor rates due to labor market shortages, increasing inflation rates, and market uncertainty. All proposals received exceeded Metro's ICE.

Staff successfully negotiated \$2,318,093.00 in cost savings from VTP's proposal.

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

The recommended firm, Valley Transit Partners (VTP) is a collaboration of two major heavy civil construction companies: Stacy and Witbeck, Inc. (Stacy and Witbeck) and Flatiron West Inc. (Flatiron); and Modern Railway Systems (MRS), a turn-key provider of railroad systems design and implementation. Stacy and Witbeck, a California Corporation, is headquartered in Alameda California. It provides construction and management expertise on complex transit and transportation projects. Flatiron, a Delaware Corporation founded in Boulder, Colorado, is a subsidiary of German-based HOCHTIEF, an international construction service provider. It builds roads, bridges, rail, airports, dams, industrial, water, and underground projects from common to complex, large-scale jobs. MRS, located in Littleton, Colorado, is a wholly owned subsidiary of Stacy and Witbeck. It delivers turnkey projects, including, signaling, traction electrification, communications, security, and SCADA in the transportation industry from conceptual design through certification of installed systems. VTP's lead designer and key subcontractor, Parsons Transportation Group, Inc. (Parsons), is headquartered in Washington, DC and provides engineering, construction, technical, and management services.

VTP's Project Manager has spent the last ten years of his career working on alternative delivery projects. The Design Manager has 23 years' experience in the design of transit and transportation projects and has been the Design Manager on five similar transit projects including three Metro Projects: Gold Line Foothill Extension Phase 2B., Purple Line Extension Section 1, and Crenshaw LAX Transit Corridor. The Technology Systems Manager has over 24 years of complex signaling design and installation experience while the Operations Integration Manager has 44 years of BRT operations experience and is familiar with LADOT systems and Metro bus operations.

## DEOD SUMMARY

## G-LINE BRT IMPROVEMENTS PROJECT/PS85661000

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 17% Small Business Enterprise (SBE) goal and a 3% Disabled Veteran Business Enterprise (DVBE) goal for Phase 1 of this project. Valley Transit Partners (VTP) made a 18.35% SBE commitment and a 3.73% DVBE commitment for Phase 1.

<b>Small Business Goal</b>	<b>SBE 17% DVBE 3%</b>	<b>Small Business Commitment</b>	<b>SBE 18.35% DVBE 3.73%</b>
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**Phase 1**

	<b>SBE Subcontractors</b>	<b>% Committed</b>
1.	PBS Engineers	2.35%
2.	Civic CM	0.63%
3.	Modern Times, Inc.	0.22%
4.	Conaway Geomatics	2.79%
5.	Geo-Advantec, Inc.	2.04%
6.	2R Drilling Inc.	0.99%
7.	Synergy Traffic Control	0.38%
8.	Pac-Rim Engineering, Inc.	1.33%
9.	Suenram & Associates, Inc.	2.39%
10.	The Alliance Group Enterprise, Inc.	2.84%
11.	Steiner Consulting Inc.	0.54%
12.	Transportation Management & Design, Inc.	1.73%
13.	Value Management Strategies, Inc.	0.12%
	<b>Total Commitment</b>	<b>18.35%</b>

	<b>DVBE Subcontractor</b>	<b>% Committed</b>
1.	Fryman Management, Inc.	3.73%
	<b>Total Commitment</b>	<b>3.73%</b>

**Phase 2**

DEOD will establish the SBE/DVBE goal(s) for the Phase 2 Work in accordance with the provisions of the Contract. Prior to submittal of the Phase 2 Work Proposal, DEOD will notify VTP of the SBE/DVBE goal(s) established for the Phase 2 Work. VTP will be contractually required to meet or exceed the goal at the time of submission of its Phase 2 Work Proposal. If VTP does not meet or exceed the SBE/DVBE goal(s) for the Phase 2 Work, the Phase 2 Proposal will not be accepted by Metro.

## **B. Small Business Engagement and Outreach Plan (EOP)**

Proposers were required to submit a small Business Engagement Outreach Plan (EOP) as part of its proposal evidencing how it will engage and outreach to the small and disadvantaged business community on contracting opportunities for all phases of the contract work. VTP met the requirements.

## **C. Contracting Outreach and Mentoring Plan (COMP)**

The COMP is applicable to this project. At a minimum, Proposers were required to mentor: three (3) firms, two (2) SBE firms and one (1) DVBE firm in connection with Phase 1 Work for protégé development. VTP committed to mentor Conaway Geomatics, Suenram & Assoc., and The Alliance Group.

VTP must also mentor a total of two (2) SBE/DVBE firms, in connection with any Early Works Package valued at \$25 million or more. VTP must mentor at a minimum four (4) SBE firms and two (2) DVBE firms during Phase 2 Construction Work for protégé development. SBE/DVBE firms mentored during Phase 2 shall not be SBE/DVBE firms previously mentored during any other phase.

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

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is not applicable to this project.

## **E. Prevailing Wage Applicability**

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA). Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection, construction management and other support trades.

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

PLA/CCP will be applicable on the Construction portion of this contract. Contractor will be required to commit to meet the applicable Targeted Local Hiring requirements.



## Board Report

File #: 2022-0442, File Type: Contract

Agenda Number: 27.

### CONSTRUCTION COMMITTEE AUGUST 18, 2022

**SUBJECT: METRO I-105 EXPRESSLANES - CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACT**

**ACTION: AWARD CONTRACT AND ESTABLISH PRECONSTRUCTION BUDGET**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a firm-fixed-price contract, Contract No. PS84667000 to Flatiron-Myers, Joint Venture, for I-105 ExpressLanes Project Construction Manager/General Contractor (CM/GC) Phase 1 in the amount of \$7,997,461, for Preconstruction Services for a period of performance of 30 months, subject to the resolution of protest(s), if any;
- B. ESTABLISH a Preconstruction Phase-of-Project Budget (Preconstruction Budget) for the I-105 ExpressLanes Project (Project) in an amount of \$119,391,538; and
- C. NEGOTIATE and EXECUTE all project-related agreements and modifications to existing contracts within the authorized Preconstruction Phase-of-Project Budget (Preconstruction Budget).

#### **ISSUE**

Staff is seeking the Board's approval for two items: (1) to award a CM/GC firm fixed price Contract No. PS84667000 to Flatiron-Myers Joint Venture in the amount of \$7,997,461; and (2) to establish a Preconstruction Budget in the amount of \$119,391,538. The Preconstruction Budget is inclusive of all previously awarded contracts, incurred expenses to date of \$13,938,500, and anticipated additional preconstruction activities performed under the contracts discussed herein for the Project, all as summarized in the expenditure and funding plan for the Preconstruction Budget included in Attachment A.

#### **BACKGROUND**

In January 2017, the ExpressLanes Strategic Plan was presented to the Board. The Strategic Plan analyzed all existing, in construction, and planned High Occupancy Vehicle (HOV) lanes in the county for potential conversion to ExpressLanes and identified three tiers of corridors, with Tier 1 being the highest. Tier 1 projects include I-105, I-405, I-605, and an extension of the existing I-10

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ExpressLanes. At its January 2017 Board meeting, the Board directed staff to initiate planning studies for Tier 1 projects.

The I-105 Expresslanes Project (I-105 Project) will convert the existing HOV lane to ExpressLanes and add a second Express Lane in each direction on the I-105 between I-405 and Studebaker Road in the City of Norwalk. The Project Approval/Environmental Document (PA/ED) phase for the I-105 Project began in March 2018 and was completed in May 2021. The I-105 Project is currently in the Plans, Specifications, and Estimates (PS&E) phase. PS&E for segment 1 between I-405 and Central Avenue is scheduled to be completed in Spring 2023 and PS&E for segment 2 between Central Avenue and Studebaker Road is scheduled to be completed in Fall 2024. The I-105 Project is a Measure M project and has also received a \$150 million State Solutions for Congested Corridors (SCCP) grant.

The I-105 Project will provide multi-modal travel options and mobility benefits to all users in the corridor. Metro transit, vanpool, and high-occupancy vehicle users are eligible to continue to use the lanes without a toll. Revenues from ExpressLanes can support Metro rail and Metro and municipal bus operators through direct subsidies to transit programs on the ExpressLanes. Local cities and agencies benefit from the ExpressLanes Net Toll Revenue Grant program which supports transit and active transportation programs and adds a tool to help close the first/ last mile gap. Local streets and arterials will have fewer cars congesting their intersections which will offset the vehicle miles travelled figures while improving air quality in the neighborhoods. Moreover, Metro's Low Income Assistance Plan and Transit Rewards programs will help lower the financial burden of opening and maintaining an ExpressLanes account while providing reliability benefits to all users. These programs, along with dynamic pricing for solo drivers using the ExpressLanes, will help ensure the facility operates efficiently while maintaining reliable and equitable travel for all.

Metro will deliver the Project under two separate contract components: 1) heavy civil construction of the highway and 2) tolling system design and installation. The Roadside Toll Collection System (RTCS) will be a Design/Build/Operate/Maintain contract. The Project's heavy civil construction will be delivered utilizing the CM/GC delivery method. In May 2021 and April 2022, the Board approved the two PS&E contracts for the final design.

Metro staff will also seek Board approval for the Program Management Support Services (PMSS) and RTCS contracts in August 2022. The CM/GC, PMSS, and RTCS contractors are required to design, construct, and operate the Project.

In June 2021 the Board approved the use of CM/GC as the delivery method for this Project. In order to move the Project through the Preconstruction Phase of the CM/GC process, the Project will utilize the CM/GC contract that is the subject of this action, the PMSS contract (separate item), and will continue to utilize support from previously awarded and existing contracts, agreements, and Metro labor, as listed below and further explained in Attachment A (Preconstruction Budget):

- PMSS Contract Expenses (August 2022 Board), \$7,100,000
- PS&E Engineering Expenses (Contracts approved by Board May 2021 and April 2022), \$55,313,574
- Caltrans PS&E Oversight, \$6,200,000

- Metro Labor, \$7,300,000,
- Right of Way Acquisitions, \$3,000,000
- Third Party costs and local utilities, \$6,000,000
- Integrated Project Management Office expenses, \$1,100,000; and
- Professional Services/Legal Support, \$4,400,000.

## **DISCUSSION**

Staff recommends using CM/GC for the Project's Phase 1 as it enables Metro to engage a General Contractor to act as the "Construction Manager" consultant and collaborate with Metro and the PS&E and RTCS contractors. The CM/GC process provides the ability to effectively integrate benefits from the early engagement of construction experts that will enable Metro to make informed decisions during the design process and provide substantive benefits to the project. Further, the CM/GC delivery method for this project will also improve construction quality, provide higher certainty on the final construction cost and delivery schedule, and minimize risks related to construction change orders, disputes, and third-party delays during construction.

The CM/GC will deliver the Project in two distinct contract phases. The Preconstruction Budget establishes Phase 1, the Preconstruction Phase (Design), which allows the contractor to work with the PS&E contractor and Metro to identify risks, provide cost estimates, and refine the project schedule. During Phase 1, Metro will work with the CM/GC Contractor to explore opportunities to accelerate the delivery schedule, as well as leverage their expertise to drive the completed design in a direction that remains within approved project budgets. As the design approaches completion, the CM/GC contractor and Metro negotiate the contract price for Phase 2, the Construction Phase. If both the CM/GC and Metro reach an agreement on the Construction Phase costs, then the second contract phase (Construction Phase) will begin, and Metro will execute a Contract Supplement and issue a Notice to Proceed (NTP) for Phase 2.

At any stage during the Preconstruction design period, Metro can exercise an "off-ramp" and seek another contractor by competitively bidding on the Project's final design, while still benefitting from the previous work performed by the CM/GC Contractor. The CM/GC Phases are described in more detail below:

- Phase 1 Preconstruction Services expressly sets out the work that the Contractor will perform, such as design review and Early Works Packages.
- Upon issuance of NTP for Phase 1, the Contractor, PS&E design contractor, RTCS, and Metro will work side by side to review constructability, undertake value engineering, conduct site investigations, assess market conditions, and provide current contractor price estimates, risk assessments, and construction schedules at each successive prescribed design interval to finalize the design.
- Throughout Phase 1, the Contractor will provide Metro with Opinions of Probable Construction Cost (OPCC), which are detailed cost estimates that will enable staff to evaluate the projected Project costs against the Project budget and make necessary adjustments to the scope or schedule.

- If both parties agree to a final OPCC, staff will seek Board approval to award Phase 2 construction to the Contractor. If not, Metro will have the option to terminate the contract with the Contractor and package the design documents into a separate bid package. This off-ramp will be available for Metro throughout Phase 1 as staff evaluates each OPCC.
- Throughout Phase 1 negotiations, Metro will maintain the following parameters to mitigate discrepancies and to increase the likelihood of project success:
  - the Contractor's fee and margin initially proposed will be retained in all OPCCs;
  - the Phase 1 specification sets out the form and frequency of OPCCs to provide for multiple checkpoints for Metro;
  - the CM/GC contract sets out the conditions of the price proposal for Phase 2 and the information that the Contractor is required to submit;
  - the CM/GC contract sets out a clear governance structure for managing Phase 1, including the establishment of working groups that include members from Metro, the contractor team, and any relevant third parties; and
  - the process for establishing all OPCCs will employ transparent open-book methods and the use of independent cost estimates to validate pricing.

In December 2020 the Project received \$150,000,000 as part of the Solutions for Congested Corridor Program (SCCP) with specific requirements:

- Metro requested funding for the 2022-2023 fiscal year
- Award is valid for six months from allocation
- Metro must request the California Transportation Commission by June 2023, and a construction contract be awarded by December 2023
- Metro has until December 2026 to complete the Contract

Metro anticipates issuing an Early Works Package as Part of Phase I to satisfy these requirements that would meet the construction cost threshold of \$150,000,000 and the allotted project delivery schedule to begin construction by 2023. The Early Works Package will be to construct Segment 1 of the Project between I-405 to Central Avenue, generally located between the I-405 and I-110 at the western limit of the Project. When the Project team completes the Segment 1 Design, Metro and the CM/GC will negotiate the Early Works Package Construction Budget, and staff will return to the Board for Segment 1 Budget approval. At the same time, the Project team will continue working on completing the Project's final design from Central Avenue to Studebaker Road. Metro will then negotiate the Construction Fee with the CM/GC for the remaining segments and return to the Board to request approval for the Life of Project (LOP) Budget, including all preconstruction costs, early works, and the negotiated final price for all Phase 2 work, or Guaranteed Maximum Price (GMP). Upon Board approval of the LOP, Metro will issue an NTP for the CM/GC to construct the remaining Project segments within the GMP as defined by the Project's design documents. The GMP includes the total of all subcontracts, the CM/GC General Conditions, the CM/GC fee, and the CM/GC construction contingency.

The Federal Highway Administration (FHWA) is currently reviewing staff's request to use Metro's Project Labor Agreement (PLA) to construct the Project. If approved by FHWA, Metro will incorporate



the PLA into Phase 2.

As an essential element of the Phase I Preconstruction Work, staff recommends the award of a CM/GC firm fixed price contract for the Project as further explained in the Procurement Summary in Attachment B and DEOD summary in Attachment C.

### **DETERMINATION OF SAFETY IMPACT**

The Project is being planned and designed per Caltrans Standard Specifications and Caltrans Standard Plans. Approval of the Preconstruction Budget for the Project will have no impact on safety.

### **FINANCIAL IMPACT**

This Preconstruction Budget will span from FY23 to FY25. Budgeting for the future fiscal years will be the responsibility of the Chief Program Management Officer and the Deputy Chief Operations Officer, Shared Mobility.

The Project is a "Tier 1 Project" within the 2017 LACMTA Countywide ExpressLanes Strategic Plan (ELSP). The cost estimate to construct dual ExpressLanes on the I-105, including hard and soft costs, is \$779,000,000. Since this project is at a very early stage of PS&E, this initial cost estimate is subject to change due to design refinement during the PS&E phase, input from the CM/GC during preconstruction services, and market conditions, including escalation and supply chain. Measure M funds this contract award.

The Project currently has \$175,000,000 in Measure M and \$150,000,000 from the SCCP to fund the proposed contract award and establish the Preconstruction Budget (see Attachment A). Toll-backed obligations, including a TIFIA loan and potential federal grants to fund the Project's remaining budget in future fiscal years, will fill the funding gap of approximately \$454,000,000. For example, in Spring 2022, Metro applied and requested \$45,000,000 from the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) and \$45,000,000 from the Multimodal Project Discretionary Grant (MPDG). This action only commits Metro to the costs of the Preconstruction Budget of \$119,391,538 without further contractual obligation by Metro.

### **Impact to Budget**

The FY23 funding for the award and execution of Phase 1 Preconstruction Services and all support costs is included in FY23 Adopted Budget in cost center 2220, project 475004. This is funded with Measure M 17% Highway and is not eligible for Metro bus and rail operations. The funding and expenditure plan for this project from inception to Preconstruction is included in Attachment A.

### **EQUITY PLATFORM**

The Diversity and Economic Opportunity Department (DEOD) established a 12% Disadvantaged

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Business Enterprise (DBE) goal for Phase 1 and a 19% DBE goal for Phase 2 of this solicitation. The proposed contractor team exceeded Metro's goal by making a 12.61% commitment for Phase 1 and will be required to meet or exceed the DBE goal for Phase 2 Work at the time of submission of its Phase 2 Work Proposal. Before the release of the solicitation for this contract, Metro conducted two virtual Metro Connect Industry Forums on June 3, 2021, and July 23, 2021. The June 3<sup>rd</sup> event was attended by 138 individuals, and the July 23<sup>rd</sup> event was attended by 88 individuals. The events were held to inform the DBE community of the upcoming I-105 contracting opportunities and to increase small business participation.

In 2019, Equity Focus Communities (EFCs) comprised approximately six miles of the Project's sixteen-mile-long corridor. In the one-mile area around the I-105, about 94% of the total population of 536,000 is non-white. Of the 142,000 households in this area, 26% earned less than \$25,000 annually. On the I-10 corridor, EFCs are in the cities of Pomona, Baldwin Park, Covina, West Covina, El Monte, and South El Monte. On the I-405 corridor, EFCs are in the vicinity of the 10/405 interchange, by UCLA, and in Van Nuys just north of US-101. The analysis will incorporate the updated (2022) EFC maps in future updates to the Board.

Metro has established its Low-Income Assistance Plan (LIAP) program to ensure low-income households' equitable access to the ExpressLanes. Metro ExpressLanes also reinvests a substantial portion of its toll revenues back into the respective corridors in the form of incremental transit service funding and net toll revenue reinvestment grants.

Additional strategies cited in the I-105 Project EIR/EA to help mitigate negative Project impacts on EFCs include sound walls, best management practices, and a traffic management plan (TMP) to reduce construction-related impacts. Mitigation measures, if required, for the I-10 and I-405 Projects will be identified as part of the PA/ED phase. Metro anticipates that CM/GC delivery method will improve public outreach on the Project's design and implementation by having the CM/GC on board during design development feedback.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project supports Strategic Goal 1, providing high-quality mobility options that enable people to spend less time traveling by increasing regional highway capacity and offering travelers on the corridor a new, faster, more reliable, and convenient travel mode alternative.

The Project supports Strategic Goal 2, delivering outstanding trip experiences for all users of the transportation system, by improving trip times and travel speeds for both the ExpressLanes and the general-purpose lanes.

The Project supports Strategic Goal 4, transforming LA County through regional collaboration and national leadership, by strengthening Metro's relationships with Caltrans, the Federal Highway Administration, Los Angeles County, local cities/jurisdictions, and several other agencies.

## **ALTERNATIVES CONSIDERED**

The Board may elect not to award Phase 1 of the CM/GC Contract for the Project. Staff does not

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recommend this alternative because the project benefits of using CM/GC Preconstruction Services for the Project would not be realized, including improved design quality, enhanced efficiencies, a guaranteed maximum budget principal, and lower risk for future construction change orders. Furthermore, this may impact grant funding agreements and jeopardize the \$150,000,000 State SCCP funds awarded to the Project.

### **NEXT STEPS**


Upon Board approval, staff will execute Contract No. PS84667000 with Flatiron-Myers, Joint Venture. Metro staff will engage the CM/GC contractor to initiate Phase 1 Preconstruction Services with the PS&E contractor and RTCS contractor to complete the final design. Staff will return to the Board to seek approval of the Segment 1 Early Works Package Construction Budget in FY24 and the Phase 2 Construction Project Budget in FY25. Staff will also keep the Board apprised of our progress in securing additional funds as the Project moves forward.

### **ATTACHMENTS**

Attachment A - I-105 ExpressLanes Funding and Expenditure Plan  
Attachment B - Procurement Summary  
Attachment C - DEOD Summary

Prepared by: Manuel Gurrola, Director, (213) 922-8889  
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Reviewed by: Bryan Pennington, Chief Program Management Officer, (213) 922-7449



Stephanie N. Wiggins  
Chief Executive Officer

**Attachment A - Expenditure and Funding Plan**

**I-105 ExpressLanes Preconstruction Budget**

Use of Funds	Total	Inception Thru FY 22	FY23	FY24	FY25
<b>August 2022 Construction Manager/General Contractor Award</b>					
Construction Manager/General Contractor (CM/GC) Phase One	\$ 7,997,464		\$ 2,997,464	\$ 4,000,000	\$ 1,000,000
<b>Anticipated Additional Preconstruction Activities</b>					
Caltrans PS&E oversight cost	\$ 6,200,000		\$ 1,600,000	\$ 3,000,000	\$ 1,600,000
Right of Way Acquisition	\$ 3,000,000		\$ 1,200,000	\$ 1,200,000	\$ 600,000
3rd Party/Utilities Coordination	\$ 6,000,000		\$ 2,000,000	\$ 2,000,000	\$ 2,000,000
Agency Labor Costs	\$ 7,300,000		\$ 2,700,000	\$ 3,000,000	\$ 1,600,000
Integrated Project Management Office	\$ 1,100,000		\$ 400,000	\$ 350,000	\$ 350,000
<b>Other Awarded Contracts</b>					
Program Management Support Services (PMSS)(Awarded August 2022)	\$ 7,100,000		\$ 2,400,000	\$ 3,100,000	\$ 1,600,000
PS&E (Plans, Specifications, and Estimates)(previously awarded)	\$ 55,313,574		\$ 11,700,000	\$ 27,613,574	\$ 16,000,000
Other Professional Services	\$ 4,400,000		\$ 1,600,000	\$ 1,700,000	\$ 1,100,000
Planning Phase/Early Engineering (previously awarded)	\$ 13,938,500	\$ 13,938,500			
<b>Contingency</b>					
Contingency 10% (PS&E and CMGC contracts)	\$ 7,042,000			\$ 4,000,000	\$ 3,042,000
<b>Total</b>	<b>\$ 119,391,538</b>	<b>\$ 13,938,500</b>	<b>\$ 26,597,464</b>	<b>\$ 49,963,574</b>	<b>\$ 28,892,000</b>
<b>Source of Funds</b>					
LACMTA Measure M Funds	\$ 119,391,538	\$ 13,938,500	\$ 26,597,464	\$ 49,963,574	\$ 28,892,000

## PROCUREMENT SUMMARY

## METRO I-105 EXPRESSLANES – CONSTRUCTION MANAGER/GENERAL CONTRACTOR/PS84667000

1.	<b>Contract Number:</b> PS84667000	
2.	<b>Recommended Vendor:</b> Flatiron-Myers, Joint Venture	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP–A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> February 16, 2022	
	<b>B. Advertised/Publicized:</b> February 17, 18, 19, 22, 23, and 24, 2022	
	<b>C. Pre-Proposal Conference:</b> February 28, 2022	
	<b>D. Proposals Due:</b> April 26, 2022	
	<b>E. Pre-Qualification Completed:</b> June 13, 2022	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> April 28, 2022	
	<b>G. Protest Period End Date:</b> August 22, 2022	
5.	<b>Solicitations Picked up/Downloaded:</b> 67	<b>Proposals Received:</b> 2
6.	<b>Contract Administrator:</b> Victor Zepeda	<b>Telephone Number:</b> (213) 922-1458
7.	<b>Project Manager:</b> James Wei	<b>Telephone Number:</b> (213) 922-2313

**A. Procurement Background**

This Board Action is to approve Contract No. PS84667000 issued in support of the construction manager/general contractor project delivery method (approved for use on June 12, 2021, Board Report No. 2021-0306) for Metro's ExpressLanes on Interstate 105 (I-105). Board approval of contract awards are subject to resolution of any properly submitted protest.

Prior to the release of the solicitation, two virtual Metro Connect Industry Forums were conducted for the I-105 projects on June 3, 2021 and July 23, 2021. The June 3<sup>rd</sup> event was attended by 138 individuals and the July 23<sup>rd</sup> event was attended by 88 individuals. The events were held to inform the DBE community of the upcoming I-105 contracting opportunities and to increase small business participation.

The Request for Proposals (RFP) was issued in accordance with Metro's Acquisition Policy and the contract type is construction manager/general contractor (CM/GC). The RFP was issued with a 12% DBE goal for Phase 1 and 19% DBE goal for Phase 2.

Four (4) amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on March 10, 2022, replaced a safety form, allowed with limitations the use of 11"x17" paper, and clarified instructions for certain sections of the RFP;

- Amendment No. 2, issued on March 25, 2022, revised various sections of the RFP and Contract documents;
- Amendment No. 3, issued on April 5, 2022, revised the Contract by the addition of a Term and Condition; and,
- Amendment No. 4, issued on April 13, 2022, revised various sections of the RFP and Contract.

A virtual pre-proposal conference was held on February 28, 2022, and was attended by 38 participants representing 22 companies. There were five sets of questions and responses were released prior to the proposal due date.

A total of 67 firms downloaded the RFP and were registered in the plan holder's list. A total of two proposals were received by April 26, 2022.

### **Evaluation of Proposals**

A Proposal Evaluation Team (PET) consisting of staff from Countywide Planning, Construction Management, and Caltrans was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated based on the following weighted evaluation criteria:

1. Capability and Experience	35 Points
2. Project Understanding	10 Points
3. Project Approach	35 Points
4. Price	<u>20 Points</u>
	100 Points

Several factors were considered when developing these weights, giving the greatest importance to capability and experience and project approach.

In addition, the price evaluation criteria consisted of four sections with pre-established parameters to reflect the phases of the project designed to establish a level playing field and to arrive at one price that would be evaluated with the understanding that only the amount listed under Phase 1 would be used for the Contract Value (subject to clarification and/or negotiations) as follows:

1. Phase 1 – Pre-Construction Lump Sum Fee;
2. Delay Compensation Rate for Phase 1 (for evaluation purposes only) with a quantity of 100 days established as a parameter;
3. Phase 2 – Management Lump Sum Fee – (for evaluation purposes only) with a 50-month construction period and a cost of \$507,257,686.00;
4. Phase 2 Margin Percentage – (for evaluation purposes only).

Of the two proposals received, both were determined to be within the competitive range and are listed below in alphabetical order:

1. Flatiron-Myers Joint Venture (FMJV)
2. Skanska USA Civil West California District, Inc. (Skanska)

On May 26, 2022, oral presentations were conducted. During each firm’s interview, project managers and key team members discussed their proposed response to various traffic and economic conditions, prior experience with alternate delivery methods, and other technical questions. In general, each team’s presentation addressed the requirements of the RFP, experience with all aspects of the required tasks, and stressed each firm’s commitment to the success of the project. Each team was asked questions relative to each firm’s proposal and previous experience.

After a thorough review of proposals and interviews, the PET’s recommendation in the order of ranking is shown in the table below:

<b>1</b>	<b>Firm</b>	<b>Average Score</b>	<b>Factor Weight</b>	<b>Weighted Average Score</b>	<b>Rank</b>
<b>2</b>	<b>FMJV</b>				
<b>3</b>	Capability and Experience	92.31	35%	32.31	
<b>4</b>	Project Understanding	90.60	10%	9.06	
<b>5</b>	Qualifications of Contractor	86.57	35%	30.30	
<b>6</b>	Price	100.00	20%	20.00	
<b>7</b>	<b>Total</b>		<b>100%</b>	<b>91.67</b>	<b>1</b>
<b>8</b>	<b>Skanska</b>				
<b>9</b>	Capability and Experience	88.22	35%	30.87	
<b>10</b>	Project Understanding	92.70	10%	9.27	
<b>11</b>	Qualifications of Contractor	85.94	35%	30.08	
<b>12</b>	Price	92.25	20%	18.45	
<b>13</b>	<b>Total</b>		<b>100%</b>	<b>88.67</b>	<b>2</b>

### **Cost/Price Analysis**

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

Proposer Name	Proposal Amount	Metro ICE	Award Amount
Flatiron-Myers JV	\$8,319,958 (Phase 1)	\$9,871,431	\$7,997,461 (Phase 1)
	Phase 1 Delay Compensation Rate \$9,000/day		Phase 1 Delay Compensation Rate \$9,000/day
	Phase 2 Management Lump Sum Fee \$840,000/month		Phase 2 Management Lump Sum Fee \$840,000/month
	Phase 2 Margin Percentage 8.0%		Phase 2 Margin Percentage 8.0%
Skanska	\$7,500,000 (Phase 1)		
	Phase 1 Delay Compensation Rate \$8,500/day		
	Phase 2 Management Lump Sum Fee \$1,000,000/month		
	Phase 2 Margin Percentage 8.0%		

The final amount is lower than Metro’s original ICE as a result of the following factor:

- The ICE was originally developed based on a period of performance of 36 months for Phase 1. However, the final Request for Proposal was issued with a period of performance of 30 months for Phase 1.

Staff successfully negotiated \$322,497 in cost savings from FMJV’s proposal.

**D. Background on Recommended Contractor**

**Flatiron-Myers, Joint Venture**

The recommended firm, Flatiron, has a local office in Chino, CA and was originally founded in Boulder, Colorado in 1974. Flatiron is a subsidiary of German-based HOCHTIEF, an international construction service firm and operates throughout the United States and Canada.

Flatiron has experience in bid-build, CM/GC, construction-manager-at-risk, design-build, progressive design-build, and P3 delivery methods.

Myers & Sons Construction (Myers) is a heavy (bridge and roadway projects) construction company based in Sacramento, CA that was established in 2010. Myers has experience in alternative delivery projects such as design build and CM/GC.

Flatiron-Myers formed a joint venture specifically for this endeavor and bring together their experience in alternate delivery methods as well as heavy construction.



## DEOD SUMMARY

**METRO I-105 EXPRESSLANES – CONSTRUCTION MANAGER/GENERAL  
CONTRACTOR/PS84667000**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 12% Disadvantaged Business Enterprise (DBE) goal for Phase 1 for this Federal Highway Administration funded (FHWA) project. Flatiron-Myers, JV (FMJV) exceeded the goal by making a 12.61% DBE commitment for Phase 1.

<b>Small Business Goal</b>	<b>12% DBE</b>	<b>Small Business Commitment</b>	<b>12.61% DBE</b>
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**Phase 1:**

	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>
1.	Costin Public Outreach Group, Inc.	Caucasian Female	2.74%
2.	Hirschmugi, Heine & Associates, Inc.	Caucasian Female	1.73%
3.	Modern Times, Inc.	Hispanic American	1.79%
4.	Sequoia Consultants, Inc.	Subcontinent Asian American	2.37%
5.	Steiner Consulting, Inc.	Caucasian Female	3.98%
<b>Total DBE Commitment</b>			<b>12.61%</b>

**Phase 2:**

DEOD established a 19% Disadvantaged Business Enterprise (DBE) goal for Phase 2 of this project. FMJV will be required to meet or exceed the DBE for Phase 2 Work at the time of submission of its Phase 2 Work Proposal. If FMJV'S DBE commitment for the Phase 2 Work is less than the stated DBE goal for the Phase 2 Work, FMJV will be required to submit at the time of its Phase 2 Proposal submission, its Good Faith Efforts (GFE) documentation evidencing that it made adequate GFE to achieve the stated goal.

**B. Small Business Engagement and Outreach Plan (EOP)**

Proposers were required to submit a small Business Engagement Outreach Plan (EOP) as part of its proposal evidencing how it will engage and outreach to the small and disadvantaged business community on contracting opportunities for all phases of the contract work. FMJV met this requirement.

**C. Contracting Outreach and Mentoring Plan (COMP)**

COMP is applicable to this project. FMJV must submit a detailed COMP evidencing how it will achieve its listed commitment through the utilization of DBE firms for the project when submitting its Price Proposal for any Early Work package request worth \$25 million or more and submit an updated COMP with Contractor's Phase 2 Price Proposal.

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

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

**E. Prevailing Wage Applicability**

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

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

Metro has submitted a request to FHWA on the use of a Project Labor Agreement/Construction Careers Policy (PLA/CCP) on the construction portion of the CM/GC contract. Upon approval, the PLA/CCP shall requires that the General Contractor commit to meet the applicable Targeted Local Hiring Requirements.

**Board Report**

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**File #:** 2022-0441, **File Type:** Contract**Agenda Number:** 28.

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**CONSTRUCTION COMMITTEE  
AUGUST 18, 2022****SUBJECT: METRO EXPRESSLANES PROJECTS - PROGRAM MANAGEMENT SUPPORT SERVICES****ACTION: AWARD CONTRACT****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD task order-based Contract No. AE83974000 for Program Management Support Services (PMSS) to HNTB Corporation, in the amount of \$66,913,860 for a seven (7) year base period and \$6,142,748 for a two-year option, for a total of nine (9) years and a maximum total of \$73,056,608, subject to resolution of protest(s), if any;
- B. ESTABLISH Contract Modification Authority (CMA) for \$7,305,660 (10%) of the not-to-exceed contract award value and authorizing the CEO to execute individual Contract Modifications within the CMA and within the respective project budget authorizations.

**ISSUE**

PMSS services are required to assist Metro Program Management staff with program and construction management support for Metro ExpressLanes projects currently in project development, including the I-105, I-405, and I-10. This work will include program and project management services, preconstruction activities through construction management services, tolling operations testing, and contract closeout.

**BACKGROUND**

In January 2017, the ExpressLanes Strategic Plan was presented to the Board. The Strategic Plan analyzed all existing, in construction, and planned High Occupancy Vehicle (HOV) lanes in the county for potential conversion to ExpressLanes and identified three tiers of corridors, with Tier 1 being the highest. Tier 1 projects include I-105, I-405, I-605, and an extension of the existing I-10 ExpressLanes. At its January 2017 Board meeting, the Board directed staff to initiate planning studies for Tier 1 projects.

The Project Approval/Environmental Document (PA/ED) phase for I-105 ExpressLanes Project (I-105 Project) began in March 2018 and was completed in May 2021. The I-105 is currently in the Plans,

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Specifications, and Estimates (PS&E) phase. PS&E for segment 1 between I-405 and Central Avenue is scheduled to be completed in Spring 2023 and PS&E for segment 2 between Central Avenue and Studebaker Road is scheduled to be completed in Fall 2024. The I-105 is a Measure M project and has also received a \$150 million State Solutions for Congested Corridors (SCCP) grant.

The I-405 ExpressLanes Project (I-405 Project) between US-101 and I-10 is currently in the PA/ED phase and is a Measure M project. The I-10 ExpressLanes Project (I-10 Project) between I-605 and the Los Angeles/San Bernardino County line is also currently in the PA/ED phase. The ExpressLanes Projects will provide multi-modal travel options and mobility benefits to all users in the corridor. Metro transit, vanpool, and high-occupancy vehicle users are eligible to continue to use the lanes without a toll. Revenues from ExpressLanes can support Metro rail and Metro and municipal bus operators through direct subsidies to transit programs on the ExpressLanes. Local cities and agencies benefit from the ExpressLanes Net Toll Revenue Grant program which supports transit and active transportation programs and adds a tool to help close the first/ last mile gap. Local streets and arterials will have fewer cars congesting their intersections which will offset the vehicle miles travelled figures while improving air quality in the neighborhoods. Moreover, Metro's Low Income Assistance Plan and Transit Rewards programs will help lower the financial costs of opening and maintaining an ExpressLanes account while providing reliability benefits to all users. These programs, along with dynamic pricing for solo drivers using the ExpressLanes, will help ensure the facility operates as efficiently as possible while maintaining reliable and equitable travel for all.

The PMSS contractor will be responsible for providing oversight and completion of ongoing and future work associated with the planning and management of Metro's ExpressLanes Capital Program. The PMSS Contractor shall serve as advisors, managers, and support as an extension of Metro technical staff.

For the I-105 Project, the SCCP grant requires issuing a construction contract by December 2023. To meet this deadline, Metro intends to apply the grant funds to construct segment 1 first. In addition to the PMSS, this will require procuring the Construction Management/General Contractor (CM/GC) and Roadside Toll Collection (RTCS) contract that Metro staff is seeking Board approval for. Because the I-105 Project is the furthest along and is moving into the construction process, as well as the SCCP grant deadline, we anticipate that 88% of the PMSS contract work will be applied to the I-105 Project for project and construction management services, while the remaining 12% will be utilized for project management services on the I-10 and I-405 Projects when those projects advance into the next phases of project development.

## **DISCUSSION**

The proposed PMSS contract would generally support Program Management and Shared Mobility departments by providing highly skilled and qualified individuals to support Metro staff with program and construction management and by co-locating with Metro staff to establish an Integrated Project Management Office. The PMSS consultant will provide administration, inspection services, and technical support during the design, construction, tolling operations, and closeout phases of the

Project(s).

With the significant size and aggressive implementation schedule for delivering the Projects, close coordination and expertise across multiple disciplines are specifically required in Program Management, including Project Management, Project Delivery and Contract Development/Compliance, and Construction Management services.

The I-105 Project is also a highly technical and unique project for Metro and is one of Metro's first projects to use the CM/GC delivery method to deliver and construct the project. With CM/GC, Metro will hire the construction contractor to provide feedback during the design phase before the start of construction. The PMSS team will work with the PS&E and CM/GC contractors to provide strategic guidance and direction to achieve effective coordination of the design and construction of the Project. Furthermore, the PMSS Contractor team, working in conjunction with Metro Project Controls, will provide the independent cost estimates for Metro to work with the CM/GC to establish the final cost for the construction of the Project. The PMSS will also provide extensive coordination with the RTCS contractor that will install, test, and integrate the tolling system for this Project. Metro will manage the Task Orders to assure overall coordination, collaboration, and efficiency between the PMSS, PS&E, CM/GC, and RTSC contractors.

The procurement and deployment timeframe for the I-105 Project, including the design and construction phases, will last approximately six years. The performance period for the PMSS contract shall be seven years, with one option for an additional two years for a total of nine years that would provide for program and construction management staff augmentation necessary to efficiently provide resources and technical expertise as necessary during this timeframe.

### **DETERMINATION OF SAFETY IMPACT**

The Board action is not anticipated to have an impact on the safety of Metro's patrons or employees. The PMSS contract will provide services that support Metro's internal safety staff on the Project. The Project is being planned, designed, and constructed per Caltrans Standards

### **FINANCIAL IMPACT**

The FY 23 budget includes \$2.4 million in Cost Center 2220 (Shared Mobility), Project 475004 for the Project PMSS. Since this is a multi-year contract, the Deputy Chief Operations Officer, Shared Mobility, and Deputy Chief Program Management Officer will be responsible for budgeting in future years.

#### **Impact to Budget**

The funding source for I-105 and I-405 Express Lanes is Measure M Highway 17%, which is not eligible for Metro Bus/Rail capital or operating expenditures. I-10 Express Lanes project is not an Ordinance-identified project and is currently funded by toll revenue.

### **EQUITY PLATFORM**

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The Diversity and Economic Opportunity Department (DEOD) established an 18% Disadvantaged Business Enterprise (DBE) goal for this solicitation. The proposed contractor team exceeded Metro's goal by making a 21.89% DBE commitment. Before the release of the solicitation for this contract, Metro conducted two virtual Metro Connect Industry Forums on June 3, 2021, and July 23, 2021. The June 3<sup>rd</sup> event was attended by 138 individuals, and the July 23<sup>rd</sup> event was attended by 88 individuals. The events were held to inform the DBE community of the upcoming I-105 contracting opportunities and to increase small business participation.

In 2019, Equity Focus Communities (EFCs) comprised approximately six miles of the I-105 Project's sixteen-mile-long corridor. In the one-mile area around the I-105, about 94% of the total population of 536,000 is non-white. Of the 142,000 households in this area, 26% earned less than \$25,000 annually.

On the I-10 corridor, EFCs are in the cities of Pomona, Baldwin Park, Covina, West Covina, El Monte, and South El Monte. On the I-405 corridor, EFCs are in the vicinity of the 10/405 interchange, by UCLA, and in Van Nuys just north of US-101. The analysis will incorporate the updated (2022) EFC maps in future updates to the Board.

Metro has established its Low-Income Assistance Plan (LIAP) program to ensure low-income households' equitable access to the ExpressLanes. Metro ExpressLanes also reinvests a substantial portion of its toll revenues back into the respective corridors in the form of incremental transit service funding and net toll revenue reinvestment grants.

Additional strategies cited in the I-105 Project EIR/EA to help mitigate negative Project impacts on EFCs include sound walls, best management practices, and a traffic management plan (TMP) to reduce construction-related impacts. Mitigation measures, if required, for the I-10 and I-405 Projects will be identified as part of the PA/ED phase. Metro anticipates that CM/GC delivery method will improve public outreach on the Project's design and implementation by having the CM/GC on board during design development feedback.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The Project supports Strategic Goal 1, providing high-quality mobility options that enable people to spend less time traveling, by increasing regional highway capacity and offering travelers on the corridor a new, faster, more reliable, and convenient travel mode alternative.

The Project supports Strategic Goal 2, delivering outstanding trip experiences for all users of the transportation system, by improving trip times and travel speeds for both the ExpressLanes and the general-purpose lanes.

The Project supports Strategic Goal 4, transforming LA County through regional collaboration and national leadership, by strengthening Metro's relationships with Caltrans, the Federal Highway Administration, Los Angeles County, local cities/jurisdictions, and several other agencies.

## **ALTERNATIVES CONSIDERED**

The Board may elect not to award and execute the Contract. This alternative is not recommended because the Project requires PMSS for core program, project, and construction management functions. The use of PMSS consultant staff provides flexibility with appropriate experience and background that are needed for specific activities and durations throughout the life of the Project.

### **NEXT STEPS**

Upon Board approval, staff will execute Contract No. AE83974000 with HNTB Corporation for program management support services.

### **ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared\_by

Prepared by: Manuel Gurrola, Director, (213) 922-8889

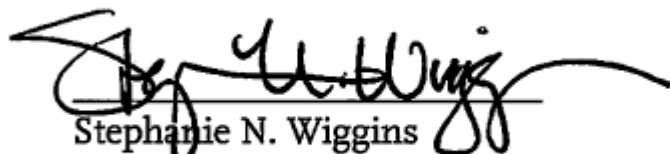
James Wei, Deputy Executive Officer, (213) 922-7528

Tim Lindholm, Deputy Chief Program Management Officer, (213) 922-7297

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

Reviewed\_By

Reviewed by: Bryan Pennington, Chief Program Management Officer, (213) 922-7449

  
Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

## EXPRESSLANES PROGRAM MANAGEMENT SUPPORT SERVICES/AE83974000

1.	<b>Contract Number:</b> AE83974000	
2.	<b>Recommended Vendor:</b> HNTB Corporation	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input checked="" type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> January 25, 2022	
	<b>B. Advertised/Publicized:</b> January 25, 26, 27, February 1, 2, and 3, 2022	
	<b>C. Pre-Proposal Conference:</b> February 8, 2022	
	<b>D. Proposals Due:</b> March 10, 2022	
	<b>E. Pre-Qualification Completed:</b> April 28, 2022	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> March 15, 2022	
	<b>G. Protest Period End Date:</b> August 22, 2022	
5.	<b>Solicitations Picked up/Downloaded:</b> 161	<b>Proposals Received:</b> 5
6.	<b>Contract Administrator:</b> Victor Zepeda	<b>Telephone Number:</b> (213) 922-1458
7.	<b>Project Manager:</b> James Wei	<b>Telephone Number:</b> (213) 922-7528

**A. Procurement Background**

This Board Action is to approve Contract No. AE83974000 issued in support of the ExpressLanes Program & Construction Management Support Services (PMSS) for various ExpressLanes projects. Board approval of contract awards are subject to resolution of any properly submitted protest.

Prior to the release of the solicitation, two virtual Metro Connect Industry Forums were conducted for the ExpressLanes projects on June 3 and July 23, 2021. The June 3<sup>rd</sup> event was attended by 138 individuals and the July 23<sup>rd</sup> event was attended by 88 individuals. The events were held to inform the DBE community of the upcoming I-105 contracting opportunities and to increase small business participation.

The Request for Proposals (RFP) was issued in accordance with Metro's Acquisition Policy and the contract type is task order based. The RFP was issued with a DBE goal of 18%.

Three (3) amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on February 4, 2022, notified vendors that no DBE Contract Outreach and Mentoring Plan was required;
- Amendment No. 2, issued on February 11, 2022, provided maps and Quality Management Oversight Plan and Procedures referenced in the Statement of Work, and extended the due date from March 1 to March 10, 2022; and,



- Amendment No. 3, issued on February 17, 2022, revised the Statement of Work and increased the pagination count for Section III Proposal Requirements/Forms from 25 to 50.

A virtual pre-proposal conference was held on February 8, 2022 and was attended by 107 individuals. There were five sets of questions and responses were released prior to the proposal due date.

A total of 161 firms downloaded the RFP and were registered in the plan holder's list. A total of five (5) proposals were received on March 10, 2022.

### **Evaluation of Proposals**

A Proposal Evaluation Team (PET) consisting of staff from Metro's Project Management and Transportation Planning department and a Transportation Engineer from Caltrans was convened and conducted a comprehensive technical evaluation of the proposals received.

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

1. Experience/Capabilities of the Firms	30 Points
2. Key Personnel Skills and Experience	40 Points
3. Project Understanding and Approach	<u>30 Points</u>
	100 Points

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Architectural and Engineering (A&E) procurements. Several factors were considered when developing these weights, giving the greatest importance to Key Personnel Skills and Experience.

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

Of the five proposals received, all five were determined to be within the competitive range and are listed below in alphabetical order:

1. 3D Built
2. HNTB Corporation
3. Jacobs Engineering Group, Inc.
4. Parsons Transportation Group, Inc.
5. TRC Solutions, Inc.

During the week of May 16<sup>th</sup>, the evaluation committee met and interviewed the firms. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's

questions. In general, each team’s presentation addressed the requirements of the RFP, experience with all aspects of the required tasks, and stressed each firm’s commitment to the success of the project. Each team was asked questions relative to each firm’s proposal and previous experience.

After a thorough review of proposals and interviews, the PET’s recommendation in the order of ranking is shown in the table below:

1	Firm	Weighted Average Score	Factor Weight	Average Score	Rank
2	<b>HNTB Corporation</b>				
3	Experience/Capabilities of the Firms	90.56	30.00%	27.17	
4	Key Personnel Skills and Experience	90.56	40.00%	36.22	
5	Project Understanding and Approach	88.46	30.00%	26.54	
6	<b>Total</b>		<b>100.00%</b>	<b>89.93</b>	<b>1</b>
7	<b>Jacobs Engineering Group, Inc.</b>				
8	Experience/Capabilities of the Firms	87.44	30.00%	26.23	
9	Key Personnel Skills and Experience	87.44	40.00%	34.98	
10	Project Understanding and Approach	86.13	30.00%	25.84	
11	<b>Total</b>		<b>100.00%</b>	<b>87.05</b>	<b>2</b>
12	<b>Parsons Transportation Group, Inc.</b>				
13	Experience/Capabilities of the Firms	86.11	30.00%	25.83	
14	Key Personnel Skills and Experience	87.22	40.00%	34.89	
15	Project Understanding and Approach	84.67	30.00%	25.40	
16	<b>Total</b>		<b>100.00%</b>	<b>86.12</b>	<b>3</b>
17	<b>TRC Solutions, Inc.</b>				
18	Experience/Capabilities of the Firms	85.33	30.00%	25.60	
19	Key Personnel Skills and Experience	84.12	40.00%	33.65	
20	Project Understanding and Approach	85.96	30.00%	25.79	
21	<b>Total</b>		<b>100.00%</b>	<b>85.04</b>	<b>4</b>
22	<b>3D Built</b>				
23	Experience/Capabilities of the Firms	46.67	30.00%	14.00	

24	Key Personnel Skills and Experience	67.78	40.00%	27.11	
25	Project Understanding and Approach	52.71	30.00%	15.81	
26	<b>Total</b>		<b>100.00%</b>	<b>56.92</b>	<b>5</b>

**C. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate (ICE), cost analysis, technical evaluation, fact finding, and negotiations with the most highly qualified firm in accordance with A&E qualifications-based procurement process.

<b>Proposer Name</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
HNTB Corporation	\$73,686,796	<b>\$85,869,018</b>	<b>\$73,056,608</b>

The final amount is lower than Metro’s original ICE as a result of the following factors:

- Metro’s ICE was more conservative on risk factors; and
- The ICE overestimated quality control material testing work based on previous projects

Staff successfully negotiated \$630,188 in cost savings from HNTB’s proposal.

**D. Background on Recommended Contractor**

**HNTB Corporation**

HNTB Corporation was established in 1914, headquartered in Kansas, and has a local office in Los Angeles. The firm has project experience in highways, intelligent transportation, bridges, construction and program management, as well as architecture. HNTB has over 5,000 employees nationwide and has completed 120 Project Management Support Services type contracts. Furthermore, HNTB has experience working with similar express lane projects as well as environmental review and advanced conceptual engineering design services for the Sepulveda Transit Corridor.

DEOD SUMMARY

EXPRESSLANES PROGRAM MANAGEMENT SUPPORT SERVICES/AE83974000

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established an 18% Disadvantaged Business Enterprise (DBE) goal for this solicitation. HNTB Corporation exceeded the goal by making a 21.89% DBE commitment.

<b>Small Business Goal</b>	<b>18% DBE</b>	<b>Small Business Commitment</b>	<b>21.89% DBE</b>
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	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>
1.	Arellano Associates, LLC	Hispanic American	0.37%
2.	Cabrinha, Hearn & Associates	Hispanic American	2.71%
3.	Construction Quality Management Solutions, Inc.	Caucasian Female	1.04%
4.	D'Leon Consulting Engineers	Hispanic American	4.24%
5.	Fountainhead Consulting Corporation	Hispanic American	3.48%
6.	Lenax Construction Services, Inc.	Caucasian Female	0.70%
7.	LKG-CMC, Inc.	Caucasian Female	0.22%
8.	Mammoth Associates, LLC	Caucasian Female	0.27%
9.	Ramos Consulting Services, Inc.	Hispanic American	4.13%
10.	SafeworkCM	Caucasian Female	4.73%
<b>Total DBE Commitment</b>			<b>21.89%</b>

**B. Contractor Outreach and Mentoring Plan (COMP)**

COMP is not applicable to this A&E contract.

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

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

**D. Prevailing Wage Applicability**

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial

Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

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

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



## Board Report

File #: 2022-0427, File Type: Contract

Agenda Number: 29.

### CONSTRUCTION COMMITTEE AUGUST 18, 2022

**SUBJECT: METRO I-105 EXPRESSLANES - ROADSIDE TOLL COLLECTION SYSTEM**

**ACTION: APPROVE RECOMMENDATIONS**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD firm fixed price Contract No. PS78835000 for the I-105 ExpressLanes Roadside Toll Collection System (RTCS) Design, Build, Operate, and Maintain (DBOM) contract to Conduent State and Local Solutions Inc. in the amount of \$66,067,392 for a 12-year base period including the occupancy detection system, \$13,161,324 for the first three-year option term for operations and maintenance, \$14,165,857 for the second three-year option term for operations and maintenance, and \$1,217,700 for a standalone Traffic Management Center, for a total contract value of \$94,612,273, subject to resolution of protest(s), if any.
- B. EXECUTE individual Contract Modifications within the Board-approved CMA in the not to exceed amount of \$6,606,739, to cover the costs of anticipated future changes to the contract as informed by past experience with other Metro ExpressLanes contracts of similar nature, scope, and duration.

#### **ISSUE**

Board authorization is needed for the Chief Executive Officer to award a contract for the I-105 ExpressLanes Project RTCS DBOM for the procurement and installation of the necessary roadside infrastructure, customization of the algorithm for dynamic pricing and ongoing operations and maintenance.

#### **BACKGROUND**

In January 2017, the Board approved the Countywide ExpressLanes Strategic Plan, which listed I-105 as a priority Tier 1 corridor to be implemented within the next 5-10 years. In December 2020, the I-105 ExpressLanes project received a \$150 million Solutions for Congested Corridors Program (SCCP) grant from the California Transportation Commission (CTC). In May 2021, Metro and Caltrans completed the Project Approval/Environmental Document (PA/ED) phase for the I-105 ExpressLanes. The project is now in the next phase of project development, which is Plans,

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Specifications, and Estimates (PS&E). In April 2022, the Board awarded a contract to prepare PS&E. Now in August 2022, Metro is seeking Board approval for the RTCS contract (the subject of this Board Report), the Construction Management/General Contractor (CM/GC) contract, and the Project Management Support Services (PMSS) contract. The RTCS, CM/GC, and PMSS contracts are required to construct and implement the I-105 ExpressLanes. With prior Board direction, staff continues to seek additional funds through U.S. Department of Transportation (USDOT) discretionary grant programs.

Metro, in partnership with the California Department of Transportation (Caltrans), is implementing improvements on the I-105 corridor in the cities of El Segundo, Inglewood, Hawthorne, Los Angeles, Lynwood, South Gate, Paramount, Downey, Norwalk, and portions of unincorporated Los Angeles County. The improvements will convert the existing HOV lane to one or more High-Occupancy Toll (HOT) lanes, referred to as express lanes and branded by Metro as I-105 ExpressLanes.

The I-105 corridor is an integral part of Southern California's freeway network, extending from I-405 at the western limit to Studebaker Road at the eastern limit. Traffic demand regularly exceeds the capacity of the corridor, resulting in over 11,000 daily Vehicle Hours of Delay (VHD) for eastbound general-purpose lane users and over 2,200 daily VHD for westbound HOV lane users. Existing daily vehicle miles travelled exceed 2.7 million, and Average Daily Traffic (ADT) volume exceeds 250,000 vehicles, with HOV lanes accounting for 17% of total ADT.

Metro anticipates that the I-105 ExpressLanes will be developed in multiple segments, starting with segment 1 spanning between I-405 and Central Avenue and segment 2/3 between Central Avenue and Studebaker Road.

The I-105 ExpressLanes Project will provide multi-modal travel options and mobility benefits to all users in the corridor. Metro transit, vanpool, and HOV users are eligible to continue to use the lanes without a toll. Revenues from ExpressLanes can support Metro rail and Metro/municipal bus operations through direct subsidies to transit programs on the ExpressLanes. Local cities and agencies benefit from the ExpressLanes Net Toll Revenue Grant program which supports transit and active transportation programs and adds a tool to help close the first/ last mile gap.

The I-105 ExpressLanes project is expected to improve overall operating conditions on local arterials due to vehicles shifting away from arterials and onto I-105. Local streets and arterials will have fewer cars congesting their intersections which will offset the vehicle miles travelled improve air-quality in the neighborhoods, and accommodate potential active transportation improvements.

A major component of the project is the RTCS. The RTCS contractor will be responsible for providing input to the overall design of the ExpressLanes on I-105, implementation of the RTCS, and Operations and Maintenance (O&M) of the system post-construction.

## **DISCUSSION**

### **Recommendation A: Award of I-105 ExpressLanes RTCS Contract**

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The RTCS encompasses the hardware and software systems in the field needed to support congestion pricing calculations and toll collection from customers traveling in the ExpressLanes. Functions of the RTCS include transponder communications, image capture and processing, dynamic pricing, and transaction acquisition. Since all toll agencies, including Metro ExpressLanes, have very specific business rules, toll rate policies, customer policies, and standard operating procedures dictated by the agency or statute, each RTCS must be designed to conform to precisely specified requirements.

The system and services under this contract will incorporate the latest best-in-class tolling technologies capable of fulfilling the needs on the I-105 ExpressLanes over the next 12 to 18 years, depending on the execution of options, with additional capacity for future growth to support additional ExpressLanes corridors if required. The contract will also include an option for an automated occupancy detection system to electronically verify the number of occupants in each vehicle at configured locations.

This RTCS contract term and associated scope of work, which included over 1,700 requirements, was developed in collaboration with a team of consultants with tolling expertise. The recommended contract term is based on experience gained in a decade of tolling, as well as the results of an Industry Forum conducted in February 2017. The current I-10/I-110 RTCS contract for the I-10 and I-110 ExpressLanes also has a similar period of performance of 12 to 18 years.

Staff is recommending a long-term contract because the RTCS requires large capital investment for the equipment necessary to support electronic tolling, the complexity associated with system integration, and the substantial number of labor hours required to bring a new RTCS online. Industry experience has shown that a typical acquisition of a RTCS requires at least 30 to 36 months to complete. This places a significant burden on Metro in terms of time and resources, making the process cost-prohibitive to repeat at more traditional procurement intervals. With a shorter contract term, the agency would be in a perpetual cycle of system procurement, integration, and data migration.

The procurement and deployment timeframe for the I-105 RTCS is provided below.

- Months 1-12: Prepare a suitable statement of work to reflect tolling best practices and lessons learned from past program experience.
- Months 13-22: Release RFP, review proposals, interview, negotiate, seek Board approval, and award contract.
- Months 23-50: Design RTCS
- Months 51-86: Construction of I-105 ExpressLanes, including the RTCS

The design and construction phases will last approximately five years, while base O&M will last approximately seven years. Therefore, an 18-year contract will provide for O&M for up to 13 years (seven-year base, plus two options of three years each), which is similar to that of the I-10/I-110 ExpressLanes RTCS contract approved by the Board in June 2018.

A potential total contract term of 18 years (including the design phase) will allow Metro to fully realize the useful life of the system and obtain maximum return on investment. Furthermore, it typically takes



at least a year of operation to comprehensively verify system reliability and achieve steady-state conditions. Therefore, it is usually several years from the date that work commences before normal, stable operating conditions are achieved. For this reason, a shorter contract duration would lead to significant procedural inefficiencies, as the procurement process would need to be restarted before the current contractor has achieved stable operations. Minimizing the number of vendor/system transitions for the RTCS also reduces costs, avoids lane closures, and minimizes the risk of lost transactions and service disruptions that can arise during system transition. Therefore, staff is recommending a 12-year base contract with two options of three years each, for a total of 18 years.

Staff will return to the Board to seek approval before authorizing either of the contract options for additional years of RTCS O&M. This will be done far enough in advance of the current contract end date to allow sufficient time to develop, advertise, award, and implement a new RTCS if directed to do so by the Board in lieu of executing one of the O&M contract options.

**Recommendation B: Contract Modification Authority Considerations**

The request for authorization to execute individual Contract Modifications within the Board-approved CMA will serve as a management tool for staff to issue Contract Modifications expeditiously to the contractor for additional costs that may be incurred as a result of necessary activities that are challenging to predict or anticipate sufficiently far enough in advance to incorporate them into the original contract with any precision or reliability. Furthermore, these activities often require rapid or immediate response to address conditions that impact public safety, continuity of operations, and/or customer-facing aspects of the system.

Examples of such required contract expenditures that are effectively impossible to anticipate and that require rapid/immediate response include system hardware and software upgrades in response to newly discovered critical vulnerabilities. They also include repairs to address damage to field infrastructure resulting from acts of vandalism, theft, sabotage, or other destruction of roadside equipment by malicious or negligent third parties.

Staff is therefore recommending the authorization for the CEO to execute individual Contract Modifications within the Board-approved CMA to ensure that such needs may be expeditiously addressed to prevent schedule delays during the construction phase, minimize system downtime, avoid service interruptions, and protect against any customer-facing impacts.

**DETERMINATION OF SAFETY IMPACT**

The Board action is not anticipated to have an impact on the safety of Metro's patrons or employees.

**FINANCIAL IMPACT**

The FY 2022-23 budget includes \$3 million in Cost Center 2220 (Shared Mobility) and Project 475004 for the I-105 ExpressLanes RTCS. Since this is a multi-year contract, the Cost Center Manager, RTCS Project Manager, and Deputy Chief Operations Officer of Shared Mobility will be responsible for budgeting in future years. Consistent with existing ExpressLanes policy, the ongoing I

-105 ExpressLanes O&M will be funded through future toll revenues.

In December 2020, the I-105 ExpressLanes project received a \$150 million SCCP grant from the CTC which will be used for constructive activities.

### Impact to Budget

The funding for this Project is from Measure M funds included in the 2016 Measure M Expenditure Plan; to be used for pre-construction expenses for the I-105 ExpressLanes project. Those funds are not eligible for Metro bus/rail capital or operating expenditures.

## **EQUITY PLATFORM**

The Diversity and Economic Opportunity Department (DEOD) established a 22% Disadvantaged Business Enterprise (DBE) goal for this solicitation. The proposed contractor team satisfied Metro's goal by making a 22% DBE commitment. Prior to the release of the solicitation, two virtual Metro Connect Industry Forums were conducted for the I-105 ExpressLanes Construction Management/General Contractor (CMGC) and RTCS projects on June 3, 2021, and July 23, 2021. The June 3<sup>rd</sup> event was attended by 138 individuals and the July 23<sup>rd</sup> event was attended by 88 individuals. The events were held to inform the SBE/DBE/DVBE community of the upcoming I-105 contracting opportunities and to increase SBE/DBE/DVBE participation.

Equity Focus Communities (EFCs) comprise approximately six miles of the sixteen-mile-long corridor. In the one-mile area around the I-105, about 94% of the total population of 536,000 is minority (70.3% Hispanic, 19.6% African American, 3.5% Asian, 0.6% American Indian) based on 2018 data. Of the 142,000 households living in this area, 22% earned below the poverty level (\$25,900 for a family of four) and 26% earned less than \$25,000 annually.

To ensure low-income households are afforded equitable access to the ExpressLanes and their benefits, Metro's Low Income Assistance Plan and Transit Rewards programs will help lower the costs of opening and maintaining an ExpressLanes account while providing reliability benefits to all users. These programs along with dynamic pricing for solo drivers using the ExpressLanes will help ensure the facility operates as efficiently as possible while maintaining reliable and equitable travel for all.

Additional strategies cited in the final environmental document to help mitigate negative project impacts on EFCs include sound walls, best management practices, and a traffic management plan (TMP) to reduce construction-related impacts.

## **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The I-105 ExpressLanes project supports Strategic Goal 1, providing high-quality mobility options that enable people to spend less time traveling, by increasing regional highway capacity and offering travelers on the corridor a new, quicker, more reliable, and convenient travel mode alternative.

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The project supports Strategic Goal 2, delivering outstanding trip experiences for all users of the transportation system, by improving trip times and travel speeds for both the ExpressLanes and the general-purpose lanes.

The project supports Strategic Goal 4, transforming LA County through regional collaboration and national leadership, by strengthening Metro's relationships with Caltrans, the Federal Highway Administration, Los Angeles County, local cities/jurisdictions, and several other agencies.

### **ALTERNATIVES CONSIDERED**

The Board may elect not to award and execute the Contract. This alternative is not recommended because the I-105 ExpressLanes project requires an RTCS for core operational functions including dynamic pricing, toll collection, and violation enforcement.

The Board may elect to direct staff to develop and install the system using in-house resources. This alternative is not recommended because Metro staff does not currently possess sufficient expertise in developing, installing, and maintaining roadside tolling equipment, nor does it have the necessary staffing to do so.

### **NEXT STEPS**

Upon Board approval, staff will execute Contract No. PS78835000 to Conduent State & Local Solutions, Inc. for the design, implementation, operation, and maintenance of the new I-105 ExpressLanes RTCS.

### **ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

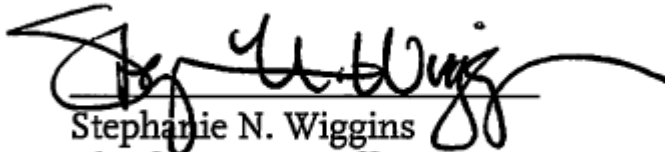
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Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

**METRO I-105 EXPRESSLANES — ROADSIDE TOLL COLLECTION SYSTEM  
PS78835000**

1.	<b>Contract Number:</b> PS78835000	
2.	<b>Recommended Vendor:</b> Conduent State & Local Solutions, Inc.	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	A. <b>Issued:</b> November 23, 2021	
	B. <b>Advertised/Publicized:</b> December 2 and 10, 2021	
	C. <b>Pre-Proposal Conference:</b> December 2, 2021	
	D. <b>Proposals Due:</b> February 7, 2022	
	E. <b>Pre-Qualification Completed:</b> March 10, 2022	
	F. <b>Conflict of Interest Form Submitted to Ethics:</b> February 8, 2022	
	G. <b>Protest Period End Date:</b> August 22, 2022	
5.	<b>Solicitations Picked up/Downloaded:</b> 124	<b>Proposals Received:</b> 4
6.	<b>Contract Administrator:</b> Victor Zepeda	<b>Telephone Number:</b> (213) 922-1458
7.	<b>Project Manager:</b> Daniel Tran	<b>Telephone Number:</b> (213) 922-2313

**A. Procurement Background**

This Board Action is to approve Contract No. PS78835000 issued in support of the Design Build Operate and Maintain project delivery method (approved for use on June 12, 2021, Board Report No. 2021-0306) for Metro's Express Lanes on Interstate 105 (I-105) Roadside Toll Collection System (RTCS). Board approval of contract awards are subject to resolution of any properly submitted protest.

Prior to the release of the solicitation, two virtual Metro Connect Industry Forums were conducted for the I-105 projects on June 3, 2021, and July 23, 2021. The June 3<sup>rd</sup> event was attended by 138 individuals and the July 23<sup>rd</sup> event was attended by 88 individuals. The events were held to inform the DBE community of the upcoming I-105 contracting opportunities and to increase small business participation.

The Request for Proposals (RFP) was issued in accordance with Metro's Acquisition Policy and the contract type is firm fixed price. The RFP was issued with a DBE goal of 22%.

Seven (7) amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on December 6, 2021, clarified COMP requirements;

- Amendment No. 2, issued on December 8, 2021, revised the Statement of Work and due date extension from January 27 to February 7, 2022;
- Amendment No. 3, issued on December 20, 2021, revised the Statement of Work, modified Exhibits and Letter of Invitation;
- Amendment No. 4, issued on December 28, 2021, clarified the Minimum Qualifications and the RFP Submittal Instructions;
- Amendment No. 5, issued on December 29, 2021, revised the Statement of Work and Pricing Agreement Exhibit;
- Amendment No. 6, issued on January 11, 2022, revised the Statement of Work, Attachment Requirements Conformance Matrix, DEOD Contract Compliance Manual, and RFP Proposal Instructions; and,
- Amendment No. 7, issued on January 14, 2022, revised the Statement of Work, Attachment Requirement Conformance Matrix, and Exhibit Pricing Agreement.

A virtual pre-proposal conference was held on December 2, 2021 and was attended by 61 participants representing 29 companies. There were eleven sets of questions and responses were released prior to the proposal due date.

A total of 124 firms downloaded the RFP and were registered in the plan holder's list. A total of four (4) proposals were received on February 7, 2022.

## **B. Evaluation of Proposals**

A Proposal Evaluation Team (PET) consisting of staff from Transportation Planning and Transportation Planning ExpressLanes was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated based on the following Minimum Qualifications and weighted evaluation criteria:

### Minimum Qualifications:

- |   |           |
|---|-----------|
| 1. Maintenance and Implementation Experience                      | Pass/Fail |
| 2. Prior experience with Single System and a volume of 25 million | Pass/Fail |
| 3. Key Team Personnel Qualifications                              | Pass/Fail |

### Weighted Criteria:

- |   |           |
|---|-----------|
| 1. Demonstrated Project Experience and Qualifications           | 5 Points  |
| 2. Key Project Team Experience                                  | 12 Points |
| 3. Approach to Statement of Work and Requirements               | 29 Points |
| 4. Approach to Coordination with PS&E Designer/Civil Contractor | 10 Points |
| 5. Approach to Project Plan and Implementation                  | 14 Points |
| 6. Approach to Operations and Maintenance                       | 11 Points |
| 7. DBE COMP   | 4 Points  |

8. Price

15 Points  
100 Points

The evaluation criteria are appropriate and consistent with criteria developed for other, similar toll lane systems procurements. Several factors were considered when developing these weights, giving the greatest importance to the proposals' approach to the Statement of Work and project requirements.

Of the four proposals received, all four were determined to be within the competitive range and are listed below in alphabetical order:

1. Conduent State & Local Solutions, Inc. (Conduent)
2. Kapsch TrafficCom USA, Inc. (Kapsch)
3. Parsons Neology I-105 Joint Venture (Parson Neology)
4. TransCore, LP (TransCore)

On March 17, 2022, oral presentations were conducted. During each firm's interview, project managers and key team members discussed their proposed response to various traffic conditions, addressing vandalism, communication redundancy and other technical questions. In general, each team's presentation addressed the requirements of the RFP, experience with all aspects of the required tasks, and stressed each firm's commitment to the success of the project. Each team was asked questions relative to each firm's proposal and previous experience.

On May 18, 2022, TransCore was notified that it was not responsive to DEOD's DBE Goal of 22% or Good Faith Efforts, as noted in its findings of April 14, 2022.

After a thorough review of proposals and interviews, the PET's recommendation in the order of ranking is shown in the table below:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>Conduent</b>				
3	Project Experience & Qualifications	88.80	5%	4.44	
4	Key Project Team Experience	93.67	12%	11.24	
5	Approach to SOW & Requirements	84.83	29%	24.60	
6	Approach to Coordination	83.83	10%	8.38	
7	Approach to Plan & Implementation	82.93	14%	11.61	
8	Approach to O&M	84.88	11%	9.34	
9	DBE COMP	75.00	4%	3.00	
10	Cost	98.33	15%	14.75	
11	<b>Total</b>		<b>100%</b>	<b>87.36</b>	<b>1</b>

<b>12</b>	<b>Parsons/Neulogy</b>				
<b>13</b>	Project Experience & Qualifications	74.60	5%	3.73	
<b>14</b>	Key Project Team Experience	84.78	12%	10.17	
<b>15</b>	Approach to SOW & Requirements	77.16	29%	22.37	
<b>16</b>	Approach to Coordination	71.67	10%	7.17	
<b>17</b>	Approach to Plan & Implementation	75.19	14%	10.53	
<b>18</b>	Approach to O&M	75.45	11%	8.30	
<b>19</b>	DBE COMP	75.00	4%	3.00	
<b>20</b>	Cost	100.00	15%	15.00	
<b>21</b>	<b>Total</b>		<b>100%</b>	<b>80.27</b>	<b>2</b>
<b>22</b>	<b>Kapsch</b>				
<b>23</b>	Project Experience & Qualifications	82.93	5%	4.15	
<b>24</b>	Key Project Team Experience	87.56	12%	10.50	
<b>25</b>	Approach to SOW & Requirements	79.55	29%	23.07	
<b>26</b>	Approach to Coordination	87.83	10%	8.78	
<b>27</b>	Approach to Plan & Implementation	80.43	14%	11.26	
<b>28</b>	Approach to O&M	79.52	11%	8.75	
<b>29</b>	DBE COMP	75.00	4%	3.00	
<b>30</b>	Cost	59.40	15%	8.91	
<b>31</b>	<b>Total</b>		<b>100%</b>	<b>78.42</b>	<b>3</b>

**C. Cost/Price Analysis**

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

<b>Proposer Name</b>	<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>
Conduent State & Local Solutions, Inc.	\$95,574,999	\$139,189,782	<b>\$94,612,273</b>
Parsons/Neulogy I105, JV	\$94,008,022		
Kapsch TrafficCom USA, Inc.	\$158,223,723		



The final negotiated amount is substantially lower than Metro's original ICE as a result of several factors, including the following:

- The proposer's costs for many core functions and subsystems were lower than expected or assumed in the independent cost estimate as a result of using internal resources and internally developed systems rather than contracting out these project aspects, which enabled the proposer to avoid associated mark-ups and other cost inefficiencies. This includes the costs associated with the occupancy detection system, operations and maintenance labor, and roadway support system software.
- The proposer was able to negotiate more competitive labor rates and equipment prices than had been assumed in the independent cost estimate. This includes the costs associated with manual image review, system testing, and traffic detection.
- The proposer provided lower licensing costs than were expected or assumed in the independent cost estimate.
- The proposer's risk-based cost adjustments were less conservative than what had been assumed in the independent cost estimate.

Staff successfully negotiated \$962,726 in cost savings from Conduent's proposal.

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

##### **Conduent State & Local Solutions, Inc.**

Conduent is a multinational business service company that specializes in the public transportation and mobility industry. Conduent demonstrated expertise in a number of transportation sectors, including roadside tolling infrastructure, toll collection functions and systems, and tolling systems maintenance and operations.

Conduent presented a dedicated team of qualified professionals, many of whom participated in the current tolling project on the I-10/110 ExpressLane operations.

## DEOD SUMMARY

**METRO I-105 EXPRESSLANES — ROADSIDE TOLL COLLECTION  
SYSTEM/PS78835000**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 22% Disadvantaged Business Enterprise (DBE) goal for this solicitation. Conduent State and Local Solutions Inc. met the goal by making a 22% DBE commitment.

<b>Small Business Goal</b>	<b>22% DBE</b>	<b>Small Business Commitment</b>	<b>22% DBE</b>
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	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>
1.	Partners In Diversity, Inc.	Caucasian Female	12.23%
2.	C2PM	Asian Pacific American	7.34%
3.	DC Engineering Group	Subcontinent Asian American	0.35%
4.	DC Traffic Control	Hispanic American	0.78%
5.	Addison Burnet Group	Hispanic American	0.30%
6.	Redwood Resources	Asian Pacific American	1.00%
<b>Total DBE Commitment</b>			<b>22.00%</b>

**Contracting Outreach and Mentoring Plan (COMP)**

To be responsive, Proposers were required to submit a Contracting Outreach and Mentoring Plan (COMP) including strategies to mentor for protégé development four (4) DBE firms for Mentor-Protégé development. Conduent State and Local Solutions Inc. proposed to mentor the following (5) protégé's: Partners In Diversity (DBE), C2PM (DBE), DC Engineering Group (DBE), DC Traffic (DBE), and Addison Burnet Group (DBE).

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

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

**C. Prevailing Wage Applicability**

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

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

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

**Board Report**

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**File #:** 2022-0432, **File Type:** Contract**Agenda Number:** 32.

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**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE  
AUGUST 18, 2022****SUBJECT: A650 HEAVY RAIL VEHICLE STATIC CONVERTER LOW VOLTAGE POWER  
SUPPLY (LVPS) PURCHASE****ACTION: CONTRACT AWARD****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a 60-month, firm fixed unit price Contract No. OP82170000 to Kiepe Electric LLC for the purchase of forty-two (42) new Low Voltage Power Supply (LVPS) units of static converters in support of the A650 Heavy Rail Vehicle (HRV) fleet. The Contract's one-year base amount of \$472,306 (5 units), and the one-year option amount of \$1,470,195 (37 units), is for a total contract amount of \$1,942,501, inclusive of sales tax. This recommendation is subject to the resolution of any properly submitted protest(s).

**ISSUE**

The Original Equipment Manufacturer (OEM) can no longer overhaul these critical LVPS units due to the declining reliability of the LVPS technology transfer and parts obsolescence, necessitating the purchase of a new design static converter LVPS units. This procurement is for the purchase of forty-two (42) new LVPS units (5 Base and 37 Option) to allow for the continuation of overhaul services required for a thorough and complete overhaul of the A650 Fleet. Furthermore, the purchase of new units will achieve equipment safety, reliability, and performance standards in accordance with regulatory requirements and OEM specifications. This procurement will result in the least impact on the schedule and Metro resources to ensure fleet reliability and vehicle maintainability.

**BACKGROUND**

The Breda A650 HRV option-buy fleet consists of 37 married-pair vehicles and is currently in its 24<sup>th</sup> year of revenue service operations. This fleet is currently undergoing a Component Overhaul Program, overhauling five major systems including friction brake, traction motor, gearbox coupler, and LVPS equipment. The average per car mileage is 1.7 million miles with accumulated fleet mileage of 128 million miles and consistent reliability and safety record.

**DISCUSSION**

The LVPS is one of five vehicle systems within the Component Overhaul Program managed and performed by Rail Fleet Services staff. Other vehicle systems undergoing overhaul include coupler, friction brake, gearbox, traction motor, and semi-permanent coupler.

The LVPS equipment consists of low and high-voltage electronic components that convert traction supply power of 750 Vdc to 120 & 220 Vac for battery charging, emergency lighting, braking systems, and door operation supply source. The LVPS is considered vital and safety-critical equipment necessary to sustain the A650 fleet in revenue service operations in conjunction with the State of Good Repair (SGR) policy.

Rail Fleet Services (RFS) Engineering developed equipment overhaul specification(s) for all systems included in the Component Overhaul Program based on OEM recommendations and RFS maintenance experience. The contractor for the new LVPS units will design, manufacture, test, and implement the development of new LVPS equipment units in accordance with Metro's technical specifications within the defined schedule requirements.

### **DETERMINATION OF SAFETY IMPACT**

The purchase of new LVPS equipment ensures vehicle battery charging levels for friction braking, emergency lighting, doors, and other vital systems. In the event of LVPS equipment failure, the vehicle safety systems are compromised and the vehicle will not operate.

### **FINANCIAL IMPACT**

Funding of \$1,942,501 for 42 LVPS equipment units is included in the FY23 budget and \$11,000,000 is available for Component Overhaul Life of Project Budget (LOP) CP #206038. The delivery of the LVPS equipment is planned for the 2nd quarter of FY23 post contract award.

#### **Impact to Budget**

The current source of funds for the overhaul program and Consulting Services is Proposition A 35%. Staff will pursue additional federal funds that may become available for this project to maximize and conserve the use of local funding sources and/or debt.

Since multi-year projects are funding this recommendation, the Chief Operating Officer, Chief Program Management Officer, and respective Project Managers will be responsible for future fiscal year budgeting.

### **EQUITY PLATFORM**

The Red and Purple rail lines utilize all of the heavy rail fleet vehicles in Metro's system. Based on the 2019 Customer Survey, the Red and Purple rail lines serve the following ridership:

- 27.7% below the poverty line
- 56.4% had no car available

- 
- Rider Ethnicity: Latino 38.9%; Black 13.1%; White 25.8%; Asian/Pacific Islander 15.2%; Other 6.5%

In addition, areas served include Union Station to Downtown LA, Koreatown (Wilshire/Western), Hollywood, Universal City, and North Hollywood, a majority of which serve people living in Equity Focus Communities.

No SBE or DVBE goals were established due to the lack of subcontracting opportunities.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The recommendation supports Metro Strategic Plan Goal 5) Provide responsive, accountable, and trustworthy governance within the Metro organization. New LVPS will ensure fleet and equipment reliability, minimize vehicle maintenance needs, and provide for safety for Metro's passengers in all operational modes.

### **ALTERNATIVES CONSIDERED**

Due to the OEM's inability to repair or overhaul the LVPS equipment and to technology transfer and parts obsolescence, it is imperative to procure new LVPS equipment utilizing current technologies and parts that will support vehicle operations for vehicle operations an estimated 15 years. There are no alternatives to be considered.

### **NEXT STEPS**

Upon Board approval, the contract awardee will begin the design, manufacturing, testing, and prototyping process as outlined in Metro's Technical Specification for new LVPS equipment. The Contractor shall provide a production schedule to identify milestones consistent with the scheduled delivery of the LVPS equipment.

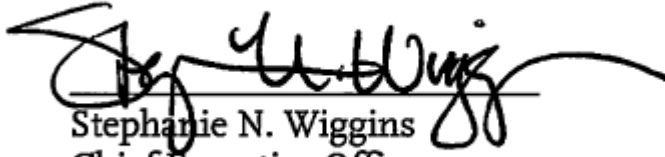
### **ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Prepared by:        Bob Spadafora, Senior Executive Officer, Rail Fleet Services (213)  
                              922-3144  
                              Richard M. Lozano, Senior Director, Rail Fleet Services  
                              (323)-224-4042.  
                              Debra Avila, Deputy Chief Vendor/Contract Management (213) 418  
                              3051

Reviewed by:        Conan Cheung, Chief Operations Officer (213) 418-3034



Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

LOW VOLTAGE POWER SUPPLY  
CONTRACT NUMBER OP82170000

1.	<b>Contract Number: OP82170000</b>	
2.	<b>Recommended Vendor:</b>	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> 10/21/2021	
	<b>B. Advertised/Publicized:</b> 10/22/21	
	<b>C. Pre-Proposal Conference:</b> N/A	
	<b>D. Proposals Due:</b> 01/07/22	
	<b>E. Pre-Qualification Completed:</b> 2/2/2022	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> 1/14/22	
	<b>G. Protest Period End Date:</b> 08/22/22	
5.	<b>Solicitations Picked up/Downloaded:</b> 21	<b>Bids/Proposals Received:</b> 3
6.	<b>Contract Administrator:</b> Roxane Marquez	<b>Telephone Number:</b> 213-922-4147
7.	<b>Project Manager:</b> Richard Lozano	<b>Telephone Number:</b> 323-224-4042

**A. Procurement Background**

This Board Action is to approve Contract No. OP82170000 issued in support of Metro's A650 Heavy Rail Vehicle (HRV) to procure services in the design, manufacture and delivery of new Low Voltage Power Supply (LVPS) units. Board approval of contract award is subject to resolution of any properly submitted protest.

The RFP was issued in accordance with Metro's Acquisition Policy and the contract type is a Firm Fixed Unit Price.

Four (4) amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on October 27, 2021, extended the Questions Due Date;
- Amendment No. 2, issued on November 1, 2021, extended the Questions/Answers and Proposal Due Date;
- Amendment No. 3, issued on November 19, 2021, clarified warranty requirements and project deliverables in the Statement of Work and extended the Proposal Due Date;
- Amendment No. 4 was issued on December 14, 2021, clarifying requirements on Form 60 and extended Questions Due Date.



A total of three (3) proposals were received on January 7, 2022.

1. AmePower, Inc.
2. Kiepe Electric, LLC
3. Powertech

## **B. Evaluation of Proposals**

This procurement was conducted in accordance with LACMTA's Acquisition Policy for a competitive RFP using evaluation criteria and weighted factors. A Proposal Evaluation Team (PET) consisting of staff from LACMTA's Rail Fleet Services, Transit Vehicle Engineering and Quality Assurance convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated by the Proposal Evaluation Team (PET) based on the following evaluation criteria and weights.

- Technical Capability 30% percent
- Proposer's Work Plan 30% percent
- Past Performance and Experience 20% percent
- Price Proposal 20% percent

The evaluation criteria are appropriate and consistent with criteria developed for similar technical design and manufacturing of rail components. Several factors were considered when developing these weights, giving the greatest importance to Technical Capability and Work Plan.

On January 27, 2022, the Proposal Evaluation Team (PET) completed its independent evaluation of proposals. As a result of evaluations, the PET determined that of the three (3) proposals received, two (2) firms were determined to be within the competitive range. The two (2) firms within the competitive range are listed below in alphabetical order:

1. AmePower, Inc.
2. Kiepe Electric, LLC

Powertech was determined to be outside the competitive range and was no longer considered for further evaluation.

The two (2) firms within competitive range were contacted to answer questions, clarify Technical Proposals and approach to statement of work and qualifications. Each firm submitted team's qualifications and responded to the evaluation committee's clarifying questions. The PET reviewed and scored each firm's Technical Proposal in accordance with the technical requirements of the RFP, each firm's experience in relation to the required tasks, and reviewed each firm's commitment to the success of the project. Also reviewed were staffing plans, work plans, and perceived project

issues. Each firm answered questions relative to firm's previous experience in designing, manufacturing and implementing LVPS components.

### **Qualifications Summary of Firms within the Competitive Range:**

#### **KIEPE ELECTRIC LLC**

Kiepe Electric LLC (formerly Vossloh Kiepe) was founded in 1906, following an acquisition by Vossloh AG. Vossloh sold Kiepe company to Knorr-Bremse in January 2017; and in May 2017 Knorr-Bremse renamed the company to Kiepe Electric.

Kiepe Electric LLC is a manufacturer of efficient and ecologically sustainable, electric power converters for light rail vehicles, metro vehicles, trolley buses as well as other road and rail vehicles. In addition, Kiepe Electric offers digital solutions for public transport like our Smart Fleet Charging Management (SFM) for electric buses and the Kiepe Fleet Management (KFM), which predicts the need for maintenance and repair.

Kiepe Electric is known for providing highly innovative and competent solutions in the field of traction equipment and LVPS for electrically driven vehicles. They also specialize in the modification of existing vehicles, as well as assembly, testing and commissioning.

Kiepe's Technical Proposal demonstrated thorough expertise in manufacturing electric power converters for rail vehicles and trolley buses with extensive experience in designing and implementing low voltage power supply units and has years of proven service. Project personnel demonstrated a strong understanding of Metro's requirements in their approach to the scope of work and meeting project deadlines.

The Technical Proposal demonstrated Kiepe's experience in all required tasks for the Statement of Work including pre-launch planning, reverse engineering, designing, testing and deployment planning that most importantly achieves meeting project goals and performance. An organizational chart identifying key personnel including the project manager, engineers, quality assurance staff, supervisory staff to be assigned to Metro's project was provided by the proposer outlining over 190 years of combined experience.

Kiepe's Technical Proposal was comprehensive, thorough in approach, and aligned with Metro's service goals and timelines. Kiepe illustrated a detailed strategy to achieve the performance standards through a test and inspection plan showing how to meet the requirements as outlined in the specification to achieve project success.

Most notably unique to Kiepe's expertise was witnessed by their past performance through the long list of experience in designing and implementing LVPS of similar size in multiple agencies for over the past five years.

## **AMEPOWER**

AmePower is a Florida-based engineering company with over 20 years of experience specialized in delivering customized solutions improving the efficiency, performance, and reliability of High-Power Converters found in Rolling Stock (Traction Systems, APS, LVPS). AmePower offers complete repair and overhaul services for converters, auxiliary power supplies, high voltage power supply and battery chargers for mass transportation and wind power industries, with the ability to retrofit and perform contract manufacturing. Recently, AmePower added pre-designed converters and components as a part of their offering in 2021-2022.

AmePower's Technical Proposal offered a strong engineering team with extensive experience in repair and overhaul projects ranging from LVPS, auxiliary power supply overhaul, converter overhaul, and many other overhaul rail vehicle projects. AmePower distinctly featured a suite of rail overhaul component overhauls and experience as well as a well-design facility with numerous test bays.

However, the Technical Proposal failed to identify required experience in the design, manufacture and implementation of new low voltage power supply units for rail vehicles. AmePower possessed strong experience in complete converter repair and overhaul, but no experience in creating a LVPS unit from concept to implementation. Although AmePower demonstrated extensive knowledge and experience in repairing even obsolete equipment, this critical requirement is necessary in demonstrating success for the project. Metro's expectations for this procurement requires three years of past experience on the design and manufacturing of new LVPS equipment and Amepower failed to provide this experience.

The firm's approach to the statement of work aligned with the requirements of the RFP. The proposed team consisted of a number of qualified specialists including engineering experts. An organizational chart identified key personnel including the project manager, engineers, quality assurance staff, supervisory staff to be assigned to Metro's project was provided by the proposer outlining over 75 years of combined experience.

Overall, the Technical Proposal offered generally sound approach in providing a LVPS assembly but lack the ground-level design experience to build and manufacture a new LVPS with service-proven results that Metro requires for this project.

On March 15, 2022, the PET completed its independent evaluation of the proposals. As a result, the firms earned the following final scores with Kiepe Electric LLC ranking the highest firm to perform the project.

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	<b>KIEPE ELECTRIC LLC</b>				
3	Technical Capability	80.63	30.00%	24.19	
4	Project Work Plan	80.00	30.00%	24.00	
5	Past Performance and Experience	85.00	20.00%	17.00	
6	Price	100.00	20.00%	20.00	
7	<b>Total</b>		<b>100.00%</b>	<b>85.19</b>	<b>1</b>
8	<b>AMEPOWER INC.</b>				
9	Technical Capability	71.25	30.00%	21.38	
10	Project Work Plan	77.50	30.00%	23.25	
11	Past Performance and Experience	49.98	20.00%	10.00	
12	Price	83.86	20.00%	16.77	
13	<b>Total</b>		<b>100.00%</b>	<b>71.40</b>	<b>2</b>

### C. Price Analysis

The recommended price of \$1,942,501 has been determined to be fair and reasonable based upon an independent cost estimate (ICE), price analysis, technical evaluation, clarifications and negotiations.

	Proposer Name	Proposal Amount	Metro ICE	Negotiated or NTE amount
1.	Kiepe Electric LLC	\$1,957,170	\$1,595,000	<b>\$1,942,501</b>
2.	AmePower	\$2,333,796	\$1,595,000	\$2,333,796

The difference in ICE and negotiated amount is due to several factors. The ICE didn't account for LVPS assembly, Training and Engineering Fee, as well as shipping and travel costs. Additionally, the ICE was based on a previous industry quote which didn't account for recent increase in inflation, transportation/shipping costs, and covid-related supply chain delays which increased significantly since the development of the ICE.

### D. Background on Recommended Contractor

The recommended firm, Kiepe Electric LLC, located in Alpharetta, Georgia has been in business for 116 years since their inception in 1906 and is a leader in the field of traction equipment and LVPS assemblies for light rail vehicles, metro vehicles, trolley busses as well as other road and rail vehicles. Recently, Kiepe Electric LLC performed

work for San Francisco MTA, Utah Transit Authority, Dayton Ohio RTA and Chicago METRA delivering up to 200 LVPS and battery charger systems for their railcars. Kiepe Electric's Project Manager has 42 years of experience, and the team has an accumulative experience of 190 years in designing, manufacturing, and delivering highly innovated and complex electronic systems for rail vehicles. Kiepe Electric LLC also specializes in the modification of existing vehicles, as well as their assembly, testing and commissioning. Kiepe Electric performs work across several countries, including Canada, United Kingdom, Belarus, Germany, Greece, Italy, The Netherlands, Norway, Poland, Taiwan and several other countries.

**DEOD SUMMARY**

**LOW VOLTAGE POWER SUPPLY  
CONTRACT NUMBER OP82170000**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) did not establish a Disadvantaged Business Enterprise (DBE) participation goal for this procurement due to the lack of subcontracting opportunities. It is expected that Kiepe Electric will perform the services with its own workforce.

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

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

**D. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

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

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



## Board Report

File #: 2022-0414, File Type: Contract

Agenda Number: 33.

### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE AUGUST 18, 2022

**SUBJECT: HEAVY RAIL VEHICLE FLEET VINYL SEAT OVERHAUL**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 4 to Contract No. MA52153000 with Molina Manufacturing for the A650 Heavy Rail Vehicle (HRV) Vinyl Seat Overhaul contract to extend the Period of Performance by 24 months through September 4, 2025, and increase the Not-to-Exceed Total Contract Price by \$499,110, from \$475,040.24 to \$974,150.24.

#### **ISSUE**

The A650 Red and Purple HRV vinyl seat overhaul project is in line with Metro's "Customer First," "Cleanliness Program," improving the Customer Experience initiatives by providing clean and safe rail vehicles for all Metro customers.

In recent months, Metro has identified an increase in seat damage. This has led to the fabric seat material's wear and tear, leaving unclean and/or unsafe seat conditions. The overhaul program not only provides a lower cost to the agency but replaces the fabric material with a vinyl material that is easier to clean, sanitize, and wipe down.

Additionally, due to the increase in vandalism on the subway cars, particularly with "graffiti" on the vinyl seat inserts, it has become increasingly necessary to replace seat inserts to properly maintain the car interiors. Extending the contract and increasing the contract price by \$499,110 gives the staff the authority to execute the necessary repairs and replacements.

To date, Metro has replaced a total of 9,600 seats for the A650 Red and Purple HRV fleet. Currently, there are 600 seats in need of replacement to complete this project. In addition, the contract modification will not only complete the remaining seat replacements and will support additional seat replacements on an as-needed basis.

#### **BACKGROUND**

Contract No. MA52153000 was awarded to Molina Manufacturing on September 5, 2018 in the amount of \$375,040.24, to replace fabric material with vinyl material, including the installation of a drain hole onto the seat bottom allowing fluids to drain onto the floor and not accumulate onto the seat bottom.

This contract modification will increase the quantities to repair and replace the car seats and will provide for an extension to the contract while a new contract is being developed and awarded.

## **DISCUSSION**

Cleanliness is a highly rated issue of importance for Metro riders and the reupholstering of the seat inserts enhances Metro's cleaning and sanitation programs to ensure clean, reliable, and safe rail transportation services.

Awarding this contract will ensure the red and purple lines located at Division 20 have adequate inventory to replace damaged seat inserts and for any remaining rail cars requiring conversion from cloth to vinyl material. This contract will allow Metro to stock a supply of seat inserts and replace the seat inserts when found with graffiti, cuts in the vinyl material, or otherwise damaged in order to ensure a continued high-quality environment for our passengers.

The vinyl seat inserts will improve interior vehicle cleanliness and improve our customer's experience. Per the Chief Executive Officer's directive, Metro is actively working on the conversion of the entire fleet of rail vehicles to vinyl seat inserts by the end of the Fiscal Year 2023, and the award of this contract is expected to provide the inventory of vinyl seats for the heavy rail fleet to achieve this objective.

To date, the A650 Red and Purple HRV fleet is approximately 94% completed in terms of vinyl seats and this contract extension will ensure that Metro completes the transition of A650 vehicles from fabric to vinyl material. With the goal of full conversion to vinyl seats for the heavy rail, light rail, and bus fleets by the end of FY23, staff will monitor production rates for the seat inserts and bring forth a new solicitation and contract award should an additional vendor be required to supplement production to achieve the FY23 date.

This work is required to maintain the vehicles in a State-of-Good-Repair, safety and reliability, as well as to support the best possible Customer Experience.

## **DETERMINATION OF SAFETY IMPACT**

The vinyl seat inserts allow for easy maintenance of soiled or damaged seats and deter the spread of potential diseases. Clean, safe, and reliable cars are all part of ensuring that our Customer's Experience is enjoyable.

## **FINANCIAL IMPACT**

Funding of \$499,110.24 for the Contract Modification Authority is included in the Cost Center 3942,



Project 300044 Account 50441.

### Impact to Budget

The current source of funding for this action includes Prop C, TDA, &STA. Using these funding sources maximizes the project funding allocations allowed by approved provisions and guidelines.

### EQUITY PLATFORM

Approval of recommendation ensures successful completion of the vinyl seat overhaul and repair project; and will ensure that the rail fleet that serves Los Angeles County and disproportionately serves marginalized groups and the vulnerable, provides clean and safe transportation services.

The Red and Purple rail lines utilize all of the heavy rail fleet vehicles in Metro's system and based on the 2019 Customer Survey, the Red and Purple heavy rail lines serve the following ridership:

- 27.7% below the poverty line
- 56.4% had no car available
- Rider Ethnicity: Latino 38.9%; Black 13.1%; White 25.8%; Asian/Pacific Islander 15.2%; Other 6.5%

In addition, areas served include Union Station to Downtown LA, Koreatown (Wilshire/Western), Hollywood, Universal City, and North Hollywood, a majority of which serve people living in Equity Focus Communities.

Molina Manufacturing is a certified Small Business Enterprise (SBE) firm located in Torrance, California and will be performing the services on this contract with its own workforce.

### IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports Metro Strategic Plan Goal 5) Provide Responsive, Accountable, and Trustworthy governance within the Metro organization. Contract Modification Authority and Contract extension safeguards overhaul production continuance while meeting passenger safety and fleet reliably.

### ALTERNATIVES CONSIDERED

Deferral of the vinyl seat overhaul project is not recommended as this approach is contrary to Metro's passenger-first initiatives. The alternative is to not award the contract and procure the vinyl seat inserts as needed, using the traditional "min/max" replenishment system method. This strategy is not recommended since it does not provide for a commitment from the supplier to ensure availability, timely delivery, continued supply, and a guaranteed fixed price for the parts. This alternative strategy could also impact the lead time for securing the material to reupholster the seat inserts, resulting in delays in completing the fleet conversion.

### NEXT STEPS

Upon Board approval, the vinyl seat overhaul program will continue with the Contractor relacing fabric material with vinyl and completing necessary modifications to the seat inserts.

**ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - Mod Log

Attachment C - DEOD Summary

Prepared\_by

Prepared by:

Bob Spadafora, Senior Executive Officer, Rail Fleet Services

(213) 922-3144

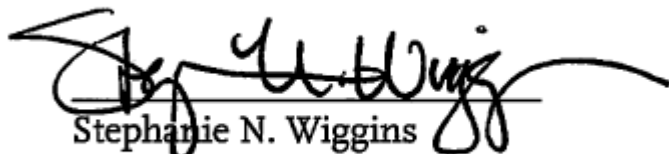
Richard M. Lozano, Senior Director, Rail Fleet Services

(323) 224-4042

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

Reviewed by:

Conan Cheung, Chief Operations Officer (213) 418-3034



Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

**A650 SEAT BACK AND BOTTOM INSERT OVERHAUL AND MODIFICATION /  
CONTRACT NO. MA52153000**

1.	<b>Contract Number:</b> MA52153000		
2.	<b>Contractor:</b> Molina Manufacturing		
3.	<b>Mod. Work Description:</b> Extend the Period of Performance by 24 months and add additional work		
4.	<b>Contract Work Description:</b> A650 seat insert replacement & repair		
5.	<b>The following data is current as of:</b> 06.15.22		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	09-05-18	<b>Contract Award Amount:</b> \$375,040.24
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b> \$100,000.00
	<b>Original Complete Date:</b>	09-04-23	<b>Pending Modifications (including this action):</b> \$499,110.00
	<b>Current Est. Complete Date:</b>	09-04-25	<b>Current Contract Value (with this action):</b> \$974,150.24
7.	<b>Contract Administrator:</b> Nicole Banayan		<b>Telephone Number:</b> 213-922-7438
8.	<b>Project Manager:</b> Richard Lozano		<b>Telephone Number:</b> 323-224-4042

**A. Procurement Background**

This Board Action is to approve an increase of Contract Modification Authority issued in support of:

- a) Extending the Contract Period of Performance by 24 months through September 4, 2025
- b) Increasing the Not-to-Exceed Contract Price by \$499,110.00 from \$475,040.24 to \$974,150.24.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is an Indefinite Delivery/Indefinite Quantity (ID/IQ).

This Contract was executed on September 5, 2018, to Molina Manufacturing for a 60-month period of performance for a Total Not-to-Exceed Contract Value of \$375,040.24.

(Refer to Attachment B – Contract Modification/Change Order Log)

**B. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based upon a price analysis and technical evaluation. Molina Manufacturing is not escalating their competitively obtained unit prices for all seat inserts for the 24-month extension and those rates were the basis of the Metro ICE. Therefore, the proposed amount, Metro ICE, and the negotiated amount are all consistent.

<b>Proposal Amount</b>	<b>Metro ICE</b>	<b>Negotiated Amount</b>
\$499,110.00	\$499,110.00	<b>\$499,110.00</b>

**C. Contractor**

Molina Manufacturing (Molina) is a Metro certified Small Business Enterprise (SBE) firm located in Torrance, California. Molina Manufacturing was established in March 2007 and is a full-service company that re-upholsters used or new passenger seats for a wide variety of bus and rail. In addition to providing reupholstery services, Molina also provides hub gaskets, tank radiator gaskets, valve cover, and pan gaskets and assess panel gaskets. Molina’s performance is satisfactory.

## CONTRACT MODIFICATION/CHANGE ORDER LOG

A650 SEAT BACK AND BOTTOM INSERT OVERHAUL AND MODIFICATION /  
CONTRACT NO. MA52153000

<b>Mod. no.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Revised A650 Technical Specification	Approved	05.05.22	\$42,105.75
2	2 <sup>nd</sup> Generation Vinyl change	Approved	04.22.22	\$0.00
3	As-Needed Seat Repairs due to Vandalism	Approved	07.11.22	\$57,894.25
<b>4</b>	<b>Extend Period of Performance and add \$499,110.00</b>	<b>Pending</b>	<b>TBD</b>	<b>\$499,110.00</b>
	<b>Modification Total:</b>			<b>\$599,110.00</b>
	<b>Original Contract:</b>	Approved	09.05.18	<b>\$375,040.24</b>
	<b>Total:</b>			<b>\$974,150.24</b>

**DEOD SUMMARY**

**A650 HEAVY RAIL, FLEET VINYL SEAT OVERHAUL PROJECT/MA52153000**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) did not establish a Small Business Enterprise/Disabled Veterans Business Enterprises (SBE/DVBE) goal based on the lack of subcontracting opportunities. Molina Manufacturing, an SBE, is performing the services on this contract with its own workforce.

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

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

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

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

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



Board Report

File #: 2022-0415, File Type: Contract

Agenda Number: 34.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE  
AUGUST 18, 2022**

**SUBJECT: METRO RED AND PURPLE MAINLINE RAIL FASTENER REPLACEMENT**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

CONSIDER:

- A. AUTHORIZING the Chief Executive Officer to award a 60-month, Firm Fixed price Contract No. OP8666000 to Transdev Rail Inc., the lowest responsive and responsible bidder, for the purchase of Metro Red and Purple Mainline Fastener Replacement for a not-to-exceed amount of \$28,703,169.90, inclusive of sales tax. This recommendation is subject to the resolution of any properly submitted protest(s).
  
- B. INCREASING the Life of Project (LOP) Budget for the Metro Red and Purple Mainline Fastener Replacement, capital project number 205125, by \$8,850,000 from \$28,130,000 to \$36,980,000.

**ISSUE**

In May 2021, the Board approved the Metro Red and Purple Mainline Fastener Replacement with a LOP budget of \$28,130,000 as part of the adopted FY22 annual budget. At the time of the project scope development, the LOP budget was based on the best available estimate of the cost of replacing heavy rail fasteners along with the Red and Purple mainlines. Due to the increase in economic costs since the development of the cost estimate, an increase is necessary for the LOP Budget to purchase mainline fasteners for replacement for both the Red and Purple Lines.

Additionally, due to the Red and Purple Lines operating heavy rail service for over 27 years, the mainline Type 1 rail fasteners have reached the end of their useful life, and replacement of these rail fasteners is required.

**BACKGROUND**

The Type 1 rail fasteners, manufactured by LORD Corp., were installed during the original

construction of the Red Line and have been in use since revenue service started in 1993. The original fasteners were designed with a life expectancy of 25 to 30 years. The continuous rail service in the underground tunnel environment has led to some fasteners to wear and crack. The Track Maintenance Department has been inspecting the fasteners regularly and replacing the failed fasteners when needed. However, this maintenance work has caused rail service to be impacted as trains are required single-tracked for replacement, or train speeds are required to be significantly reduced while repairs are made. The Maintenance and Engineering Department completed an examination of the condition of the mainline fasteners and determined that an entire replacement of Red and Purple mainlines should be performed using dedicated resources within a specific timeframe.

## **DISCUSSION**

The scope of work involves removing approximately 112,000 of the original Type 1 fasteners and installing new and enhanced Type 1 fasteners with an improved life expectancy of 30 to 35 years. The enhanced Type 1 fasteners have greater durability specialized for underground tunnel environment environments. As a State of Good Repair (SGR) project, the fasteners are critical infrastructure assets and must be replaced promptly. The work is scheduled to be completed within five (5) years. Replacement of the fasteners will increase the reliability of the Red and Purple Lines while preventing service disruptions caused by rail fasteners that fail.

Staff has estimated a LOP increase of \$8,850,000 to proceed with the award of Contract No. OP8666000 in support of the Red and Purple Lines project scope. The increase in the LOP is mainly attributed to increased labor costs to replace fasteners to complete this work per the schedule, engineering design and project management support necessary to oversee design submittals and ensure timely project completion of this effort, and contingency related to unforeseen price increases for critical materials along with change orders that may be required during the construction phase of this work. Please refer to Attachment B for the cost breakdown of capital project 205125

This project is part of Metro's commitment to delivering a robust SGR program that invests in modernization, enhancement to renew asset life and reduce asset breakdowns that impact daily service and customer experience.

## **DETERMINATION OF SAFETY IMPACT**

Rail fasteners directly impact the safety of train movements as they keep the rail fixed to the appropriate track gauge and prevent the rails from shifting. A train derailment can occur if fasteners do not hold the rail at the appropriate gauge and cause the rail to shift.

In accordance with Metro's SGR requirements, fasteners that have reached the end of their useful life must be replaced in a timely manner to comply with safety and reliability standards, alongside meeting Federal Transit Administration and California Public Utilities Commission regulations.

## **FINANCIAL IMPACT**



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This action will increase the LOP budget by \$8,850,000 for capital project 205125. For FY23, \$5,000,000 in existing and approved funding will be provided from capital project number 205125 - Metro Red and Purple Mainline Fastener Replacement, cost center 3960 - Infrastructure Renewal Program, Account 53102 - Acquisition of Equipment. Since this is a multi-year contract, the Project Manager will ensure that the balance of LOP funds is budgeted in future fiscal years.

### Impact to Budget

The source of funds for this action includes the Federal, State Transportation Development Act (TDA), Measure R, and Measure M. Allocation of these funds to this effort maximizes their intended use given approved funding guidelines and provisions. The source of funds will be dependent on the specific capital project funding.

### EQUITY PLATFORM

The benefits of this action are to ensure that transit infrastructure assets are maintained in a state of good repair countywide, including assets that provide transit service for disadvantaged communities. Based on the 2019 Customer Survey, the Red and Purple heavy rail lines serve the following ridership:

- 27.7% below the poverty line
- 56.4% had no car available
- Rider Ethnicity: Latino 38.9%; Black 13.1%; White 25.8%; Asian/Pacific Islander 15.2%; Other 6.5%

In addition, areas served include Union Station to Downtown LA, Koreatown (Wilshire/Western), Hollywood, Universal City, and North Hollywood, a majority of which serve people living in Equity Focus Communities.

Replacement of the fasteners will ensure that the Red and Purple Lines will operate efficiently and safely. This allows Metro to deliver safe, affordable, and dependable transit services that connect marginalized groups with jobs, housing, education, food services, family, and health care.

### IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of this recommendation supports the following Metro Strategic Plan Goals:

1. Provide high-quality mobility options that enable people to spend less time traveling.
2. Deliver outstanding trip experiences for all users of the transportation system.

Replacement of the mainline fasteners will help maintain rail safety, service, and reliability standards to provide a world-class transportation system that enhances the quality of life for all who live, work, and play within Los Angeles County.

## **ALTERNATIVES CONSIDERED**

Alternatives to the project should not be considered as utilizing existing in-house workforces to replace the mainline rail fasteners is not feasible. The Track Maintenance Department presently does not have enough manpower to dedicate to the timely completion of the project work. Complete replacement of heavy rail fasteners is required to timely maintain safety requirements. Track Maintenance workforces concurrently maintain Metro's day-to-day systems and oversee the integration of expansion rail lines.

## **NEXT STEPS**

Upon approval of the recommendations, staff will increase the authorized Life of Project budget and Vendor/Contract Management will execute Contract No OP8666000.

## **ATTACHMENTS**

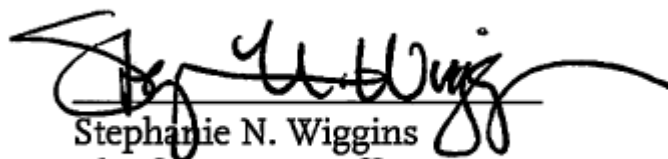
Attachment A - Procurement Summary

Attachment B - Expenditure Plan

Attachment C - DEOD Summary

Prepared by: Wyman Jones, Senior Director, Project Engineering (213) 617-6229  
Errol Taylor, Deputy Chief Operations Officer, Infrastructure Maintenance and Engineering, (213) 922-3227  
Geyner Paz, Senior Administration Analyst, (213) 922-3744  
Debra Avila, Deputy Chief Vendor/Contract Management (213) 418-3051

Reviewed by: Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

**METRO RED AND PURPLE LINE MAINLINE RAIL FASTENER  
REPLACEMENT/CONTRACT NUMBER OP8666000**

1.	<b>Contract Number:</b> OP8666000	
2.	<b>Recommended Vendor:</b> Transdev Rail, Inc.	
3.	<b>Type of Procurement (check one):</b> <input checked="" type="checkbox"/> IFB <input type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> 03.14.22	
	<b>B. Advertised/Publicized:</b> 03.14.22	
	<b>C. Pre-Bid Conference:</b> 03.29.22	
	<b>D. Bids Due:</b> 05.06.22	
	<b>E. Pre-Qualification Completed:</b> 06.13.22	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> 07.06.22	
	<b>G. Protest Period End Date:</b> 08.19.22	
5.	<b>Solicitations Picked up/Downloaded:</b> 27	<b>Bids Received:</b> 4
6.	<b>Contract Administrator:</b> Nicole Banayan	<b>Telephone Number:</b> 213-922-7438
7.	<b>Project Manager:</b> Wyman Jones	<b>Telephone Number:</b> 213-617-6229

**A. Procurement Background**

This Board Action is to approve Contract No. OP8666000 issued to procure goods and services to replace Metro Red and Purple Rail Mainline fasteners. Board approval of contract awards are subject to resolution of any properly submitted protest.

IFB No. OP86660 was issued in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

Four (4) amendments were issued during the solicitation phase of this IFB:

- Amendment No. 1, issued on March 24, 2022, revised Exhibit A: Scope of Services;
- Amendment No. 2, issued on April 4, 2022, extended the bid due date from April 14, 2022 to April 29, 2022;
- Amendment No. 3, issued on April 12, 2022, revised Exhibit A: Scope of Services;
- Amendment No. 4, issued on April 22, 2022, extended the bid due date from April 29, 2022 to May 6, 2022;

A total of four (4) bids were received on May 6, 2022. A pre-bid meeting was held on March 29, 2022. All four (4) bidders and other interested companies attended a site

visit at Union Station on March 29, 2002, right after the pre-bid meeting, to observe the existing trackway and train operations through the crossovers on the B/D (Red/Purple) Line. The Type 1 fasteners to be replaced were shown to all, and answers were provided by Metro to questions during the site visit. Metro issued four (4) clarifications answering a total of 82 questions received from potential bidders.

**B. Evaluation of Bids**

This procurement was conducted in accordance and complies with LACMTA’s Acquisition Policy for a competitive sealed bid. The four (4) bids received are listed below in alphabetical order:

1. Delta Railroad Construction, Inc.
2. Herzog Contracting Corporation
3. Railworks Track Services, LLC
4. Transdev Rail, Inc.

Herzog Contracting Corporation, Railworks Track Services, LLC and Transdev Rail, Inc. were determined to responsive, responsible and deemed qualified to perform the services based on Exhibit A: Scope of Services.

Delta Railroad Construction, Inc. was determined to not be responsive because they did not meet the Disadvantaged Business Enterprise (DBE) commitment of one percent (1%) of the total contract price.

**C. Price Analysis**

Metro’s Independent Cost Estimate (ICE) was developed to establish the most likely cost rather than the lowest optimistic cost to perform the services. This was done by assuming average but reasonable labor productivity and actual material pricing from one of Metro’s approved supplier for Type 1 DF Fastener. The ICE also includes 12% Home Office Overhead & Profit, and an escalation of 8% for materials and labor only.

The recommended bid price from Transdev Rail, Inc. has been determined to be fair and reasonable based upon adequate price competition and selection of the lowest responsive and responsible bidder. Metro confirmed Transdev Rail Inc.’s understanding of the scope and complexities of the work.

<b>Bidder Name</b>	<b>Bid Amount</b>	<b>Metro ICE</b>	<b>Responsive</b>
Transdev Rail, Inc.	\$28,703,169.90	\$50,910,046.00	Yes
Railworks Track Services, LLC	\$34,822,689.00	\$50,910,046.00	Yes
Herzog Contracting Corporation	\$43,587,500.00	\$50,910,046.00	Yes
Delta Railroad Construction, Inc.	\$65,185,005.00	\$50,910,046.00	No

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

The recommended firm, Transdev Rail, Inc., located in San Dimas, Ca has been in business for thirteen (13) years, and is a leader in the railroad construction industry. They are the railroad maintenance division of Transdev North America, and provide railroad maintenance, project oversight, and construction services. Transdev North America is one of the largest private sector operators of multiple modes of transit in North America.

Transdev Rail, Inc. recently completed the Laguna Niguel to San Juan Capistrano Passing siding with OCTA in 2021, Trolley Track Improvements with San Diego Metropolitan Transit System in 2019, and Truck Rehabilitation Services with Southern California Regional Rail Authority in 2021.

Transdev Rail Inc. has worked at Southern California Regional Rail Authority (Metrolink) under a track maintenance contract since 2008, and was formerly known as Veolia Transportation Maintenance and Infrastructure, Inc.

Transdev Rail Inc.'s management team is composed of a project manager, a project engineer, and a project superintendent. In addition, they have an experienced construction crew composed of a foreman, equipment operators and laborers.

The project manager, Vannith Chuoy has over 30 years of experience in engineering, maintenance and construction of railroad projects. He also has over 10 years of business management experience, knowledgeable with Federal Railroad Administration Parts 213 & 214, CPUC codes of regulation, and General Code of Operating Rules for Maintenance of Way employees.

CP 205125 Expenditure Plan

Metro B and D (Red and Purple) Mainline Rail Fastener Replacement

Use of Funds	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Total
IFB No. OP86660 Metro B and D (Red and Purple) Mainline Rail Fastener Replacement	-	2,998,170	6,500,000	6,500,000	6,500,000	6,205,000	28,703,170
Metro Maintenance of Way (MOW) Labor	-	805,044	833,221	862,383	892,567	923,915	4,317,130
Agency Costs (Design Support During Construction, Project Management, Procurement, Labor Compliance)	45,465	197,728	202,957	208,190	213,972	220,888	1,089,200
Project Contingency 8%							2,870,500

**Yearly Cash Flow Forecast:**      45,465      4,000,942      7,536,178      7,570,573      7,606,539      7,349,803      36,980,000

**DEOD SUMMARY**

**METRO B AND D (RED and PURPLE MAINLINE RAIL FASTENER REPLACEMENT/OP86660**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 1% Disadvantaged Business Enterprise (DBE) goal for this solicitation due to the specialized nature of the work. Transdev Rail, Inc. made a 1% DBE commitment.

<b>Small Business Goal</b>	<b>DBE 1%</b>	<b>Small Business Commitment</b>	<b>DBE 1%</b>
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	<b>DBE Subcontractors</b>	<b>Ethnicity</b>	<b>% Committed</b>
1.	Hafco Services, Inc.	Hispanic American	1%
	<b>Total Commitment</b>		<b>1%</b>

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

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

**C. Prevailing Wage Applicability**

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

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

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



## Board Report

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File #: 2022-0395, File Type: Appointment

Agenda Number: 35.

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### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE AUGUST 18, 2022

**SUBJECT: MEMBERSHIP ON METRO'S SAN FERNANDO VALLEY AND WESTSIDE CENTRAL SERVICE COUNCILS**

**ACTION: APPROVE RECOMMENDATION**

#### **RECOMMENDATION**

APPROVE nominees for membership on Metro's San Fernando Valley and Westside Central Service Councils.

#### **ISSUE**

Each Metro Service Council (MSC) is comprised of nine Representatives that serve terms of three years; terms are staggered so that the terms of three of each Council's nine members expire annually on June 30. Incumbent Representatives can serve additional terms if re-nominated by the nominating authority and confirmed by the Metro Board.

The San Fernando Valley and Westside Central Service Councils each have one vacancy that was not filled when the seats' terms expired on June 30, 2022. The term of these now-vacant seats is July 1, 2022 - June 30, 2025.

#### **BACKGROUND**

Metro Service Councils were created in 2002 as community-based bodies tasked with improving bus service and promoting service coordination with municipal and local transit providers. The MSC bylaws specify that Representatives should live in, work in, or represent the region; have a basic working knowledge of public transit service within their region, and have an understanding of passenger transit needs. To do so, each Representative is expected to ride at least one transit service per month.

The MSC is responsible for convening public hearings to receive community input on proposed service modifications, and rendering decisions on proposed bus route changes considering staff's recommendations and public comments. All route and major service changes that are approved by the MSC will be brought to the Metro Board of Directors as an information item. Should the Metro Board decide to move an MSC-approved service change to an Action Item, the MSC will be notified of this change prior to the next Service Council monthly meeting.



**DISCUSSION**

The individuals listed below have been nominated to fill vacant seats on the San Fernando Valley and Westside Central Service Councils by the seats’ nominating authority. If approved by the Board, these appointments will serve out the remainder of the vacant seats’ three-year term. A brief listing of the nominees’ qualifications and the nomination letters from the nominating authority are provided in Attachments A and B.

For reference, the 2020 American Community Survey demographics and 2019 Metro Ridership Survey demographics for each region are compared to the membership, should these nominees be appointed.

San Fernando Valley

- A. Louis Herrera, San Fernando Valley Service Council, New Appointment  
 Nominated by: Los Angeles Mayor Eric Garcetti  
 Term: July 1, 2022 - June 30, 2025

Should these nominees be appointed, the San Fernando Valley (SFV) Service Council membership will compare to the region and the region’s ridership as follows:

SFV Region Demographics	Hispanic	White	Asian/ Pacific Isl	Black	American Ind/ Alaska Native	Other
Council Region	40.0%	41.7%	11.2%	3.7%	0.1%	3.3%
Region Ridership	63%	13%	9%	9%	1%	5%
Membership/No.	5 (55%)	3 (33%)	0 (0%)	1 (11%)	0 (0%)	0 (0%)

The gender makeup of the SFV Service Council will be as follows:

Gender	SFV Membership/No.*	Los Angeles County
Male	66% / 6	49.7%
Female	33% / 3	50.3%

Westside Central

- B. Jessica Jinn, Westside Central Service Council, New Appointment  
 Nominated by: Los Angeles Mayor Eric Garcetti  
 Term: July 1, 2022 - June 30, 2025

Should this nominee be appointed, the Westside Central Service Council membership will compare to the region and the region’s ridership as follows:

WSC Region Demographics	Hispanic	White	Asian/ Pacific Isl	Black	American Ind/ Alaska Native	Other
Council Region	42.4%	30.8%	13.5%	9.5%	0.2%	3.6%
Region Ridership	66%	7%	7%	16%	1%	4%
Membership/No.	5 (55%)	1 (11%)	1 (11%)	2 (22%)	0 (0%)	0 (0%)

The gender makeup of the Westside Central Cities Service Council will be as follows:

Gender	WSC Membership/No.	Los Angeles County
Male	33.3% / 3	49.7%
Female	66.6% / 6	50.3%

**DETERMINATION OF SAFETY IMPACT**

Maintaining the full complement of representatives on each Service Council to represent each service area is important. As each representative is to be a regular user of public transit, and each Council is composed of people from diverse areas and backgrounds, this enables each Council to better understand the needs of transit consumers including the need for the safe operation of transit service and safe location of bus stops.

**EQUITY PLATFORM**

Metro seeks to appoint Service Council members that represent the diverse needs and priorities reflective of the demographics of each respective region.

**IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Approval of this recommendation supports the following Metro Strategic Plan Goal: 30 Enhance communities and lives through mobility and access to opportunity.

**ALTERNATIVES CONSIDERED**

The alternative to approving this appointment would be for this nominee to not be approved for an appointment. To do so would result in reduced effectiveness of the Service Councils, as it would increase the difficulty of obtaining the quorum necessary to allow the Service Council to formulate and submit recommendations to the Board. It would also result in the Service Council having a less diverse representation of their respective service areas.

**NEXT STEPS**

There is one remaining vacancy on the San Gabriel Valley Service Council. Staff will continue to work with the Cities of Montebello, Monterey Park, and Rosemead to identify a candidate to fill the vacant seat. When this seat is filled, Metro’s Service Councils will be fully appointed.

Staff will continue to monitor the quality of bus service from the customer's perspective, and share that information with the Service Councils for use in their work to plan and implement and improve bus service in their areas and the customer experience.

### **ATTACHMENTS**

Attachment A - Listing of Nominees' Qualifications

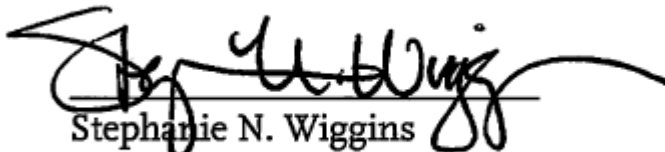
Attachment B - Nomination Letters

Prepared by:

Dolores Ramos, Manager, Regional Service Councils, (213) 598-9715

Reviewed by: Conan Cheung, Chief Operations Officer

(213) 418-3034



Stephanie N. Wiggins  
Chief Executive Officer

**NEW APPOINTEE BIOGRAPHY AND QUALIFICATIONS**



**Louis Herrera, Nominee to San Fernando Valley Service Council**

Louis Herrera is a Customer Programs Outreach Specialist for the Southern California Gas Company where he provides underserved communities, persons with disabilities, disabled Veterans and senior citizens with California Alternate Rates for Energy (CARE) Program and the Energy Savings Assistance Program information. Accompanied by Hugo, his guide dog, Mr. Herrera is a great ambassador in the community. Mr. Herrera is a native of the San Fernando Valley. He served as Commissioner for the City of Los Angeles Department on Disabilities for over eight years. In 2010, he was appointed by former President Barak

Obama to serve on the 21st Century Accessible Communications Federal Communications Commission (FCC) Committee focusing on functional user accessibility interface design. Mr. Herrera currently serves as President of Fiesta Educativa, an organization dedicated to serving the needs of Hispanic families with children with various disabilities, and President of Southern California Resource Services for Independent Living (SCRS-IL), an independent living center that serves individuals with disabilities throughout Southern California. Mr. Herrera earned a Master's degree in Assistive Technology and Rehabilitation Engineering from Cal State University, Northridge and a Bachelor of Science in Business Management from the University of Arizona. He enjoys spending time with his wife Marie of 25 years, family and friends. His hobbies include woodworking, leather crafting, and solving puzzles.

**Jessica Jinn, Nominee to Westside Central Service Council**

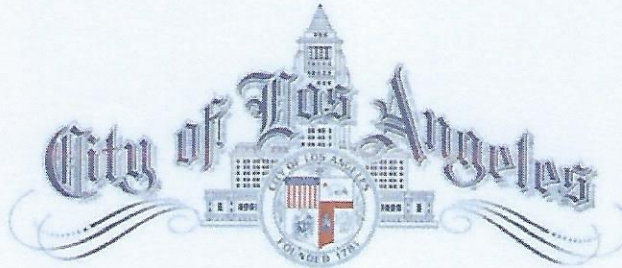


Jessica Jinn currently works as a climate advisor with the Natural Resources Defense Council, where she and works intimately with the City of Los Angeles on vehicle electrification and mobility projects. Prior to this, she was Communications Director at Asian Americans Advancing Justice – Los Angeles where she was in charge of developing advocacy and awareness-raising campaigns for issues relating to social justice and immigration. She previously worked extensively on electric vehicle planning and equity in roles with Renovate America and the Center for Sustainable Energy. Ms. Jinn graduated from NYU with a BS in Media, Culture, and

Communication, and received a Master's in economics and environmental policy from UC San Diego. She also serves as an Advisory Board Member for the Asian Pacific Islander Forward Movement.

APPOINTING AUTHORITY NOMINATION LETTERS

San Fernando Valley Service Council



ERIC GARCETTI  
MAYOR

June 14, 2022

Ms. Dolores Ramos  
Manager  
Metro Regional Service Councils  
One Gateway Plaza MS 99-7-1  
Los Angeles, CA 90012

Dear Ms. Ramos:

This letter serves as my recommendation to appoint Louis Herrera to serve as a representative on the San Fernando Valley Service Council for the term of July 1, 2022 - June 30, 2025. Mr. Herrera will fill the vacancy that will be created by Donald Weissman, who will be stepping down at the end of his term this month.

I certify that in my opinion, Mr. Herrera is qualified for the work that will devolve upon him, and that I make this nomination solely in the interest of the Los Angeles County Metropolitan Transportation Authority.

Please let me know if you need any additional information.

Sincerely,

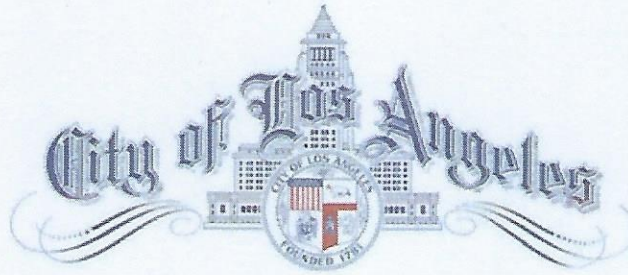
ERIC GARCETTI  
Mayor

EG:tga

Attachment



**Westside Central Service Council**



**ERIC GARCETTI**  
MAYOR

July 6, 2022

Ms. Dolores Ramos  
Manager  
Metro Regional Service Councils  
One Gateway Plaza MS 99-7-1  
Los Angeles, CA 90012

Dear Ms. Ramos:

This letter serves as my recommendation to appoint Jessica Jinn to serve as a representative on the Westside-Central Service Council for the term of July 1, 2022 - June 30, 2025. Ms. Jinn will fill the vacancy that was created by Alfonso Directo, who stepped down at the end of his term on June 30, 2022.

I certify that in my opinion, Ms. Jinn is qualified for the work that will devolve upon her, and that I make this nomination solely in the interest of the Los Angeles County Metropolitan Transportation Authority.

Please let me know if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Garcetti'.

ERIC GARCETTI  
Mayor

EG:tga

Attachment

200 N. SPRING STREET, ROOM 303 LOS ANGELES, CA 90012 (213) 978-0600  
MAYOR.LACITY.ORG





Board Report

File #: 2022-0323, File Type: Contract

Agenda Number: 36.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE  
AUGUST 18, 2022**

**SUBJECT: METRO FREEWAY SERVICE PATROL**

**ACTION: APPROVE RECOMMENDATIONS**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE contract modifications for 4 existing Freeway Service Patrol (FSP) contracts in an aggregate amount of \$4,466,000 thereby increasing the contract amounts from \$4,816,957 to \$9,282,957 and extending the periods of performance for the following contracts:
  - Beat 24: T.G. Towing, Inc. Contract No. FSP2833200FSP1424, for \$582,000 for up to 12 months, increasing the total contract amount from \$4,114,302 to \$4,696,302;
  - Beat 29: Platinum Tow & Transport, Inc. Contract No. FSP3470600B29, for \$438,000 for up to 12 months, increasing the total contract amount from \$3,707,024 to \$4,145,024;
  - Beat 42: Platinum Tow & Transport Contract No. FSP2842100FSP1442, for \$438,000 for up to 12 months, increasing the total contract amount from \$3,526,231 to \$3,964,231; and
  - Beat 60: Freeway Towing, Inc. Contract No. FSP5768900B60, for \$3,008,000 for up to 24 months, increasing the total contract amount from \$5,255,700 to \$8,263,700.
  
- B. APPROVE a change in the beat cap policy to increase the number of FSP Light Duty (FSPLD) tow service beats that a vendor can be awarded from 2 to 4, establish a two beat cap limit for FSP Heavy Duty (FSPHD), and a one contract cap for FSP Regional (FSPR) (Regional contracts are comprised of multiple beats).

**ISSUE**

Recommendation A authorizes contract modifications in the aggregate amount of \$4,466,000 to extend existing FSP tow service contracts to ensure no gaps in service.

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Recommendation B increases the maximum number of FSPLD beats a vendor may have under contract, from 2 to 4 beats. In the last 3 solicitations for FSPLD beats, there have not been sufficient responsive/responsible bidders to award all contracts offered. The change to the beat cap is expected to increase the number of FSPLD contracts awarded. Increasing the beat cap limit to 4 beats will allow current capped out FSPLD contractors to bid and make the process more competitive for contracts. The recommendation also establishes a beat cap limit for FSPHD and a contract cap for FSPR (as detailed below in "Discussion").

## **BACKGROUND**

As previously reported to the Board, during the early stages of the pandemic the worst congestion in the world had disappeared in a matter of weeks resulting in a reduction in FSP service levels. In late 2021, congestion started to return as people resumed their normal activities such as commuting to and from work. Except for a short period in January and February (spike in Covid-19 cases), congestion has steadily increased with a return to full (pre-pandemic) service levels as of May 1, 2022.

The FSP program is managed in partnership with Metro, CHP and Caltrans serving motorists on all major freeways in Los Angeles County. Metro's FSP program is the largest of its kind in the nation and maintains the highest level of benefit to cost ratio of all 14 FSP programs within California.

The program utilizes a fleet of roving tow and service trucks designed to reduce traffic congestion by efficiently rendering disabled vehicles operational by changing out flat tires, providing a jump start, adding water to the radiator, taping leaking hoses, or by quickly towing those vehicles from the freeway to a designated safe location. These services are free to motorists. Quickly removing motorists and their disabled vehicles from the freeway reduces the chances of further incidents caused by onlookers and impatient drivers. FSP helps save fuel and reduce air polluting emissions by reducing stop-and-go traffic through the provision of free services to motorists and operates seven days a week during peak commuting hours.

Metro contracts with independent tow service providers for light duty tow service on general purpose lanes on all major freeways in Los Angeles County, 2 light duty contracts on the ExpressLanes (I-110 and I-10), and 2 heavy duty (Big Rig) contracts (I-710 and SR-91) to assist large commercial vehicles. Each weekday, 138 tow and service trucks are normally deployed during peak commuting hours.

FSP light duty contracts are re-procured approximately every 4 years to replace aging vehicles, give tow service providers the opportunity to bid on new contracts, and allow new contracts to reset rates using current industry prices.

The annual benefit of the program is as follows:

- For individual beats, an annual Benefit to Cost Ratio of 9:1 - For every \$1 spent there is a \$9 benefit to motorists



- 300,000 motorist assists
- 5,175,845 hours motorists saved from sitting in traffic
- 8,897,277 gallons of fuel savings
- Approximately 78,296,040 kg of CO2 reductions
- The average motorist wait time for FSP service is 7 minutes (the average wait time for other roadside service is over 30 minutes)
- The Los Angeles County FSP program generates one-half of the cumulative benefits of the 14 FSP programs in the state.

## **DISCUSSION**

The past 3 solicitations for FSP contracts have not resulted in a sufficient number of responsive/responsible bidders to award all contracts. Staff have held Metro Connect outreach events, attended tow industry events, and visited/called local tow operators to attract new bidders. Unfortunately, to date, these efforts have not produced significant interest in the program culminating in a recent cancellation of an IFB for eleven FSPLD beats. Additional outreach events will be held prior to the release of a subsequent IFB in September. Staff expects to return to the Board at the appropriate time for authorization to award new contracts.

Recommendation A requests funding to extend periods of performance for three Beats (24, 29, & 42) to avoid a gap in service provision. Authorizing contract modifications will ensure seamless and efficient operation of the FSP program until a new solicitation and contract award have been completed. It will also provide funds to address operating costs not recovered by contractors due to the reduction in service levels, increased insurance premiums, major maintenance expenses, fluctuating fuel prices, and to replenish funding to contracts that provide support to Caltrans construction projects through a Cooperative Agreement which reimburses Metro for FSP support.

Recommendation A will also increase funding and extend the period of performance for the Beat 60 FSPHD contract. Extending the contract for 24 months allows Metro to continue to provide the service using the existing high-cost/long-life vehicles that were underutilized for 2 years during the pandemic due to service reductions. The alternative is to allow the contract to expire and procure a new contract at potentially much higher hourly rates. Heavy duty tow trucks cost upwards of \$750k and can operate effectively for over 1 million miles.

On September 1, 2001, the Board approved two recommendations; A) Reducing the beat cap policy from 3 beats to 2 beats and B) Placing a temporary restriction on the number of beats a bidder can be awarded, without previous FSP experience in Los Angeles County, to one beat. Staff initiated these recommendations in response to a contractor with 3 beats defaulting and creating a significant service gap until the beats could be reprocured. Although there is always a risk of contractors defaulting, the risk is much lower now considering the higher value of FSP contracts, how the bidders are scrutinized during the solicitation process, and active program management to identify potential issues. Increasing the number of beats a contractor may operate from 2 to 4, as outlined in Recommendation B, will increase the number of available bidders for FSPLD contracts. The reason for increasing the beat cap to 4 versus 3 beats is so bidders with experience can bid on the 2 beat contracts that will be offered in the subsequent solicitation.

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To further reduce program costs, staff have consolidated 2 beats into a single contract. Normally a single beat contract requires 1 backup truck to fill in when there are vehicle issues. However, by consolidating 2 beats into a single contract, it is possible to eliminate one of the backup trucks at a saving of approximately \$140,000. The recommendation will also establish a beat cap limit of 2 for FSPHD and a contract cap limit of 1 for FSPR. If the Board approves the recommendation, the combination of existing contracts and new awarded contracts may create a temporary overlap situation for several months where a contractor may exceed the program's beat/contract limits. At that time, staff will establish a reasonable contract overlap period on a case-by-case basis. Considering these factors, staff supports increasing the number of FSPLD beats a contractor with experience can operate from 2 beats to 4 beats, establishing a two-beat limit for FSPHD and a 1 contract limit for FSPR, while still placing a limitation on bidders/proposers without specific FSP experience to assure their ability to provide services consistent with Metro requirements through their initial contract.

### **DETERMINATION OF SAFETY IMPACT**

The FSP Program enhances safety on Los Angeles County freeways by assisting motorists with disabled vehicles, towing vehicles from freeway lanes to prevent secondary accidents and removing debris/obstacles from lanes that can be a hazard to motorists.

### **FINANCIAL IMPACT**

The amount of \$4,466,000 for the modifications is included in the FY23 budget in cost center 3352, Metro Freeway Service Patrol.

#### **Impact to Budget**

The FSP program is funded through a combination of dedicated state funds, SB1 funding and Proposition C 25% sales tax revenues. These funds are not eligible for Metro Bus and Rail Operating and Capital expenses. Metro is also reimbursed for the services provided to support Caltrans construction projects.

### **EQUITY PLATFORM**

DEOD has implemented a two-phased Small Business Recruitment Strategy to increase the number of SBE/DVBE certified vendors specific to the towing industry and tow service providers. Through DEOD's Metro Connect Outreach Program), Congestion Reduction's Project Management and Contract Administration staff have scheduled separate pre-solicitation outreach events targeting untapped SBE, DVBE, and DBE-eligible firms within specific North American Industry Classification System (NAICS) codes. In addition, FSP program management staff will continue to outreach to the towing community by attending the annual tow show sponsored by the California Tow Truck Association, contact local towing firms via phone or in person, and reach out to former FSP tow contractors.

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FSP contracts have continued to support Metro's Equity Platform by providing ever-increasing access to opportunities across various service areas. With three of four beats awarded to SBE Prime Contractors, the participation levels for the Small Business Enterprise program are significant with 100% credit captured for these contracts.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The FSP Program aligns with Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling. The program mitigates congestion on all major freeways in Los Angeles County.

### **ALTERNATIVES CONSIDERED**

The Board may decide not to authorize the increase in contract modifications and/or the changes to the beat/contract limit policy. This alternative is not recommended as it could adversely impact the existing contracts and the level and quality of FSP service provided in Los Angeles County.

### **NEXT STEPS**

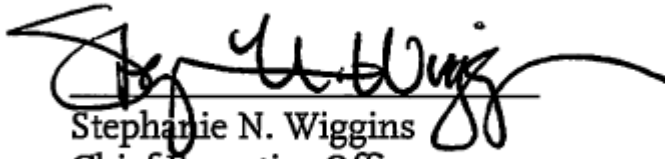
Upon Board approval, staff will execute the necessary contract modifications to assure efficient and seamless delivery of the FSP program and implement the new beat/contract limits policy. Staff will work on new procurements to address needs beyond FY23. Barring additional unforeseen impacts, staff will return to the Board at the appropriate time to secure approval for new contracts with services to commence in June 2023.

### **ATTACHMENTS**

- Attachment A - Procurement Summary
- Attachment B - Contract Modification Summary
- Attachment C - Contract Modification/Change Order Log
- Attachment D - FSP Beat Map
- Attachment E - DEOD Summary

Prepared by: John Takahashi, Senior Highway Operations Manager, (213) 418-3271  
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Reviewed by: Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins  
Chief Executive Officer

PROCUREMENT SUMMARY

METRO FREEWAY SERVICE PATROL/VARIOUS BEATS

1.	<b>Contract Number:</b> Various, See Attachment B		
2.	<b>Contractor:</b> Various, See Attachment B		
3.	<b>Mod. Work Description:</b> General Redeployment Support, Caltrans Construction, Special Event Support, Service Coverage		
4.	<b>Contract Work Description:</b> Freeway Service Patrol		
5.	<b>The following data is current as of:</b> July 7, 2022		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	Various	<b>Contract Award Amount:</b> Various, See Attachment B
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b> Various, See Attachment B
	<b>Original Complete Date:</b>	N/A	<b>Pending Modifications (including this action):</b> Various, See Attachment C
	<b>Current Est. Complete Date:</b>	Various	<b>Current Contract Value (with this action):</b> Various, See Attachment C
7.	<b>Contract Administrator:</b> DeValory Donahue		<b>Telephone Number:</b> (213)-922-4726
8.	<b>Project Manager:</b> John Takahashi		<b>Telephone Number:</b> (213) 418-3271

**A. Procurement Background**

This Board Action is to approve Contract Modification Authority (CMA) increases for multiple firm-fixed unit rate contracts (see Attachment B-Contract Modification Authority Summary) for towing services in support of the Metro Freeway Service Patrol (FSP) program.

The proposed CMA increase for 4 FSP general purpose lanes and ExpressLane contracts in the amount of \$4,466,000 will allow required towing services for the FSP program to continue and extend the period of performance so as to support unanticipated events, redeployment, and support during freeway construction work, and service delivery until new contracts are established.

Attachment B - Contract Modification Authority Summary shows the list of contracts that require an increase in CMA.

Attachment C - Contract Modification/Change Order Log shows that modifications have been issued to date and no contract modifications are currently in negotiations or pending.

**B. Cost**

Contract modifications that are required in the future will be deemed fair and reasonable prior to execution.

**ATTACHMENT B  
CONTRACT MODIFICATION SUMMARY  
METRO FREEWAY SERVICE PATROL  
TOWING SERVICES FOR GENERAL PURPOSE LANES**

<b>Beat</b>	<b>Contractor</b>	<b>Contract No.</b>	<b>Original Contract Value</b>	<b>Approved Increases</b>	<b>Current Contract Value</b>	<b>Requested Increase</b>	<b>Revised Contract Value</b>
24	T.G. Towing, Inc.	FSP2833200FSP1424	\$1,753,911.00	\$2,360,391.00	\$4,114,302.00	\$582,000.00	\$4,696,302.00
29	Platinum Tow & Transport, Inc.	FSP3470600B29	\$3,012,024.00	\$695,000.00	\$3,707,024.00	\$438,000.00	\$4,145,024.00
42	Platinum Tow & Transport, Inc.	FSP2842100FSP1442	\$1,765,665.00	\$1,760,566.00	\$3,526,231.00	\$438,000.00	\$3,964,231.00
60	Freeway Towing, Inc.	FSP5768900B60	\$5,255,700.00	\$0.00	\$5,255,700.00	\$3,008,000.00	\$8,263,700.00
<b>Totals</b>			<b>\$11,787,300.00</b>	<b>\$4,815,957.00</b>	<b>\$16,603,257.00</b>	<b>\$4,466,000.00</b>	<b>\$21,069,257.00</b>

**ATTACHMENT C**

**CONTRACT MODIFICATION/CHANGE ORDER LOG**

**METRO FREEWAY SERVICE PATROL  
TOWING SERVICES FOR GENERAL PURPOSE LANES**

**CONTRACT No. FSP2833200FSP14-24**

**BEAT No. 24**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Period of Performance	Approved	5/26/2018	\$0.00
2	Period of Performance	Approved	8/28/2018	\$0.00
3	Period of Performance	Approved	10/23/2018	\$175,391.00
4	Add Funding and Period of Performance	Approved	12/13/2018	\$330,000.00
5	Period of Performance	Approved	8/30/2019	\$0.00
6	Period of Performance	Approved	9/27/2019	\$0.00
7	Period of Performance	Approved	10/31/2019	\$0.00
8	Period of Performance	Approved	11/27/2019	\$0.00
9	Add Funding and Period of Performance	Approved	12/6/2019	\$275,000.00
10	Service Reduction	Approved	4/3/2020	0.00
11	Add Funding and Period of Performance	Approved	5/12/2020	\$580,000.00
12	Add Funding and Period of Performance	Approved	11/6/2020	\$410,000.00
13	Add Funding and Period of Performance	Approved	7/1/2021	\$130,000.00
14	Add Funding and Period of Performance	Approved	2/9/2022	\$460,000.00
	<b>Modification Total:</b>			<b>\$2,360,391.00</b>
				<b>\$1,753,911 .00</b>
	<b>Total:</b>			<b>\$4,114,302 .00</b>



**CONTRACT No. FSP3470600B29**

**BEAT No. 29**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Service Reduction	Approved	4/3/2020	\$0.00
2	Period of Performance	Approved	4/17/2020	\$0.00
3	Service Reduction	Approved	7/2/2020	\$0.00
4	Add Funding and Period of Performance	Approved	11/17/2020	\$170,000.00
5	Add Funding and Period of Performance	Approved	7/1/2021	\$175,000.00
6	Period of Performance	Approved	3/3/2022	\$350,000.00
7	Period of Performance	Approved	4/20/2022	\$0.00
	<b>Modification Total:</b>			<b>\$695,000.00</b>
	<b>Original Contract:</b>			<b>\$3,012,024.00</b>
	<b>Total:</b>			<b>\$3,707,024.00</b>

**CONTRACT No. FSP2842100FSP14-42**

**BEAT No. 42**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Period of Performance	Approved	7/10/2018	\$0.00
2	Add Funding and Period of Performance	Approved	10/23/2018	\$175,566.00
3	Add Funding and Period of Performance	Approved	7/25/2019	\$585,000.00
4	Service Reduction	Approved	4/3/2020	\$0.00
5	Add Funding and Period of Performance	Approved	7/31/2020	\$100,000.00
6	Add Funding and Period of Performance	Approved	11/17/2020	\$345,000.00
7	Add Funding and Period of Performance	Approved	7/1/2021	\$205,000.00
8	Add Funding and Period of Performance	Approved	3/3/2022	\$350,000.00
9	Service Increase	Approved	4/20/2022	\$0.00

	<b>Modification Total:</b>			<b>\$1,760,566.00</b>
	<b>Original Contract:</b>			<b>\$1,765,665.00</b>
	<b>Total:</b>			<b>\$3,526,231.00</b>

**CONTRACT No. FSP5768900B60**

**BEAT No. 60**

<b>Mod. No.</b>	<b>Description</b>	<b>Status (approved or pending)</b>	<b>Date</b>	<b>\$ Amount</b>
1	Service Reduction	Approved	4/3/2020	\$0.00
2	Period of Performance	Approved	3/30/2022	\$0.00
	<b>Modification Total:</b>			<b>\$0.00</b>
	<b>Original Contract:</b>			<b>\$5,255,700.00</b>
	<b>Total:</b>			<b>\$5,255,700.00</b>



## DEOD SUMMARY

## METRO FREEWAY SERVICES PATROL/VARIOUS BEATS

**A. Small Business Participation (Modification)**

Contractors made Small Business Enterprise (SBE) commitments on four (4) FSP contracts included in this modification, three (3) of which are meeting their SBE commitment(s) and three (3) of which are SBE Primes. On the remaining beat, the Contractor made a Small Business Enterprise (SBE) and Disabled Veterans Business Enterprise commitment.

Freeway, Towing (Freeway), the FSP Contractor for Beat 60, made a 7.23% SBE and 3.42% DVBE commitment. Based on payments, the contract is 74% complete and the current SBE participation is 5.65%, representing a shortfall of 1.58% and the current DVBE participation is 4.65%, exceeding the DVBE commitment by 1.45%. Freeway contends that the shortfall is the result of decreased service requests due to the pandemic. However, Freeway indicated in the coming months, they will be servicing their trucks through Casanova Towing Equipment, Inc., an SBE, which will increase SBE participation. Additionally, Metro's Project Manager worked closely with DEOD in reviewing corrective action plans submitted by Freeway and confirm that proposed service increases to pre-pandemic levels should significantly improve small business participation.

Notwithstanding, Metro Project Managers and Contract Administrators will continue to meet bi-monthly with DEOD and the FSP Contractors in shortfall to review participation levels and ensure that they are on target to meet or exceed their SBE/DVBE commitments.

**Beat 24 – T.G. Towing, Inc.**

	SBE Contractor(s)	% Commitment	% Participation
1.	T. G. Towing, Inc. (SBE Prime)	100%	100%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

**Beats 29 and 42 – Platinum Tow & Transport**

	SBE Contractor(s)	% Commitment	% Participation
1.	Platinum Tow & Transport (SBE Prime)	100%	100%
	<b>Total</b>	<b>100%</b>	<b>100%</b>

**Beat 60 – Freeway Towing, Inc.**

	SBE Contractor(s)	% Commitment	% Participation
1.	Casanova Towing Equipment, Inc.	6.79%	5.17%
2.	Manatek Commercial Insurance Services, Inc.	0.44%	0.48%
	<b>Total</b>	<b>7.23%</b>	<b>5.65%</b>

	DVBE Subcontractor(s)	% Commitment	% Participation
1.	Oasis Fuels, Inc.	3.42%	4.87%
	<b>Total</b>	<b>3.42%</b>	<b>4.87%</b>

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

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

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is applicable to this contract. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of \$22.67 per hour (\$17.00 base + \$5.67 health benefits), including yearly increases. The increase may be up to 3% of the total wage, annually. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this contract.

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

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