Metro

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



Agenda - Final

Thursday, April 28, 2016

9:00 AM

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

Board of Directors

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

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

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A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for one (1) minute per item, or at the discretion of the Chair. A request to address the Board should be submitted in person at the meeting to the Board Secretary. Individuals requesting to speak on more than three (3) agenda items will be allowed to speak up to a maximum of three (3) minutes per meeting. For individuals requiring translation service, time allowed will be doubled.
The public may also address the Board on non-agenda items within the subject matter jurisdiction of the Board during the public comment period, which will be held at the beginning and/or end of each meeting. Each person will be allowed to speak for up to three (3) minutes per meeting and may speak no more than once during the Public Comment period. Speakers will be called according to the order in which the speaker request forms are received. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.
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REMOVAL FROM THE BOARD ROOM The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

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

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

CALL TO ORDER

ROLL CALL

1. APPROVE Consent Calendar Items: 2, 5, 6, 28, **29, 30, 31, 36, 37 and 39.

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

***Item requires 2/3 vote*

CONSENT CALENDAR

2. APPROVE **Minutes of the Regular Board Meeting held March 24, 2016.** 2016-0278

Attachments: ATTACHMENT A - March 24, 2016 Minutes

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

5. AUTHORIZE the Chief Executive Officer to **negotiate and award All Risk Property and Boiler and Machinery Insurance Policies** for all property at the current policy limits at a not to exceed price of $2.4 million for the 12-month period May 10, 2016 through May 10, 2017. 2015-1765

Attachments: Attachment A - Premium History

Attachment B - Recommended Pricing and Carriers

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

6. AUTHORIZE the Chief Executive Officer to execute contract modifications under Contract No. OP02461010 with Cubic Transportation Systems, Inc. (Cubic): 2015-1804

A. Contract Modification No. 140 for the **purchase and installation of 54 TAP Vending Machines (TVMs) at key Metro stations**, in the amount of $5,194,834; and

B. Contract Modification No. 94.03 for **maintenance support services** of these 54 TVMs in the amount of $838,211 through

June 2019; increasing the total contract value by $6,033,045 from $253,351,430 to $259,384,475. No additional funds are being requested for Contract Modifications 140 and 94.03.

Attachments: Attachment A - TVM Deployment Trans
Attachment B - Procurement Summary
Attachment C - Contract Modification
Attachment D - DEOD Summary

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

28. ADOPT: 2016-0153

A. the finding of no Disparate Impact and no Disproportionate Burden resulting from **proposed major service discontinuations and major new service proposals for June 2016 implementation** (**Attachment A**);

B. the finding that improving service on Line 704 to conform to the new loading standards creates a Disparate Impact but no Disproportionate Burden. The Disparate Impact is created because Line 704 serves an area significantly less minority than the county average and there is no alternative that is less discriminatory (**Attachment A**); and

C. the finding of no Disparate Impact and no Disproportionate Burden for proposed exemption of Line 577 from express fare charge (**Attachment B**).

Attachments: Attachment A - Equity Evaluation- June 2016 Proposed Service Changes
Attachment B - Line 577 Exemption from Express Charge
Attachment C - Foothill Transit Letter of Commentment

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

29. CONSIDER finding that a new procurement of 60' advanced transit buses under Public Utilities Code (PUC) §130232 low bid requirement does not constitute a procurement method adequate for LACMTA's needs. The Board, pursuant to Public Contract Code (PCC) §20217, hereby directs the **procurement of up to four hundred (400) new 60' advanced transit buses in a procurement by competitive negotiation.** 2016-0182

(REQUIRES TWO-THIRDS VOTE)

Attachments: Attachment A - Bus Replacement Schedule FY2018 - 2022

Bus Replacement Update

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

30. AUTHORIZE the Chief Executive Officer to award a firm fixed-price Contract No. MA4829600, a single source procurement, to Hegenscheidt-MFD Corporation (USA) to **perform a midlife overhaul of the Blue Line Wheel Truing Machine** for $1,385,769. 2016-0003

Attachments: Attachment A - Procurement Summary 2016-0003

Attachment B - DEOD Summary

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

31. AWARD a three-year, firm fixed price Contract No. PS4443900HONEYWELL, a sole source procurement, to Honeywell International, Inc. (Honeywell) for the **Platform Track Intrusion Detection System (PTIDS) pilot program** for an amount of $1,553,050 inclusive of sales tax. The contract includes both labor and materials, including project management support, installation and demonstration planning, system design and testing, and training of Metro staff on installation. Materials will include the PTIDS system, to be installed at three station platform sides on the Metro Rail system. 2016-0124

Attachments: Attachment A - Procurement Summary

Attachment B - DEOD Summary

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

36. ADOPT staff recommended position: 2016-0247

AB 1964 (Bloom) - Alternative Fuel Vehicle HOV Lane Access **WORK WITH AUTHOR**

Attachments: AB 1964 - Attachment A REVISED

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

37. ADOPT staff recommended positions: 2016-0269

A. AB 1595 (Campos) - Human Trafficking Training Requirements **SUPPORT**

B. AB 2222 (Holden) - Transit Passes **SUPPORT ~~IF AMENDED~~**

C. AB 2742 (Nazarian) - Public Private Partnerships **SUPPORT**

D. SB 824 (Beall) - Low Carbon Transit Operations Program **SUPPORT**

E. SB 951 (McGuire) - Golden State Patriot Pass Program **SUPPORT**

Attachments: AB 1595 - Attachment A
AB 2222 - Attachment B
AB 2742 - Attachment C
SB 824 - Attachment D
SB 951 - Attachment E

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

39. CONSIDER **Motion by Directors Krekorian, Kuehl, Garcetti and Antonovich** that the Board of Directors direct the CEO to implement a Rapid bus running along Nordhoff and Osborne Streets, providing service between the Rapid 794 line and the Nordhoff stop of the Metro Orange Line. Metro bus operations should work with the university to ensure that service is provided late enough into the evening to accommodate all students, faculty and staff who would need to remain on campus until later hours. 2016-0325

FURTHER MOVE that Metro staff study utilizing all-door boarding along this line, similar to the pilot project that has been very successful along the Rapid 720 line at reducing dwell times and speeding up headways.

NON-CONSENT

3. Report by the **Chair.** 2016-0340

4. Report by the **Chief Executive Officer.** 2016-0342

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

7. ADOPT a resolution, Attachment A, that: 2016-0211

A. AUTHORIZES the **issuance of bonds by competitive sale to refund the Proposition C Series 2006-A Bonds** (the “2006-A Bonds") in one or more transactions, consistent with the Debt Policy;

B. APPROVES the forms of Notice of Intention to Sell Bonds, Notice Inviting Bids, Supplemental Trust Agreement, Continuing Disclosure Agreement, Escrow Agreement, and Preliminary Official Statement, all subject to modification as set forth in the resolution; and

C. AUTHORIZES taking all action necessary to achieve the foregoing, including, without limitation, the further development and execution of bond documentation associated with the issuance of the Bonds.

(REQUIRES SEPARATE, SIMPLE MAJORITY BOARD VOTE)

Attachments: Attachment A - Authorizing Resolution

10. AUTHORIZE the Chief Executive Officer (CEO) to award a 30-month firm fixed price Contract No. AE469080015383, to CH2M Hill Inc. in the amount of $30,975,446 for **Architecture and Engineering (A&E) services for Plans, Specifications and Estimate (PS&E) for I-5 North Managed Lanes.** 2015-1729

Attachments: Attachment A - Procurement Summary

Attachment B - DEOD Summary

Attachment C - I-5 North HOV

12. AUTHORIZE the Chief Executive Officer to award a 36-month cost plus fixed fee Contract No. AE476110012334, to Michael Baker International, Inc. in an amount not to exceed $7,762,669 for **Architectural and Engineering (A&E) services for the preparation of the Project Approval and Environmental Document (PAED) on Westbound SR-91, from Shoemaker Avenue to the I-605/SR-91 Interchange.** 2016-0123

Attachments: Attachment A - Procurement Summary.pdf
Attachment B - DEOD Summary.pdf
Attachment C - Location Map

13. CONSIDER: 2016-0162

A. ADOPTING findings of the **Environmental Analysis for the Metro Countywide Bike Share Phase I Pilot in Downtown Los Angeles (DTLA Pilot)** that the project qualifies for a CEQA Categorical Exemption under the Section 15303 (Class 3) New Construction or Conversion of Small Structures exemption (Attachment A);

B. AUTHORIZING staff to file the **Notice of Exemption for the DTLA Pilot**; and

C. ADOPTING findings of the **Title VI and Environmental Justice Analysis for the DTLA Pilot** that no Disparate Impact and no Disproportionate Burden associated with the project (Attachment B).

Attachments: Attachment A - Categorical Exemption Analysis
Attachment B - Equity Analysis Methodology and Results
Presentation

14. AUTHORIZE the Chief Executive Officer (CEO) to enter into a **Funding Agreement (FA) for the West Santa Ana Branch Transit Corridor - Sustainable Transit Oriented Communities Predevelopment and Planning Activities (Operation Shovel Ready) with the Gateway Cities Council of Governments (COG), to be led by the Eco-Rapid Transit Joint Powers Authority (JPA)** for near-term project activities in response to the Metro Board February 2016 directive, in an amount not-to-exceed $230,800. 2016-0209

Attachments: Attachment A - February 25, 2016 Board Motion, Item# 32.1
Attachment B - Letters of Support
Attachment C - WSAB Transit Corridor Study Area Map
Attachment D - January 15, 2014 Board Motion

15. CONSIDER: 2016-0231

A. APPROVING the revised Resolution in Attachment A that authorizes the Chief Executive Officer (CEO) or his designee to claim $16,825,598 in fiscal year (FY) 2015-16 **Low Carbon Transit Operations Program (LCTOP) grant funds for one year of Gold Line Foothill Extension Phase 2A operations and one year of Expo Line Phase 2 operations**; and

B. APPROVING the Resolution in Attachment B that certifies that Metro will comply with the LCTOP Certification and Assurances and the Authorized Agent requirements, and authorizes the CEO or his designee to execute all required documents and any amendments with the California Department of Transportation.

Attachments: Attachment A - Resolution to Execute LCTOP Projects
Attachment B - Resolution to Execute LCTOP Certifications and Assurances

16. CONSIDER: 2016-0252

A. SUPPORTING the establishment of the proposed **Hollywood Western Business Improvement District ("BID") in the City of Los Angeles** and the resulting assessments on properties within the District boundaries owned by Metro; and

B. AUTHORIZING the Chief Executive Officer or his delegate to sign any necessary petition and cast any subsequent ballots in support of the BID and property assessments.

Attachments: Attachment A - Arts District Los Angeles Business Improvement District Bounda
Attachment B - Evaluation of Hollywood Western BID Benefit to Metro
Attachment C - Summary of Metro-Owned Parcels

CONSTRUCTION COMMITTEE RECEIVED, FILED AND FORWARDED THE FOLLOWING TO THE FULL BOARD:

19. RECEIVE AND FILE report on **Capital Project Construction Management Best Practices Study.** 2016-0279

Attachments: ATTACHMENT A - Capital Project Best Practice Study

CONSTRUCTION COMMITTEE FORWARDED THE FOLLOWING TO THE FULL BOARD:

20. RECEIVE **Oral Report by the Program Management Executive Director.** 2016-0251

Attachments: Attachment A - Program Management Executive Directors Report - April 2016

CONSTRUCTION COMMITTEE FORWARDED THE FOLLOWING WITHOUT RECOMMENDATION:

22. CONSIDER: 2016-0235

A. ESTABLISHING a total budget of $3.5 million for the **design phase of the Portal Widening and preliminary design of the Turnback Facility at Division 20** to accommodate system capacity need; and

B. AMENDING the FY16 budget to include $0.8M for start of design efforts.

Attachments: Attachment A - Interoffice Memo Re Design-Bid-Build
Attachment B - Preliminary Draft Schedule - April 2016
Attachment C - Portal Design Cashflow FY16 and FY17

SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE RECEIVED, FILED AND FORWARDED THE FOLLOWING TO THE FULL BOARD:

24. RECEIVE AND FILE status report on the **February 2016 Public Hearings.** 2016-0144

Attachments: Attachment A - June 2016 Public Hearing Changes

EXECUTIVE MANAGEMENT COMMITTEE FORWARDED THE FOLLOWING WITHOUT RECOMMENDATION:

36.1 ADOPT staff recommended position: 2016-0368

SB 1362 (Mendoza) - Metro Transit Security ~~**WORK WITH AUTHOR**~~ **SUPPORT**

Attachments: SB 1362 - Attachment A

40. ADOPT staff recommended position: 2016-0371

SB 1018 (Liu) - State Route 710 North Study: Cost Benefit Analysis
OPPOSE

Attachments: SB 1018 - Attachment A

41. CONSIDER: 2016-0273

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

B. ADOPTING the **Resolution of Necessity** authorizing the commencement of an eminent domain action to acquire **Project Parcel W-3603 (APN: 4319-001-007)**, consisting of the real property and the Improvements Pertaining to the Realty (hereinafter the "Property" as identified in Attachment A).

(REQUIRES TWO-THIRDS VOTE)

Attachments: Attachment A- Site Plan
Attachment B- Staff Report
Attachment C- Resolution of Necessity

42. CONSIDER: 2016-0280

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

B. ADOPTIING an amended **Resolution of Necessity** clarifying the nature of the property rights to be acquired in the pending eminent domain action against **Japanese Village, LLC, et al (hereinafter "Owner"),** in support of the Metro Regional Connector Transit Corridor Project, including a provision for the bifurcation of the existing subsurface tunnel easements, and for the outgrant to the Property Owner of the space between the bifurcated tunnel easements in the context of Metro's long-range plans affecting the Property.

(REQUIRES TWO-THIRDS VOTE)

Attachments: Attachment A- Order for Prejudgement Possession
Attachment A-1- Subsurface Easements- Portion to be Abandoned
Attachment A-2- Subsurface Easements- Portion to be Retained
Attachment B- Staff Report
Attachment C-Resolution of Necessity

43. **MOTION by Director Knabe** that the MTA Board instruct the CEO to report back to the Board during the May 2016 Board cycle with: 2016-0339

A. a quarterly report on the status of the Airport Connector project;

B. information on why the project's delivery date may be later than previously reported to the Board and identifying options for putting the project back on schedule for accelerated delivery; and

C. a recommendation based on staff's analysis.

44. **MOTION by Directors Knabe, Dubois and Butts** that the Board instruct the CEO to report to the Board during the May 2016 Board cycle with copies of the draft "Financial Forecasting Model for the Potential Ballot Measure Expenditure Plan" for review and discussion by the Board at the May 26, 2016 Board meeting. 2016-0341

45. **MOTION by Director Antonovich** that the Metro Board directs the CEO to return to the Board within 120 days with a comprehensive plan that identifies strategies to develop effective partnerships with ridesource companies. This plan will also include an identification of obstacles in partnering with these companies, strategies to overcome these obstacles, and a review of benefit to the public as a result of partnering with these companies. 2016-0375

END OF NON-CONSENT ITEMS

46. CLOSED SESSION: 2016-0343

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

1. Serafin Andres Hernandez v. LACMTA, LASC Case No. BC540487

2. Ixchelle Wagner v. LACMTA, LASC Case No. BC506769

3. City of Beverly Hills v. LACMTA, LASC Case No. BS144164

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

1. Property Description: 5318-5340 Wilshire Blvd., Los Angeles
   Agency Negotiator: Carol A. Chiodo
   Negotiating Party: The Wilshire Group LLC
   Under Negotiation: Price and Terms

2. Property Description: 590 Santa Fe Avenue, Los Angeles
   Agency Negotiator: Carol A. Chiodo
   Negotiating Party: Butterfield Trails Limited Partnership
   Under Negotiation: Price and Terms

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

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

Metro

Board Report

File #: 2016-0278, **File Type:** Minutes **Agenda Number:** 2

REGULAR BOARD MEETING
APRIL 28, 2016

APPROVE **Minutes of the Regular Board Meeting held March 24, 2016.**

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Metro

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

Metro
Los Angeles, CA

MINUTES

Thursday, March 24, 2016

9:00 AM

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

Board of Directors

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

Phillip A. Washington, Chief Executive Officer

CALL TO ORDER

ROLL CALL at 9:12 a.m.

1. APPROVED Consent Calendar Items: 2, 7, 8, 9, 10, 11, 12, 16, ~~17~~, 22, 23, 28, 29, 30, 36, 37 and 38.

Consent Calendar items are approved by one motion except item 17 which was held by a Director for discussion and/or separate action.

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

2. APPROVED ON CONSENT CALENDAR **Minutes of the Regular Board Meeting held February 25, 2016.** **2016-0203**

3. RECEIVED Report by the **Chair.** **2016-0242**

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

3.1 PRESENTED resolution to the **Foothill Gold Line Construction Authority.** **2016-0245**

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

4. Report by the **Chief Executive Officer** – NONE. **2016-0243**

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

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

4.1 APPROVED Motion by **Ridley-Thomas, Fasana and Garcetti** AMENDING the staff recommendation to: **2016-0148**

A. RECEIVE AND FILE the **Draft Potential Ballot Measure Expenditure Plan** (Attachment A);

B. AUTHORIZE the CEO to release the Draft Potential Ballot Measure Expenditure Plan, including a 45-year and 50-year plan option, for public review; and

C. DIRECT the Chief Executive Officer to initiate aggressive public outreach to engage residents and interested stakeholders about the proposed Expenditure Plan and return to the Board of Directors in June 2015 for further consideration and potential adoption.

RECEIVED (for consideration when potential ballot measure is brought back to the Board in June 2015) **Butts, Knabe and DuBois Motion** that the Board adopt the following policies:

A. That the 2nd and 3rd decade Measure R transit projects be formally accelerated to qualifying for 2018 Measure R and PBM funding and that Measure R projects be advanced through the environmental and preliminary engineering phases to receive funding on a construction-ready status, as envisioned in the 30-10 Board approved policy, and not be superseded by new PBM projects;

1. In further keeping with the 2008 Measure R promises that the recently adopted Performance Metrics be applied solely to PBM projects and not retroactively to Measure R 2nd and 3rd decade projects; and

B. That the Expenditure Plan accurately describes the modal category reflected in the proposed funding for that project.

There will be many more compromises needed to be made in the subsequent months ahead, but this is a major start towards bringing to the voters the balanced and comprehensive approach we have promised over the years.

RECEIVED (for consideration when potential ballot measure is brought back to the Board in June 2015) CLARIFICATION by **Director DuBois** of the Measure R Priority Implementation Policy

The goal of this policy is to mirror the 30-10 adopted in 2010 to use new money to accelerate the Measure R 2nd and 3rd decade projects ahead of any new projects that are listed in the Potential Ballot Measure.

We are not amending Measure R to do this, similar to the 30-10 policy of 2010. We are simply using the new money to accelerate and finish Measure R Projects and keeping our 2008 promise to the voters.

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

7. APPROVED ON CONSENT CALENDAR: **2016-0016**

A. AWARDING $243,731 in **Wayfinding Signage Grants** to the five jurisdictions shown in Attachment A; and

B. AUTHORIZING the Chief Executive Officer (CEO) or designee to execute Grant Agreements for the funds.

8. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to execute an Exclusive Negotiating Agreement (ENA) with **East Los Angeles Community Corporation (ELACC) and Bridge Housing for properties at 1st and Soto**, for 18 months, with an option to extend up to 30 months. **2016-0074**

9. AUTHORIZED ON CONSENT CALENDAR the **Metro Open Streets Grant Program Cycle 2 Application and Guidelines.** **2016-0084**

AMENDMENT by SOLIS that bonus points be given to disadvantaged communities and have multi-jurisdictional/regional events using the CalEnviroScreen assistance for first time applicants. Also asked staff to seek opportunities to work with the Councils of Governments.

10. AUTHORIZED ON CONSENT CALENDAR the initiation and implementation of the following **Metro Countywide Bike Share equity initiatives**: **2016-0085**

A. WAIVING the $40 annual sign-up fee for Flex passes to make a single Metro Bike Share ride cost the same as a ride on Metro transit ($1.75) for the following groups:

1. Metro Rider Relief customers for the summer 2016 launch;

2. Reduced Fare TAP card-holders (Senior 62+/Disabled/Medicare, College/Vocational student, Student 9-12 grade) as part of Interoperability Step 3 approved in November 2015 (Attachment A); and

B. the CEO to commit a 10% required hard local match of $10,000 and a 15% required in-kind match of $15,000 to develop a competitive Better Bike Share Partnership Grant (BBSP) application.

C. the CEO to enter into a partnership with the City of Los Angeles for a Mobility Hubs FTA JARC grant.

11. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to execute a Memorandum of Understanding (MOU) with the **City of West Hollywood for a joint visioning process for Division 7**. **2016-0121**

12. APPROVED ON CONSENT CALENDAR: **2016-0141**

A. AUTHORIZING the Chief Executive Officer (CEO) to execute an **agreement (Master Agreement) with EQR-4th & Hill LP (EQR)** in which the Los Angeles County Metropolitan Transportation Authority (METRO) agrees to grant to EQR, and take all necessary steps to record, certain "Real Estate Interests" in the METRO owned property located at the northeast corner of 4th and Hill, subject to all conditions as set forth in the Master Agreement. On the terms set forth in the Master Agreement and ancillary agreements, EQR will (1) pay an agreed upon fair market value of the easements, (2) regrade and install, **operate and maintain "Enhanced Plaza Improvements" on the Metro Plaza (at the northeast 4th/Hill portal)** pursuant to a design approved by METRO, and (3) pay for changes required to mitigate impacts to Metro-Clark Contract C1073 due to EQR Project; and

B. DELEGATING to the CEO the authority to approve the fair market value of the various temporary and permanent easements and lease agreement up to the amount of $1,000,000.

14. AUTHORIZED the Chief Executive Officer (CEO) to execute: **2016-0002**

A. Modification No. 3 to Contract No. PS2415-3172 for **Southern California Regional Interconnector Project (SCRIP) with HDR, Engineering, Inc. to provide environmental and preliminary engineering services for the expansion of SCRIP to include the Los Angeles Union Station Master Plan passenger concourse and accommodate high speed rail (HSR)**, increasing the total contract value by $17,641,953, from $30,637,404 to a not to exceed amount of $48,279,357; and

B. an **Agreement with the California State High Speed Rail Authority (CHSRA) up to a maximum amount of $15 million for SCRIP** for the accommodation of HSR.

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

15. AUTHORIZED the Chief Executive Officer (CEO) to award a firm fixed price Contract No. AE455510019565 with **Wagner Engineering and Survey Inc. (WES) for the Lone Hill to White Double Track Environmental and Preliminary Engineering Project** (Project) in the amount of $1,967,376, for a two-year term. **2016-0139**

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

16. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to submit project applications for grant funds from **California's Cap-and-Trade Transit and Intercity Rail Capital program**. **2016-0154**

17. APPROVED: **2016-0061**

A. AUTHORIZING implementation of the first phase of the **Parking Management Pilot Program at three (3) Metro Parking Facilities along the Expo II extension**, pursuant to the Operating Plan (Attachment D) for one (1) year;

B. AMENDING Metro's Parking Rates and Fee Resolution (Attachment E) to allow for the fee structure proposed in the Parking Management Pilot Program; and

C. AUTHORIZING the Chief Executive Officer (CEO) to execute Modification No.1 to Contract No. PS4313200 for Permit Parking Management Program with iNet, Inc., doing business as (dba) iParq, increasing the total contract value by $353,350 from $432,220 to $785,570 to allow for implementation of the first phase of the Parking Management Pilot Program as a revenue generating

contract where the contractor will be compensated the total value of the contract from the parking revenue collected by the contractor and Metro will receive the net revenue amount collected.

AMENDMENT by BONIN to allow no parking by non-transit users during Phase 1.

Requested report back from Legal Counsel regarding the legality of barring non-transit users from using the lots.

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

21. APPROVED: **2015-1390**

A. INCREASING the Life of Project (LOP) and Contract Modification Authority (CMA) as follows:

1. **LOP Budget for Patsaouras Bus Plaza Station** (PBPS CP 202317) by $8,809,000, from $30,984,000 to $39,793,000; and

2. CMA for Contract No.C0970 with OHL USA, Inc. (OHL), in the amount of $6,276,800, from $1,983,200 to $8,260,000.

(Continued on next page)

(Item 21 – continued from previous page)

B. AUTHORIZING the Chief Executive Officer (CEO) to execute Contract Modification:

1. No. 9 to Contract No. C0970, with OHL in the amount of $697,185, increasing the total value of the Contract from $20,247,802 to $20,944,987; and

2. No. 10 to Contract No. C0970, with OHL in the amount of $3,694,695, increasing the total value of the Contract from $20,944,987 to $24,639,682.

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

22. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to: **2016-0098**

A. AWARD a cost-plus fixed fee Contract No. AE4569400 for **Construction Management Support Services for Soundwall Package No. 11 with Ghirardelli Associates**, Inc. in the amount of $6,820,334.32 for the four-year base period effective April 1, 2016 through March 31, 2020, plus $89,832.84 for the first option year, and $89,832.84 for the second option year, for a combined total of $7,000,000; and

B. EXECUTE individual Tasks Orders within the Board approved authority.

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

23. APPROVED ON CONSENT CALENDAR: **2016-0134**

A. INCREASING the Life of Project Budget (LOP) Budget for **Metro Red Line Universal City Pedestrian Bridge** (CP 809382) by $2,285,000 from $27,300,000 to $29,585,000;

B. INCREASING the Contract Modification Authority (CMA) for Contract C1043 with Griffith Company in the amount of $577,000 from $2,542,000 to $3,119,000; and

C. AMENDING the FY16 Budget by $4,406,000 from $9,732,000 to $14,138,000 as shown in Attachment D.

28. AUTHORIZED ON CONSENT CALENDAR: **2016-0035**

A. the Chief Executive Officer to award a not-to-exceed contract under Bid Number OP17007 to **NABI Parts Inc., for the purchase of Bus Operator Safety Barrier Installation Kits** for a base amount not to exceed $5,443,449, inclusive of sales tax; and

B. the amendment of the **FY16 Adopted Budget to add 4 represented full time equivalents** (FTE's).

29. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to award a 16-month firm fixed price contract, Contract No. PS451860016612, to **Cambria Solutions, Inc. in the amount of $1,149,538 for Metro ExpressLanes Consultant Services for Development of Solicitation Packages**. **2015-1772**

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

30. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to: **2016-0149**

A. ESTABLISH the life of project (LOP) budget in the amount of $112.7 million for the **Emergency Security Operations Center (ESOC) Phase One**, CP No. 212121; and

B. AWARD a 36-month firm fixed price Contract No. AE451150019779 to **HDR Engineering, Inc., in the amount of $5,936,638 for Metro's ESOC Architectural and Engineering design services**.

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

31. APPROVED: **2015-1714**

A. RECEIVING AND FILING report on the **evaluation results of the All Door Boarding pilot test on the Wilshire BRT** (Line 720); and

B. expanding the pilot program to the Silver Line (Line 910) starting Summer 2016.

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

31.1 APPROVED **MOTION by DIRECTORS GARCETTI, ANTONOVICH, KUEHL, KREKORIAN and DUPONT-WALKER** that the Board direct the CEO: **2016-0244**

A. to expand the All Door Boarding pilot program to include the Reseda Boulevard Rapid Line 744 starting with the Fall 2016 term to support transit ridership to California State University, Northridge; and

B. report back in 90 days regarding the above.

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

36. APPROVED ON CONSENT CALENDAR appointing the current **16 organizations that will form the Transportation Business Advisory Council membership**. **2016-217**

37. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a five-year, firm fixed price contract, pending the resolution of a protest: **2016-0129**

A. Contract No. PS4488900, to **Vasquez & Company, LLP to perform Package A of the fiscal years (FY) 2016-20 Consolidated Financial and Compliance Audit of the programs, jurisdictions and agencies** listed in Attachment C, for $1,583,529 for the base audits and $758,141 for the option audits, for a combined not to exceed total of $2,341,670, effective April 1, 2016; and

B. Contract No. PS4489300, to **Simpson & Simpson, LLP to perform Package B of the fiscal years (FY) 2016-20 Consolidated Financial and Compliance Audit of the programs, jurisdictions and agencies** listed in Attachment D, for $2,572,500 for the base audits and $1,200,000 for the option audits, for a combined not to exceed total of $3,772,500, effective April 1, 2016.

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

38. ADOPTED ON CONSENT CALENDAR staff recommended positions: **2016-0104**

A. **AB 1908 (Harper) -** HOV Lanes **OPPOSE**

C. **AB 2690 (Ridley-Thomas) -** Small Business/Disabled Veteran Business Requirements in Contracting **SUPPORT (SPONSOR)**

D. **SB 1018 (Liu) -** CEQA: State Route 710 North **OPPOSE**

F. **H.R. 4343 (Blumenauer) -** Transportation Funding **SUPPORT**

38.1 FORWARDED to APRIL EXECUTIVE MANAGEMENT COMMITTEE: **2016-0247**
ADOPTING staff recommended positions:

B. AB 1964 (Bloom) – Alternative Fuel Vehicle HOV Lane Access ~~**OPPOSE**~~ **WORK WITH AUTHOR**

E. SB 1362 (Mendoza) - Metro Transit Security ~~**OPPOSE UNLESS AMENDED**~~ **WORK WITH AUTHOR**

39. APPROVED AS AMENDED **Motion by Directors Solis, Najarian, Krekorian, Antonovich and DuBois** that the Board directs the CEO, the Countywide Planning and Development Department and the Regional Rail Unit to return in 60 days with a review of the following: **2016-228**

A. The feasibility, general cost estimate, funding sources (including Measure R 3%) and potential cost-sharing structure for creating a new station on the Metrolink Riverside Line at the base of Rio Hondo College;

B. The potential for consolidating and streamlining multiple transit related projects and services in the Greater Whittier Narrows area by establishing a multimodal transit hub; and

C. An evaluation of opportunities, benefits and/or impacts related to increasing transit ridership and reducing vehicular traffic on local streets, arterials, and highways;

FURTHER MOVE that the MTA Board direct the CEO to establish a working group of stakeholders in the Greater Whittier Narrows Area to help advance this concept. The working group shall consist of, but not be limited to the cities of South El Monte, Pico Rivera, Whittier, Industry, Montebello and the unincorporated communities of Avocado Heights, Pellissier Village, and Puente Hills. The group shall also include other relevant stakeholders such as Rio Hondo College, transit service providers, government agencies, local businesses and community groups.

(Continued on next page)

(Item 39 – continued from previous page)

AMENDMENT by Directors Garcetti, Krekorian, Dupont-Walker, Kuehl and Antonovich that the Board direct the CEO to report back on the following:

A. an analysis of the feasibility of relocating the existing Northridge Metrolink Station at Wilbur Avenue to Reseda Boulevard. The analysis shall include the following:

   1. identifying, and recommendation on maximizing, Metro and local bus connectivity usage

   2. coordination with California State University Northridge (CSUN) officials to improve connectivity to the university.

   3. identify Transit Oriented Development and other land-use opportunities to maximize the use of a station at Reseda Boulevard;

B. identify and recommend funding sources (including Measure R 3%) to support the relocation of the station;

C. create a working group which includes, but is not limited to, CSUN officials, local transit service providers, Metrolink, local businesses, community groups, San Fernando Valley Service Council for coordination purposes; and

D. report back on all the above during the May 2016 Board cycle.

AMENDMENT by Najarian, Garcetti and Antonovich that:

A. the Board direct the CEO to assign staff to review the above named document as it relates to today's plans for this corridor, including Doran Street and County, City and Army Corps of Engineers LA River master plans and projects;

B. identify any cost-saving measures, including but not limited to High Speed Rail reconfiguration;

C. identify potential rail connectivity with Metrolink, High Speed Rail and Burbank-Glendale-Los Angeles Rail project and local bus services;

D. explore possible TOD and TOC opportunities and opportunities to support revitalization and/or restoration of the LA River;

E. identify possible funding sources to support recommendations;

F. form a working group, including but not limited to the Cities of Glendale, Los Angeles, MTA planning staff and community relations; and

(Continued on next page)

(Item 39 – continued from previous page)

G. report back on all of the above during the July 2016 Board Cycle.

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

40. RECEIVED AND FILED report on the formula basis of determining **Metro's annual contribution to Metrolink operations** and the estimated benefits of those operations to Los Angeles County and its residents. **2016-0181**

APPROVED **Motion by Solis, Najarian, Fasana and Kuehl** that the MTA Board direct the CEO to return to the Board within 60 days with an update on the following:

A. dissolve the Ad-Hoc Regional Rail Committee but continue to provide ongoing updates bi-monthly or as needed to the Finance, Budget and Audit Committee and/or other committees as requested and appropriate;

B. commission an independent study of the SCRRA Joint Exercise of Powers Agreement along with the cost and revenue allocation formulas. The study shall include, but not be limited to:

1. work with SCRRA member agencies to revise and simplify the allocation formula structure;

2. identify opportunities to better align Metro's contribution to SCRRA with the benefits received by Los Angeles County; and

3. develop recommendations for a more equitable governance structure that reflects the financial contribution by each participating member.

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

41. CLOSED SESSION: **2016-0248**

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

1. Esperanza Rodriguez v. LACMTA, LASC Case No. BC499440

APPROVED settlement of $750,000.

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

2. City of Beverly Hills v. LACMTA, LASC Case No. BS144164

NO REPORT.

B. Conference with Legal Counsel - Anticipated Litigation - G.C.54956.9(d)(2):
Significant Exposure to Litigation (One case)

APPROVED settlement agreement in the sum of $2,655,807 of which MTA has already paid $732,798 as part of two change orders for MTA directed work, leaving a balance of $1,923,009.

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

C. Conference with Legal Counsel - Anticipated Litigation - G.C.54956.9(d)(4):
Initiation of Litigation (One case)

NO REPORT.

D. Conference with Real Property Negotiator - G.C. 54956.8:
Property Description: 590 South Santa Fe Avenue, Los Angeles, CA 90013
Agency Negotiator: Velma C. Marshall
Negotiating Party: Bennett Greenwald, Butterfield Trails Limited Partnership
Under Negotiation: Price and Terms

NO REPORT.

ADJOURNED at 1:50 p.m.
Prepared by: Collette Langston,
Board Specialist

Michele Jackson

Michele Jackson, Board Secretary

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

Metro

Board Report

File #: 2015-1765, **File Type:** Program **Agenda Number:** 5

~~**FINANCE, BUDGET AND AUDIT COMMITTEE**~~
~~**APRIL 13, 2016**~~
EXECUTIVE MANAGEMENT COMMITTEE
APRIL 14, 2016

SUBJECT: PROPERTY INSURANCE PROGRAM

ACTION: PURCHASE ALL RISK PROPERTY AND BOILER AND MACHINERY INSURANCE

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to **negotiate and award All Risk Property and Boiler and Machinery Insurance Policies** for all property at the current policy limits at a not to exceed price of $2.4 million for the 12-month period May 10, 2016 through May 10, 2017.

ISSUE

The All Risk Property and Boiler and Machinery insurance policies expire on May 10, 2016.

DISCUSSION

Property insurance protects against losses to our structures and improvements, which are valued at approximately $11.1 billion up from last year's $10.0 billion. The increase in total insured value is due to the addition of the Exposition Phase II, Gold Line Foothill Extension Phase I light rail lines/maintenance facility, new light rail vehicles and general replacement cost growth. Property insurance is required by many contracts and agreements, such as our lease/leaseback deals involving a number of our operating assets.

Our insurance broker, Wells Fargo Insurance Services ("Wells Fargo"), marketed the property program to qualified insurance carriers to obtain final property insurance pricing with coverage limits of $400 million. Coverage for the Expo and Gold Line extensions was included on a two month prorated basis in last year's program with little impact to the cost of our program. This year's program includes both new light rail extensions for the full year. Quotations for both property insurance programs were received from carriers with A.M. Best ratings indicative of acceptable financial soundness and ability to pay claims.

The Recommended Program secures the All Risk deductible at $250,000 with no earthquake coverage and a flood deductible at 5% per location subject to a $250,000 minimum. If a loss exceeds the deductible, All Risk coverage is provided up to $400 million per occurrence for losses

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except for flood related damages that are covered up to $150 million. The program is the same as the prior year program. Attachment A is a premium history. Attachment B shows the outline of the recommended program structure.

The recommended program does not include earthquake coverage. We received quotes at $4.5 million for $50 million in limits. LACMTA has not purchased earthquake coverage in previous years. In the event of a major disaster, we believe funding would be available through Federal and State sources to restore public transportation in Southern California. The lack of earthquake coverage is consistent with decisions made by other large government agencies including most Los Angeles County and City locations, Department of Water and Power, Metropolitan Water District and San Francisco BART.

We evaluated terrorism coverage options this renewal cycle and have not opted to purchase the coverage. Terrorism coverage is available but does not appear to be cost effective at a quoted cost of around $734,000. The Terrorism Risk Insurance Act (TRIA) which provides government support by providing mechanisms for spreading losses across policyholders was reauthorized by Congress in January 2015 after the program expired. In the past, we rejected this coverage because of the high likelihood of federal and state funding to restore transportation services as a result of a serious terrorism incident.

The current and recommended program of insurance are layered structures. Several insurance carriers participate in the program with each contributing a portion of coverage which maintains a diversified portfolio of insurance carriers. Continual monitoring through internal methods, as well as updates provided by Wells Fargo, ensure that all carriers maintain the required financial ratings indicated by financial reporting agencies and as determined by A.M. Best.

In February and March, Wells Fargo contacted multiple domestic and foreign insurance providers to present our property risks and supplemental data. Wells Fargo provided an overview of the Metro transit system during discussions with the underwriters, including our extensive security infrastructure, fire protection, loss control and minimal risk of flood exposures. Wells Fargo provided information and statistics on system operations, assets and our excellent loss history over the past sixteen years with no fixed property insurable events (only two losses of rolling stock at $1,034,000 and only one loss of a non-revenue vehicle at $75,000).

The LACMTA property program continues to be well received by insurers due to our favorable loss history, the growth of the account from $6.7 billion in values in 2007 to $11.1 billion for this renewal and no earthquake insurance is purchased. As such, Wells Fargo presented the submission to competing insurers in order to create additional competition in the insurance program. The marketing effort resulted in maintaining our incumbent carriers for the recommended program. Our collaborative marketing effort through Wells Fargo in addition to our noteworthy evidence of exceptional loss experience resulted in a one and one-half percent premium decrease for the recommended program even though the new light rail line extensions were added on a full term basis. Our rate per million dollars of insurable value continues to reflect historic lows ($216 for the recommended program versus $239 for last year's program or a rate reduction of 9.6% per million dollars of insured value).

"Property has been very competitive for a couple of years now and we think pricing will continue to decline as long as there is not a major catastrophe," said Jasper Cooper, assistant vice president and analyst at Moody's Investors Service. Christopher Lang, Marsh's U.S. placement leader, observed that property coverage is very competitive, noting that he expects the U.S. market to see single-digit decreases of 5% to 7.5% in 2016.

This year's renewal reflects our favorable insurability and ability to take full advantage of market trends irrespective of our increase in total insured value.

DETERMINATION OF SAFETY IMPACT

Approval of this procurement will not impact the safety of Metro's patrons or employees.

FINANCIAL IMPACT

The funding for two months of $400,000 for this action is included in the FY16 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 - Expo Line, 301012 - Metro Orange Line, 306001 - Operations Transportation, 306002 - Operations Maintenance, 320011 - Union Station, and 610061 - Owned Property in account 50601 (Ins Prem For Phys Damage). The remaining ten months of premiums will be included in the FY17 budget, 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 - Expo Line, 301012 - Metro Orange Line, 306001 - Operations Transportation, 306002 - Operations Maintenance, 320011 - Union Station, and 610061 - Owned Property in account 50601 (Ins Prem For Phys Damage). In FY16, an estimated $2.4 million will be expensed for property insurance.

Impact to Budget

There is no impact on the FY16 budget. No other sources of funds were considered for this activity because these are the funds that benefit from the insurance. This activity will result in a negligible change to operating costs from the prior fiscal year.

ALTERNATIVES CONSIDERED

The following table compares the current program, the recommended program and two options, which are not recommended. Based upon our favorable renewal and loss histories, we recommend continuing the current program of insurance as the most cost effective and prudent program. Option B is not recommended because the high cost of the earthquake premium does not justify the benefit of the coverage.

	Current Program	Recommended Program (Quota Share Primary)	Recommended Program – With Earthquake (Option B)
Deductibles	$250,00 All Risk / 5% of location value for Flood	$250,00 All Risk / 5% of location value for Flood	$250,000 All Risk/5% of structure value for Earthquake and Flood
All Risk Limits	$400 Million	$400 Million	$400 Million
Flood Limits	$150 Million	$150 Million	$150 Million
Earthquake Limits	None	None	$50 Million after first 5% per location deductible
Terrorism	None	None	None
Total not to Exceed or Actual Premium	$2,364,558	$2,329,787	$6,829,787

NEXT STEPS

Upon Board approval of this action, we will advise Wells Fargo to proceed with placement of the property insurance program outlined herein effective May 10, 2016.

ATTACHMENTS

Attachment A - Premium History
Attachment B - Recommended Pricing and Carriers

Prepared by: Tim Rosevear, Risk Financing Manager, (213) 922-6354

Reviewed by: Greg Kildare, Executive Director, Risk, Safety and Asset Management, (213) 922-4971



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

PREMIUM HISTORY

Premium History for Property and Boiler and Machinery Policies
For Property Insurance Policies in the Following Years

	2009-2010	**2010-2011**	**2011-2012**	**2012-2013**	**2013-2014**	**2014-2015**	**2015-2016**	**2016-2017**
All Risk	$2.1 Mil	$2.0 Mil	$2.0 Mil	$2.2 Mil	$2.2 Mil	$2.2 Mil	$2.3 Mil	$2.3 Mil
Boiler & Machinery	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
Total Premium	$2.2 Mil*	$2.1 Mil*	$2.1 Mil*	$2.3 Mil*	$2.3 Mil*	$2.3 Mil*	$2.4 Mil*	$2.4 Mil*
TIV = Total Ins. Val.	$7.6 Bil	$7.8 Bil	$8.6 Bil	$9.3 Bil	$9.4 Bil	$9.6 Bil	$10.0 Bil	$11.1 Bil
Rate per Mil Ins. Val.	$289	$271	$245	$246	$245	$240	$239	$216

*** Excludes Earthquake and Terrorism Insurance**

ATTACHMENT B

RECOMMENDED PROGRAM PRICING AND CARRIERS

Wells Fargo Insurance Services USA, Inc.
Proposed Property Insurance Summary 2016-2017
Los Angeles County Metropolitan Transportation Authority

Limit	Coverage	Carrier	Participation	Total
$50MM	All Risk Excluding Flood & Earthquake	Scottsdale Indemnity Company - A+ XV	$25,000,000	$25,800.00
		International Ins. Co. of Hannover - A+ XV	$20,000,000	$18,831.94
		Interstate Fire & Casualty - A XV	$5,000,000	$4,707.98
			$50,000,000	**$49,339.92**
$200MM	All Risk Excluding Flood & Earthquake	Hudson Specialty Ins. Co. A XV	$50,000,000	$103,200.00
		Lloyd's of London - A XV	$100,000,000	$154,800.00
		Starr Specialty Insurance Agency**	$50,000,000	$99,548.78
			$200,000,000	**$357,548.78**
$150MM	All Risk Excluding Earthquake	Lexington Insurance Co - A XV	$100,000,000	$1,279,680.00
		Liberty Mutual Fire Insurance Co- A XV	$15,000,000	$190,000.00
		Starr Specialty Insurance Agency**	$25,000,000	$322,497.94
		Ironshore Specialty Ins Co - A XIV	$10,000,000	$130,720.34
			$150,000,000	**$1,922,898.28**

Estimated Program Total **$2,329,786.98**

**Starr Specialty Insurance Agency Consists of:
33.34% Starr Suplus Lines Insurance Company - A XV
33.33% Chubb Custom Insurance Company - A++ XV
33.33% General Security Indemnity Company of Arizona - A XV

Terrorism pricing is not included above
Earthquake pricing is not included above

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Board Report

File #: 2015-1804, **File Type:** Contract **Agenda Number:** 6

~~**FINANCE, BUDGET AND AUDIT COMMITTEE**~~
~~**APRIL 13, 2016**~~
SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE
APRIL 14, 2016

SUBJECT: UNIVERSAL FARE SYSTEM

ACTION: APPROVE CONTRACT MODIFICATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute contract modifications under Contract No. OP02461010 with Cubic Transportation Systems, Inc. (Cubic):

A. Contract Modification No. 140 for the **purchase and installation of 54 TAP Vending Machines (TVMs) at key Metro stations**, in the amount of $5,194,834; and

B. Contract Modification No. 94.03 for **maintenance support services** of these 54 TVMs in the amount of $838,211 through June 2019; increasing the total contract value by $6,033,045 from $253,351,430 to $259,384,475. No additional funds are being requested for Contract Modifications 140 and 94.03.

ISSUE

Staff performed a study to identify key rail and bus locations that require TVMs. For rail stations, the study looked at ridership and the number of available TVMs. The study found that 29 stations needed 44 additional TVMs (refer to Attachment A), and the overall rail system needed 10 spares to replenish the stock of spares in order to adequately respond to future assignments based on customer demand. This TVM installation plan includes support to the Board approved Silver Line All Door Boarding pilot to ensure that customers have access to TAP cards and fare media.

DISCUSSION

The study consisted of analyzing daily sales data with in-service TVMs at stations along five (5) Metro Rail Lines and on the Metro Orange Line to determine stations that are in need of additional TVMs to support ridership demand and TVM usage. Staff also performed site surveys of the Silver Line bus stops from El Monte Transit Center to Harbor Gateway Transit Center to identify key bus stops where TVMs should be installed. Staff also recommends additional TVMs at rail stations near event venues such as Civic Center station serving Grand Park and at major transit hubs such as Patsaouras Plaza at Union Station.

The first TVM is anticipated to be installed and accepted in January 2017. The maintenance contract goes in effect 30 days following the installation. The projected maintenance cost is as follows: $357,100 in (calendar) year 2017, $317,100 in year 2018, and $164,011 in year 2019. The Cubic maintenance contract ends June 30th, 2019. Staff is reviewing maintenance options to replace this contract.

DETERMINATION OF SAFETY IMPACT

Additional TVMs at key rail stations, Silver Line bus stops, and at the Patsaouras Plaza positively impact safety on our system. Implementing additional TVMs improves the customer experience, and reduces wait times and customer queuing.

FINANCIAL IMPACT

The Ticket Vending Machine Acquisition and Installation project (# 210134) has a Board authorized LOP of $6.7 million. This is sufficient to absorb the $5.2 million Contract Modification 140 for TVM purchase and installation. The infrastructure improvements required for the TVM installation along the Silver Line per Metro design criteria is estimated at $650,000 which will also be absorbed in the same capital project LOP. These infrastructure improvements will be implemented using in-house resources and are not part of the Cubic contract modification.

The fiscal year 2016 funding requirement in the amount of $1.5 million is included in cost center 3020 TAP Operations, project 210134 Ticket Vending Machine Acquisition. Fiscal year 2017 portion of $2.5 million is requested as part of Metro's FY2017 Capital Program. The fund required in FY2017 is executed through the annual budget approval in May 2016. The $1.2 million balance of the contract will be requested in FY2018. Since this is a multiyear contract, executive officer of TAP Operations and the project manager is responsible for budgeting for future year requirements.

No additional funds are required for FY16; LOP budget is not impacted by this recommendation.

Impact to Budget

The funding source for equipment acquisition is Proposition C 40%. The maintenance cost will be funded by operating revenues which includes fare revenue. These sources are eligible for Metro bus and rail operations and capital improvements.

ALTERNATIVES CONSIDERED

The Board may choose not to approve the purchase and installation of TVMs. This is not recommended as the Silver Line All Door pilot success relies on TVMs at Silver Line Stations and high volume stations are in need of TVMs to reduce queueing, improve the customer experience and improve access to TAP cards and fare media.

NEXT STEPS

Upon approval by the Board, staff will execute Modifications No. 140 and No. 94.03 to Contract No.

OP02461010 with Cubic Transportation Systems, Inc. for the purchase, installation, and maintenance services of 54 additional TVMs at key Metro stations.

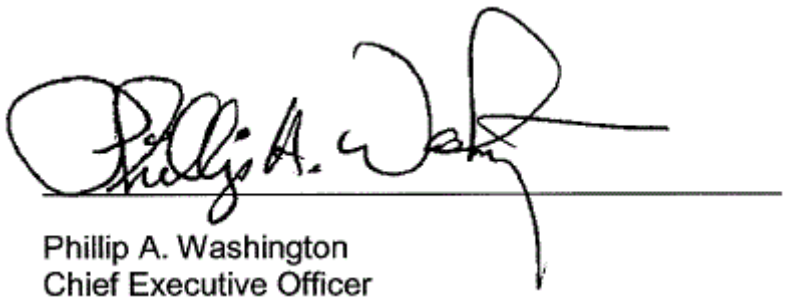
ATTACHMENTS

Attachment A - TVM Deployment Locations
Attachment B - Procurement Summary
Attachment C - Contract Modification / Change Order Log
Attachment D - DEOD Summary

Prepared by: David Sutton, Executive Officer, TAP, (213) 922-5633

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

Nalini Ahuja, Executive Director, Finance and Budget, (213) 922-3088



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

TVM Deployments

Stations	Existing TVMs	Number of Additional TVMs to be Installed	Average Daily Transactions per TVM	Approximate Installation Schedule (Calendar Year)	Comments
Silver Line - Harbor Gateway TC	2	2	0	1st quarter of 2017	Support All-Door Boarding Project
Silver Line - Rosecrans	0	2	0	1st quarter of 2017	
Silver Line - Manchester	0	2	0	1st quarter of 2017	
Silver Line - Slauson	0	1	0	1st quarter of 2017	
Silver Line - 37th Street	0	1	0	1st quarter of 2017	
Silver Line - USC Medical Center	0	1	0	1st quarter of 2017	
Silver Line - CSULA	0	1	0	1st quarter of 2017	
Silver Line - El Monte TC	4	2	0	1st quarter of 2017	
Patsaouras Bus Plaza	0	1	0	2nd quarter of 2017	High demand; customer convenience
Vignes/Chavez Bus Stop	0	1	0	2nd quarter of 2017	
Orange Line - Canoga	6	2	0	2nd quarter of 2017	Support new entrance
MRL Hollywood/Highland	5	2	444	2nd quarter of 2017	In order of Average Daily TVM Transactions per Day (High to Low)
MRL North Hollywood	7	3	421	2nd quarter of 2017	
MRL Hollywood/Vine	3	2	380	2nd quarter of 2017	
MBL Artesia	2	3	377	2nd quarter of 2017	
MRL Vermont/Beverly	2	2	356	2nd quarter of 2017	
MRL Universal City	4	1	331	2nd quarter of 2017	
MBL Pacific Coast Highway	2	1	322	2nd quarter of 2017	
MRL Hollywood/Western	3	2	321	3rd quarter of 2017	
MBL 103rd Street	2	1	317	3rd quarter of 2017	
MBL Compton	3	1	317	3rd quarter of 2017	
MBL Firestone	2	1	293	3rd quarter of 2017	
MRL Wilshire/Vermont	4	1	282	3rd quarter of 2017	
MRL Westlake/MacArthur Park	5	2	276	3rd quarter of 2017	
MRL Wilshire/Normandie	2	1	258	3rd quarter of 2017	
MBL Del Amo	3	1	255	3rd quarter of 2017	
MBL Vernon	2	1	254	3rd quarter of 2017	
MRL Wilshire/Western	3	2	253	4th quarter of 2017	
MRL Civic Center	5	1	150	4th quarter of 2017	Support Special Events at Grand Park
Subtotal		**44**			
Spare TVMs	0	10			
Total:		***54***			

Note: The goal is to reduce the average daily transactions to 250 per TVM.

PROCUREMENT SUMMARY

UNIVERSAL FARE SYSTEM / OP02461010

1.	**Contract Number**: OP02461010			
2.	**Contractor**: Cubic Transportation Systems, Inc.			
3.	**Mod. Work Description**: Procurement, Installation, and Maintenance of 54 TVMs			
4.	**Contract Work Description**: Universal Fare System			
5.	**The following data is current as of**: March 21, 2016			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	2/20/02	**Contract Award Amount:**	$84,003,444
	Notice to Proceed (NTP):	3/7/02	**Total of Modifications Approved:**	$169,347,986
	Original Complete Date:	9/1/07	**Pending Modifications (including this action):**	$6,033,045
	Current Est. Complete Date:	7/1/20	**Current Contract Value (with this action):**	$259,384,475
7.	**Contract Administrator**: Richard Chiou		**Telephone Number**: (213) 922-7074	
8.	**Project Manager**: David Sutton		**Telephone Number**: (213) 922-5633	

A. Procurement Background

This Board Action is to approve Contract Modification No. 140 to procure, install, and maintain 54 Ticket Vending Machines (TVMs) at key Metro station locations, as specified in Attachment A, and Contract Modification No. 94.03 for the maintenance support services of these 54 TVMs.

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

On February 20, 2002, Contract No. OP02461010 was awarded by the Metro Board. The Contract provides countywide fare collection system to serve Metro's public transit customers. The Contract was issued on March 7, 2002 to Cubic Transportation Systems, Inc.

A summary of Contract Modifications, including these Modifications, is provided in Attachment C, Contract Modification/Change Order Log.

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based upon cost analysis, independent cost estimate, technical evaluation, contractual unit prices, MASD audit, fact finding, and negotiations.

Modification No.	Proposal Amount	Metro ICE	Negotiated Amount
140	$5,222,146	$5,391,061	**$5,194,834**
94.03	$838,211	$1,055,225	**$838,211**
Total	$6,060,357	$6,446,286	**$6,033,045**

CONTRACT MODIFICATION/CHANGE ORDER LOG

UNIVERSAL FARE SYSTEM / CONTRACT NO. OP02461010

Mod. No.	Description	Status	Date	Amount
1	Table X-1 Milestone Changes	Approved	8/19/2002	$0.00
2	Ticket Vending Machine Soft Keys	Approved	9/4/2002	$0.00
3	San Fernando Valley BRT, Additional Quantities	Approved	4/13/2004	$7,454,844
4	Modification to General Conditions	Approved	10/8/2002	$0.00
5	TVM Third Coin Hopper	Approved	8/22/2003	$416,858
6	Stand Alone Validator Video Clips	Approved	3/3/2003	$0.00
7	Gold Line Functional Test Waiver	Approved	2/13/2003	$0.00
8	Languages Supported	Approved	2/13/2004	$0.00
9	Modifications to Compensation & Payment	Approved	2/20/2003	$0.00
10	Smart Card to Smart Card Value Transfer	Approved	3/3/2003	$0.00
11	SCADA Cable Installation on Gold Line	Approved	3/3/2003	$48,476
12	Gold Line Functional Test Waivers	Approved	4/8/2003	$0.00
13	Farebox Coin Dejam	Approved	4/8/2003	$0.00
14	Change in Milestone Schedule	Approved	4/16/2003	$0.00
15	Time Extension, Gold Line	Approved	7/1/2003	$0.00
16	Change from Datastream MP5 to Express Metrix	Approved	7/1/2003	$0.00
17	Final Design Review, changes in CDRLS	Approved	7/18/2003	$0.00
18	Deletion of Printer from Hand Held Validator	Approved	1/6/2004	-$35,252
19	Variable Message Sign	Approved	2/19/2004	$243,828
20	Changes to Compensation and Payment	Approved	4/7/2004	$0.00
21	PCMCIA Card Slot use for WAN	Approved	4/13/2004	$0.00
22	Data Transmission System	Approved	6/22/2004	$675,000
23	Mifare Card Initialization and Verification	Approved	6/8/2004	$9,629
24	Farebox Mounting Adapter for NABI Buses	Approved	7/9/2004	$32,485
25	Provide Regional CDCS	Approved	2/25/2005	$5,348,335
25.01	Regional CDCS Overhead Rate Adjustment	Approved	1/17/2007	-$31,621
25.02	Regional CDCS Acceptance Test Participants	Approved	8/7/2008	$0.00
26	Remove Requirement for Focus Groups	Approved	12/20/2004	-$111,704
27	Farebox Rotation	Approved	1/4/2005	$74,967
28	Metro Gold Line Eastside Extension, Fare Equipment	Approved	7/25/2006	$3,808,722

29	Stainless Steel Panels for TVM Alcoves	Approved	4/25/2005	$45,521
30	Data Communication Cabling for Orange Line	Approved	6/10/2005	$41,560
31	(Not Used)			
32	Additional Spare Part Quantities for Eastside Ext.	Approved	7/25/2005	$15,480
33	Mifare Card Functionality on UFS	Approved	8/15/2005	$33,105
34	Revisions to Project Schedule	Approved	10/26/2000	$0.00
35	OCU Mount	Approved	11/15/2005	$87,634
36	(Not Used)			
37	Deductive Change for Line 1.36	Approved	4/6/2007	-$33,116
38	Installation of Third TVM and Relocation of Two SAVs and Blue Line Willow Station	Approved	7/6/2006	$10,084
39	Upgrade the CDCS System from IB SSA Disk Storage Subsystem to Fiber Disk	Approved	10/2/2006	$20,000
40	UFS Equipment for Expo Line	Approved	2/16/2007	$5,197,204
41	(Not Used)			
42	(Not Used)			
43	HHV, PMOS and CPOS Interim Maintenance Deductive Change	Approved	2/16/2007	-$162,628
44	UFS Additional Quantities for Contracted Services	Approved	2/16/2007	$2,499,916
45	Replace Go-Cards with Mi-Fare Cards	Approved	2/16/2008	-$1,157,850
46	Relocation of Data Probes and Receive Vaults at Division 7	Approved	4/9/2007	$29,787
47	Revisions to US Base and Regional Manuals for Release to ACS	Approved	4/23/2007	$46,000
48	Expo Line, Pico Station Infrastructure	Approved	7/18/2007	$18,542
49	Relocation of UFS Lab Equipment	Approved	6/2/2008	$106,905
50	Expo 7th and Metro Additional Infrastructure	Approved	8/30/2007	$81,719
50.01	Expo 7th and Metro Infrastructure Deductive change	Approved	8/30/2007	-$30,173
51	Handheld Validator Holster	Approved	10/16/2007	$6,184
52	Installation and Testing of Farebox at Transportation Concepts	Approved	3/6/2008	$16,091
53	Relocate OCUs on Ford Cutaways and MST Buses at Contracted Services	Approved	5/14/2008	$79,170
54	Installation of one Farebox and Testing for two Fareboxes at Contracted Services	Approved	5/27/2008	$18,842
55	UFS Quantity Adjustments	Approved	10/9/2008	$0.00
56	Contracted Bus Service Equipment Change	Approved	12/3/2008	$36,704
57	Installation and Acceptance Testing of One Farebox at First Transit	Approved	12/19/2008	$3,040

58	Provide UFS Equipment for Expo from Culver City to Venice/Robertson Aerial Station	Approved	3/4/2009	$304,246
59	Regional CDCS Electrical Power Reconfiguration	Approved	2/9/2009	$17,186
60	Rail Equipment Warranty and Bus Equipment Warranty	Approved	2/19/2009	$0.00
61	TAP Enables Turnstile Fare Gates for Rail Stations	Approved	4/9/2009	$10,000,000
62	Provide UFS Equipment for Expo Truesdale Station	Approved	3/4/2009	$284,167
63	System Support Services	Approved	6/8/2010	$33,988,558
63.01	SSS, Additional Costs	Approved	3/22/2013	$677,631
63.02	SSS, Orange Line Credits	Approved	3/22/2013	-$58,243
63.03	SSS, One-year Extension	Approved	3/22/2013	$8,148,263
64	$5 Dollar Bill handling Unit for Fareboxes and TVMs	Approved	7/27/2009	$304,658
65	Installation of Additional SAVs for Eastside Extension	Approved	1/4/2010	$34,077
66	Relocation of Wing Gate at MRL Wilshire/Normandie Station	Approved	2/2/2010	$18,905
67	(Not Used)	Approved		
68	UFS Equipment for Orange Line Extension	Approved	11/2/2010	$2,749,476
68.01	Transfer Maintenance Dollars to 63.01	Approved	1/25/2013	-$677,631
68.02	UFS Equipment for Orange Line Extension, Credits	Approved	3/22/2013	-$10,982
69	Additional TVM at Aviation Greenline Station	Approved	4/2/2010	$13,031
70	TAP Card Physical Testing	Approved	4/28/2010	$41,844
70.01	TAP Card Physical Testing	Approved	3/22/2013	$12,658
71	Concession Light Functionality	Approved	6/30/2010	$96,726
72	(Not Used)	Approved		
73	API Test Server Imagining	Approved	9/9/2010	$45,024
74	Contract Services Relocation	Approved	11/1/2010	$33,854
75	Limited Function Sales Office Terminals, Increase Quantity	Approved	2/15/2011	$993,795
76	CISCO ASA Acquisition and Implementation for API Test and Production Servers	Approved	2/28/2011	$59,209
77	Cubic LU Key Installation	Approved	3/3/2011	$69,097
78	Updates Farebox Configuration to Support ARUB Wireless Security Data Transfer	Approved	3/3/2011	$40,204
79	Relocation of UFS Test Lab Equipment	Approved	4/25/2011	$80,911
80	7 Byte UID Support	Approved	4/20/2011	$362,069
81	Fare Gate Fencing Installation	Approved	4/25/2011	$24,004

	Modifications, North Hollywood and Avalon Stations			
82	Additional TVM at Hollywood/Western Redline Station	Approved	4/25/2011	$15,531
83	Purchase Drive Control Unit Light Validators DCU-LV	Approved	4/25/2011	$363,492
84	Install TVMs at Three Metro customer Centers	Approved	6/6/2011	$386,680
85	Cubic Modification to Gate Software/Locking Commands	Approved	6/29/2011	$111,188
86	UFS Equipment for Expo Phase I Farmdale Station	Approved	7/26/2011	$415,184
87	Relocation of TVMs at the Green Line Long Beach Station	Approved	8/25/2011	$15,909
88	Mobile Validator Non-Recurring Engineering System Development	Approved	10/12/2011	$611,677
89	Expo Pico Station North Platform TVM/SAV Work	Approved	3/5/2012	$17,592
90	Deletion of Contract Line Items 1.03, 1.04 & 1.33	Approved	2/15/2012	-$20,622
91	Orange Line Installation of 12 Metro Provided SAVs	Approved	2/15/2012	$34,483
92	(Not Used)			
93	(Not Used)			
94	System Support Services, Six Year Extension	Approved	7/1/2013	$55,000,000
94.01	(Not Used)			
94.02	System Support Services for Expo II and Foothill Extension	Approved	3/2/2015	$1,152,749
95	UFS Equipment Storage Costs	Approved	6/13/2012	$4,129
96	Faregating, Three Additional Swing Gates	Approved	2/4/2013	$44,611
97	Green Line Faregating Additional Fire Key Switches at Vermont Station	Approved	4/1/2013	$8,392
98	Emergency Swing Gate Upgrades	Approved	4/15/2013	$252,145
99	Removal of TVM from Wilshire/LaBrea Customer Center	Approved	10/8/2013	$4,883
100	Supplying and Supporting a Turn Key Mobile Validator System	Approved	7/1/2013	$2,996,113
101	Bus Division Vault Relocation	Approved	8/1/2013	$995,940
102	Install One TVM at East Portal Customer Service Center and One at Culver City Station	Approved	10/8/2013	$252,905
103	El Monte Bus Facility TVMs	Approved	10/15/2013	$474,753
104	Fare Gate Consoles for Expo 2, Colorado/4th Street Station	Approved	5/26/2014	$380,000
105	TVM and SAV Relocations	Approved	12/16/2013	$1,456,632

106	Modification to Nextfare to Allow For Segregation of Facility Specific Data	Approved	1/29/2014	$647,869
107	Passback Modification	Approved	2/18/2014	$70,301
108	UFS PCI Compliance	Approved	10/23/2014	$9,015,319
109	Service Provider Support	Approved	6/14/2014	$66,777
110	Autoload Segregation by Muni	Approved	6/30/2014	$111,707
111	SAV Three Distinct Tones	Approved	8/4/2014	$46,634
112	Modify TAP Vending Machine to Improve Purchases	Approved	8/4/2014	$250,000
113	ADA TVM Upgrades for CN No. 162 and 150 Replacement TVMs	Approved	8/5/2014	$416,815
114 A	UFS Equipment for Gold Line Foothill Extension	Approved	8/25/2014	$1,878,756
114 B	UFS Equipment for Expo Phase	Approved	8/25/2014	$3,783,200
115	FBX External Interface Spec Changes	Approved	8/19/2014	$20,488
116	Willowbrook Station Blue Line SAVs	Approved	11/19/2014	$62,882
117	TAP-In, TAP-In, Transfer Gate	Approved	11/19/2014	$88,598
118	Virtual Gate Arrangement of SAVs at Gold Line Union Station Entrance	Approved	11/19/2014	$84,964
119	Conversion of Expo 1 Aerial Stations to Fare Gates	Approved	3/2/2015	$3,077,952
120	Change in Service Level Agreement for TVM & GC Network Additions at No Cost	Approved	3/2/2015	$0
121	Emergency Swing Gate External Alarm Mode	Approved	11/19/2014	$0
122	Installation of Colorado & 4th Faregates & ESGs	Approved	3/2/2015	$163,143
123	OCDC Replacement Equipment Software and Installation	Approved	5/12/2015	$681,068
124	Expo One Claim No. 1 Settlement	Approved	5/26/2015	$19,648
125	UFS Global Network, Change for Credit/Debit Processing at TVM	Approved	5/12/2015	$52,735
126	Metrolink Integration Support	Approved	5/12/2015	$56,073
127	Metro Network Assistance	Approved	5/12/2015	$48,758
128	Division 13 Bus Operations TVMs	Approved	5/12/2015	$99,401
129	Fare Equipment Changes at MRL North Hollywood Station	Approved	5/12/2015	$577,401
130	Installation of Additional TVM at MRL Civic Center Station North Entrance	Approved	7/15/2015	$21,593
131	Relocate One TVM From Hawthorne to Hollywood	Approved	9/2/2015	$31,983
132	Service Provider Support – Deductive Change (Mod 109)	Approved	6/13/2015	-$66,777
133	Additional Emergency Swing Gate for Expo 2	Approved	6/3/2015	$10,970
134	Metrolink Support for LU Encoding	Approved	10/7/2015	$13,666

135	Emergency Swing Gate Hinge Post Substitution at Expo 2 Bundy Station – No Cost Change	Approved	10/21/2015	$0
136	Relocation of TVMs at MGL Artesia Station	Pending		$0
137	(Not Used)			
138	Vertiba Support (Salesforce – CRM)	Approved	8/20/2015	$9,671
139	Regional Inter Agency Transfer Policy Change	Approved	1/21/2015	$435,000
140	**54 TVMs, purchase and install**	**Pending**		**$5,194,834**
94.03	**Maintenance Support Services for 54 TVMs**	**Pending**		**$838,211**
	Modification Total:			**$175,381,031**
	Original Contract:			**$84,003,444**
	Total:			**$259,384,475**

DEOD SUMMARY

UNIVERSAL FARE SYSTEM / OP02461010

A. Small Business Participation

Cubic Transportation Systems, Inc. made a 5.65% Disadvantaged Business Enterprise (DBE) commitment for this contract. The project is 96.52% complete and the current DBE participation is 8.17%, which exceeds their DBE commitment.

Small Business Commitment	DBE 5.65%	Small Business Participation	DBE 8.17%

	DBE Subcontractors	Ethnicity	% Committed	Current Participation[1]
1.	American Alloy Fabrication	Caucasian Female	0.25%	0.56%
2.	Lows Enterprises	African American	0.13%	0.06%
3.	TechProse	Caucasian Female	0.41%	0.11%
4.	Robnett Electrical	African American	2.53%	6.45%
5.	Priority Manufacturing (GFI)	Caucasian Female	0.93%	0.33%
6.	J-Tec Metal Products	Hispanic American	0.13%	0.06%
7.	KLI, Inc.	Asian Pacific American	0.25%	0.16%
8.	Kormex Metal Craft	Asian Pacific American	1.02%	0.44%
	Total		**5.65%**	**8.17%**

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

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will continue to monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection and other support trades.

D. Project Labor Agreement/Construction Careers Policy

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

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

Metro

Board Report

File #: 2016-0153, **File Type:** Policy **Agenda Number:** 28

SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE
APRIL 14, 2016

SUBJECT: TITLE VI & ENVIRONMENTAL JUSTICE EQUITY EVALUATIONS OF MAJOR SERVICE AND FARE CHANGES FOR JUNE 2016 SERVICE CHANGE PROGRAM

ACTION: ADOPT FINDINGS OF EVALUATIONS

RECOMMENDATION

ADOPT:

A. the finding of no Disparate Impact and no Disproportionate Burden resulting from **proposed major service discontinuations and major new service proposals for June 2016 implementation** (**Attachment A**);

B. the finding that improving service on Line 704 to conform to the new loading standards creates a Disparate Impact but no Disproportionate Burden. The Disparate Impact is created because Line 704 serves an area significantly less minority than the county average and there is no alternative that is less discriminatory (**Attachment A**); and

C. the finding of no Disparate Impact and no Disproportionate Burden for proposed exemption of Line 577 from express fare charge (**Attachment B**).

ISSUE

Metro's Administrative Code Section 2-50 requires an equity evaluation in accordance with Federal Transit Administration Circular 4702.1B for defined major service changes and any fare changes. These evaluations determine whether there are significant differences in the minority shares of impacted riders and systemwide riders that may indicate an adverse effect upon minority riders (Disparate Impact), and whether there are significant differences in the poverty shares of impacted riders and systemwide riders that may indicate an adverse effect upon poverty level riders (Disproportionate Burden). The thresholds of significance are Board adopted and stated in Metro's Administrative Code Section 2-50.

For major service changes a Disparate Impact may result from an absolute difference in the minority shares greater than 5% and/or a relative difference in the minority shares exceeding 20%. A Disproportionate Burden may result from an absolute difference in the poverty shares greater than 5% and/or a relative difference in the poverty shares exceeding 20%. For fare changes the

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respective levels of significance are 5% and 35%.

DISCUSSION

There are 14 major service changes among those proposed for June 2016 implementation, and one action that would result in fare changes to riders. The service changes are evaluated in Attachment A. The fare changes are evaluated in Attachment B (Line 577). The assumption of service by Foothill Transit on Lines 190/194 and 270 had no findings of a Disparate Impact or Disproportionate Burden. This is because Foothill Transit has committed to retain the Metro fare structure on these lines for one year (Attachment C).

The major service changes included eight proposals to discontinue all or part of a route, six proposals to implement new or extended services, and one proposal to increase midday headways. None of these proposals was found to cause a Disproportionate Burden on poverty level populations served. However, the proposal to increase midday headways on Line 704 was found to cause a Disparate Impact on minority populations served. In the instance of a Disparate Impact, the action can proceed provided that a significant agency objective is achieved by the action, and no alternative action that would achieve the objective would result in a lesser impact. The proposed action would conform midday service on Line 704 to recently adopted Loading Standards designed to limit crowding. No alternative to adding service would accomplish this objective.

It was proposed to exempt Line 577 riders from payment of an express charge normally applicable to services with significant segments of freeway travel. No Disparate Impact or Disproportionate Burden would result from this action. Because of Board adoption of Motion 63 in February 2016, staff recommended that the affected Service Councils not approve the proposed action to reduce the fare so that service restructuring in the corridor could be studied.

DETERMINATION OF SAFETY IMPACT

The requested actions in this report will have no direct impact on the safety of Metro's employees or customers.

FINANCIAL IMPACT

The impact of these findings and all related service modifications will be reflected in the FY17 proposed budget.

Impact to Budget

All related service modifications will be funded with Federal, State, and Local funds that are eligible for Bus Operations.

ALTERNATIVES CONSIDERED

There is no alternative to conducting service and fare equity evaluations for proposed major service changes or any proposed fare changes. These actions are required both by Federal Transit

Administration Circular 4702.1B and Section 2-50 of Metro's Administrative Code.

NEXT STEPS

The adoption of the recommended findings will permit implementation of the service changes adopted by Metro's Service Councils in June 2016.

ATTACHMENTS

Attachment A - Service Equity Analysis Methodology & Results
Attachment B - Line 577 Exemption from Express Charge
Attachment C - Foothill Transit Letter of Commentment

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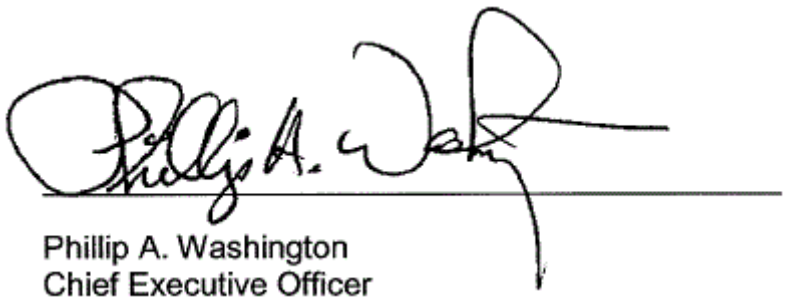
Reviewed by: Daniel Levy, Executive Officer of Civil Rights Program Compliance (213) 922-8891
James T. Gallagher, Chief Operations Officer (213) 922-4424



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

Service Equity Analysis
Methodology & Results

June 2016
Proposed Major Service Changes

Service Planning and Scheduling
Civil Rights Programs Compliance

Contents

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1. PROPOSAL OVERVIEW

A proposed program of service changes for possible implementation in June 2016, or later, is scheduled for public comment in February 2016. The major service changes contained in that proposal are the subject of this equity evaluation.

2. METHODOLOGICAL APPROACH

A Service Equity Evaluation is presented herein in accordance with the requirements of Federal Transit Administration Circular 4702.1B. The evaluation assesses whether or not there are adverse disparate impacts on minority passengers and/or disproportionate burdens on low income riders arising from the proposed major service changes that will be considered at public hearings in February 2016.

The proposed changes have been grouped by type of change for this analysis. There are three groups consisting of routes or segments proposed for discontinuation, routes or segments that represent new services, and routes proposed for increased service frequency. Each group is evaluated separately using demographic data associated with the group's services.

Only the major service change proposals as defined in Metro's Administrative Code Section 2-50 are included in this analysis. There are additional proposals being presented for public comment that are not a part of this evaluation. A service change is considered major if it meets one or more of the following criteria:

> A revision to an existing transit route that increases or decreases the route miles by 25% or the revenue service miles operated by the lesser of 25%, or by 250,000 annual revenue service miles at one time or cumulatively in any period within 36 consecutive month;
>
> A revision to an existing transit service that increases or decreases the revenue hours operated by at least 25% or by 25,000 annual revenue service hours at one time or cumulatively in any period within 36 consecutive months;
>
> A change of more than 25% at one time or cumulatively over any period within 36 consecutive months in the number of total revenue trips scheduled on routes serving a rail or BRT station, or an off-street bus terminal serving at least 4 bus routes;
>
> A change of more than 20% of the total system revenue miles or revenue hours in any 12 month period;
>
> The implementation of any new transit route that results in a net increase of more than 25,000 annual revenue hours or 250,000 annual revenue miles;

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 new subsections 1 – 5 above.

Two proposals meeting the criteria for major changes have been excluded from this analysis as the Administrative Code provides an exception to the equity evaluation requirement when a service is replaced by a different mode or operator providing a service with the same headways, fare, transfer options, span of service and stops. The proposed discontinuation of Lines 190-194 and 270 is contingent on the assumption of service by Foothill Transit.

Data Sources

Data on the ethnicity of Matro's service area population is obtained from block group level data from the 2010 U. S. Census. Poverty income data is from the American Community Survey administered by the U. S. Census for the five year period from 2006-2010 and is provided at the census tract level.

Methodology

For any route or route segment included in this evaluation the population and minority population of each block group that is at least partially included in a buffer area around each stop served by the affected route or segment is accumulated. The buffer is generally a circle of one-quarter mile radius around each stop. For rail stations the buffer has a one-half mile radius, and for major park/ride facilities the buffer has a five mile radius. Similarly, census tract level data for population and poverty population is accumulated from all tracts at least partially included in each buffer.

The major changes are grouped by type of change (discontinuation, new service, or increased frequency), and the associated population, minority population, and poverty population is accumulated for each group. Each group's overall minority population share and poverty population share is compared with the corresponding Metro service area shares to determine whether or not a disparate impact, or disproportionate burden would result.

3. RESULTS

The Board of Directors has adopted thresholds for determining when disparate impacts and/or disproportionate burdens are imposed by a proposed service change action.

A disparate impact occurs when the absolute difference between the minority share of the impacted population and the minority share of Metro's service area population exceeds 5%, and/or the relative difference between the minority share of the impacted population and the minority share of Metro's service area population exceeds 20%.

A disproportionate burden occurs when the absolute difference between the impacted poverty population share and the Metro service area poverty population share exceeds 5% and/or the relative difference between the poverty population share of the impacted population and the poverty share of Metro's service area population exceeds 20%.

The results of this equity evaluation are shown in Table 1. There is no disparate impact or disproportionate burden resulting from the service discontinuation and new service actions. The increased frequency proposed for Line 704 would result in a disparate impact since the improvement occurs on a line that serves an area that has significantly fewer minority residents than the county average along its route, but would not result in a disproportionate burden.

When a disparate impact is found the proposed action may only be implemented if (1) there is a substantial legitimate justification for the proposed service change, and (2) there are no alternatives that would have a less disparate impact and still accomplish the goals of the action. In this instance, the action is proposed to conform passenger loading during the midday to recently revised passenger loading standards. There are no alternatives to adding service to reduce passenger loading, and not doing so would violate adopted Board policy resulting in crowding.

Table 1
Equity Evaluation of Major Service Change Proposals for June 2016

DISCONTINUATION OF ROUTE OR SEGMENT

Line	Description	Adverse Action	Beneficial Action	Title VI Population	Title VI Minority	Title VI %	EJ Population	EJ Poverty	EJ %
111	Discontinue Route 311 (reinvest in Line 111)	X		-244,310	-228,526	93.5%	-349,160	-69,406	19.9%
156	Discontinue Burbank/Kester/Oxnard Loop	X		-18,579	-10,684	57.5%	-28,901	-5,638	19.5%
220	Discontinue line (replace with new Route 17)	X		-53,401	-16,915	31.7%	-68,042	-7,522	11.1%
236	Discontinue branch line 237	X		-164,559	-92,194	56.0%	-204,516	-24,570	12.0%
258	Discontinue service east of Fremont/Commonwealth	X		-32,739	-29,082	88.8%	-38,056	-6,028	15.8%
460	Discontinue service west of Norwalk Station	X		-81,896	-65,143	79.5%	-85,549	-34,872	40.8%
485	Discontinue line (parts replaced by rerouted Line 258)	X		-120,667	-87,390	72.4%	-154,781	-22,285	14.4%
620	Discontinue service between Indiana Station State St via Chavez	X		-44,714	-43,893	98.2%	-59,995	-15,659	26.1%
Total				**-760,865**	**-573,827**	**75.4%**	**-989,000**	**-185,980**	**18.8%**
	Metro Service Area					**70.5%**			**15.9%**
			Absolute Difference			**4.9%**			**2.9%**
			Relative Difference			**7.0%**			**18.3%**

NEW SERVICE

Line	Description	Adverse Action	Beneficial Action	Title VI Population	Title VI Minority	Title VI %	EJ Population	EJ Poverty	EJ %
156	Extend from Van Nuys/Burbank via Route 237 to Mission Hills		X	95,656	63,639	66.5%	111,257	15,776	14.2%
258	Add extension to CSULA		X	10,547	9,585	90.9%	16,006	1,889	11.8%
258	Add extension from Fremont/Commonwealt to Altadena		X	74,390	46,329	62.3%	113,333	11,858	10.5%
501	New service		X	44,623	20,922	46.9%	63,759	8,731	13.7%
620	Extend service from Indiana Station to E. LA College via 1st. St.		X	49,274	48,029	97.5%	66,030	12,143	18.4%
Total				**274,490**	**188,504**	**68.7%**	**370,385**	**50,397**	**13.6%**
	Metro Service Area					**70.5%**			**15.9%**
			Absolute Difference			**-1.8%**			**-2.3%**
			Relative Difference			**-2.6%**			**-14.4%**

INCREASED FREQUENCY

Line	Description	Adverse Action	Beneficial Action	Title VI Population	Title VI Minority	Title VI %	EJ Population	EJ Poverty	EJ %
704	Add midday service (cumulative impact)		X	259,255	126,979	49.0%	313,798	57,176	18.2%
Total				**259,255**	**126,979**	**49.0%**	**313,798**	**57,176**	**18.2%**
	Metro Service Area					**70.5%**			**15.9%**
			Absolute Difference			**-21.5%**			**2.3%**
			Relative Difference			**-30.5%**			**14.6%**

ATTACHMENT B

Line 577
Exemption from Express Charges

Fare Equity Analysis
Methodology & Results

Service Planning and Scheduling
Civil Rights Programs Compliance

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1. PROPOSAL OVERVIEW

In an effort to increase ridership on a poorly patronized express bus line, Metro is proposing to eliminate express fare charges on Line 577 effective with the June 2016 Service Change Program.

2. METHODOLOGICAL APPROACH

A Title VI Fare Equity Evaluation is presented herein in accordance with the requirements of Federal Transit Administration Circular 4702.1B. The evaluation assesses whether or not there are adverse disparate impacts on minority passengers and/or disproportionate burdens on low income riders arising from the proposed exemption of Line 577 riders from express fare charges.

Express fare charges are only applicable on Metro Express bus lines, including the Metro Silver Line for which the express premium is built into the line fare. As only the express premium fare is affected by the proposed to lower the fare, the demographics of Line 577 riders will be compared with those of all express riders to determine whether some portion of minority and/or disproportionate passengers in this group is disparately impacted and/or disproportionately burdened by the proposed action.

Data Sources

Data on the ethnicity and household income levels of riders of specific Metro bus lines is obtained from the systemwide Onboard Survey conducted in 2012. Two express lines, Line 439 and Line 445, are no longer operated, however, riders of former Line 445 are now almost entirely users of the Metro Silver Line.

Poverty level household annual income was not determined in the Onboard Survey, so Low Income, defined as less than $25,000, was used for the evaluation.

Step By Step Methodology

The following steps were performed to complete the analysis:

- Data for the numbers of linked trips surveyed by express route and by ethnicity were obtained from the Onboard Survey database (Table 1);

	MT-439	MT-442	MT-445	MT-450	MT-460	MT-485	MT-487	MT-489	MT-534	MT-550	MT-577	MT-910	
Asian	5		9	13	11	39	53	23	1	18	17	31	220
Black	9	6	44	16	136	160	89	7	171	105	77	86	906
Hispanic	6		19	6	10	26	24	2	21	15	21	18	168
White	13	24	23	6	29	49	12	3	8	39	25	22	253
Native Amer					1	2				2	2	1	8
Totals	33	30	95	41	187	276	178	35	201	179	142	158	1555

Table 1
Surveyed Linked Trips by Route and by Ethnicity

- Data for the numbers of linked trips surveyed by express route and by household income category were obtained from the Onboard Survey database (Table 2);

	MT-439	MT-442	MT-445	MT-450	MT-460	MT-485	MT-487	MT-489	MT-534	MT-550	MT-577	MT-910	
$10,000-$14,999	2	2	10	2	28	30	19	2	41	32	25	14	207
$135,000 and more	1	1	12	3	34	32	22		58	35	14	21	233
$15,000-$24,999	2	3	12	2	27	41	17	5	31	26	22	17	205
$25,000-$34,999	9	4	20	1	28	44	36		21	30	20	23	236
$35,000-$49,999	3	2	8	1	21	31	19	3	17	9	14	18	146
$5,000-$9,999	6	5	10	5	12	18	18	7	2	14	13	11	121
$50,000-$69,000	4	8	4	5	14	22	7	4	4	13	8	11	104
$70,000-$134,999	5	3	12	10	7	18	11	9	3	5	8	25	116
less than $5,000			1	7	4	5	9	2	1	3	6	12	50
Totals	32	28	89	36	175	241	158	32	178	167	130	152	1418

Table 2
Surveyed Linked Trips by Route and by Household Income

- The percentages of surveyed linked trips by route and by ethnicity (Table 3), and the percentages of surveyed linked trips by route and by household income (Table 4) were then calculated;

	MT-439	MT-442	MT-445	MT-450	MT-460	MT-485	MT-487	MT-489	MT-534	MT-550	MT-577	MT-910	
Asian	15.15%	0.00%	9.47%	31.71%	5.88%	14.13%	29.78%	65.71%	0.50%	10.06%	11.97%	19.62%	14.15%
Black	27.27%	20.00%	46.32%	39.02%	72.73%	57.97%	50.00%	20.00%	85.07%	58.66%	54.23%	54.43%	58.26%
Hispanic	18.18%	0.00%	20.00%	14.63%	5.35%	9.42%	13.48%	5.71%	10.45%	8.38%	14.79%	11.39%	10.80%
White	39.39%	80.00%	24.21%	14.63%	15.51%	17.75%	6.74%	8.57%	3.98%	21.79%	17.61%	13.92%	16.27%
Native Amer	0.00%	0.00%	0.00%	0.00%	0.53%	0.72%	0.00%	0.00%	0.00%	1.12%	1.41%	0.63%	0.51%
Totals	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Table 3
Percentage of Surveyed Linked Trips by Route and by Ethnicity

	MT-439	MT-442	MT-445	MT-450	MT-460	MT-485	MT-487	MT-489	MT-534	MT-550	MT-577	MT-910	
less than $5,000	0.00%	0.00%	1.12%	19.44%	2.29%	2.07%	5.70%	6.25%	0.56%	1.80%	4.62%	7.89%	3.53%
$5,000-$9,999	18.75%	17.86%	11.24%	13.89%	6.86%	7.47%	11.39%	21.88%	1.12%	8.38%	10.00%	7.24%	8.53%
$10,000-$14,999	6.25%	7.14%	11.24%	5.56%	16.00%	12.45%	12.03%	6.25%	23.03%	19.16%	19.23%	9.21%	14.60%
$15,000-$24,999	6.25%	10.71%	13.48%	5.56%	15.43%	17.01%	10.76%	15.63%	17.42%	15.57%	16.92%	11.18%	14.46%
$25,000-$34,999	28.13%	14.29%	22.47%	2.78%	16.00%	18.26%	22.78%	0.00%	11.80%	17.96%	15.38%	15.13%	16.64%
$35,000-$49,999	9.38%	7.14%	8.99%	2.78%	12.00%	12.86%	12.03%	9.38%	9.55%	5.39%	10.77%	11.84%	10.30%
$50,000-$69,000	12.50%	28.57%	4.49%	13.89%	8.00%	9.13%	4.43%	12.50%	2.25%	7.78%	6.15%	7.24%	7.33%
$70,000-$134,999	15.63%	10.71%	13.48%	27.78%	4.00%	7.47%	6.96%	28.13%	1.69%	2.99%	6.15%	16.45%	8.18%
$135,000 and more	3.13%	3.57%	13.48%	8.33%	19.43%	13.28%	13.92%	0.00%	32.58%	20.96%	10.77%	13.82%	16.43%
Totals	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Table 4
Percentage of Surveyed Linked Trips by Route and by Household Income

- The percentages of Line 577 and All Express Minority riders were compared, and the absolute and relative differences between these shares were calculated (Table 5); and

Table 5
Comparison of Minority Rider Shares

	MT-577	All Express
Minority Share	82.39%	83.73%
Absolute Difference	-1.34%	
Relative Difference	-1.6%	

- Finally, the percentages of Line 577 and All Express Low Income riders were compared, and the absolute and relative differences between these shares were calculated (Table 6).

Table 6
Comparison of Low Income Rider Shares

	MT-577	All Express
Low Income Share	50.77%	41.11%
Absolute Difference	9.65%	
Relative Difference	23.5%	

3. RESULTS

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

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

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

share of impacted riders and the low income share of similarly situated riders not directly impacted exceeds 35%.

In the case of the proposed exemption of Line 577 from express premium charges, Table 5 shows that there is no disparate impact on minority riders from this action. Table 6 shows that there is an impact on low income riders, however, because this is a positive impact, no mitigation measures are required.

Foothill Transit
Going Good Places

April 4, 2016

Mr. Phillip Washington
Chief Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012

Re: **Honoring Metro Fares on Lines 190/194 and 270**

Dear Mr. Washington:

All of us at Foothill Transit continue to be excited about the possible transition of lines 190, 194 and 270. As part of our preparations, on Friday, April 1st, the Foothill Transit Executive Board approved honoring all Metro fare media for these three lines for a period of one year. We also will operate schedules that provide the same or additional service compared to what is operated today. This will make the transition seamless for riders and we believe that it will address the Environmental Justice concerns identified by Metro.

With your approval, we propose to enter into a MOU with Metro whereby Metro will reimburse Foothill Transit at the Foothill Transit average cash fare per boarding for riders using Metro fare media on the 190/194 and 270 lines.

Thank you for your continuing consideration of this proposal. If you have any questions about our Board's actions or any other matters related to this transition, please contact me at (626) 931-7200

We look forward to moving to the next steps in the process.

Sincerely,

Doran J. Barnes
Executive Director

Attachments

cc: Stephanie Wiggins, Deputy Chief Executive Officer
Nalini Ahuja, Executive Director, Finance

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File #: 2016-0182, **File Type:** Contract **Agenda Number:** 29

REVISED
SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE
APRIL 14, 2016

SUBJECT: NEW BUS PROCUREMENTS 2018-2022

ACTION: INITIATE PROCUREMENTS FOR BUS REPLACEMENT

RECOMMENDATION

CONSIDER finding that a new procurement of 60' advanced transit buses under Public Utilities Code (PUC) §130232 low bid requirement does not constitute a procurement method adequate for LACMTA's needs. The Board, pursuant to Public Contract Code (PCC) §20217, hereby directs the **procurement of up to four hundred (400) new 60' advanced transit buses in a procurement by competitive negotiation.**

(REQUIRES TWO-THIRDS VOTE)

ISSUE

Metro's bus fleet replacement plan anticipates that over the next five years up to 400 articulated buses will reach the end of their useful life. The buses being retired will be in excess of 14 years old.

This Board's finding and direction allows staff to issue a new procurement for up to four hundred (400) new replacement 60' transit buses utilizing a competitively negotiated process in accordance with PCC § 20217. PCC § 20217 provides the Board with statutory authority to award contracts for the purchase of buses by competitive negotiation when a low bid (IFB) approach is not adequate for the agency's needs.

DISCUSSION

It is in the public's and Metro's best interest to utilize the Best Value competitive negotiation method rather than a sealed bid process to consider factors other than price in the award of contracts for vehicles as allowed under PCC § 20217. The competitive negotiation process allows consideration of factors other than price that could not be adequately quantified or considered in low bid procurement.

By establishing explicit factors that identify Metro's definition of Best Value, the solicitation can use important evaluation criteria to augment price considerations such as past performance related to

schedule adherence, quality, reliability, maintainability and vehicle performance.

In April 2015, Metro's Board approved a negotiated procurement for up to 600 40' buses using similar evaluation criteria. To achieve favorable economies of scale, staff is planning on consolidating the 40' and 60' bus requirements into a single RFP for release in the summer of 2016.

The Best Value competitive negotiation process will consider such factors as:

- Past performance
- Experience & Expertise of Project Team
- Broadest possible range of competing products and materials available
- Best fit for Metro operating requirements
- Comply with updated FTA Buy America Rules
- ~~Scoring preference for enhanced US Content~~
- Scoring preference for new local job creation
- Manufacturer's warranty
- Consideration of Performance, Reliability, Safety and Maintainability
- Consideration of Operator Ergonomics and Operator/Machine Interface
- Standardization of life cycle costs
- Delivery schedules
- Support logistics
- Innovation and creativity
- Small business mentor protégé program, as applicable
- Other similar factors in addition to price in the award of the contracts

In addition to the ability to evaluate key technical and schedule factors, the Best Value Request for Proposal process permits direct discussions and negotiations with Proposers to clarify the requirements, evaluate the performance and reliability of proposed components, consider warranty factors, delivery schedule, and cost prior to an award recommendation. This process minimizes the risks associated with a complex specification and scope of work by allowing the parties to clarify ambiguities and correct deficiencies prior to awarding a contract.

Staff will ensure that proposers commit to meeting the updated U.S. Buy America requirements as mandated by the Federal Transit Administration (FTA), once those new rules are formalized by FTA. Staff recommends removing the scoring preference from the RFP because the new Buy America domestic content requirements of 65% in FY17 and FY18, and 70% in FY19. A preferential scoring incentive in the RFP would have limited added value.

~~Staff will apply explicit scoring preferences for Proposers that commit to U.S. content greater than the 60% of the cost of all components in a rolling stock procurement mandated under federal Buy America requirements. The preference is authorized under California law enacted January 1, 2012, and is consistent with Federal Transit Administration (FTA) current written guidance encouraging grantees to create ways to generate jobs in this manufacturing area.~~

In September 2015 the Federal Transit Administration (FTA) granted Metro approval of a Local Hiring Program on the 40' 600 bus procurement as a Department of Transportation pilot initiative. The

Local Hiring Program allows Metro, on a pilot basis only, to create evaluation scoring preferences for proposers that commit to hiring State of California residents as new employees that work directly on the awarded contract. This pilot program has been applied to three other rolling stock projects, the new Heavy Rail Car, A650 Red Line Car Overhaul and P2000 Light Rail Overhaul procurements. The Local Hiring Program will provide incentive points to those proposers that generate new jobs and invest in manufacturing, assembly and warranty support facilities within California. The key measurement for obtaining preferential points will be aggregate wages and benefits for new California workers and investment on new or retrofit on facilities.

In order to combine the Local Hiring Program requirements for the 40' and 60' vehicles into a single RFP, staff intends to obtain clarification from the FTA that its approval to implement the pilot local jobs program may also be applied to 60' vehicles. In the meantime the solicitation will include the Local Hiring Program for both 40' and 60' vehicles while Metro obtains FTA concurrence.

DETERMINATION OF SAFETY IMPACT

New buses incorporate the latest safety systems and features that should help improve both passenger and pedestrian safety. Some of the safety enhancements that may be included on new buses: improved ADA securement provisions and self-leveling ADA boarding ramps; improved vehicle monitoring; pedestrian warning systems; curbside cornering lights; operator safety barriers and video monitors; real-time video security system accessibility; and improved passenger door sensors.

FINANCIAL IMPACT

Funds required to issue procurements for both 40' and 60' buses are included in the FY17 budget in projects 201057 (40' buses), 201073 (60' buses) and 306002, Cost Center 3320 Vehicle Technology. Once this solicitation is complete, staff will return to the Board to authorize the contract award(s) and to establish life-of-project budgets for these buses.

Funding for these buses is included in Metro's adopted Long Range Plan and Ten Year Financial Forecasts. The final decision and commitment to buy buses will be made after the solicitation is complete and the total cost for buses is known. If this action is approved, funding for this procurement would be identified and committed as part of the annual update of the FY18-22 Capital Program and Ten Year Forecast. These forecasts currently have $660.3 million programmed for anticipated bus replacement and acquisitions during this period. Since these procurements will be multi-year contracts, the Chief Operations Officer and Project Manager will be responsible to ensure that these procurements are properly funded in future fiscal year budgets.

ALTERNATIVES CONSIDERED

Running buses past the end of their design life was considered. This alternative is not recommended because it will require additional investment in replacing expired CNG tanks. Extending vehicle life also adversely impacts fleet reliability and diminishes the quality of service provided to Metro's passengers.

Procurement by a low bid process was also considered, but is not recommended. The competitively negotiated procurement process provides for consideration of critical non-price related evaluation factors in the selection process. The sealed bid process does not adequately account for any technical superiority of performance, reliability, or system life cycle costs that one firm's equipment or solution may have over another since the process must award to the lowest responsive and responsible bidder.

NEXT STEPS

If this item is approved, Metro will initiate a competitive solicitation for 40’ and 60’ buses, and a new bus contract will be issued for new buses to be delivered starting in FY18.

ATTACHMENTS

Attachment A - Bus Replacement Schedule FY2018 - 2022

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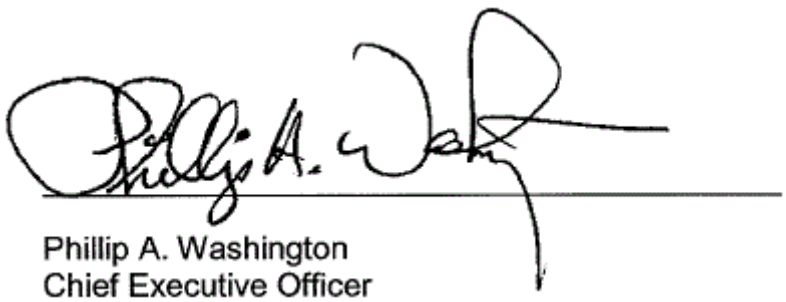
James T. Gallagher, Chief Operations Officer, (213) 922-4424



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

Bus Replacement Schedule FY2018 - 2022

	FY18	FY19	FY20	FY21	FY22	Total
40 Foot Buses	150	150	50	50	50	450
60 Foot Articulated Buses	50	50	100	100	100	400
Total	**200**	**200**	**150**	**150**	**150**	**850**

Los Angeles County
Metropolitan Transportation Authority

ITEM 29

Metro Bus Fleet Replacement Plans

Bus Fleet Replacement 2017-2022

Metro

New Bus RFP

1. New bus RFP for 40’ and 60’ buses in FY2018-2022
2. Buses either CNG or Zero Emission
3. Will replace existing 40’ and 60’ buses in operation
4. Single RFP, however Metro has the option of awarding a single contract for all buses, or can split awards for 40’ and 60’ buses to separate bus manufacturers
5. Will comply with FTA’s DBE Requirements and updated Buy America Rules
6. Will include provisions for Local Jobs
7. RFP to be released by June 2016
8. Bus delivery to start in FY18 (after July 2017)

Updates

Bus Replacement Schedule FY2018 – 2022

- **Scheduled replacement plans for 40’ and 60’ buses:**

	FY17	FY18	FY19	FY20	FY21	FY22	Total
40’ Buses	1*	149	150	50	50	50	450
60’ Articulated Buses	1*	49	50	100	100	100	400
Total	**2***	**198**	**200**	**150**	**150**	**150**	**850**

* Potential Pilot Buses

Metro

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Los Angeles, CA

File #: 2016-0003, **File Type:** Contract **Agenda Number:** 30

SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE
APRIL 14, 2016

SUBJECT: BLUE LINE WHEEL TRUING MACHINE OVERHAUL

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a firm fixed-price Contract No. MA4829600, a single source procurement, to Hegenscheidt-MFD Corporation (USA) to **perform a midlife overhaul of the Blue Line Wheel Truing Machine** for $1,385,769.

ISSUE

This procurement is for the services of the Original Equipment Manufacturer (OEM), Hegenscheidt-MFD Corporation (USA) (HMFD), to perform a midlife overhaul of the existing Wheel True Machine located at Division 11, the Blue Line Maintenance Facility. The existing machine, model 106T, was installed and went into operation in 1999. Time, usage, and parts obsolescence requires that the 15-year overhaul be performed on the wheel truing machine to bring it up to full functionality and increase the useful life of the machine by 15 more years.

DISCUSSION

The Blue Line Wheel Truing Machine is vital to the safe operation of the fleet as it is used to maintain the Vehicle Manufacturer's recommended tolerances for profiles and wheel diameters. Not maintaining these tolerances can increase the risk of wheel hunting, derailments, poor ride quality, and premature equipment failure.

A consultant, CH2MHILL, evaluated the current condition of the truing machine and the need to either overhaul or totally replace it. The findings were that significant costs can be avoided by not purchasing a new wheel truing machine. A comparable machine has an estimated cost of $3,000,000, including civil engineering that will be required for installation of the new machine.

Single Source Justification

The significance of this single source procurement is to ensure continued safe operational availability and reliability of the wheel truing function for Blue Line cars. There are a few manufacturers of wheel truing machines. Hegenscheidt wheel truing machines utilize proprietary software that is fully

integrated into the wheel truing process. The machine is custom fit into its “pit” location at Division 11. Significant efficiencies will be realized by utilizing the OEM instead of another vendor, as it will eliminate the need to reverse engineer new software to the machine. Thus, it was determined by Metro’s engineering team, cost estimating department and CH2MHILL that it is critical the OEM perform the overhaul.

The existing control system software will be replaced with Hegenscheidt’s new, current technology controls that are also used in the wheel truing machines currently in use at other Metro facilities. Utilizing similar control systems at multiple Metro facilities will allow for unified training and increased efficiency as specialists will have the ability to operate multiple wheel truing machines.

DETERMINATION OF SAFETY IMPACT

Award of the Contract to procure the wheel truing machine overhaul services will improve the efficiency and accuracy of wheel cutting to meet the Vehicle Manufacturer’s recommended tolerances for profiles and wheel diameters. Maintaining the Vehicle Manufacturer’s recommended tolerances is vital to the continued safe operation of the vehicles as doing so reduces the risk of wheel hunting, derailments, poor ride quality, and premature equipment failure.

FINANCIAL IMPACT

Funding of $1,385,769 is included in cost center 3941 under project 206040 for the Blue Line Wheel True Machine. Since this is a multi-year contract, the cost center manager, project managers, and Executive Director, Maintenance will ensure that the balance of funds is budgeted in future years.

Impact to Budget

The source of funding for this contract will come from Prop A 35% which are eligible for bus and rail Operating and Capital Projects. This funding source will maximize the use of funds for these activities.

ALTERNATIVES CONSIDERED

One alternative is to not award this Contract and continue using existing equipment with poor reliability, parts obsolescence, and poor wheel cutting performance. This will result in extended wheel rework and increase vehicle downtime.

A second alternative is a total replacement of the existing machine with a new one at a cost of approximately $3,000,000, inclusive of civil engineering work.

NEXT STEPS

After Board approval, staff will execute the Contract award and Notice to Proceed (NTP) to the contractor, Hegenscheidt-MFD Corporation to start working on this project.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Nick Madanat, Director, Rail Vehicle Engineering and Warranty
(213) 617-6281
Christopher Reyes, Transportation Planning Manager
(213) 922-4808

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 922-4424
Ivan Page, Interim Executive Director, Vendor/Contract Management (213) 922-6383



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

BLUE LINE WHEEL TRUING MACHINE OVERHAUL/MA4829600

1.	**Contract Number**: MA4829600	
2.	**Recommended Vendor**: Hegenscheidt-MFD Corporation	
3.	**Type of Procurement (check one):** ☐ **IFB** ☐ **RFP** ☐ **RFP–A&E** ☒ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: November 2, 2015	
	B. Advertised/Publicized: N/A	
	C. Pre-proposal/Pre-Bid Conference: N/A	
	D. Proposals/Bids Due: December 7, 2015	
	E. Pre-Qualification Completed: December 11, 2015	
	F. Conflict of Interest Form Submitted to Ethics: January 22, 2016	
	G. Protest Period End Date: N/A	
5.	**Solicitations Picked up/Downloaded**: 1	**Bids/Proposals Received**: 1
6.	**Contract Administrator**: Jean Davis	**Telephone Number**: 213 922-1041
7.	**Project Manager**: Nizar Madanat	**Telephone Number**: 213 617-6281

A. Procurement Background

This Board Action is to approve single source Contract No. MA4829600 in support of an overhaul of the Hegenscheidt Model 106T wheel truing machine installed at Metro's Blue Line. The existing Metro wheel truing machine was furnished by Hegenscheidt who is the original equipment manufacturer (OEM). It was determined by Metro's engineering and operations team that to ensure full operational capability of the truing machine that the machine should be overhauled by the OEM. The awardee is the OEM.

The RFP for a single source was issued in accordance with Metro's Acquisition Policy and the contract type is a Firm Fixed Price.

B. Evaluation of Proposal

This is a single-source procurement. Metro's technical staff conducted technical fact-finding meetings and a technical evaluation of the technical proposal. The technical evaluation consisted of reviews of the proposer's proposed labor hours, proposed assigned technical personnel and labor categories, proposed material items and spares, and the proposed overhaul schedule. The proposal was found to be technically acceptable.

Qualification Summary of the Firm:

Hegenscheidt-MFD Corporation is an international, mid-sized manufacturer of specialist machine tools. Hegenscheidt is the OEM of Metro's current wheel truing machine. The company is part of the Niles Simmons Hegenscheidt Group (NSH), which combines more than 175 years of experience on machine tool construction in Germany and the US. Among other services, the company manufactures and sells single machines and turnkey production systems to railway companies and to the automotive industry. Hegenscheidt-MFD and Simmons Machine Tool Corporation merged operations to perform as a single company. Overhaul and support for earlier machines are provided by Hegenscheidt-MFD while new sales are provided by Simmons.

C. Cost Analysis

The recommended contractor's price proposal was evaluated in compliance with Metro's Acquisition Policies and Procedures. Staff conducted a cost analysis of the price proposal. Based on our cost analysis, technical analysis, fact-finding, clarifications, and negotiations with the proposer, the final agreed to price of $1,385,769 is considered fair and reasonable. Metro will recognize an appreciable savings of approximately $240,000 from the initial proposed price.

	Proposer Name	Proposal Amount	Metro ICE	Negotiated Amount
1.	Hegenscheidt-MFD	$1,630,327.46	$1,400,000	$1,385,769.00

D. Background on Recommended Contractor

Hegenscheidt-MFD Corporation, located in Sterling Heights, MI, has been in business for over 40 years. Hegenscheidt-MFD is among the global market leaders in above-floor and underfloor wheel set lathes for the re-profiling of wheel sets. Hegenscheidt-MFD also provides wheel set presses, diagnostic systems for wheel sets, and re-railing systems for rail vehicles.

DEOD SUMMARY

BLUE LINE WHEEL TRUING MACHINE OVERHAUL/MA4829600

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) did not establish a participation goal for this single-source procurement based on the lack of subcontracting opportunities. According to the Project Manager, the software used in the proposed Computer Numerical Control is proprietary and it is in the best interest of Metro to utilize the Original Equipment Manufacturer to perform the required overhaul services with its own workforces.

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.

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Los Angeles, CA

File #: 2016-0124, **File Type:** Contract **Agenda Number:** 31

SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE
APRIL 14, 2016

SUBJECT: FTA PLATFORM TRACK INTRUSION DETECTION SYSTEM PILOT PROGRAM

ACTION: AWARD CONTRACT

RECOMMENDATION

AWARD a three-year, firm fixed price Contract No. PS4443900HONEYWELL, a sole source procurement, to Honeywell International, Inc. (Honeywell) for the **Platform Track Intrusion Detection System (PTIDS) pilot program** for an amount of $1,553,050 inclusive of sales tax. The contract includes both labor and materials, including project management support, installation and demonstration planning, system design and testing, and training of Metro staff on installation. Materials will include the PTIDS system, to be installed at three station platform sides on the Metro Rail system.

ISSUE

In February 2015, Metro was selected for a grant to pilot the PTIDS at three platform station locations, as part of the United States Department of Transportation Federal Transit Administration (FTA)'s Innovative Safety, Resiliency, and All-Hazards Emergency Response and Recovery Research Demonstrations grant program. FTA will be awarding Metro $1,722,400, with a Metro match of $430,600 for Metro labor and $247,000 for contingency. The award of this contract will allow Honeywell, who helped prepare the grant application, to complete its tasks in the scope of work through the funding programmed by FTA.

DISCUSSION

In December 2013, Metro, in partnership with Honeywell International Inc., and ProTran Technology LLC, submitted an application in response to FTA's Notice of Funding Availability (NOFA) Solicitation of Project Proposals for Innovative Safety, Resiliency, and All-Hazards Emergency Response and Recovery Research Demonstrations, dated October 1, 2013. Metro's project sought to demonstrate the performance of the proposed innovative electronic PTIDS. PTIDS is a radar system that detects and alerts staff to track intrusions.

Metro is focused on a strategy to improve safety at rail passenger station platforms and reduce vulnerabilities, risks, and system delays. Track intrusions represent not only a safety hazard but a

security risk as well. Unauthorized track entry has the potential to lead to vandalism or theft, which creates additional safety, security, and operational hazards.

The purpose of this project is to demonstrate that the PTIDS can be relied upon to increase safety and security at/near rail passenger station platforms by detecting bodies/obstacles intruding the right-of-way and providing immediate warning to rail operation safety systems and personnel. Sensors trigger safety systems and alert personnel to stop trains if a person/object enters the right-of-way. PTIDS detects and alerts the intrusion immediately upon occurrence, thereby allowing the maximum amount of time for response and mitigation. PTIDS is innovative because it incorporates fail-safe mechanisms and uses algorithms to minimize false alarms; thereby, ensuring rail operational safety and resiliency with interruptions limited to actual intrusions.

In May 2015, Metro submitted a request for a Buy America waiver for the manufacturing of the PTIDS technology. The system is currently being manufactured in Europe, and is therefore non-compliant with the FTA Buy America program. There are no similar technologies being manufactured in the United States, and the FTA approved the waiver, publishing a Federal Register Notice in December 2015. The FTA provided an award of grant funding to Metro for this project.

The contract allows Honeywell to design and manufacture the system for three station platform tracks: one aerial (Metro Gold Line - Chinatown), one subway (Metro Red Line - Civic Center), and one at-grade (Metro Blue Line - 103rd Street). The contract also includes training Metro staff for installation, and overseeing the 6-month demonstration. Additionally, Metro staff will award up to $95,000 for materials, design, and labor to Protran Technology, under separate cover.

Sole Source Justification

The significance of this sole source procurement is that there is no other company currently producing this form of technology. Metro staff confirmed through independent research that there are no competitors for a radar-based track intrusion technology. This was further confirmed by FTA during the Buy America waiver process, as FTA staff had to ensure that there were no US-manufactured technologies that could be used in lieu of the Honeywell technology.

DETERMINATION OF SAFETY IMPACT

The implementation of the Pilot program will evaluate this technology as a method of improving passenger safety on rail station platforms, which has the potential for a positive safety impact.

FINANCIAL IMPACT

The funding of $1,553,050 to Honeywell for PTIDS design, manufacturing, installation training, and monitoring is being awarded by FTA. Approximately $1,000,000 would be needed in FY17 and is budgeted in project number 205103, cost center 3960. The remaining costs would be expended in FY18 and the beginning of FY19. Since this is a multiyear contract, the Chief Operations Officer and

Project Manager will be responsible for future fiscal year budgeting.

Impact to Budget

The source of funding for the project is Prop A 35% and a FTA grant. No other source of funds were considered or are eligible for the project.

ALTERNATIVES CONSIDERED

The Board may decide to not authorize the award of this Contract. This alternative is not recommended. In prior years, Metro has considered the use of other platform track intrusion technologies, but has not found alternatives that are reliable enough to effectively alert the system for intrusions with minimal impact on operational delays. As such, there is currently no track intrusion system installed on Metro Rail, and intrusions are only noticed by Closed Circuit Television (CCTV) observers, which can be limiting and result in injuries and fatalities.

NEXT STEPS

After approval by the Board, staff will execute Contract No. PS4443900HONEYWELL with Honeywell International, Inc. for PTIDS. Staff will continue to monitor the PTIDS and will evaluate the effectiveness of the system.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Patrick Preusser, Executive Officer, Rail Operations, (213) 922-7974
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Chris Reyes, Transportation Planning Manager III, Operations (213) 922-4808

Reviewed by: Ivan Page, Interim Executive Director, Vendor/Contract Management, (213) 922-6383
James T. Gallagher, Chief Operations Officer, (213) 922-4424



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

PROCUREMENT SUMMARY

FTA PLATFORM TRACK INTRUSION DETECTION SYSTEM PILOT PROGRAM / PS4443900HONEYWELL

1.	**Contract Number**: PS4443900HONEYWELL	
2.	**Recommended Vendor**: Honeywell International, Inc.	
3.	**Type of Procurement (check one):** ☐ **IFB** ☐ **RFP** ☐ **RFP–A&E** ☒ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: N/A	
	B. Advertised/Publicized: N/A	
	C. Pre-proposal/Pre-Bid Conference: N/A	
	D. Proposals/Bids Due: N/A	
	E. Pre-Qualification Completed: N/A – FTA Issued Grant	
	F. Conflict of Interest Form Submitted to Ethics: 3/11/16	
	G. Protest Period End Date: N/A	
5.	**Solicitations Picked up/Downloaded**: 0	**Bids/Proposals Received**: 1
6.	**Contract Administrator**: Linda Rickert	**Telephone Number**: (213) 922-4186
7.	**Project Manager**: Tamar Fuhrer	**Telephone Number**: (213) 922-6937

A. Procurement Background

This Board Action is to approve sole source Contract No. PS4443900HONEYWELL to Honeywell International, Inc. (Honeywell) being issued to implement an FTA approved grant of pilot program for track intrusion detection.

In December 2013, Metro, in partnership with Honeywell International Inc., and ProTran Technology LLC, submitted an application in response to FTA's Notice of Funding Availability (NOFA) Solicitation of Project Proposals for Innovative Safety, Resiliency, and All-Hazards Emergency Response and Recovery Research Demonstrations, dated October 1, 2013.

The FTA also waived the Buy America requirement to allow Honeywell to install their platform track intrusion detection system on three Metro rail platforms. The system incorporates fail-safe mechanisms and uses algorithms to minimize false alarms.

B. Evaluation of Proposals/Bids

Metro staff reviewed the system and found it to be advantageous to Metro. Metro staff, along with Honeywell, then applied to the FTA for a waiver of the Buy America requirement due to the fact that the system was created and is currently in use in Europe. The waiver was granted and the FTA funded a research grant for the Honeywell portion of the costs, subsidized by contributions from Metro.

Qualifications Summary of Firm:

Honeywell International, Inc.

Honeywell International, Inc. is the only manufacturer of this type of system and has successfully operated this intrusion detection system in Nuremberg, Germany for over ten years. Installation on the Metro system will mark the first time this system has been implemented in the United States.

C. Cost/Price Analysis

The price has been found to be fair and reasonable based upon cost analysis of the price proposal, including Honeywell's GSA price schedules for labor and material costs, and project management's technical review of the labor hours. As this is a firm fixed price contract and not a cost reimbursable contract, a formal MASD audit of the proposal is not required under Procurement procedures.

Bidder Name	Bid Amount	Metro ICE	Final Amount
Honeywell	$1,553,027.00	$1,722,400*	$1,553,027.00

*This amount was included in the grant application submitted to the FTA and does not include Metro matching funds. Total cost of the project is $2,153,000 with Metro contribution of $430,600.

D. Background on Recommended Contractor

Honeywell International, Inc. is a Fortune 500 firm. Headquartered in Morristown, New Jersey, the firm has made significant contributions to technology in aerospace and automation controls. The original company was created in 1906 and has undergone several mergers, retaining the name due to its global recognition.

DEOD SUMMARY

PLATFORM TRACK INTRUSTION DETECTION SYSTEM/PS4443900

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) did not establish a DBE goal on this sole source contract. FTA identified in advance which contractors would be performing the work in the grant award, and as such the work was not competitively bid.

B. Living/Prevailing Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract

D. Project Labor Agreement/Construction Careers Policy

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

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Board Report

File #: 2016-0247, **File Type:** Federal Legislation / State Legislation (Position) **Agenda Number:** 36

REVISED
EXECUTIVE MANAGEMENT COMMITTEE
APRIL 14, 2016

SUBJECT: STATE LEGISLATION

ACTION: ADOPT STAFF RECOMMENDED POSITIONS

RECOMMENDATION

ADOPT staff recommended position:

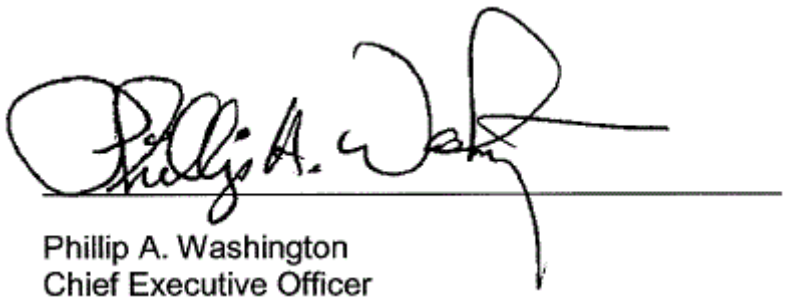
AB 1964 (Bloom) - Alternative Fuel Vehicle HOV Lane Access **WORK WITH AUTHOR**

ATTACHMENTS

Attachment A - AB 1964 (Bloom) Revised Legislative Analysis

Prepared by: Michael Turner, Deputy Executive Officer, Government Relations, (213) 922-2122
Desarae Jones, Administrator, Government Relations, (213) 922-2230

Reviewed by: Pauletta Tonilas, Chief Communications Officer, (213) 922-3777



Phillip A. Washington
Chief Executive Officer

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REVISED ATTACHMENT A

BILL: **AB 1964**

AUTHOR: **ASSEMBLY MEMBER RICHARD BLOOM (D-SANTA MONICA)**

SUBJECT: **HIGH OCCUPANCY VEHICLE LANES: VEHICLE EXCEPTIONS**

STATUS: **ASSEMBLY TRANSPORTATION COMMITTEE HEARING SCHEDULED: APRIL 4, 2016**

ACTION: **WORK WITH AUTHOR**

RECOMMENDATION

Staff recommends that the Board adopt a WORK WITH AUTHOR position on AB 1964 (Bloom).

ISSUE

Assembly Member Richard Bloom has recently amended AB 1964, creating a new program for Alternative Fuel Vehicle exemptions for High Occupancy Vehicle Lanes that is to be implemented following the sunset of the existing programs.

AB 1964 would:

- End the authority of the Department of Motor Vehicles (DMV) to issue vehicle identifiers (green and white stickers) for specified vehicles effective January 1, 2018.
- Authorize the clean air vehicles that have been issued HOV access stickers to remain in the lanes for a limited period of time; white stickers until January 2019 and green stickers until January 2022.
- Remove the 85,000 vehicle cap on green stickers.
- Authorize the DMV to issue new vehicle identifiers in 2019 that would be valid for three years on a rolling basis.

DISCUSSION

Since 1999, the Federal government has authorized states to provide access to High Occupancy Vehicle (HOV) lanes to alternative fuel vehicle drivers who do not meet HOV occupancy requirements to encourage the use of cleaner fuel vehicles. California regulates alternative fuel vehicle access to the HOV lanes through the issuance of vehicle decals under the Clean Air Vehicle Decal program. States that participate in such programs are required to monitor and report on the performance of the HOV lanes.

Currently, under the Clean Air Vehicle decal program, there are two types of vehicles which are allowed to use the HOV lanes without meeting the minimum occupancy requirements: transitional zero emission vehicles (green stickers) and inherently low emission vehicles (white stickers) and these programs are set to expire in 2019. Under current provisions, there is a limited number of green stickers available (85,000) and that limit has been reached as of

December 2015. The white sticker program does not have a provision that limits the number of stickers that can be issued. Previous legislation, AB 266 (Blumenfield & Bloom) and SB 286 (Yee) extended the sticker programs to 2019. Allowing alternative fuel vehicles to access HOV lanes has historically caused concern among transportation agencies due to the potential for increased lane degradation.

The Federal Highway Administration's definition of lane degradation is based on traffic speeds during peak commute hours. As defined, if the HOV lane's average speeds drop below 45 miles per hour for more than 10 percent of the time during a 180-day period, the lane is considered degraded. Caltrans reports, in its September 2015 Statewide HOV Lane Degradation Study that a majority of the systems (approximately 59-63 percent) 1,326 total monitored lane-miles were degraded during the January-December 2014 study period.

The HOV Lane Degradation Study report by Caltrans identified that performance of the HOV lane system has degraded due to various reasons, statewide. The Caltrans report further cites that this degradation has yet to be attributed to the use of the HOV lanes by alternative fuel vehicles. The report compares the distribution of white and green decals state-wide and in the year 2014, LA County had over 36,000 registered vehicles that participated in the program. The data indicates that the number of vehicles that are using the lanes under these white and green sticker programs are not significant enough to impact the degradation of the system. Caltrans has also found that alternative fuel vehicles only represent 2 percent of HOV volume during peak hours.

Assemblymember Richard Bloom recently amended AB 1964, creating a new vehicle sticker program for partial zero-emission vehicles and discontinues the current program effective January 2019. Vehicles that meet California's transitional zero emission vehicle requirements (the same requirement for the existing green sticker program) would qualify for the stickers and the stickers would be valid for three years after they are issued. This would allow the program to satiate the demand for, and expand access to, the stickers while rotating use of the stickers among the vehicle purchasers. Existing law states the Green Clean Air Vehicle decals allow a partial zero-emission vehicle with a single occupant to access the HOV lanes. As of December 18, 2015, the maximum decal limit of 85,000 has been reached and the program is set to expire on January 1, 2019.

To mitigate potential impacts on our Metro ExpressLanes program and potential anticipated impacts to overall congestion in HOV Lanes the original legislation authorizing this program included a component wherein Caltrans can take action to address the degradation of HOV lanes. Caltrans could elect to remove certain segments of HOV lanes from the exemption or raise the occupancy limit of the lane. According to the committee analysis of AB 1964, Caltrans has indicated that in such circumstances Caltrans would seek to raise the occupancy limit of the lane rather than exempt a lane from this program. Exempting the lane from this program would conflict with an Executive Order to support the use of alternative fuel vehicles.

Lastly, it is expected that AB 1964 will be amended further and the bill progresses through the legislative process. Staff is recommending that the Board of Directors adopt a WORK WITH AUTHOR position on this measure. We will continue to keep the Board informed of any developments with this bill.

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill. Legislation was also recently enacted that allows agencies that operate ExpressLanes to assess a reduced toll to alternative fuel vehicle owners who access the lanes. Staff finds that should our toll revenues or ability to effectively manage the ExpressLanes program be harmed as a result of the legislation, the mechanism for the reduced tolling on the alternative fueled vehicles can be implemented as a remedy.

ALTERNATIVES CONSIDERED

Metro could consider adopting a support or neutral position on this legislation; however, this would be inconsistent with our Board-approved 2016 State Legislative program.

NEXT STEPS

Should the Board decide to adopt a WORK WITH AUTHOR position on AB 1964, staff will communicate the Board's position to the author and work to ensure that the legislation is consistent with Board adopted policies. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.

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Board Report

File #: 2016-0269, **File Type:** Federal Legislation / State Legislation (Position) **Agenda Number:** 37

REVISED
EXECUTIVE MANAGEMENT COMMITTEE
APRIL 14, 2016

SUBJECT: STATE LEGISLATION

ACTION: ADOPT STAFF RECOMMENDED POSITIONS
RECOMMENDATION

ADOPT staff recommended positions:

A. AB 1595 (Campos) - Human Trafficking Training Requirements **SUPPORT**
B. AB 2222 (Holden) - Transit Passes **SUPPORT ~~IF AMENDED~~**
C. AB 2742 (Nazarian) - Public Private Partnerships **SUPPORT**
D. SB 824 (Beall) - Low Carbon Transit Operations Program **SUPPORT**
E. SB 951 (McGuire) - Golden State Patriot Pass Program **SUPPORT**

ATTACHMENTS

Attachment A - AB 1595 (Campos) Legislative Analysis
Attachment B - AB 2222 (Holden) Legislative Analysis
Attachment C - AB 2472 (Nazarian) Legislative Analysis
Attachment D - SB 824 (Beall) Legislative Analysis
Attachment E - SB 951 (McGuire) Legislative Analysis

Prepared by: Michael Turner, DEO, Government Relations, (213) 922-2122
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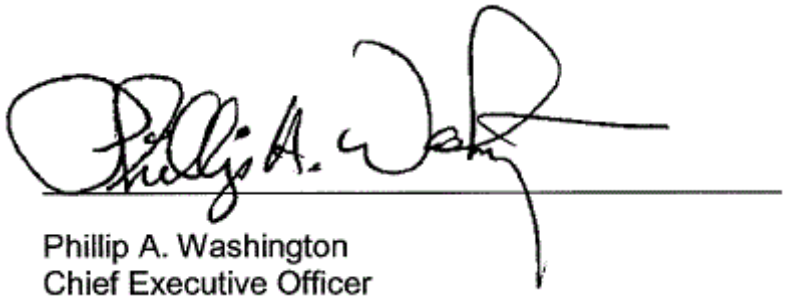
Crystal Martell, Assistant Administrative Analyst, Government Relations, (213) 922-7493

Reviewed by: Pauletta Tonilas, Chief Communications Officer, (213) 922-3777



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

BILL: **AB 1595**

AUTHOR: **ASSEMBLYMEMBER NORA CAMPOS (D-SAN JOSE)**

SUBJECT: **EMPLOYMENT: HUMAN TRAFFICKING TRAINING – MASS TRANSIT EMPLOYERS**

STATUS: **ASSEMBLY LABOR AND EMPLOYMENT COMMITTEE HEARING SCHEDULED: APRIL 6, 2016**

ACTION: **SUPPORT**

RECOMMENDATION

Staff recommends that the Board adopt a SUPPORT position on AB 1595 (Campos).

ISSUE

Assemblymember Nora Campos has introduced AB 1595, a bill that would establish a mandatory human trafficking awareness training program requirement for public and private mass transportation employers.

AB 1595 would require employers that provide mass transportation services to:

- Provide human trafficking awareness training for employees to recognize the signs of human trafficking and report incidents to the appropriate law enforcement agency.

The bill would also require that the Department of Justice:

- Develop guidelines for the training, including, but not limited to guidance on how to report human trafficking.

DISCUSSION

Human trafficking is an issue that seriously impacts the state of California, with the highest number of cases reported in the state as compared to other states across the nation. Assemblymember Campos has introduced this bill with the goal of providing specialized training that can have an immediate impact on transportation service providers and their employees by increasing the awareness and timely reporting of human trafficking.

In 2015, Metro took a proactive approach and created a training program for all employees and has partnered with the LA Sherriff's Department to deploy a specialized response team in cases of human trafficking. Metro has also designed and deployed a targeted advertising campaign to educate patrons on recognizing the signs of human trafficking through advertising space on buses and trains and by providing informational resources.

Metro's Talent Development department began Human Trafficking training for all Metro employees in July 2015. The training is mandatory for all Metro employees and is delivered via

an online learning module. The online training requires employees to take a quiz and achieve a passing score to receive completion status. Employees have the ability to access the training module for refresher learning at any time after completion.

According to Talent Development, as of March 30, 2016, Metro as an agency has a 74.08% success rate out of an employee population of 10,213. Outreach efforts continue to increase employee participation and increase awareness of human trafficking on the system. The agency believes it is important for each employee to be able to recognize the signs of human trafficking and work closely with the LA Sherriff's Department (LASD) to combat human trafficking.

The LASD Transit Policing Division Deputy Sherriff's are trained to identify the signs of human trafficking. If an individual is a victim of human trafficking, deputies will detain the individual and contact a specialized response team to provide assistance in each case.

Should this measure pass, staff will work with the Department of Justice to ensure that the training program that is being developed is aligned with Metro's current efforts with respect to outreach, training and response.

Staff is recommending that the Board of Directors adopt a SUPPORT position on the measure AB 1595 (Campos).

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill.

ALTERNATIVES CONSIDERED

The Board of Directors could consider adopting an OPPOSE position on this legislation; however, this would be inconsistent with our agency's current efforts in combatting human trafficking on Metro's system.

NEXT STEPS

Should the Board decide to adopt a SUPPORT position on AB 1595, staff will communicate the Board's position to the author and work to ensure the successful passage of the measure. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.

REVISED ATTACHMENT B

BILL: **AB 2222**

AUTHOR: **ASSEMBLYMEMBER CHRIS HOLDEN (D-PASADENA)**

SUBJECT: **TRANSIT PASSES**

STATUS: **ASSEMBLY TRANSPORTATION COMMITTEE HEARING SCHEDULED: APRIL 11, 2016**

ACTION: **SUPPORT ~~IF AMENDED~~**

RECOMMENDATION

Staff recommends that the Board adopt a SUPPORT ~~IF AMENDED~~ position on AB 2222 (Holden).

ISSUE

Assemblymember Chris Holden has introduced AB 2222, a bill that would allocate $50 million per year in Cap and Trade funds to a new Transit Pass Program.

AB 2222 would:

- Allocate $50 million per year for a new Transit Pass Program.
- Provide that the program be administered by Caltrans.
- Allocate funds using the State Transit Assistance Account formula.
- Specify that funds can be used to support transit passes for students at public schools, community colleges, California State Universities and the University of California.
- Require Caltrans to work with the California Air Resources Board to develop guidelines.
- Require that 50% of the funds benefit disadvantaged communities.

DISCUSSION

AB 2222 provides an opportunity to expand Metro's student transit pass program through the use of cap and trade funds. This program could help to provide additional transit passes to students, encourage the use of public transit and therefore reduce greenhouse gas emissions.

The bill creates a program that could benefit Los Angeles County students however, we would suggest that the bill be amended to provide certainty to the program, ensure that Los Angeles County receives an appropriate share and ensure that the diversity of the student population is served.

Staff is recommending that the Board of Directors adopt a SUPPORT ~~IF AMENDED~~ position on the measure AB 2222 (Holden).

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill.

ALTERNATIVES CONSIDERED

The Board of Directors could consider adopting an OPPOSE position on this legislation; however, this would be inconsistent with our agency's current efforts at increasing mobility throughout the region and the development of a universal student transit pass program.

NEXT STEPS

Should the Board decide to adopt a SUPPORT ~~IF AMENDED~~ position on AB 2222, staff will communicate the Board's position to the author and work to ensure the successful passage of ~~that the Board approved amendments are incorporated in~~ the measure. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.

ATTACHMENT C

BILL: **AB 2742**

AUTHOR: **ASSEMBLYMEMBER ADRIN NAZARIAN (D-LOS ANGELES)**

SUBJECT: **PUBLIC PRIVATE PARTNERSHIPS SUNSET EXTENSION**

STATUS: **ASSEMBLY TRANSPORTATION COMMITTEE HEARING SCHEDULED: APRIL 11, 2016**

ACTION: **SUPPORT**

RECOMMENDATION

Staff recommends that the Board approve a SUPPORT position on AB 2742 (Nazarian) which would extend the sunset date and allow Public Private Partnership (PPP) agreements to continue to be an option for transportation infrastructure to January 1, 2030.

ISSUE

Existing law authorizes the Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities for certain transportation projects until January 1, 2017. These agreements may include charging certain users of those projects tolls and user fees.

This bill would:

- Extend the sunset date for Public Private Partnership agreements and allow PPPs to continue to be an option for transportation infrastructure through January 1, 2030.
- Clarify that the Santa Clara Valley Transportation Authority is eligible to use this mechanism.

DISCUSSION

The proposed legislation would extend legislative authority and continue to provide expansion of design-build contracting authority to additional state facilities. The 2009 legislation authorized up to 15 design-build transportation projects, under prescribed circumstances. The original PPP enabling legislation authorized the California Department of Transportation (Caltrans) and local and regional transportation agencies to enter into an unlimited number of PPP agreements until January 1, 2017.

Extending this law would allow Metro to further develop its PPP program encouraging private investment and development for projects that would otherwise be difficult to build using standard design-bid-build procurement methodology.

Metro recently conducted an Industry Forum and issued a new Unsolicited Proposal Policy to both spur innovation and encourage private sector innovation in transportation. Metro has an agency-wide focus on innovation, including support of alternative delivery methods such as public private partnerships. Extending this authorizing is a key component to the success of these efforts.

DETERMINATION OF SAFETY IMPACT

Staff has reviewed the legislation to identify any impacts to safety at Metro and have found that the measure has no negative impacts.

FINANCIAL IMPACT

There is no immediate financial impact related to Metro's support of this legislative action.

ALTERNATIVES CONSIDERED

Staff has considered adopting either an oppose or neutral position on the bill. However, an oppose position would be inconsistent with past Board positions and a neutral position would foreclose Metro's ability to enact legislation that could improve mobility in our region.

NEXT STEPS

Should the Board decide to adopt a SUPPORT position on this bill, staff will work with author to pursue successful passage of the legislation and continue to keep the Board informed as this issue is addressed throughout the legislative session.

ATTACHMENT D

BILL: **SB 824**

AUTHOR: **SENATOR JIM BEALL (D-SAN JOSE)**

SUBJECT: **LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP)**

STATUS: **SENATE TRANSPORTATION AND HOUSING COMMITTEE HEARING SCHEDULED: APRIL 12, 2016**

ACTION: **SUPPORT**

RECOMMENDATION

Staff recommends that the Board adopt a SUPPORT position on SB 824 (Beall).

ISSUE

Senator Jim Beall, Chair of the Senate Transportation and Housing Committee, has introduced SB 824, a bill that would authorize create funding management tool for transit agencies in the Low Carbon Transportation Operations Program (LCTOP). The LCTOP was created as a formula based program to provide operating and capital assistance to transit agencies under the state's Cap and Trade program.

SB 824 would authorize local transit agencies to:

- Retain funding shares across fiscal years.
- Loan or transfer funds to other agencies.
- Reallocate funds to other projects or programs in the agency's expenditure plans
- Apply to Caltrans for a Letter of No Prejudice to allow expenditure of local funds prior to LCTOP funds being made available.

DISCUSSION

SB 824 (Beall) would implement funding management tools for the LCTOP program that would create greater flexibility for transit agencies.

The state allocates Cap and Trade funds to transit agencies for a variety of uses. The LCTOP program annually allocates 5% of these funds to transit agencies using the State Transit Assistance Account formula. Agencies must submit an expenditure plan to the state and verify that they expenditures resulted in a reduction of greenhouse gas emissions.

The tools that would be authorized by SB 824 are similar to those that were implemented for the transit funds that were allocated in Proposition 1B. The mechanisms will allow agencies to use these funds in a more flexible manner which will support a wider variety of uses for these funds. The changes to the formula program proposed in this measure would allow recipient transit agencies to more easily implement programs and complete projects that maximize GHG reduction and benefits.

California Transit Association has voiced their support for the measure.

Staff is recommending that the Board of Directors adopt a SUPPORT position on this measure.

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill.

ALTERNATIVES CONSIDERED

Metro could consider adopting a WORK WITH AUTHOR position on this legislation; however, this would be inconsistent with our agency's effort to improve mobility in the region and to secure funding for future transportation projects.

NEXT STEPS

Should the Board decide to adopt a SUPPORT position on SB 824, staff will communicate the Board's position to the author and work to ensure its successful passage. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.

ATTACHMENT E

BILL: **SB 951**

AUTHOR: **SENATOR MIKE MCGUIRE (D-HEALDSBURG)**

SUBJECT: **TRANSPORTATION: GOLDEN STATE PATRIOT PASS PROGRAM**

STATUS: **SENATE ENVIRONMENTAL QUALITY COMMITTEE HEARING SCHEDULED: APRIL 6, 2016**

ACTION: **SUPPORT**

RECOMMENDATION

Staff recommends that the Board adopt a SUPPORT position on SB 951 (McGuire).

ISSUE

Senator Mike McGuire has introduced SB 951, a bill that would establish the Golden State Patriot Passes Program to provide veterans in the state of California with increased access to transit services.

SB 951 would:

- Create a pilot program funded annually through the Greenhouse Gas Reduction Fund to provide veterans with free access to transit services.
- Require Caltrans to select three transit operators to participate in the pilot program.
- Designate $3 million annually from the Greenhouse Gas Reduction Fund for the program.
- Require the selected transit operators to provide a local match to any funds received for their participation in the program.
- Require the selected transit operators in partnership with Caltrans to report to the legislature on cost, ridership, and estimated reductions in greenhouse gas emissions.

The bill also specifies that the Golden State Patriot Passes pilot program would be funded through January 1, 2022.

DISCUSSION

According to Senator Mike McGuire, there is a dire need for greater access to services for the states 2 million military veterans. Los Angeles County, specifically, is home to over 325,000 veterans, with the number increasing annually. The Department of Veteran Affairs finds that over 30 percent of all disabled veterans aged 35-52 live in poverty nationwide, with limited access to transportation and other services. The Golden State Patriot Passes Program, as outlined by the author would provide veterans with access to transit services at no cost; with valid proof of veteran benefit status (Veterans' ID card).

SB 951 would create the Golden State Patriot Passes pilot Program that would match state funds with local dollars to provide free access to transit for all veterans in specified rural, suburban, and urban counties. Veterans would simply need to show a Veterans' ID card upon entering the transit system. The pilot program would authorize Caltrans to select three transit service providers to participate and award funds in varying amounts, based on service area and need.

Metro would be eligible to participate in this pilot program, and if selected, the Greenhouse Gas (GHG) Reduction funds would become available with a local match requirement. The bill specifies that a transit agency that serves an urban area is to be selected and awarded no more than $2 million to implement the program. Sonoma County has implemented a similar program in 2014, and notes an increase in veteran ridership by 34 percent.

The bill successfully passed the Senate Transportation Committee with a vote of 10-0. It now moves on to the Senate Environmental Quality Committee for a vote.

Staff is recommending that the Board of Directors adopt a SUPPORT position on the measure SB 951 (McGuire).

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill. There could be potential impacts as a result of potential funding received from the state to implement the Golden State Patriot Passes program and the local match requirements, if Metro is selected to participate in the program.

ALTERNATIVES CONSIDERED

The Board of Directors could consider adopting an OPPOSE position on this legislation; however, this would be inconsistent with our agency's efforts to increase mobility in the region and reduce GHG emissions.

NEXT STEPS

Should the Board decide to adopt a SUPPORT position on SB 951 staff will communicate the Board's position to the author and work to ensure the successful passage of the measure. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.

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

File #: 2016-0211, **File Type:** Resolution **Agenda Number:** 7

~~**FINANCE, BUDGET AND AUDIT COMMITTEE**~~
~~**APRIL 13, 2016**~~
EXECUTIVE MANAGEMENT COMMITTEE
APRIL 14, 2016

SUBJECT: PROPOSITION C BONDS

ACTION: AUTHORIZE COMPETITIVE SALE OF REFUNDING BONDS

RECOMMENDATION

ADOPT a resolution, Attachment A, that:

A. AUTHORIZES the **issuance of bonds by competitive sale to refund the Proposition C Series 2006-A Bonds** (the “2006-A Bonds") in one or more transactions, consistent with the Debt Policy;

B. APPROVES the forms of Notice of Intention to Sell Bonds, Notice Inviting Bids, Supplemental Trust Agreement, Continuing Disclosure Agreement, Escrow Agreement, and Preliminary Official Statement, all subject to modification as set forth in the resolution; and

C. AUTHORIZES taking all action necessary to achieve the foregoing, including, without limitation, the further development and execution of bond documentation associated with the issuance of the Bonds.

(REQUIRES SEPARATE, SIMPLE MAJORITY BOARD VOTE)

ISSUE

Low interest rates offer an opportunity for Metro to lower its debt service costs by refunding on a current basis the outstanding Proposition C Sales Tax Revenue Refunding Bonds Series 2006-A. Approximately $112.7 million of the outstanding 2006-A Bonds can be refunded on July 1, 2016. It is our expectation that the 2006-A Bonds will be refunded through one competitive sale, depending on market conditions. Under current market conditions, the refunding would achieve nearly $11 million in present value savings over the life of the bonds, or almost $1 million in savings on an annual basis over the next 14 years. We are requesting the authority to sell Proposition C Sales Tax Revenue Refunding Bonds Senior Bonds, Series 2016 (the “Refunding Bonds”) in one or more transactions through December 31, 2016, to allow flexibility should significant market volatility occur.

DISCUSSION

The Debt Policy establishes criteria to evaluate refunding opportunities. The refunding of the Prop C 2006-A Bonds is currently estimated to provide net present value savings in excess of the minimum 3% of the refunded par amount set forth in the Debt Policy criteria for evaluating refunding opportunities.

The Refunding Bonds will be sold as fixed rate bonds. The Refunding Bonds will be issued using a competitive process where prospective underwriters bid for the refunding bonds on the date of sale. The Refunding Bonds will be sold to the underwriter offering the lowest true interest cost. The timing of the bond sale is contingent upon our ability to take advantage of favorable market conditions as they arise. In the event that bids do not meet our criteria, all bids will be rejected and the sale rescheduled.

As part of this issuance of Refunding Bonds, the Resolution provides for an amendment to the Trust Agreement to eliminate the Debt Service Reserve Fund ("DSRF") requirement. This is similar to an amendment that was recently made for our Proposition A Sales Tax Revenue Bonds, and consistent with the provisions of our Measure R Sales Tax Revenue Bonds. Metro will only proceed with the amendment if confirmation is received from Moody's Investors Service and Standard & Poor's that the elimination of the DSRF requirement will not adversely affect the Prop C Senior Lien bond ratings. The Reserve Requirement was created in 1992 when the Trust Agreement was originally executed. Purchasers of Metro bonds and the rating agencies no longer place a significant amount of value on a debt service reserve fund for an issuer with the AA+/Aa2 credit strength of our Prop C bonds.

If amended, the Refunding Bonds and any future Prop C bonds will be issued under supplemental trust agreements that allow for the elimination of the DSRF requirement once 60% of all outstanding Senior Lien bonds are issued under or otherwise approve the amended DSRF provision. During the period between this Refunding Bond issue and when the amendment is effective, Metro may have to contribute funds to satisfy the DSRF requirement. Once the amendment takes effect, Metro will have the option to eliminate or establish a new DSRF requirement on the Refunding Bonds and any future series of Prop C bonds issued under the amended Trust Agreement or to have such series of bonds participate in the existing reserve fund.

Currently, Metro is required to set-aside approximately $142 million in a DSRF, which secures all Prop C Senior Lien Bonds. Metro meets this requirement with cash and investments funded from prior Prop C Senior Lien bonds, and currently earns a relatively low investment rate.

Assuming no new money bond issuance and current estimates of refundings, we project that the DSRF requirement will be approximately $76 million in 2022, prior to the amendment taking effect. Under these assumptions we anticipate meeting the 60% consent requirement in 2023, when the amendment will become effective and we will no longer be required to have a DSRF. However, assuming the issuance of additional bonds for new projects based on the current capital plan, as well as refunding bonds, the amendment could take effect as early as 2019. As the DSRF requirement decreases, the cash in the DSRF will be available to pay for Prop C projects or to pay Prop C debt service.

DETERMINATION OF SAFETY IMPACT

Approval of this report will not impact the safety of Metro's patrons or employees.

FINANCIAL IMPACT

The costs of issuance for the Refunding Bonds will be paid from proceeds of the financing and will be budget neutral. Bond principal and bond interest expense for the Prop C 2006-A Bonds are included in the FY17 budget in project 610307, account 51101 for principal and account 51121 for interest. If issued, the Refunding Bonds will generate a positive variance in the debt service accounts for the Prop C 2006-A bonds beginning in FY17 and subsequent years, currently estimated at nearly $1 million per year for the next 14 years, for a net present value of $11 million in savings.

ALTERNATIVES CONSIDERED

The Board could defer the refunding to a later time or indefinitely. This is not recommended because current market conditions are favorable for the refunding savings and there is no certainty about the movement in long term rates over time. In the current market, the refunding of the 2006-A Bonds exceeds the Debt Policy requirement for a refunding.

NEXT STEPS

- Further develop bond issuance documentation and publish the sales notices
- Obtain credit ratings
- Distribute the preliminary official statement to prospective underwriters and potential investors
- Initiate pre-marketing effort
- Receive electronic bids from underwriters
- Finalize bond documentation and deliver the bonds

ATTACHMENTS

Attachment A - Authorizing Resolution

Prepared by: Donna R. Mills, Treasurer, (213) 922-4047
LuAnne Edwards Schurtz, Assistant Treasurer, (213) 922-2554

Reviewed by: Nalini Ahuja, Executive Director, Finance & Budget



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

Authorizing Resolution

RESOLUTION OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY AUTHORIZING THE ISSUANCE AND SALE OF PROPOSITION C SALES TAX REVENUE REFUNDING BONDS, APPROVING AMENDMENTS TO THE PROPOSITION C RESERVE FUND REQUIREMENT, AND APPROVING OTHER RELATED MATTERS

WHEREAS, The Los Angeles County Metropolitan Transportation Authority (the "LACMTA"), as successor to the Los Angeles County Transportation Commission (the "Commission"), is authorized, under Chapter 5 of Division 12 of the California Public Utilities Code (the "Act"), to issue bonds to finance and refinance the acquisition, construction or rehabilitation of facilities to be used as part of a countywide transit system; and

WHEREAS, pursuant to the provisions of Section 130350 of the California Public Utilities Code, the Commission was authorized to adopt a retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of the County of Los Angeles (the "County") subject to the approval by the voters of the County; and

WHEREAS, the Commission, by Ordinance No. 49 adopted August 28, 1990 ("Ordinance No. 49"), imposed a ½ of 1% retail transactions and use tax upon retail sales of tangible personal property and upon the storage, use or other consumption of tangible personal property in the County, the proceeds of the tax to be used for public transit purposes (the "Proposition C Tax"), and such tax was approved by the electors of the County on November 6, 1990; and

WHEREAS, the revenues received by the LACMTA from the imposition of the transactions and use tax are, by statute, directed to be used for public transit purposes, which purposes include a pledge of such tax to secure any bonds issued pursuant to the Act and include the payments or provision for the payment of the principal of the bonds and any premium, interest on the bonds and the costs of issuance of the bonds; and

WHEREAS, the LACMTA is planning and engineering a Countywide rail, bus and highway transit system (the "Rail, Bus and Highway Transit System") to serve the County and has commenced construction of portions of the Rail, Bus and Highway Transit System; and

WHEREAS, to facilitate the development and construction of the Rail, Bus and Highway Transit System, the LACMTA, as authorized by the Act, pursuant to the terms of the Amended and Restated Trust Agreement, dated as of January 1, 2010, as amended and supplemented (the "Trust Agreement"), by and between the LACMTA and U.S. Bank National Association, as trustee (the "Trustee"), the LACMTA has issued several series of bonds, including its Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds, Series 2006-A (the "Series 2006-A Bonds"); Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds, Series 2008-A; Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds, Series 2009-B; Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds, Series 2009-D; Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds, Series 2009-E; Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds, Series 2010-A; Proposition C Sales Tax Revenue

Refunding Bonds, Senior Bonds, Series 2012-A; Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds, Series 2012-B; Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds, 2013-A; Proposition C Sales Tax Revenue Bonds, Senior Bonds, Series 2013-B; Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds, Series 2013-C; and Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds, Series 2014-A collectively, the "Prior Senior Lien Bonds"); and

WHEREAS, the LACMTA now desires to provide for the issuance of one or more Series from time to time and in one or more transactions of its Proposition C Sales Tax Revenue Refunding Bonds, Senior Bonds (the "Refunding Bonds") (a) to refund all or a portion of the outstanding Series 2006-A Bonds; (b) to fund or make provision for one or more reserve funds or accounts; and (c) to pay the costs of issuance related thereto; and

WHEREAS, the LACMTA desires to sell the Refunding Bonds on a competitive basis in accordance with the Debt Policy of the LACMTA; and

WHEREAS, the LACMTA desires to amend certain provisions of the Trust Agreement to provide that the Refunding Bonds and bonds issued thereafter on a parity with the Prior Senior Lien Bonds, on and after the effective date of such amendment, shall not be required to be secured by the reserve fund established under the Trust Agreement, but rather may be secured by a separate reserve fund or by no reserve fund (the final form of any such amendments, the "Reserve Fund Amendments"), provided that prior to execution and delivery of the Supplemental Trust Agreement (defined below) initially containing the Reserve Fund Amendments, the LACMTA has received confirmation from Moody's Investors Service and Standard & Poor's Ratings Services that the Reserve Fund Amendments will not adversely affect their ratings of the Refunding Bonds or the Prior Senior Lien Bonds; and

WHEREAS, the forms of the following documents are on file with the Secretary of the Board of Directors of the LACMTA and have been made available to the members of the Board of Directors of the LACMTA (the "Board"):

(a) Supplemental Trust Agreement (the "Supplemental Trust Agreement") by and between the LACMTA and the Trustee, which would supplement the Trust Agreement for purposes of providing the terms and conditions of the Refunding Bonds, and which form includes a proposed form of the Reserve Fund Amendments;

(b) Preliminary Official Statement (the "Preliminary Official Statement") to be used in connection with the offer and sale of the Refunding Bonds;

(c) a Continuing Disclosure Certificate (the "Continuing Disclosure Certificate") to be executed by the LACMTA to assist the Underwriters in complying with Rule 15c2-12(b)(5) promulgated by the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, and which will provide for the annual and periodic update of certain financial and operating information;

(d) a Notice Inviting Bids (the "Notice Inviting Bids") setting forth the terms and the manner in which proposals from qualified bidders for the purchase of the Refunding Bonds shall be received;

(e) a Notice of Intention to Sell Bonds (the "Notice of Intention to Sell Bonds") to be published in connection with any proposed sale of the Refunding Bonds; and

(f) an Escrow Agreement (the "Escrow Agreement") between the Trustee, acting as escrow agent, and the LACMTA, which agreement would provide for the deposit, investment and expenditure of moneys to refund all or a portion of the Series 2006-A Bonds; and

WHEREAS, the LACMTA hereby acknowledges that such documents will be modified and amended to reflect the various details applicable to the Refunding Bonds, whether the Refunding Bonds are issued in a single issuance or multiple issuances and whether the Reserve Fund Amendments are to be included, and that said documents are subject to completion to reflect the results of the sale of the Refunding Bonds, whether in a single issuance or multiple issuances; and

WHEREAS, the Board of the LACMTA hereby acknowledges that Section V(B) of the Debt Policy of the LACMTA contemplates that the LACMTA will achieve certain levels of target savings on any issuance of refunding bonds; and

WHEREAS, the Board of the LACMTA desires to permit the issuance of the Refunding Bonds in one more Series and from time to time so long as each issuance complies with the interest savings or other provisions of the Debt Policy of the LACMTA (including the provisions that give the Treasurer discretion with respect to various matters, including refunding savings on individual maturities); and

WHEREAS, the LACMTA has pledged the Proposition C Tax (less the 20% local allocation and the State Board of Equalization's costs of administering such tax) (the "Pledged Taxes") to secure the Prior Senior Lien Bonds; and

WHEREAS, the LACMTA desires to designate the Executive Director, Finance and Budget of the LACMTA, the Treasurer of the LACMTA, each Assistant Treasurer of the LACMTA, and any such officer serving in an acting or interim capacity, as an "Authorized Authority Representative" for all purposes under the Trust Agreement and the Supplemental Trust Agreement;

WHEREAS, terms used in this Resolution and not otherwise defined herein shall have the meanings assigned to them in the Trust Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS (THE "BOARD") OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, AS FOLLOWS:

1. **Findings.** The LACMTA hereby finds and determines that:

(a) The issuance of the Refunding Bonds to refund all or any portion of the Series 2006-A Bonds, to fund or make provision for one or more reserve funds or

accounts (as and to the extent determined by a Designated Officer) and to pay the costs of issuance related thereto is in the public interest.

(b) Under the provisions of Ordinance No. 49, all of the Pledged Taxes are revenues of the LACMTA available for rail, bus and highway transit purposes and are available to be and are, by the terms of the resolutions and the Trust Agreement under which the Prior Senior Lien Bonds were issued, pledged to secure the Prior Senior Lien Bonds and are pledged to secure the Refunding Bonds, and, by this Resolution, such pledge is reaffirmed.

(c) The provisions contained in the Trust Agreement, as previously amended and supplemented, and to be set forth in one or more Supplemental Trust Agreements, including the Reserve Fund Amendments, are reasonable and proper for the security of the holders of the Refunding Bonds.

2. **Issuance of Refunding Bonds.** The Board of the LACMTA hereby authorizes the issuance of one or more Series of Refunding Bonds from time to time for the purpose of (a) refunding all or any portion of the Series 2006-A Bonds; (b) funding or making provision for one or more reserve funds or accounts as and to the extent determined by a Designated Officer; and (c) paying the costs of issuance related thereto; *provided*, *however*, that, as of the date of sale of the Refunding Bonds, the issuance of such Series of Refunding Bonds satisfies the requirements of the Debt Policy of the LACMTA as determined and calculated in the discretion of the Treasurer of the LACMTA, which shall be conclusive for all purposes of this Resolution. The LACMTA hereby specifies that each Series of Refunding Bonds shall not mature later than July 1, 2030. The Chief Executive Officer of the LACMTA, any Executive Director, Finance and Budget of the LACMTA, any Treasurer of the LACMTA, any Assistant Treasurer of the LACMTA, or any such officer serving or acting in an interim capacity, or any written designee of any of them (each, a "Designated Officer"), acting in accordance with this Section 2, are each hereby authorized to determine the actual aggregate principal amount of each Series of Refunding Bonds to be issued and to direct the execution and authentication of the Refunding Bonds in such amount. Such direction shall be conclusive as to the principal amounts hereby authorized.

3. **Terms of Refunding Bonds.** The Refunding Bonds shall, when issued, be in the aggregate principal amounts and shall be dated as shall be provided in the applicable Supplemental Trust Agreement. The Refunding Bonds may be issued as serial bonds or as term bonds or as both serial bonds and term bonds, all as set forth in the applicable Supplemental Trust Agreement. Interest on the Refunding Bonds shall be paid on the dates set forth in the applicable Supplemental Trust Agreement. The Refunding Bonds shall be subject to redemption at the option of the LACMTA on such terms and conditions as shall be set forth in the applicable Supplemental Trust Agreement. The Refunding Bonds shall also be subject to mandatory sinking fund redemption as and to the extent set forth in the applicable Supplemental Trust Agreement. Payment of principal of, and interest and premium, if any, on the Refunding Bonds shall be made at the place or places and in the manner provided in the applicable Supplemental Trust Agreement.

Execution and delivery of one or more Supplemental Trust Agreements, which document contains the maturities, interest rates and the payment obligations of the LACMTA within parameters set forth in this Resolution, shall constitute conclusive evidence of the LACMTA's approval of such maturities, interest rates and payment obligations.

4. **Pledge of Pledged Taxes.** The Pledged Taxes are hereby irrevocably pledged in accordance with the terms of the Trust Agreement to secure the Prior Senior Lien Bonds, the Refunding Bonds and any additional bonds which may subsequently be issued under and secured by the terms of the Trust Agreement. Except for the Prior Senior Lien Bonds, the LACMTA hereby confirms that it has not previously granted any prior or parity interest in such Pledged Taxes, and the LACMTA hereby agrees that, except as permitted by the Trust Agreement (as amended, in accordance with its terms), it will not, as long as any of the Refunding Bonds remain outstanding, grant or attempt to grant any prior or parity pledge, lien or other interest in the Pledged Taxes to secure any other obligations of the LACMTA.

5. **Special Obligations.** The Refunding Bonds shall be special obligations of the LACMTA secured by and payable from the Pledged Taxes and from the funds and accounts held by the Trustee under the Trust Agreement. The Refunding Bonds shall also be secured by and be paid from such other sources as the LACMTA may hereafter provide.

6. **Form of Refunding Bonds.** The Refunding Bonds and the Trustee's Certificate of Authentication to appear thereon shall be in substantially the form set forth in the applicable Supplemental Trust Agreement, with such necessary or appropriate variations, omissions and insertions as permitted or required by the Trust Agreement or the applicable Supplemental Trust Agreement or as appropriate to adequately reflect the terms of such Refunding Bonds and the obligation represented thereby.

7. **Execution of Refunding Bonds.** Each of the Refunding Bonds shall be executed on behalf of the LACMTA by any Designated Officer and any such execution may be by manual or facsimile signature, and each bond shall be authenticated by the endorsement of the Trustee or an agent of the Trustee. Any facsimile signature of such Designated Officer(s) shall have the same force and effect as if such officer(s) had manually signed each of such Refunding Bonds.

8. **Approval of Reserve Fund Amendments**. Each of the Designated Officers is hereby authorized and directed to enter into the Reserve Fund Amendments in substantially the form set forth in the form of the Supplemental Trust Agreement on file with the Secretary of the Board and made available to the Board and hereby approved, with such changes as the Designated Officer executing and delivering the Supplemental Trust Agreement containing such amendments determines are appropriate or necessary, such determination to be conclusively evidenced by such execution and delivery; provided that LACMTA has received oral or written confirmation from Moody's Investors Service and Standard & Poor's Ratings Services that the Reserve Fund Amendments are not expected to adversely affect their ratings of the Refunding Bonds or the Prior Senior Lien Bonds in form and substance satisfactory to the Designated Officer executing the Supplemental Trust Agreement containing the Reserve Fund Amendments, such satisfaction to be conclusively evidenced by such execution and delivery.

9. **Approval of Documents, Authorization for Execution.** Each of the Designated Officers is hereby authorized and directed to have prepared and to execute, acknowledge and deliver in the name of and on behalf of the LACMTA one or more Supplemental Trust Agreements, one or more Escrow Agreements, one or more Continuing Disclosure Certificates, one or more Notices Inviting Bids and one or more Notices of Intention to Sell Bonds, all in substantially the forms on file with the Secretary of the Board and made available to the Board and hereby approved, with such changes as any Designated Officer determines are appropriate or necessary, in each case, to the extent, in the form, and with the terms and provisions as the Designated Officer executing the same shall determine are appropriate and necessary for the issuance of the Refunding Bonds and, if applicable, the Reserve Fund Amendments, including, but not limited to, affirmative and negative covenants relating to the Refunding Bonds and the finances and operations of the LACMTA and any amendments, modifications and/or supplements to the Trust Agreement. All Supplemental Trust Agreements, Escrow Agreements, Continuing Disclosure Certificates, Notices Inviting Bids and Notices of Intention to Sell Bonds are collectively referred to herein as the "Related Documents" and each a "Related Document."

10. **Sale of Refunding Bonds**.

(a) Each Designated Officer is hereby authorized, from time to time, to choose such times and dates as such Designated Officer shall, in his or her discretion, deem to be necessary or desirable to provide for the sale of the Refunding Bonds, to receive proposals from qualified bidders for the purchase of the Refunding Bonds (through the receipt of sealed written bids and/or the receipt of bids through the use of computerized bidding systems) upon the terms and in the manner set forth in the Notice Inviting Bids.

(b) Each Designated Officer is hereby authorized and directed to execute the Notices Inviting Bids, from time to time, in such form as the Designated Officer executing the same shall approve and call for bids for the sale of the Refunding Bonds from qualified bidders in accordance with the Notice Inviting Bids.

(c) Each Designated Officer is authorized and directed to cause any Notice Inviting Bids to be published at least once in *The Los Angeles Daily Journal* (or such other publication as may be selected by a Designated Officer) not less than five days prior to the sale of the Refunding Bonds and to print and distribute (including via electronic methods) any Notice Inviting Bids to such municipal broker-dealers, banking and financial institutions and other persons as the Designated Officer deems necessary or desirable, and any such action previously taken is hereby confirmed, ratified and approved.

(d) Each Designated Officer is hereby authorized and directed to cause the Notices of Intention to Sell Bonds to be published from time to time (after completion, modification or correction thereof reflecting the terms of the Refunding Bonds, as approved by said Designated Officer, such approval to be conclusively evidenced by such publication) in *The Bond Buyer* (or such other publication as may be selected by a Designated Officer), a financial publication generally circulated throughout the State of California, at least five days prior to the sale of the Refunding Bonds in accordance with

Section 53692 of the Government Code of the State of California and any such action previously taken is hereby confirmed, ratified and approved.

(e) Each Designated Officer is hereby authorized and directed for and on behalf of the LACMTA to accept the best bid for the Refunding Bonds received from qualified bidders pursuant to and subject to the terms and conditions set forth in this Resolution and the Notice Inviting Bids herein approved and to award the Refunding Bonds, from time to time, to such best bidder(s).

(f) Each Designated Officer is hereby authorized and directed to take any other action such Designated Officer determines is necessary or desirable to cause any such competitive sale to comply with the Debt Policy of the LACMTA and applicable law.

(g) Each Designated Officer, on behalf of the LACMTA, is further authorized and directed to cause notice to be provided to the California Debt and Investment Advisory Commission ("CDIAC") of the proposed sale of the Refunding Bonds, said notice to be provided in accordance with Section 8855 et seq. of the California Government Code, to file the notice of final sale with CDIAC, to file the rebates and notices required under section 148(f) and 149(e) of the Internal Revenue Code of 1986, as amended, and to file such additional notices and reports as are deemed necessary or desirable by such Designated Officer in connection with the Refunding Bonds, and any prior such notices are hereby ratified, confirmed and approved.

11. **Preliminary Official Statement and Official Statement.** In connection with the issuance of the Refunding Bonds, the LACMTA hereby authorizes the circulation in electronic and/or printed form of one or more Preliminary Official Statements. The Preliminary Official Statement(s) shall contain a description of the finances and operations of the LACMTA, a description of the Proposition C Tax and a description of historical receipts of sales tax revenues substantially in the form of the Preliminary Official Statement on file with the Secretary of the Board and made available to the Board and hereby approved, with such changes as any Designated Officer determines are appropriate or necessary. Each Preliminary Official Statement shall also contain a description of the applicable Refunding Bonds and the terms and conditions of the applicable Supplemental Trust Agreement together with such information and description as a Designated Officer determines is appropriate or necessary. Each Preliminary Official Statement shall be circulated for use in selling the Refunding Bonds at such time or times as a Designated Officer shall deem such Preliminary Official Statement to be final within the meaning of Rule 15c2-12 promulgated under the Securities Exchange Act of 1934, as amended, said determination to be conclusively evidenced by a certificate signed by said Designated Officer to said effect.

Upon the sale of any Series of Refunding Bonds, the Designated Officers shall provide for the preparation, publication, execution and delivery in electronic and/or printed form of one or more final Official Statements in substantially the form of the Preliminary Official Statement on file with the Secretary of the Board and made available to the Board with such changes as any Designated Officer determines are appropriate or necessary. Any Designated Officer is hereby authorized and directed to execute and deliver one or more final Official Statements in the name

and on behalf of the LACMTA. One or more supplements to the final Official Statement(s) or revised final Official Statement(s) may be prepared and delivered reflecting updated and revised information as the Designated Officers deem appropriate or necessary. Each Official Statement shall be circulated for use in selling the Refunding Bonds at such time or times as a Designated Officer deems appropriate.

12. **Paying Agent, Registrar and Escrow Agent.** The LACMTA hereby appoints the Trustee as Paying Agent for the Refunding Bonds, appoints the Trustee as Registrar for the Refunding Bonds, and appoints the Trustee as Escrow Agent under any Escrow Agreement. Such appointments shall be effective upon the issuance of the Refunding Bonds and shall remain in effect until the LACMTA, by supplemental agreement, resolution or other action, shall name a substitute or successor thereto.

13. **Authorized Authority Representative.** The Board hereby designates the Executive Director, Finance and Budget of the LACMTA, the Treasurer of the LACMTA each Assistant Treasurer of the LACMTA, and any such officer serving in an acting or interim capacity, as an "Authorized Authority Representative" for all purposes under the Trust Agreement, the Supplemental Trust Agreement, and any amendments or supplements to the Trust Agreement or Supplemental Trust Agreement. Such appointment shall remain in effect until modified by resolution. The prior designation of officers, including the Chairperson and the Chief Executive Officer, as Authorized Authority Representatives under the Trust Agreement and any amendments or supplements thereto shall continue.

14. **Additional Authorization.** The Designated Officers and all officers, agents and employees of the LACMTA, for and on behalf of the LACMTA, are each authorized and directed to do any and all things necessary to effect the execution and delivery of the Refunding Bonds and the Related Documents and to carry out the terms thereof. The Designated Officers and all other officers, agents and employees of the LACMTA are further authorized and directed, for and on behalf of the LACMTA, to execute all papers, documents, certificates and other instruments that may be required in order to carry out the authority conferred by this Resolution or the provisions of the Trust Agreement, each Supplemental Trust Agreement and the Related Documents or to evidence said authority and its exercise. The foregoing authorization includes, but is in no way limited to, the direction (from time to time) by a Designated Officer of the investments in Permitted Investments (defined in the Trust Agreement) of the proceeds of the Refunding Bonds and of the Pledged Taxes including the execution and delivery of investment agreements related thereto; the execution by a Designated Officer and the delivery of the Tax Certificate as required by the Supplemental Trust Agreement for the purpose of complying with the rebate requirements of the Internal Revenue Code of 1986, as amended; and the execution and delivery of documents required by The Depository Trust Company in connection with the Book-Entry Refunding Bonds. All actions heretofore taken by the officers, agents and employees of the LACMTA in furtherance of this Resolution are hereby confirmed, ratified and approved.

15. **Continuing Authority of Designated Officers.** The authority of any individual serving as a Designated Officer under this Resolution by a written designation signed by any Chief Executive Officer, any Executive Director, Finance and Budget, any Treasurer, or any Assistant Treasurer shall remain valid notwithstanding the fact that the individual officer of the

LACMTA signing such designation ceases to be an officer of the LACMTA, unless such designation specifically provides otherwise.

16. **Further Actions.** From and after the delivery of the Refunding Bonds, the Designated Officers and each of them are hereby authorized and directed to amend, supplement or otherwise modify any Related Document at any time and from time to time and in any manner determined to be necessary or desirable by the Designated Officer executing such amendment, supplement or modification, the execution of such amendment, supplement or other modification being conclusive evidence of LACMTA's approval thereof.

17. **Costs of Issuance.** The LACMTA authorizes funds of the LACMTA together with the proceeds of the Refunding Bonds to be used to pay costs of issuance of the Refunding Bonds, including but not limited to costs of attorneys, accountants, verification agents, financial advisors, the costs associated with rating agencies, bond insurance and surety bonds, printing, publication and mailing expenses, and any related filing fees.

18. **Investment Agreements.** In connection with the issuance of the Refunding Bonds, each of the Designated Officers is hereby authorized and directed to terminate, amend, assign or otherwise dispose of any investment agreement relating to the Series 2006-A Bonds, including the Forward Purchase and Sale Agreement, dated December 12, 2006, by and between SunTrust Bank, the LACMTA and the Trustee, in such manner and on such terms and provisions as any such Designated Officer shall determine is appropriate or necessary.

19. **Severability.** The provisions of this Resolution are hereby declared to be severable, and, if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereof.

20. **Effective Date.** This Resolution shall be effective upon adoption and shall be effective with respect to Refunding Bonds issued on or before December 31, 2016.

21. **Contract.** This Resolution and the pledge of the Pledged Taxes contained herein shall constitute a contract between the LACMTA and the holders of the Refunding Bonds.

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CERTIFICATION

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

_____
LACMTA Board Secretary

DATED: _____

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

Metro

Board Report

File #: 2015-1729, **File Type:** Contract **Agenda Number:** 10

PLANNING AND PROGRAMMING COMMITTEE
APRIL 13, 2016

SUBJECT: PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) FOR I-5 NORTH MANAGED LANES

ACTION: APPROVE PROFESSIONAL SERVICES CONTRACT

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to award a 30-month firm fixed price Contract No. AE469080015383, to CH2M Hill Inc. in the amount of $30,975,446 for **Architecture and Engineering (A&E) services for Plans, Specifications and Estimate (PS&E) for I-5 North Managed Lanes.**

ISSUE

I-5 is an important interregional transportation and goods movement corridor. Sustained population increase in the northern part of the Los Angeles County and growth of international commerce through the southern California ports have caused escalating traffic demand on I-5, including container trucks, resulting in recurrent congestion on I-5 in North County. High Occupancy Vehicle (HOV) and truck lanes are proposed to be extended north of the State Route 14 (SR-14) interchange to ease congestion and provide enhanced mobility in the North County Sub-region.

DISCUSSION

Compared to general purpose freeway lanes, HOV lanes provide for higher passenger throughput. Therefore, HOV lanes are proposed on I-5 between the SR-14 interchange in Santa Clarita and Parker Road in Castaic to alleviate congestion and improve mobility along the corridor. The proposed project will extend the existing HOV lanes north by 14 miles.

In addition, the northbound truck lane is proposed to be extended from Weldon Canyon to Calgrove and the southbound truck lane is proposed to be extended from Weldon Canyon to Pico Canyon.

This project was originally initiated as a component of the Accelerated Regional Transportation Improvements (ARTI) Project. It is now pursued as an HOV lane to address the immediate needs of the north county region.

If managed/HOT lanes are justified in the early stages of design by July 31, 2016, an optional task to implement managed/HOT lanes in lieu of the proposed HOV lanes will be authorized. The managed/HOT lanes optional task is contingent upon confirmation of their feasibility in a traffic and revenue study currently being conducted by Metro.

DETERMINATION OF SAFETY IMPACT

The proposed action has no known adverse impact on safety of Metro's patrons, employees or users of the facility. Caltrans' highway safety standards are followed in the design of the proposed improvements and exceptions to the standards will be incorporated in accordance with Caltrans and Federal Highway Administration (FHWA) procedures.

FINANCIAL IMPACT

The funding of $200,000 for this project is included in the FY16 budget in cost center number 4730, Highway Capital, under project number 460313.

Since this is a multi-year project, the cost center manager and Executive Director, Program Management will be responsible for budgeting the cost in future years.

Impact to Budget

The source of funds will be Measure R 20% Highway Funds. No other funds have been identified for the project. These funds are not eligible for bus and rail operating and capital expenditures.

ALTERNATIVES CONSIDERED

The Board may elect not to award and execute this contract. This alternative is not recommended as the HOV and truck lanes are needed to improve mobility in this congested corridor.

NEXT STEPS

Upon Board approval, staff will execute Contract No. AE469080015383 with CH2M Hill, Inc.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary
Attachment C - Project Location Map

Prepared by: Abdollah Ansari, Managing Executive Officer, (213) 922-4781

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

Richard F. Clarke, Executive Director, Program Management, (213) 922-7557



Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

PLANS, SPECIFICATIONS & ESTIMATE (PS&E)
FOR I-5 NORTH MANAGED LANES/AE469080015383

1.	**Contract Number**: AE469080015383	
2.	**Recommended Vendor**: CH2M Hill, Inc.	
3.	**Type of Procurement (check one):** ☐ **IFB** ☐ **RFP** ☒ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: July 17, 2015	
	B. Advertised/Publicized: July 17, 2015	
	C. Pre-proposal/Pre-Bid Conference: July 29, 2015	
	D. Proposals/Bids Due: August 24, 2015	
	E. Pre-Qualification Completed: March 30, 2016	
	F. Conflict of Interest Form Submitted to Ethics: February 5, 2016	
	G. Protest Period End Date: April 26, 2016	
5.	**Solicitations Picked up/Downloaded**: 91	**Bids/Proposals Received**: 3
6.	**Contract Administrator**: Erika Estrada	**Telephone Number**: (213) 922-1102
7.	**Project Manager**: Abdollah Ansari	**Telephone Number**: (213) 922-4781

A. Procurement Background

This Board Action is to approve Contract No. AE469080015383 for Architectural and Engineering (A&E) services to provide the Plans, Specifications & Estimate (PS&E) design of new High Occupancy Vehicle (HOV) lanes along Interstate 5 (I-5) in each direction from State Route 14 to Parker Road.

This is an A&E qualifications based Request for Proposal (RFP) issued in accordance with Metro's Acquisition Policy and Procedure Manual and the contract type is firm fixed price. This solicitation includes an SBE/DVBE goal of 23%, inclusive of a 20% SBE goal and a 3% DVBE goal.

Three amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on August 4, 2015, provided the pre-proposal conference sign-in sheets, PowerPoint presentation, agenda and prevailing wage flyer, provided the SBE database link and SBE/ DVBE certification unit contact information, and updated SBE/DVBE lists and the planholders' list;
- Amendment No. 2, issued on August 10, 2015, provided responses to proposers questions, clarified number of years of experience required on Pro Form 55: List of Completed Projects, and extended the due date to August 24, 2015;

- Amendment No. 3, issued on August 11, 2015, updated GC-37-A indemnification provisions to include design and non-design professional provisions.

A pre-proposal conference was held on July 29, 2015, attended by 44 participants representing 42 companies. There were 16 questions asked and responses were released prior to the proposal due date.

A total of 91 firms downloaded the RFP and were included in the planholders' list. A total of three proposals were received on August 24, 2015.

B. Evaluation of Proposals/Bids

A Proposal Evaluation Team (PET) consisting of staff from Metro's Highway Program, California Department of Transportation's District 7, and the City of Santa Clarita's Department of Public Works was convened and conducted a comprehensive technical evaluation of the proposals received.

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

- Project Understanding and Approach 30%
- Team Qualifications 25%
- Project Manager and Key Staff Qualifications 25%
- Work Plan 20%

The evaluation criteria are appropriate and consistent with criteria developed for other, similar PS&E design procurements. Several factors were considered when developing these weights, giving the greatest importance to the project understanding and approach.

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

During September 16, 2015 through November 4, 2015, the PET completed its independent evaluation of the three proposals received. All three proposals were determined to be within the competitive range and are listed below in alphabetical order:

1. AECOM Technical Services, Inc.
2. CH2M Hill, Inc.
3. HNTB Corporation

During the interviews in November 2015, the firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the PET's questions. In general, each team's presentation examined issues and, discussed how challenges will be resolved, identified potential community issues, addressed schedule reductions, and described their management plan to ensure efficiency, consistency, and accuracy and avoid delays and errors.

The final scoring, after interviews, determined CH2M Hill, Inc. to be the highest technically qualified firm. After receipt of technical analysis and audit findings, negotiations were completed in March 2016.

Qualifications Summary of Recommended Firm:

CH2M Hill, Inc. (CH2M) has the most significant experience within the project corridor, with Caltrans District 7, and the required stakeholders which is critical for successful project delivery. The proposed teams extensive experience includes the I-5 HOV and Truck Lane project from DR 14 to Parker Road, Caltrans District 7 subcontractor, I-5 Rye Canyon Interchange PS&E, I-5/SR126 Interchange PS&E, I-5 Best Management Practices, SR126/Commerce Center Drive Interchange Project Report & Environmental Document, I-5 Magic Mountain Parkway Interchange improvement bridge replacement and ramp reconfiguration, and I-5 Valencia Boulevard Interchange Reconstruction and Street Widening Project Report and PS&E bridge replacements and interchange improvements.

The proposal demonstrated the most thorough understanding of the project. The work plan discussed an Early Success Action Plan which identified initiation of critical tasks such as data collection, surveying, mapping and geotechnical work within the first quarter, and also included a detailed work breakdown structure to serve as a basis of cost and schedule control while enhancing communication and managing risk. CH2M's proposal and interview addressed deficiencies in the Project report and provided solutions without a negative impact (i.e. not demolishing one of the bridges along the corridor which could potentially have a significant savings). The proposed team clearly identified project risks related to Right-of-Way utilities, fact sheet approvals, construction impacts of prolonged projects in the corridor and the impacts it will have in the local community.

Overall, CH2M Hill, Inc.'s proposal strongly demonstrated project understanding, and presented a complete, technically qualified team that would be able to successfully deliver the PS&E.

A summary of the PET scores is provided as follows:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	**CH2M Hill, Inc.**				
3	Project Understanding and Approach	94.89	30.00%	28.47	
4	Team Qualifications	93.73	25.00%	23.43	
5	Project Manager and Key Staff Qualifications	93.07	25.00%	23.27	
6	Work Plan	94.00	20.00%	18.80	
7	**Total**		**100.00%**	**93.97**	**1**
8	**AECOM Technical Services, Inc.**				
9	Project Understanding and Approach	93.89	30.00%	28.17	
10	Team Qualifications	90.00	25.00%	22.50	
11	Project Manager and Key Staff Qualifications	90.00	25.00%	22.50	
12	Work Plan	90.00	20.00%	18.00	
13	**Total**		**100.00%**	**91.17**	**2**
14	**HNTB Corporation**				
15	Project Understanding and Approach	84.67	30.00%	25.40	
16	Team Qualifications	86.13	25.00%	21.53	
17	Project Manager and Key Staff Qualifications	85.47	25.00%	21.37	
18	Work Plan	89.50	20.00%	17.90	
19	**Total**		**100.00%**	**86.20**	**3**

C. Cost Analysis

The recommended price of $30,975,446 has been determined to be fair and reasonable based upon Metro's Management and Audit Services (MAS) audit findings, an independent cost estimate, cost analysis, technical analysis, fact finding, and negotiations. Metro staff successfully negotiated a cost savings of $3,342,402.

Proposer Name	Proposal Amount	Metro ICE	Negotiated
CH2M Hill, Inc.	$34,317,848	$30,410,484	$30,975,446

D. Background on Recommended Contractor

The recommended firm, CH2M Hill, Inc. located in Englewood, Colorado, has been in business for 70 years and providing services in the fields of Program Management, Project Management, Design and Design-Build projects. CH2M Hill, Inc. has completed hundreds of transportation projects – from major investment studies, to planning efforts, to large-scale multi-modal corridor programs. CH2M Hill, Inc. offers a broad range of traffic data collection and traffic analysis capabilities with experience in developing and evaluating complex simulation models pertaining to transit systems, highway tunnels, freeway and arterial roadway networks, freight operations, interchanges, and tolling and queue priority systems. The firm has been working in the Los Angeles area for 30 years, with a local office in downtown Los Angeles.

The proposed team is comprised of staff from CH2M Hill, Inc. and 19 subcontractors (twelve SBE, four DVBE, and three non-SBE firms). The proposed project manager has 35 years of experience providing highway design, lead roadway design, quality management, and project management of more than 20 PS&E projects that have met Caltrans requirements for highway projects in California. The project manager has extensive knowledge and experience working with the project stakeholders identified in the statement of work.

DEOD SUMMARY

I-5 NORTH PLANS SPECIFICATIONS AND ESTIMATES/AE-15383

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 23% goal inclusive of a 20% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. CH2M Hill exceeded the goal by making a 23.98% small business commitment, inclusive of a 20.57% SBE and 3.41% DVBE commitment.

Small Business Goal	20% SBE 3% DVBE	Small Business Commitment	20.57% SBE 3.41% DVBE

	SBE Subcontractors	% Commitment
1.	AP Engineering & Testing	0.35%
2.	Martini Drilling Group	1.14%
3.	ACT Consulting Engineering	2.42%
4.	Arellano Associates	0.91%
5.	Civil Works Engineers	1.33%
6.	FPL and Associates	1.50%
7.	Guida Surveying	2.60%
8.	The Robert Group	0.11%
9.	Tatsumi and Partners	1.86%
10.	V & A Inc.	1.07%
11.	Wagner Engineering	0.88%
12.	WKE, Inc.	6.40%
	Total SBE Commitment	**20.57%**

	DVBE Subcontractors	% Commitment
1.	Calvada Surveying	0.93%
2.	Global Environmental Network	1.02%
3.	USA EPC Group	0.62%
4.	Virtek Company	0.84%
	Total DVBE Commitment	**3.41%**

B. Project Labor Agreement/Construction Careers Policy

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

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will 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 and other support trades.

D. Living Wage Applicability

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

Attachment C – Project Location Map



File #: 2016-0123, **File Type:** Contract **Agenda Number:** 12

PLANNING AND PROGRAMMING COMMITTEE
APRIL 13, 2016

SUBJECT: PROJECT APPROVAL & ENVIRONMENTAL DOCUMENT (PAED) FOR THE WESTBOUND SR-91, FROM SHOEMAKER AVENUE TO THE I-605/SR-91 INTERCHANGE

ACTION: AWARD CONTRACT

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a 36-month cost plus fixed fee Contract No. AE476110012334, to Michael Baker International, Inc. in an amount not to exceed $7,762,669 for **Architectural and Engineering (A&E) services for the preparation of the Project Approval and Environmental Document (PAED) on Westbound SR-91, from Shoemaker Avenue to the I-605/SR-91 Interchange.**

ISSUE

The I-605/SR-91 Project Study Report-Project Development Support (PSR-PDS), approved in July 2014, provides a key opportunity for Metro, Caltrans and the Gateway Cities Council of Governments (GCCOG) to achieve consensus on the purpose and need, scope, and schedule for proposed freeway improvements. The PSR-PDS was also used to program the support costs necessary to complete the PAED, which is the next phase in the project development process.

The PSR-PDS contained a construction phasing analysis consisting of five segments. Due to the environmental complexity and the capital costs for moving forward with improving the entire interchange study area, the SR-91/I-605/I-405 Technical Advisory Committee recommended to proceed with the PAED for the improvements on Westbound SR-91, from Shoemaker Avenue to the I -605/SR-91 Interchange. This recommendation represents completing the environmental clearance for two of the five construction phasing segments identified in the PSR-PDS and is supported Metro Highway Program and Caltrans. The services requested in this Contract are for completing the PAED for improvements along Westbound SR-91 from Shoemaker Avenue to the I-605/SR-91 Interchange.

In the PAED phase, detailed engineering and environmental studies will be completed in order to prepare the Project Report and Environmental Document.

DISCUSSION

An Initial Corridor Study along the I-605, SR-91, and I-405 corridors was completed in 2008, and identified five major congestion areas (Hot Spots): I-605/SR-60, I-605/I-5, I-605/SR-91, I-605/I-405, and I-710/SR-91. Pursuant to those findings, $590 million in Measure R funds were allocated for freeway and arterial improvement projects for I-605 Corridor "Hot Spots" within the Gateway Cities/Southeast portion of Los Angeles County.

At its September 23, 2010 meeting, the Board authorized the CEO to award Contract No. PS4603-2582, to RBF Consulting (which is now Michael Baker International, Inc.) for the preparation of 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.

Considerations

By proceeding with the PAED for the Westbound SR-91, from Shoemaker Avenue to the I-605/SR-91 Interchange, Metro will move forward with the segments of that Hot Spot which can have an accelerated Environmental, Design and Construction phases.

DETERMINATION OF SAFETY IMPACT

The proposed action has no known impact on safety of Metro's patrons/employees or users of the facility. Caltrans' highway safety standards are followed in the preparation of the preliminary engineering plans and the environmental document. Exceptions to the standards will be incorporated in accordance with Caltrans and Federal Highway Administration (FHWA) standards, policies and procedures, where applicable.

FINANCIAL IMPACT

The FY 15-16 budget for Cost Center 4720, Highway Programs A, has $2.4 million budgeted for project 460314, I-605 Corridor "Hot Spots", task number 05.03, I-605/SR-91 PAED. Since this is a multi-year project, the cost center manager and the Managing Executive Officer for the Highway Program will be responsible for budgeting in future years.

Impact to Budget

The source of funding for this project is Measure R Highway Capital (20%). These funds are not eligible for bus and rail operating and capital expenditures.

ALTERNATIVES CONSIDERED

The Board may elect to not award the contract. This alternative is not recommended because this project is included in the 2009 Long Range Transportation Plan and reflects regional consensus on

the importance of the project in improving corridor mobility and safety. Approval to proceed with the PAED for the Westbound
SR-91, from Shoemaker Avenue to the SR-91/I-605 Interchange is consistent with the goals of Measure R.

NEXT STEPS

Upon Board approval, staff will execute Contract No. AE476110012334 with Michael Baker International, Inc. Periodic updates will be provided to the Board on the progress of the PAED.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary
Attachment C - Location Map

Prepared by: Adrian Alvarez, Transportation Planning Manager, (213) 922-3001
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Reviewed by: Ivan Page, Interim Executive Director, Vendor/Contract Management, (213) 922-6383
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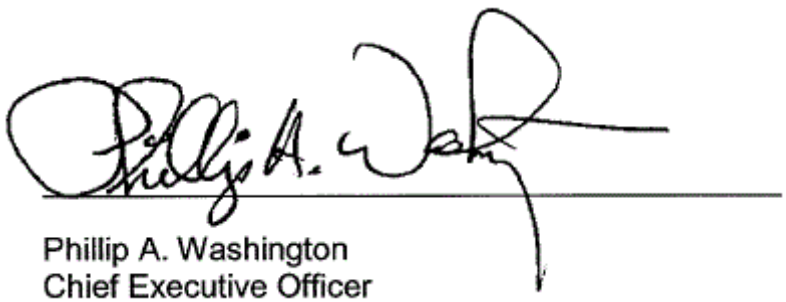


Phillip A. Washington
Chief Executive Officer

PROCUREMENT SUMMARY

PROJECT APPROVAL & ENVIRONMENTAL DOCUMENT (PA/ED) FOR THE WESTBOUND SR-91, FROM SHOEMAKER AVENUE TO THE I-605/SR-91 INTERCHANGE PROJECT / AE476110012334

1.	**Contract Number**: AE476110012334	
2.	**Recommended Vendor**: Michael Baker International, Inc. (herein referred to as RBF Baker)	
3.	**Type of Procurement (check one):** ☐ **IFB** ☐ **RFP** ☒ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: May 28, 2015	
	B. Advertised/Publicized: May 28, 2015	
	C. Pre-Proposal/Pre-Bid Conference: June 9, 2015	
	D. Proposals/Bids Due: June 30, 2015	
	E. Pre-Qualification Completed: February 11, 2016	
	F. Conflict of Interest Form Submitted to Ethics: July 1, 2015	
	G. Protest Period End Date: April 26, 2016	
5.	**Solicitations Picked up/Downloaded**: 69	**Bids/Proposals Received**: 5
6.	**Contract Administrator**: Erika Estrada	**Telephone Number**: (213) 922-1102
7.	**Project Manager**: Adrian Alvarez	**Telephone Number**: (213) 922-3001

A. Procurement Background

This Board Action is to approve Contract No. AE476110012334 issued in support of preparation of the Project Approval/Environmental Document (PA/ED) documents for improvements to the I-605/SR-91 interchange in compliance with CEQA/NEPA standards.

This is an A&E, qualifications based Request for Proposal (RFP) issued in accordance with Metro's Acquisition Policy and the contract type is a cost plus fixed fee. This RFP was issued with an SBE/DVBE goal of 20% (SBE 17% and DVBE 3%).

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

- Amendment No. 1, issued on June 10, 2015, updated the Contract Administrator point of contact, provided responses to questions received, and provided pre-proposal agenda, sign-in sheets, and planholders' list.

A pre-proposal conference was held on June 9, 2015, attended by 38 participants representing 31 companies. There were 3 questions asked and responses were provided prior to the proposal due date. A total of 69 firms downloaded the RFP and those firms were included in the planholders' list. A total of five proposals were received on June 30, 2015.

B. Evaluation of Proposals/Bids

A Proposal Evaluation Team (PET) consisting of staff from Metro's Highway Programs, Community Development from City of Artesia, Public Works for the City of Cerritos, and Caltrans District 7 Environmental Planning was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated by the PET in accordance to the following evaluation criteria and associated weights:

- Degree of Skills and Experience 25 percent
- Prime/Subcontractor Qualifications 20 percent
- Experience of Project Manager and key Personnel 25 percent
- Work Plan 30 percent

The evaluation criteria are appropriate and consistent with criteria developed for other similar A&E PA/ED procurements. Several factors were considered when developing these weights, giving the greatest importance to the work plan. The PET evaluated the proposals according to the evaluation criteria established in the RFP.

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

The five proposals received were deemed responsive and are listed below in alphabetical order:

1. HNTB
2. Psomas
3. Michael Baker International (RBF Baker)
4. TRC Solutions
5. T.Y. Lin International

During July 2 through July 20, 2015, the PET completed its independent evaluation of the proposals. The PET determined that two firms were outside the competitive range and were not included for further consideration. A sampling of reasons for exclusion from the competitive range include but are not limited to the following: proposals contained minimal discussion on the root causes for improvement needs; did not include discussion on schedule impacts; community participation/outreach was minimal; did not sufficiently discuss CEQA/NEPA delivery experience; nor demonstrate a thorough understanding of the requirements in the Statement of Work.

The remaining three proposers determined to be within the competitive range are listed below in alphabetical order:

1. Michael Baker International

2. TRC Solutions
3. T.Y. Lin International

On July 29, 2015, the PET met and interviewed the firms. The firms' proposed project managers and key personnel had an opportunity to present their team's qualifications and respond to the PET's questions.

In general, each team addressed the requirements of the RFP, experience as it relates to completing the required scope, and stressed each firm's commitment to the success of the project. Each team was asked questions relative to each firm's proposed environmental process, outreach program, proposed schedule, traffic modeling/forecasting, and technical approach, and the teams' approach to proposing engineering solutions/technical recommendations that would achieve local cities' support.

The final scoring, after interviews, determined Michael Baker International to be the highest qualified proposer.

Qualifications Summary of Recommended Firm:

Michael Baker International specializes in engineering, development, intelligence and technology solutions with a specialization on transportation projects. Michael Baker International demonstrated a thorough understanding of project history/potential risks and solutions with this type of project. They recommended engaging the Federal Highway Administration (FHWA) early, amending the FTIP (Federal Transportation Improvement Program), and adjusting the horizon date to 2045 which demonstrates a good understanding of technical and coordination needs for this major project. The proposal strongly demonstrates that Michael Baker International is cognizant of the required efforts for project completion within the project area. Further, the proposal addressed HOV versus HOT with continuous access, identified SB743 as a concern, discussed reduced vertical clearances and how to avoid that problem, and construction staging. The recommendations for early delivery were stated, wherein they proposed a realistic 30-month schedule with logical ties to the statement of work tasks versus the 36-month schedule identified in the RFP.

The proposed team demonstrated the most significant experience on similar projects within the Study Area, i.e. Metro I-605 Congestion Hot Spots Feasibility Study, Metro I-605/I-5 & I-605/SR-91 Project Study Report/ Project Development Study (PSR/PDS), Metro Gateway Cities Council Of Governments (GCCOG) Strategic Transportation Plan, I-605 Whittier Boulevard Early Action Plan, Metro I-605/SR-60 PSR/PDS, SR-91 Corridor Improvement Project, SR-60 Theodore Interchange, I-5 HOV Lane Extension (Ave Pico to San Juan Creek Road), I-5 widening (SR73 to El Toro) and the Metro I-710 Corridor Project Environmental Impact Report/ Environmental Impact Study (EIR/EIS).

In addition, the Michael Baker International proposal was the only proposal which demonstrated a thorough understanding of the local community's needs. This was strongly emphasized in the suggestion of starting the project without the Bloomfield bridge reconstruction, minimizing 4 (f) impacts (consideration of park and recreational lands) to AJ Alford Park and by providing a comprehensive outreach approach. The proposal discussed how to integrate the outreach component, and the interview confirmed the outreach approach was very responsive to local cities and met Metro's needs. Overall, the Michael Baker International proposal demonstrated the ability to build consensus for successful project delivery. Michael Baker International's performance as RBF Baker on other Metro projects has been satisfactory.

Following is a summary of the PET scores:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	**Michael Baker International (RBF Baker)**				
3	Degree of Skills and Experience	88.00	25.00%	22.00	
4	Prime/Subcontractor Qualifications	90.10	20.00%	18.02	
5	Experience of Project Manager and key Personnel	86.76	25.00%	21.69	
6	Work Plan	83.87	30.00%	25.16	
7	**Total**		**100.00%**	**86.87**	**1**
8	**TRC Solutions**				
9	Degree of Skills and Experience	79.20	25.00%	19.80	
10	Prime/Subcontractor Qualifications	84.40	20.00%	16.88	
11	Experience of Project Manager and key Personnel	86.56	25.00%	21.64	
12	Work Plan	81.13	30.00%	24.34	
13	**Total**		**100.00%**	**82.66**	**2**
14	**T.Y. Lin International**				
15	Degree of Skills and Experience	84.12	25.00%	21.03	
16	Prime/Subcontractor Qualifications	75.90	20.00%	15.18	
17	Experience of Project Manager and key Personnel	87.04	25.00%	21.76	
18	Work Plan	76.80	30.00%	23.04	
19	**Total**		**100.00%**	**81.01**	**3**

C. Cost Analysis

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

The 2016 Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP) Model was released on March 17, 2016 and is scheduled for adoption April 7, 2016 (this model is updated every four years). The ICE was based on the 2012 SCAG RTP model and not the 2016 new model which requires additional effort to run, review and understand model performance within the project study area before application. Metro staff successfully negotiated a cost savings of $1,067,733 from the firm's proposed price.

Proposer Name	Proposal Amount	Metro ICE	NTE amount
Michael Baker International, Inc.	$8,830,402	$7,720,815	$7,762,669

D. Background on Recommended Contractor

The recommended firm, RBF Baker, located in Irvine California, has been in business for more than 30 years and is a leader in full service planning, engineering, survey, and construction management. The firm has worked in collaboration with local/regional agencies and directly for Caltrans on design reports, supporting environmental documents and plans, specifications and estimates. In July 2015, RBF Consulting merged with Michael Baker International, Inc.

The proposed team is comprised of Michael Baker International and 15 subcontractors (eight SBE, three DVBE, and four non-SBE/DVBE firms). The proposed team has significant experience working with Caltrans District 7, GCCOG, Metro, City of Cerritos, City of Artesia and the County of LA. The proposed project manager has 32 years of experience and has extensive knowledge working with the project stakeholders identified in the statement of work. Michael Baker International's proposal strongly demonstrated project understanding, the required consensus building efforts required at the local level, and presented a complete, technically qualified team that would be able to successfully deliver the PA/ED documents.

DEOD SUMMARY

PROJECT APPROVAL & ENVIRONMENTAL DOCUMENT (PA/ED) FOR THE WESTBOUND SR-91, FROM SHOEMAKER AVENUE TO THE I-605/SR-91 INTERCHANGE PROJECT / AE476110012334

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 20% goal inclusive of a 17% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. Michael Baker Internationa exceeded the goal by making a 27.66% small business commitment, inclusive of a 24.66% SBE and 3.00% DVBE commitment.

Small Business Goal	17% SBE 3% DVBE	Small Business Commitment	24.66% SBE 3.00% DVBE

	SBE Subcontractors	% Commitment
1.	ACT Consulting Engineers	4.76%
2.	Arellano Associates	3.60%
3.	Earth Mechanics	1.62%
4.	GPA Consulting	4.08%
5.	Intueor Consulting	2.53%
6.	V&A Inc.	0.28%
7.	Value Management Strategies	0.53%
8.	WKE, Inc.	7.26%
	Total SBE Commitment	**24.66%**

	DVBE Subcontractors	% Commitment
1.	Brentwood Reprographics	1.59%
2.	The Sanberg Group	0.60%
3.	Southern California Soil & Testing	0.81%
	Total DVBE Commitment	**3.00%**

B. Project Labor Agreement/Construction Careers Policy

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

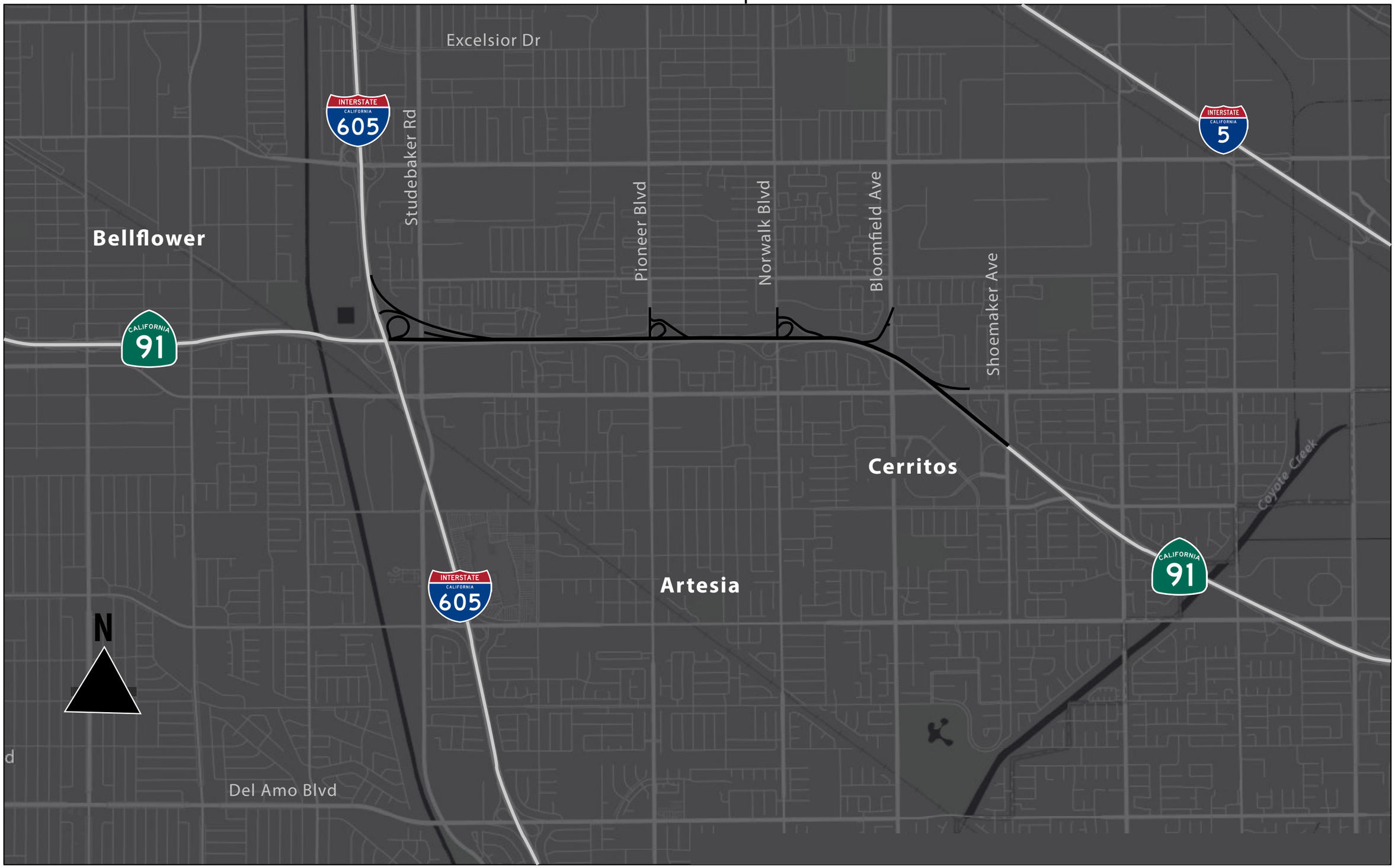
C. Living Wage Service Contract Worker Retention Policy

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

Attachment C
Location Map



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

File #: 2016-0162, **File Type:** Program **Agenda Number:** 13

PLANNING AND PROGRAMMING COMMITTEE
APRIL 13, 2016

SUBJECT: METRO BIKE SHARE PROGRAM

ACTION: ADOPT FINDINGS OF THE ENVIRONMENTAL ANALYSIS AND TITLE VI/ ENVIRONMENTAL JUSTICE ANALYSIS FOR THE DTLA PILOT

RECOMMENDATION

CONSIDER:

A. ADOPTING findings of the **Environmental Analysis for the Metro Countywide Bike Share Phase I Pilot in Downtown Los Angeles (DTLA Pilot)** that the project qualifies for a CEQA Categorical Exemption under the Section 15303 (Class 3) New Construction or Conversion of Small Structures exemption (Attachment A);

B. AUTHORIZING staff to file the **Notice of Exemption for the DTLA Pilot**; and

C. ADOPTING findings of the **Title VI and Environmental Justice Analysis for the DTLA Pilot** that no Disparate Impact and no Disproportionate Burden associated with the project (Attachment B).

ISSUE

At the June 2015 meeting, the Board awarded a two-year contract to Bicycle Transit Systems (BTS) for provision of the equipment, installation and operations of the Metro Countywide Bike Share Phase 1 Pilot in downtown Los Angeles (DTLA Pilot).

An Environmental Analysis has been completed in compliance with the California Environmental Quality Act (CEQA). Metro serves as the CEQA Lead Agency and has final approval of all plans and environmental documents. Board adoption of the findings of the Environmental Analysis and Board authorization to file the Notice of Exemption for the DTLA Pilot is being requested.

A Title VI and Environmental Justice equity evaluation has been completed consistent with the requirements set forth in Executive Order 12890 and 49CFR Section 21.5. While thresholds have not been established for non-transit programs, such as bike share program, this equity evaluation seeks to determine whether or not there is reason to believe that the siting of bike share facilities

might cause a Disparate Impact or Disproportionate Burden. Board adoption of the Title VI Analysis for the DTLA Pilot is being requested.

DISCUSSION

The proposed Metro Countywide Bike Share DTLA Pilot will include up to 80 stations and approximately 1,000 bicycles. Stations will be installed in accordance with local regulations and considerations regarding locations of fire hydrants, crosswalks, driveways, standpipes, street furniture, bus stops/shelters and impact on sight lines.

While a preliminary list of bike share station locations was used to perform the Environmental Analysis and the Title VI and Environmental Justice Analysis, final locations will be determined based on several factors including space availability, accessibility and safety.

Environmental Analysis

The project qualifies for a CEQA Categorical Exemption under the *Section 15303 (Class 3) New Construction or Conversion of Small Structures* exemption because it involves a limited number of new, small structures. The project installs up to 80 bike share stations in the City of Los Angeles that do not require digging or pavement disturbance since the equipment has a weighted base. Equipment will be placed on existing paved rights-of-way such as sidewalks and streets.

None of the exceptions to Categorical Exemptions apply to this project. The project area contains no important farmland, wetlands, wild and scenic rivers, floodplains or critical habitats. Further, the project will not involve any grading or vegetation removal. Stations will be located near historic structures, but they are congruent with the existing urban fabric and as such would not impact any archeological or paleontological sites. The project sites will not be located on sites identified as containing hazardous materials.

Title VI and Environmental Justice Analysis

A Title VI and Environmental Justice equity evaluation has been completed consistent with the requirements set forth in Executive Order 12890 and 49CFR Section 21.5. While thresholds have not been established for non-transit programs such as bike share, this equity evaluation seeks to determine whether or not there is reason to believe that the siting of bike share facilities might cause a Disparate Impact or Disproportionate Burden. Two separate analyses were performed: one taking into consideration the minority population share, the other taking into consideration the poverty population share within a one-quarter mile and one-half mile area around the proposed stations and comparing both demographic characteristics with that of Los Angeles county population.

The analyses found that there is no Disparate Impact and no Disproportionate Burden associated with the project. Both minority shares and poverty shares of the populations within one-quarter mile and one-half mile of the proposed bike share facilities are higher than the respective countywide shares of minority and poverty populations, respectively.

DETERMINATION OF SAFETY IMPACT

Adoption of the findings of the Environmental Analysis, authorization to file the Notice of Exemption and adoption of the findings of the Title VI and Environmental Justice Analysis for the Metro Countywide Bike Share DTLA Pilot will not have any adverse safety impacts on Metro employees and patrons.

FINANCIAL IMPACT

The FY16 budget includes $7.44M for this project in cost center 4320, Project 210116 (BIKESHARE PHASE I IMPLEMENT) and Project 405305 (BIKESHARE PRELAUNCH AND PLAN).

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

Impact to Budget

The sources of funds are toll revenue grant and other eligible and available local funds or general funds.

ALTERNATIVES CONSIDERED

The Board may choose not to the adopt the findings of the Environmental Analysis, authorize staff to file the Notice of Exemption or adopt the findings of the Title VI and Environmental Justice Analysis for the Metro Countywide Bike Share DTLA Pilot. This alternative is not recommended, as it is not in line with previous Board direction.

NEXT STEPS

Upon Board adoption and authorization, the Notice of Exemption for the DTLA Pilot will be filed.

ATTACHMENTS

Attachment A - Categorical Exemption Analysis
Attachment B - Equity Analysis Methodology & Results

Prepared by: Lia Yim, Transportation Planning Manager, (213) 922-4063
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Phillip A. Washington
Chief Executive Officer

CATEGORICAL EXEMPTION ANALYSIS

PROJECT DESCRIPTION

Los Angeles County Metropolitan Transportation Authority (Metro) is proposing to implement a Countywide Bike Share system. The proposed system would begin with 80 stations and approximately 1,000 bikes in the Phase 1 Pilot area of Downtown Los Angeles, which is the proposed project. Metro would own and manage the system's equipment and would contribute up to 50 percent of the system's capital costs. Metro would also manage a master contract to provide operations and maintenance for the entire regional system and provide up to 35 percent of the net operations and maintenance cost of each city's network of stations (Metro 2015).

The project includes the approval of station locations by the City of Los Angeles Department of Transportation, environmental clearance under the California Environmental Quality Act (CEQA) and placement of bike sharing stations. Metro serves as the CEQA Lead Agency and would have final approval of all plans and environmental documents. The project includes 80 locations in the City of Los Angeles (Appendix A). While the locations listed below in Table 1 represent the general location of each bike share station, final location would be determined during the construction phase. Specific kiosk locations, like intersection corners, nearby intersections, or mid-block locations, would be determined based on factors like visibility and safety.

Although there are different bike share equipment and technologies available, the project would include Third Generation type equipment, with the option to upgrade equipment and technology as needed. For a Third Generation configuration, docks are wired together via plates or a top bar, and a cell/satellite connection is placed at each station kiosk. The bikes would be locked at each dock and solar power would be located at the kiosk to enable bike share operations. There are different types of configurations and the exact configuration of each docking station would be selected during construction to best accommodate space and accessibility needs. Considerations, as outlined in the Regional Bike Share Implementation Plan, include space, safety, access, visibility, property ownership, solar access, route planning, bike share network and street design and guidelines. Docking stations would be installed in accordance with local regulations regarding fire hydrants, crosswalks, driveways, standpipes, doorways, sidewalk widths, and effective widths.

Table 1
Potential Project Station Locations

N Figueroa St & Diamond St	S Grand Ave & W 11th St
Union Station West Portal	S Olive St & W 12th St
N Los Angeles St & N Alameda Street	S Figueroa St & W 8th St
E Temple St & N Alameda St	S Figueroa St & W 9th St
N Main St & W Temple St	S Figueroa St & W 12th St
S Spring St & W 1st St	E 7th St & S Main St
S Grand Ave & W 1st St	S Grand Ave & W 14th St
W Temple St & N Hill St	S Figueroa St & W 18th St
Hill St at Metro Station/Grand Park	Willow St & Mateo St
S Olive St & W 6th St	Mateo St & E 7th St
S Hill St & W 5th St	E 5th St & Wall St
W 5th St & S Grand Ave	Wall St & E 7th St
W 7th St & S Flower St	S San Pedro Street & E 7th St
S Flower and W 7th St	E 11th St & Santee St
W 7th St & S Flower St	E Pico Bvd & Santee St
S Grand Ave & W 9th St	Kohler St & E 6th St
S Figueroa St & W 11th St	E 7th St & S Alameda St
W Pico Blvd & S Figueroa St	E 2nd St & S San Pedro St
W 12th St & S Hill St	Boyd St & S San Pedro St
S Grand Ave & W Washington Blvd	Crocker St & E 6th St
S San Pedro St & E Washington Blvd	S Main St & E 5th St
S Hope St & W Pico Blvd	Ord St & New High St
E 5th St & S Hewitt St	New High St & Ord St
E 3rd St & Rose St	N Spring St & W College St
E 3rd St & S Santa Fe Ave	N Alameda St & Alpine St
S San Pedro St & E 1st St	Union Station East Portal
S Grand Ave & W 7th St	S Grand Avenue & W 3rd St
W 2nd St & S Figueroa St	S Broadway & W 3rd St
W 2nd St & S Hill St	S Hope St & W Olympic Blvd
S Figueroa St & W Cesar Chavez Ave	S Broadway & W 9th St
S Spring St & W 3rd St	S Broadway & W 11th St
S Main St & E 4th St	N Broadway & W Cesar Chavez Ave
S Main St & E 1st St	S San Pedro St & E 8th St
S Spring St & W 5th St	S Maple St & E 9th St
S Main St & E 6th St	Wilshire Boulevard & Witmer Street
W 7th St & S Spring St	S Wall Street & E 11th Street
S Hill St & W 7th St	W College Street & N Hill Street
S Hope St & W 6th St	E Temple Street & N Vignes Street
W 7th St & S Bixel St	E Pico Street & S San Pedro Street
E 9th St & S Main St	E Olympic Boulevard & S Central Avenue
S Main St & E 9th St	E Washington Boulevard & S Central Avenue
S Olive St & W 8th St	S Central Avenue & E 15th Street

ENVIRONMENTAL SETTING

The City of Los Angeles General Land Use Plan Designations where the docking station would be located is Open Space/Commercial/Industrial/Multifamily Residential. All project sites are located in urban areas adjacent to surface parking lots and paved rights-of-way. The project sites are typically surrounded by office towers and commercial sites, with high foot traffic and served by public transit. The docking sites would be located on paved rights-of-way like sidewalks and parking lots, areas that do not contain native vegetation and with a low degree of visual character. Per the City of Los Angeles General Plan EIR

Figure CR 4 the project area contains several Historic Cultural Monuments (LA 1995). Cultural and historic resources sites are protected under federal, state and local regulations depending on their listing status. The City of Los Angeles General Plan identifies the project area as largely devoid of any natural habitat that could contain any protected or endangered species (LA 1995).

Project components and descriptions of the same are outlined in Table 2, below.

Table 2
LA METRO Bike Share Project Components

Component	Description
Construction of docking station	Docking stations would be dropped into place. Docking stations would be held down with a weighted base avoiding the need for bolting and digging.
Construction Equipment	Lift gate, pallet jack, trucks.
Construction Duration	Installation of docking station would take anywhere from four hours to two days.
Project Operation	Docking stations would be operated by users with a pass card or single use permit. Bikes would be used and exchanged between stations. Solar stations would power docking and payment stations.
Source: Metro 2015	

A. EXEMPT STATUS

The LA METRO Bike Share Project qualifies for a CEQA Categorical Exemption under the *Section 15303 (Class 3) New Construction or Conversion of Small Structures* exemption.

B. REASON WHY THE PROJECT IS EXEMPT

Article 19 (Categorical Exemptions) of the CEQA Guidelines lists classes of projects that are exempt from the requirements of CEQA. This section provides an analysis of why this project meets the conditions for a *Class 3 – New Construction or Conversion of Small Structures* exemption along with the reasons why none of the possible exceptions to Categorical Exemptions, found in *Section 15300.2 Exceptions*, apply to this project. The statutory language of each condition and possible exception is printed in bold italics below, followed by the project related analysis for each condition and exception.

Categorical Exemption Analysis

15303 New Construction or Conversion of Small Structures

Class 3 consists of construction and location or limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures (…).

The proposed project meets this condition. The proposed project is categorically exempt from environmental review under CEQA because the project involves the installation of a limited number of new, small structures. The project would install 80 bike share stations in the City of Los Angeles. The new structures would contain Third Generation bike docking stations, as stated above in the Project Description, and each docking station would be sized based on ridership expectations as outlined in the

Regional Bike Share Implementation Plan. Docking station installation would not require digging or pavement disturbance as the stations would have a weighted base. They would be placed on existing paved surfaces like parking lots or existing rights-of-way like sidewalks.

Conclusion

As outlined above, the proposed project qualifies for *Section 15303, Class 3 – New Construction or Conversion of Small Structures* exemption category under CEQA.

C. EXCEPTIONS TO CATEGORICAL EXEMPTION ANALYSIS

The analysis is based on the City of Los Angeles. The City of Los Angeles General Plan Draft EIR was published on January 19, 1995.

15300.2 Exceptions

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

This exception does not apply to the proposed project. The project area contains no important farmland, wetlands, wild and scenic rivers, floodplains, or critical habitat (LA 1995). Further, the project would not involve any grading or vegetation removal. Docking stations would be located near historic structures, but they would be congruent with the existing urban fabric and as such would not impact historic resources. The project would not involve any ground disturbance and would not impact any archeological or paleontological sites. The project sites are not located on sites identified as containing hazardous materials (DTSC 2015).

<u>Natural Habitat and Endangered Species</u>

The proposed project area is located in a developed urban area that does not contain substantial areas of natural habitat for plants and animals (LA 1995). Project installation would not include any ground disturbance. The project area is located in a developed urban environment with no native wild vegetation, and any vegetation present is ornamental. The project may include tree trimming as necessary, but all trimmings would take place in accordance with the City of Los Angeles regulations and permit requirements. As such, the project would not impact any sensitive environments and this exception would not apply to the proposed project.

<u>Historic Resources</u>

The City of Los Angeles contains numerous historic buildings and historic districts as shown in Figure CR 4 (LA 1995). Docking stations would be located in the vicinity of historic places and structures like Olvera Street and Union Station. Nonetheless, the stations would be visually congruent with the existing urban setting that the historic structures are in and would not damage the quality of historic structure. The

docking stations would not create new visual barriers that would change the historic character of an area or break up the continuity of a historic district. They would be placed on existing sidewalks, existing parking spaces or parking lots and would not constitute a substantial visual change in the character of an area or contribute to a decline in a resource's importance. Further, due to their location in pre-established urban areas and size the docking stations would not impact the historic resource's integrity. As such, the project would not impact historic resources.

Hazardous Site

See item (e) below.

Conclusion

The project site is not located on a hazardous site which is included on any list compiled pursuant to Section 65962.5 of the Government Code and there are no wetlands, endangered species, wildlife habitats and cultural, historical and archaeological resources on the site; therefore, this exception is not applicable.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

This exception does not apply to the proposed project. The project would construct new small structures. The project would not require any ground disturbance activities or vegetation removal. The project would not result in any significant impacts and therefore would not contribute to any cumulative biological or cultural resources impacts. Although subsequent projects would increase the number of stations to approximately 254 stations they would be dispersed in different communities and would be congruent with the existing urban fabric. Therefore, this exception would not apply to the proposed project.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

This exception does not apply to the proposed project. There are no unusual circumstances at the project sites or planned project operations that would create a reasonable possibility of significant effects to the environment. The project would not have a significant effect on any biological or cultural resources. In addition, project implementation would follow all City of Los Angeles regulations as they relate to installation of new small structures. The project is congruent with the current usage of the project areas and would not change current project site functions. Therefore, there would be no potential for significant effects and this exception does not apply to the proposed project.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

This exception does not apply to the proposed project. There are no designated scenic highways in the project area and as such the project would not impact any scenic resources within a highway officially designated as a state scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

This exception does not apply to the proposed project. A search of the Geotracker and Envirostor environmental databases was conducted. The records review showed that the project would not be located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code in the City of Los Angeles (DTSC 2015a & 2015b).

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

This exception does not apply to the proposed project. The project would not involve ground disturbing activities like digging or grading. Docking stations would be placed via lift gate or pallet jack and they would be held down by a weighted base. As such, the project would not impact any archeological and paleontological resources. Further, all project sites are located in previously disturbed paved areas. As discussed above, the historical buildings are located through out the project area and some docking stations would be located on adjacent corner streets. Nonetheless, the docking stations would not modify the historical resources nor would they modify the structure's integrity or eligibility. Therefore, there would be no impact on cultural resources and this exception would not apply.

REFERENCES

California Department of Transportation (Caltrans). *Officially Designated State Scenic Highways*. http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm. Accessed August 5, 2015.

City of Los Angeles (LA). 1995. *Draft Environmental Impact Report City of Los Angeles General Plan.*

DTSC (California Department of Toxic Substances Control). 2015a. *Cortese List.* http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm, accessed August5, 2015

———. 2015b. *EnviroStor*. http://www.envirostor.dtsc.ca.gov/. Accessed August 5, 2015.

Los Angeles County Metropolitan Transportation Authority (Metro). April 22, 2015. *Regional Bike Share Implementation Plan for Los Angeles County* (Attachment B).

Equity Analysis
Methodology & Results

Proposed Bike Share Demonstration Program
Siting of Program Locations
February 2016

Attachment B

Service Planning and Scheduling
Civil Rights Programs Compliance

Contents

1. Proposal Overview 1

2. Methodological Approach.....1

Data Sources……..2
Step By Step Methodology……...2

3. Results..…… …….3

1. PROPOSAL OVERVIEW

A countywide bike share program is under study by Metro. Participants would be able to rent and return a bicycle from any of the program's self service locations. This equity evaluation considers an initial demonstration program that would establish rental locations in and around downtown Los Angeles. Only the siting of these locations is being evaluated. This is not an equity evaluation of program eligibility.

2. METHODOLOGICAL APPROACH

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance. Programs that receive Federal funds cannot distinguish among individuals on the basis of race, color or national origin, either directly or indirectly, in the types, quantity, quality or timeliness of program services, aids or benefits that they provide or the manner in which they provide them. This prohibition applies to intentional discrimination as well as to procedures, criteria or methods of administration that appear neutral but have a discriminatory effect on individuals because of their race, color, or national origin.

If policies and practices have a potential discriminatory effect a recipient must modify the proposed changes in order to avoid, minimize, or mitigate potential disparate impacts, and then reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts. If the recipient chooses not to alter the proposed policy or practice despite the potential disparate impact, they may implement the policy or practice if they can show that they were necessary to achieve a substantial legitimate objective and that there were no alternatives that would have a less disparate impact on minority populations. Additionally, Persons with limited English proficiency must be afforded a meaningful opportunity to participate in programs that receive Federal funds. Policies and practices may not deny or have the effect of denying persons with limited English proficiency equal access to Federally-funded programs for which such persons qualify.

Environmental justice was first identified as a national policy in 1994 when President Clinton signed Executive Order 12898 (E.O. 12898), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. This order requires that each federal agency shall, to the greatest extent allowed by law, administer and implement its programs, policies, and activities that affect human health or the environment so as to identify and avoid "disproportionately high and adverse" effects on minority and low-income populations. E.O. 12898 thus applies to a wider population than Title VI, which does not cover low-income non-minority populations.

A Title VI and Environmental Justice equity evaluation has been completed consistent with the requirements set forth in Executive Order 12890 and 49CFR Section 21.5. While thresholds of significance have been established locally for determining when public transit service or fare changes would cause a burden on minorities (Disparate

Impact), or poverty level populations (Disproportionate Burden), no such thresholds have been established for Metro's non-transit programs. This equity evaluation seeks to determine whether or not there is reason to believe that the siting of bike share facilities might cause a Disparate Impact or Disproportionate Burden.

The basic approach to this analysis is to compare the demographics of the population within one-quarter mile, and within one-half mile, of the proposed bike share facilities to the demographics of Los Angeles County. These distances were chosen on the presumption that the vast majority of bike share users would walk to/from the facilities. Since the availability of a bike share facility is considered a benefit, then the benefiting population should not be significantly less minority or significantly less poor than the county population. If this is so, then there is a presumption of no Disparate Impact on minorities and no Disproportionate Burden on poverty level persons.

Data Sources

Data on the ethnicity and household income levels of the population of Los Angeles county was obtained from the 2010 US Census. Population ethnicity is available at the block group level. The poverty classification of households, and therefore members of those households, was obtained from the 2006-2010 American Community Survey (another US Census data product) and is available at the census tract level.

Step By Step Methodology

A list of the proposed demonstration bike share facility locations was obtained and linked to a geographic database containing census data (Table 1). Two separate analyses were performed: (1) the minority and total populations of all block groups within one-quarter mile, and one-half mile, of any proposed bike share facility were aggregated with the resulting minority population shares being compared to the minority share of the Los Angeles county population, and (2) the poverty and total populations of all census tracts within one-quarter mile, and one-half mile, of any proposed bike share facility were aggregated with the resulting poverty population shares being compared to the poverty share of the Los Angeles county population.

Table 1
Proposed bike Share Demonstration Facility Locations

N Figueroa St & Diamond St	S Grand Ave & W 11th St
Union Station West Portal	S Olive St & W 12th St
N Los Angeles St & N Alameda Street	S Figueroa St & W 8th St
E Temple St & N Alameda St	S Figueroa St & W 9th St
N Main St & W Temple St	S Figueroa St & W 12th St
S Spring St & W 1st St	E 7th St & S Main St
S Grand Ave & W 1st St	S Grand Ave & W 14th St
W Temple St & N Hill St	S Figueroa St & W 18th St
Hill St at Metro Station/Grand Park	Willow St & Mateo St
S Olive St & W 6th St	Mateo St & E 7th St
S Hill St & W 5th St	E 5th St & Wall St
W 5th St & S Grand Ave	Wall St & E 7th St
W 7th St & S Flower St	S San Pedro Street & E 7th St
S Flower and W 7th St	E 11th St & Santee St
W 7th St & S Flower St	E Pico Bvd & Santee St
S Grand Ave & W 9th St	Kohler St & E 6th St
S Figueroa St & W 11th St	E 7th St & S Alameda St
W Pico Blvd & S Figueroa St	E 2nd St & S San Pedro St
W 12th St & S Hill St	Boyd St & S San Pedro St
S Grand Ave & W Washington Blvd	Crocker St & E 6th St
S San Pedro St & E Washington Blvd	S Main St & E 5th St
S Hope St & W Pico Blvd	Ord St & New High St
E 5th St & S Hewitt St	New High St & Ord St
E 3rd St & Rose St	N Spring St & W College St
E 3rd St & S Santa Fe Ave	N Alameda St & Alpine St
S San Pedro St & E 1st St	Union Station East Portal
S Grand Ave & W 7th St	S Grand Avenue & W 3rd St
W 2nd St & S Figueroa St	S Broadway & W 3rd St
W 2nd St & S Hill St	S Hope St & W Olympic Blvd
S Figueroa St & W Cesar Chavez Ave	S Broadway & W 9th St
S Spring St & W 3rd St	S Broadway & W 11th St
S Main St & E 4th St	N Broadway & W Cesar Chavez Ave
S Main St & E 1st St	S San Pedro St & E 8th St
S Spring St & W 5th St	S Maple St & E 9th St
S Main St & E 6th St	Wilshire Boulevard & Witmer Street
W 7th St & S Spring St	S Wall Street & E 11th Street
S Hill St & W 7th St	W College Street & N Hill Street
S Hope St & W 6th St	E Temple Street & N Vignes Street
W 7th St & S Bixel St	E Pico Street & S San Pedro Street
E 9th St & S Main St	E Olympic Boulevard & S Central Avenue
S Main St & E 9th St	E Washington Boulevard & S Central Avenue
S Olive St & W 8th St	S Central Avenue & E 15th Street

3. RESULTS

The comparison of minority shares of the Los Angeles county population and those within block groups within one-quarter mile and one-half mile of proposed bike share facilities is depicted in Table 2.

Table 2
Minority Population Shares

	Total Population	Minority Population	Minority Share
LA County Population	9,818,605	6,869,996	70.0%
Within 1/4 mile of Bike Share Facility	113,401	95,574	84.3%
Within 1/2 mile of Bike Share Facility	157,839	137,100	86.9%

Similarly, the comparison of poverty shares of the Los Angeles county population and those within census tracts within one-quarter mile and one-half mile of proposed bike share facilities is depicted in Table 3.

Table 3
Poverty Population Shares

	Total Population	Poverty Population	Poverty Share
LA County Population	9,604,871	1,508,618	15.7%
Within 1/4 mile of Bike Share Facility	107,367	46,213	43.0%
Within 1/2 mile of Bike Share Facility	145,401	60,101	41.3%

There is no Disparate Impact and no Disproportionate Burden associated with the proposed bike share demonstration program because both the minority shares and poverty shares of the populations within one-quarter mile and one-half mile of the

proposed bike share facilities are higher than the respective countywide shares of minority and poverty populations, respectively.

Metro Bike Share Program

Recommendation

A. Adopt findings of the Environmental Analysis for the DTLA Pilot

B. Authorize staff to file the Notice of Exemption for the DTLA Pilot

C. Adopt findings of the Title VI and Environmental Justice Analysis for the DTLA Pilot

Metro

Environmental Analysis

- Environmental Analysis completed in compliance with the California Environmental Quality Act (CEQA)
- Potential Impact of up to 80 stations in DTLA were analyzed
- Finding: Bike Share project qualifies for a CEQA Categorical Exemption

Metro

Title VI and Environmental Justice Analysis

- Evaluation considered whether siting of bike share stations might cause a Disparate Impact or Disproportionate Burden
- Proposed station locations were analyzed taking into consideration poverty and minority population shares within a ¼ and ½ mile
- Finding: No Disparate Impact and no Disproportionate Burden associated with the project

Metro

Next Steps

- **File the Notice of Exemption**

Metro

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

File #: 2016-0209, **File Type:** Project **Agenda Number:** 14

PLANNING AND PROGRAMMING COMMITTEE
APRIL 13, 2016

SUBJECT: WEST SANTA ANA BRANCH TRANSIT CORRIDOR - SUSTAINABLE TRANSIT ORIENTED COMMUNITIES (OPERATION SHOVEL READY)

ACTION: AUTHORIZE EXECUTION OF FUNDING AGREEMENT

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to enter into a **Funding Agreement (FA) for the West Santa Ana Branch Transit Corridor - Sustainable Transit Oriented Communities Predevelopment and Planning Activities (Operation Shovel Ready) with the Gateway Cities Council of Governments (COG), to be led by the Eco-Rapid Transit Joint Powers Authority (JPA)** for near-term project activities in response to the Metro Board February 2016 directive, in an amount not-to-exceed $230,800.

ISSUE

At the February 25, 2016 meeting, the Metro Board directed the CEO to return within 60-days with a budget (not to exceed $18 million), scope of work, potential funding sources and community engagement strategy for the purpose of pursuing Transit Oriented Communities (TOC) predevelopment and planning activities, in coordination with the City and County of Los Angeles, as well as the Eco-Rapid Transit JPA and Gateway Cities COG for the West Santa Ana Branch (WSAB) Transit Corridor (Attachment A). The Gateway Cities COG has requested that Eco-Rapid Transit lead this effort and that staff work directly with them. Staff has had several discussions and meetings with the Eco-Rapid Transit staff concerning the scope of work. These discussions resulted in a two-phased approach. Phase 1 is comprised of nearer-term work elements that would help inform the upcoming environmental document for the WSAB transit project, such as station area planning, parking management guidelines, rail storage and maintenance facility siting methodology and criteria, etc. Phase 1 will also include the development for the larger work scope for Phase 2. Phase 2, the longer-term elements, needs to be coordinated with the preparation of the environmental document. Board authorization is being requested to execute the FA for the Phase 1 elements in order to proceed with the nearer-term project activities. Both the Gateway Cities COG and Eco-Rapid JPA support this approach. Attachment B contains letters of support.

DISCUSSION

Background

The WSAB Transit Corridor is one of the 12 Measure R Transit corridors with $240 million earmarked for the project. The project is contained in Metro's 2009 Long Range Transportation Plan (LRTP) for a total of $649 million, including Measure R dollars earmarked for the project, Proposition C 25% and savings from the I-5 South Construction Project (Measure R 20%), with a revenue service date of 2027. The 2009 LRTP did not specify a mode as that was to be determined through the Alternative Analysis (AA) Study. No other funding has been identified for this project. This is an Operation Shovel Ready project.

The Corridor stretches approximately 20 miles from the City of Artesia to Los Angeles Union Station (LAUS). Attachment C shows the study area, which uses eight miles of Metro-owned abandoned Pacific Electric Rail right-of-way (PEROW) from the Los Angeles/Orange County border north to the City of Paramount. It extends 12 miles north of the City of Paramount to LAUS via a combination of local streets and privately owned rail ROW. Of this 12 miles, the route from Huntington Park to LAUS is undetermined (approximately six miles).

In February 2013, the Southern California Association of Governments (SCAG) completed an AA Study for the 40 miles WSAB Corridor from Union Station to Santa Ana in Orange County. The SCAG approved AA Study eliminated from further consideration Bus Rapid Transit (BRT), Streetcar and MagLev leaving Light Rail Transit (LRT) as the recommended mode.

In September 2015, Metro completed the Technical Refinement Study that focused on specific issues for the Los Angeles County portion of the corridor (Artesia to LAUS) that were raised during the AA. The Technical Refinement Study updated the Los Angeles County portion project's cost based on five percent conceptual level of engineering. The Study estimated the project cost at $4 billion in 2015 dollars. The WSAB project is currently in the procurement phase to obtain both environmental clearance and outreach consultant services for the Los Angeles County segment. The Board is scheduled to consider contract award in September/October 2016.

Scope of Work

In collaboration with Eco-Rapid Transit, staff developed a two-phased approach to pursuing sustainable TOCs along the corridor. Phase 1 includes scope elements that can be undertaken in the near-term to help inform the upcoming environmental document. Work for this phase can utilize the remaining $230,800 from the original $350,000 directed by the Metro Board in January 2014 for participation in the Technical Refinement Study (Attachment D). The scope of work for Phase 1 includes:

1. Develop a detailed scope of work for Phase 2 long-term Sustainable TOCs along the WSAB Transit Corridor including timeline, budget and potential funding sources. The Phase 2 work needs to be completed in conjunction with the environmental document as stations are sited

and the alignments plans and profiles are more solidified. Staff will be working with Eco-Rapid Transit to develop a detailed scope of work for Phase 2 activities such as an evaluation of existing systems - electric, water, storm water, sewage, fiber (data), to identify opportunities to modify existing facilities to create a state-of-the-art infrastructure, as well as the identification of potential funding sources for the scope elements.

2. Conduct Conceptual Land Use Planning Studies for three southern station areas not previously studied or funded through Metro, Federal Highway Administration (FHWA), or SCAG grants. Community engagements will be included as part of the studies. The three station areas are:
   - City of Cerritos: 183rd/Gridley Street station
   - Cities of Paramount and South Gate: I-105 Freeway/New Green Line station
   - City of Paramount: Paramount Blvd./Rosecrans Avenue station

   Station planning on the northern stations has been deferred to later in the environmental process when the alignment to LAUS is more solidified.

3. Develop Parking Management Guidelines as a technical supplement for the environmental document. This shall include recommended methodology, guiding principles, typology and key issues for parking management in the corridor and in the station areas. The report will include recommendations for Metro's consideration to inform the environmental document.

4. Identify criteria and methodology for working with corridor cities to identify potential sites for a rail storage and maintenance facility to be cleared as part of the environmental document.

5. Project Management/Administration for the above scope elements, including the submittal of quarterly reports/invoices.

DETERMINATION OF SAFETY IMPACT

This action will not have any impact on the safety of our customers and/or employees.

FINANCIAL IMPACT

The FY 2015-16 budget includes $456,000 for Professional Services in Cost Center 4370, Project 460201 (WSAB Transit Corridor). Since this is a multi-year program, the Cost Center Manager and Chief Planning Officer will be responsible for budgeting in future years.

Impact to Budget
The funding for this project is from Measure R 35%. As these funds are earmarked for the WSAB Project, they are not eligible for Metro bus and rail capital and operating expenditures.

ALTERNATIVES CONSIDERED

The Board may choose not to enter into the FA, enter into a FA for a different amount, or defer executing the agreement until the full scope is developed. These alternatives are not recommended

as the pursuit of TOCs along the WSAB Transit Corridor was previously directed by the Board. Additionally, Phase 1 scope elements will help inform the environmental document. This approach has been developed in close collaboration with the Eco Rapid Transit JPA.

NEXT STEPS

Upon Board approval, staff will execute the FA with the Gateway Cities COG to initiate work for the Phase 1 tasks. Staff will continue working with Eco-Rapid Transit and the Gateway Cities COG to develop the scope of work for the long-term tasks to meet the Board directive, and will return to the Board in early FY 17 with a scope of work for the remaining work not to exceed $17,769,200.

ATTACHMENTS

Attachment A - February 25, 2016 Board Motion, Item# 32.1
Attachment B - Letters of Support
Attachment C - WSAB Transit Corridor Study Area Map
Attachment D - January 15, 2014 Board Motion

Prepared by: Matt Abbott, Transportation Planning Manager, (213) 922-3071
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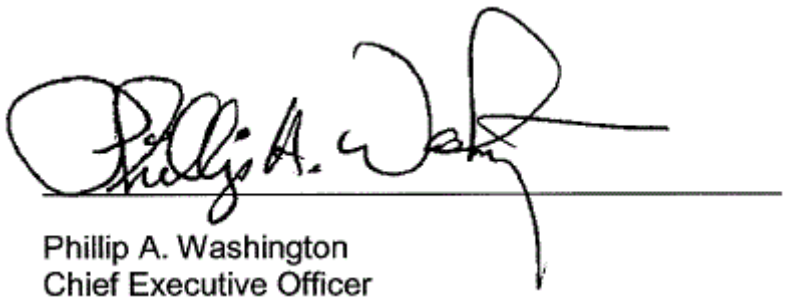
Reviewed by: Calvin E. Hollis, Interim Chief Planning Officer, (213) 922-7319



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

Item # 32.1

REVISED

Motion by Directors Knabe, DuBois, Garcetti and Solis

West Santa Ana Branch Transit Corridor (Eco-Rapid Transit Project)

Creating Sustainable Transit Oriented Communities

Measure R includes the West Santa Ana Branch (Eco-Rapid Transit) Transit Corridor. This project runs 20 miles from the City of Artesia in Southeast Los Angeles County and continues through the cities of Artesia, Bell, Bellflower, Bell Gardens, Cudahy, Downey, Huntington Park, Los Angeles, Maywood, Paramount, South Gate, and Vernon.

The cities along this alignment are committed to supporting the implementation of this corridor and have come together in the Eco-Rapid Transit Joint Powers Authority whose mission is to pursue the development of an environmentally friendly energy efficient addition to the Los Angeles County transit system.

This addition to the LA County transit system will enhance and increase transportation options for the residents of the member cities, provide access to employment in other parts of the County and improve the quality of life for all area residents including those cities that have been designated "Disadvantaged Communities by the CalEPA EnviroScreen (SB 535 – De Leon Chapter 830, Statue of 2012).

The Los Angeles County Metropolitan Transportation Authority (MTA) is undertaking environmental studies in preparation for their development of the West Santa Ana Branch transit corridor.

Eco-Rapid Transit JPA, building on the Los Angeles County Economic Development Strategy and the Eco-Rapid Design Guidelines, is desirous of working directly with the communities along the corridor to develop a consistent set of development standards, practices, and sustainability objectives to encourage and incentivize new transit oriented developments throughout the West Santa Ana Branch transit corridor. This work will improve the ability of corridor jurisdictions to attract other funding to carry out identified public infrastructure improvements.

Eco-Rapid Transit will manage the preparation of local development plans and policies to incorporate specific Sustainable Development targets including an evaluation of existing systems—electric, water, storm water, sewage, fiber (data) to identify opportunities to modify existing facilities to create state-of-the art infrastructure that addressed the needs of these Environmental Justice areas. Additionally, the project will identify opportunities in existing transport facilities to identify changes within the corridor that could support increased mode share shifts from vehicles to transit, enhance active transportation opportunities, improve first and last mile connections and related design changes in housing, economic development, parking that better supports achieving the sustainability targets.

In order to achieve these transit oriented communities goals, we hereby request that:

~~A)~~ Direct the CEO to return to the Board of Directors within 60 days with a budget (not to exceed $18 million), scope of work, potential funding sources and community engagement strategy ~~Measure R funds in the amount of $18 million be allocated~~ for the purpose of pursuing Transit Oriented Communities (TOC) predevelopment and planning activities, in coordination with the City and County of Los Angeles as well as the Eco-Rapid Transit and Gateway Cities Council of Governments, for the West Santa Ana Branch Project ~~alignment and communities.~~

~~B) Metro Staff work with the Gateway Cities Council of Governments or the Eco-Rapid Transit JPA to implement this program.~~

ATTACHMENT B

Artesia
Avalon
Bell
Bellflower
Bell Gardens
Cerritos
Commerce
Compton
Cudahy
Downey
Hawaiian Gardens
Huntington Park
Industry
La Habra Heights
La Mirada
Lakewood
Long Beach
Lynwood
Maywood
Montebello
Norwalk
Paramount
Pico Rivera
Santa Fe Springs
Signal Hill
South Gate
Vernon
Whittier
County of Los Angeles
Port of Long Beach

GATEWAY CITIES
COUNCIL OF GOVERNMENTS

April 1, 2016

The Honorable Mark Ridley-Thomas
Chairman, Los Angeles County Metropolitan Transportation Authority
Supervisor, Second District, County of Los Angeles
500 W Temple St #866
Los Angeles, CA 90012

Dear Supervisor Ridley-Thomas:

On behalf of the Gateway Cities Council of Governments (COG), we thank you for your support last month of Item 32.1, the West Santa Ana Branch Transit Corridor (Eco-Rapid Transit Project) and our effort to create sustainable transit oriented communities. The motion provided for Metro staff to return to the Board with a recommendation to create a program and allocate funding for a transit oriented communities program for the Eco-Rpaid Alignment.

We ask again for your support as we have worked closely with Metro staff to develop this initial scope of work to authorize the Metro Chief Executive Officer (CEO) to enter into a Funding Agreement with Gateway Cities Council of Governments for near team project activities.

The alignment cities are committed to working together and supporting the implementation of this project. The entire COG supports this effort and has determined that the Eco-Rapid/West Santa Ana Branch project is the COG's top transit project priority. We will build upon the Los Angeles County Economic Development Strategy and the Metro Transit Oriented Development (TOD)Round 2 funded Eco-Rapid Transit TOD Guidelines. Eco-Rapid Transit will use this project to empower our communities and create partnerships built on common economic development and quality of life goals and objectives. With your help, we are starting this now.

Again, thank you very much. We support this item and look forward to working with Metro to create sustainable transit oriented communities in this corridor.

Sincerely,

Richard R. Powers, Executive Director
Gateway Cities Council of Governments

16401 Paramount Boulevard ▪ Paramount, California 90723 ▪ phone (562) 663-6850 fax (562) 634-8216
www.gatewaycog.org

ECO-RAPID TRANSIT

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:

City of Artesia
City of Bell
City of Bell Gardens
City of Bellflower
City of Cudahy
City of Downey
City of Glendale
City of Huntington Park
City of Maywood
City of Paramount
City of South Gate
City of Vernon
Burbank-Glendale-Pasadena Airport Authority

Chair
Maria Davila
Council Member
City of South Gate

Vice Chairman
Zareh Sinanyan
Council Member
City of Glendale

Secretary
Cristian Markovich
Mayor
City of Cudahy

Treasurer
Michael McCormick
Mayor
City of Vernon

Internal Auditor
Ali Sajjad Taj
Mayor Pro Tem
City of Artesia

Executive Director
Michael R. Kodama

General Counsel
Teresa L. Highsmith

Ex-Officio
Rene Bobadilla
City Manager Representative

March 31, 2016

The Honorable Mark Ridley-Thomas
Chairman, Los Angeles County Metropolitan Transportation Authority
Supervisor, Second District, County of Los Angeles
500 W Temple St #866
Los Angeles, CA 90012

Dear Supervisor Ridley-Thomas,

On behalf of Eco-Rapid Transit, we thank you for your support last month of Item 32.1, the West Santa Ana Branch Transit Corridor (Eco-Rapid Transit Project) and our effort to create sustainable transit oriented communities. We ask again for your support as we have worked closely with Metro staff to develop this initial scope of work to authorize the Metro Chief Executive Officer (CEO) to enter into a Funding Agreement with Gateway Cities Council of Governments (COG) for near team project activities.

Our cities along this alignment are committed to working together and supporting the implementation of this project. We will build upon the Los Angeles County Economic Development Strategy and the Metro TOD Round 2 funded Eco-Rapid Transit TOD Guidelines. Eco-Rapid Transit will use this project to empower our communities and create partnerships built on common economic development and quality of life goals and objectives. With your help, we are starting this now.

Again, thank you very much. We support this item and look forward to working with Metro to create sustainable transit oriented communities in this corridor.

Sincerely,

Michael R. Kodama
Executive Director, Eco-Rapid Transit

ATTACHMENT C

West Santa Ana Transit Corridor Study Area Map



ATTACHMENT D

DuBois, Knabe Motion: Amendment to Metro Staff Report for Item 14

Consistent with Third Party Administration Programs in other regions and in recognition that this next phase of alignment development will significantly impact the budget and staff of the project area cities, authorize the Chief Executive Office to allocate $350,000 for "Third Party Administration" of the West Santa Ana Brach Line. Work with the Gateway Cities Council of Governments and the Eco-Rapid Transit Joint Powers Authority to implement a "Third Party Administration" program.

File #: 2016-0231, **File Type:** Program **Agenda Number:** 15

PLANNING AND PROGRAMMING COMMITTEE
APRIL 13, 2016

SUBJECT: CAP-AND-TRADE LOW CARBON TRANSIT OPERATIONS PROGRAM

ACTION: APPROVE REVISED RESOLUTIONS FOR FY2015-16 FUNDING

RECOMMENDATION

CONSIDER:

A. APPROVING the revised Resolution in Attachment A that authorizes the Chief Executive Officer (CEO) or his designee to claim $16,825,598 in fiscal year (FY) 2015-16 **Low Carbon Transit Operations Program (LCTOP) grant funds for one year of Gold Line Foothill Extension Phase 2A operations and one year of Expo Line Phase 2 operations**; and

B. APPROVING the Resolution in Attachment B that certifies that Metro will comply with the LCTOP Certification and Assurances and the Authorized Agent requirements, and authorizes the CEO or his designee to execute all required documents and any amendments with the California Department of Transportation.

ISSUE

At the October 2015 meeting, the Board approved a resolution that authorized Metro to claim its FY15-16 LCTOP funds and identified that the funds would be used toward operations of the Gold Line Foothill Extension Phase 2A and Expo Line Phase 2. The original deadline for this allocation request was November 1, 2015. However, shortly before the submittal date, Caltrans announced that the deadline would be extended to February 1, 2016 and issued new guidelines for FY15-16 LCTOP grant funds in December 2015. After submittal of the grant package, Caltrans informed Staff that the Board resolution approved in October 2015 and included in the package needed to be revised. While the document approved by the Board was generally consistent with the guidelines, it did not use the new format required by the guidelines. Staff is seeking Board approval to submit a revised project resolution and approve the new Certification and Assurances, and authorized agent resolution to be added to the grant package.

DISCUSSION

Board Item #28 at the October 2015 Board meeting approved a resolution that: 1) authorized the

CEO or his designee to claim up to $28 million in FY 2015-16 LCTOP funds; 2) identified the Gold Line Foothill Extension Phase 2A and Expo Line Phase 2 as the projects to be funded with the LCTOP funds; and 3) authorized the CEO or his designee to execute and amend all required LCTOP documents with Caltrans including the Certification and Assurances and Authorized Agent forms. The new guidelines released in December 2015 stipulated that two separate resolutions would be required, one for project identification and the other for the Certification and Assurances, and the Authorized Agent requirements. The resolution approved by the Board in October combined portions of the two new resolutions into one document, but Caltrans has determined it does not meet the new requirements released after the Board action.

In addition, although the LCTOP submittal deadline was November 1, 2015, the final fund amounts were not released until October 30, 2015 by the State Controller's Office. This is the reason the resolution stated that Metro would claim up $28 million to allow flexibility once the final LCTOP amounts were available. The amount included in the resolution was an estimate based on prior information released on LCTOP. Therefore, the proposed revised project resolution reflects the final LCTOP grant amount made available to Metro ($16,825,598) and the fund amounts to be allocated to each identified project.

LCTOP Program Funding

The LCTOP was created by California Senate Bill 862 to provide funding, on a formula basis, for operational or capital expansion projects to reduce greenhouse gas emissions and improve mobility, with a priority on serving disadvantaged communities. The grant funds are derived from California's Cap-and-Trade Program and are the result of quarterly auctions of emission credits for greenhouse gas emitters regulated under Assembly Bill AB32. Auction proceeds, known as the Greenhouse Gas Reduction Fund (Fund), are to be reinvested in various projects that further reduce emissions. In FY 2014-15, $25 million was appropriated to LCTOP, one of 11 such programs, from the Fund. The amount made available for FY 2015-16 is $75 million though it had been anticipated to be $100 million prior to the final fund allocations being released.

Transit agencies receiving funds from the LCTOP shall submit expenditure proposals listing projects that meet all of the following criteria:

- Support new or expanded bus or rail services, or expanded intermodal transit facilities,
- Enhance or expand transit service to increase mode share,
- Reduce greenhouse gas emissions, and
- For agencies whose service areas include disadvantaged communities (DAC), 50 percent of total funds received shall be expended on projects or services that benefit the DAC.

DETERMINATION OF SAFETY IMPACT

The requested actions will have no impact on the safety of our customers or employees.

FINANCIAL IMPACT

Adoption of the LCTOP resolutions and authorization of the CEO to execute the required documents to claim LCTOP funds would positively impact the agency's budget by making $16,825,598 available to support the operation of Metro Rail service.

Impact to Budget

Claiming LCTOP funds will have a positive impact on the FY 2016 budget, as LCTOP funds will be disbursed to Metro by May 1, 2016.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the resolutions in Attachment A and Attachment B. Staff does not recommend this alternative because it would risk loss of Metro's FY15-16 LCTOP fund allocation amount.

NEXT STEPS

- May 1, 2016: Caltrans and ARB review and approve list of projects and submit to State Controller's Office.
- June 1, 2016: State Controller's Office will release approved amount of funds to recipients.

ATTACHMENTS

Attachment A - Resolution to Execute LCTOP Projects
Attachment B - Resolution to Execute LCTOP Certifications and Assurances, and Authorized Agent Forms

Prepared by: Vincent Lorenzo, Transportation Planning Manager, (213) 922-4320
Cosette Stark, DEO, Regional Grants Management, (213) 922-2822

Reviewed by: Calvin E. Hollis, Interim Chief Planning Officer, (213) 922-7319



Phillip A. Washington
Chief Executive Officer

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ATTACHMENT A

Los Angeles County Metropolitan Transportation Authority

Board Resolution

Authorization for the Execution of the Low Carbon Transit Operations Program (LCTOP) Projects:
Metro Gold Line Foothill Extension Phase 2A Operations - $7,007,087
Metro Expo Line Phase 2 Operations - $9,818,511

WHEREAS, the Low Carbon Transit Operations Program (LCTOP) was established by Senate Bill 862, passed by the California Legislature in 2014, to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility with a priority on serving disadvantaged communities; and

WHEREAS, the Los Angeles County Metropolitan Transportation Authority (Metro) is an eligible project sponsor and may receive state funding from the LCTOP now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 862 (2014) named the Department of Transportation (Department) as the administrative agency for the LCTOP; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

WHEREAS, Metro has been allocated **$16,825,598** in FY 2015-16 LCTOP funds that include $9,818,511 in PUC 99313 LCTOP grant funds and $7,007,087 in PUC 99314 LCTOP grant funds; and

WHEREAS, Metro as a recipient agency submitted its FY 2015-16 LCTOP expenditure proposals on February 1, 2016; and

WHEREAS, the Metro projects listed above have been determined by staff to reduce greenhouse gas emissions and improve mobility with a priority on serving disadvantaged communities; and

WHEREAS, Metro wishes to implement the LCTOP projects listed above; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Los Angeles County Metropolitan Transportation Authority that the fund recipient agrees to comply with all conditions and requirements set forth in the applicable statutes, regulations and guidelines for all LCTOP funded transit projects.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Los Angeles County Metropolitan Transportation Authority that it hereby authorizes the submittal of the following project nominations and allocation requests to the Department in FY 2015-16 LCTOP funds:

Project Name: Metro Gold Line Foothill Extension Phase 2A
LCTOP Funds Requested: $7,007,087
Description: 1 year operations of Gold Line Foothill Extension Phase 2A

Project Name: Metro Expo Light Rail Line Phase 2
LCTOP Funds Requested: $9,818,511
Description: 1 year operations of Expo Light Rail Line Phase 2

C E R T I F I C A T I O N

The undersigned, duly qualified and acting as the Secretary of the Los Angeles County Metropolitan Transportation Authority, certifies that the foregoing is a true and correct representation of the Resolution adopted at a legally convened meeting of the Board of Directors of the Los Angeles County Metropolitan Transportation Authority held on Thursday, April 28, 2016.

_____
Michelle Jackson
LACMTA Secretary

Dated:

(SEAL)

ATTACHMENT B

Los Angeles County Metropolitan Transportation Authority

Board Resolution

Authorization for the Execution of the Certifications and Assurances and Authorized Agent Forms for the Low Carbon Transit Operations Program (LCTOP)

WHEREAS, the Los Angeles County Metropolitan Transportation Authority (Metro) is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 862 (2014) named the Department of Transportation (Department) as the administrative agency for the LCTOP; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

WHEREAS, Metro wishes to delegate authorization to execute these documents and any amendments thereto to the Chief Executive Officer (CEO) or his designee; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Los Angeles County Metropolitan Transportation Authority that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances and the Authorized Agent documents and applicable statutes, regulations and guidelines for all LCTOP funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Chief Executive Officer (CEO) or his designee be authorized to execute all required documents of the LCTOP program and any Amendments thereto with the California Department of Transportation.

C E R T I F I C A T I O N

The undersigned, duly qualified and acting as the Secretary of the Los Angeles County Metropolitan Transportation Authority, certifies that the foregoing is a true and correct representation of the Resolution adopted at a legally convened meeting of the Board of Directors of the Los Angeles County Metropolitan Transportation Authority held on Thursday, April 28, 2016.

_____
Michelle Jackson
LACMTA Secretary

Dated:

(SEAL)

Los Angeles County
Metropolitan Transportation Authority

Metro

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

File #: 2016-0252, **File Type:** Policy **Agenda Number:** 16

PLANNING AND PROGRAMMING COMMITTEE
APRIL 13, 2016

SUBJECT: HOLLYWOOD WESTERN BUSINESS IMPROVEMENT DISTRICT

ACTION: AUTHORIZE PARTICIPATION IN THE HOLLYWOOD WESTERN BUSINESS IMPROVEMENT DISTRICT

RECOMMENDATION

CONSIDER:

A. SUPPORTING the establishment of the proposed **Hollywood Western Business Improvement District ("BID") in the City of Los Angeles** and the resulting assessments on properties within the District boundaries owned by Metro; and

B. AUTHORIZING the Chief Executive Officer or his delegate to sign any necessary petition and cast any subsequent ballots in support of the BID and property assessments.

ISSUE

The Metro Board adopted the General Guidelines for Metro Participation in Proposed Assessment Districts ("Guidelines") in June 1998. The Guidelines require staff to analyze each assessment district and/or improvement based on whether they improve Metro property or facility, benefit Metro employees, benefit Metro's passengers, or reduce costs for the agency. Staff is to provide the Board with an analysis, on a case by case basis, that determines whether Metro property benefits from the proposed services or improvements; and whether the benefit to the property exceeds the cost of the assessment. Based on the guidelines, the Board must determine whether or not to participate in the proposed district.

Establishment of the District is a two-step process that includes (1) submission of favorable petitions from property owners representing more than 50% of total assessments to be paid; and (2) return of mail ballots evidencing a majority of ballots cast in favor of the assessment. As a property owner in the proposed District, Metro has received notice of the establishment of the District and has been requested to sign a Petition to establish the District and to ultimately vote to in favor of the assessment.

POLICY IMPLICATIONS

Proposition 218, which was approved in November 1996, requires that all public property previously

exempted from business improvement district assessments be assessed, unless the public agency can demonstrate that the property will receive no benefit.

DISCUSSION

The Hollywood Western BID is a property-based benefit assessment type district being established for a five (5) year term pursuant to the California Street and Highway Code (as amended). The BID is proposed to improve and convey special benefits to assessed properties located within the District area. The District will provide new improvements and activities, including clean/safe, marketing/ communications, and administration of programs designed to meet the goals and mission of the District. The goals of the District are to improve the economic viability of each individual assessed parcel within the District, to increase building occupancy and lease rates, to encourage new business development and attract ancillary businesses and services for parcels within the District.

The Metro has four properties located in the proposed District which comprise the Hollywood/Western Metro Red Line Station. A map showing the BID Boundary is attached as Attachment A.

Pursuant to the existing Guidelines, it is necessary for the Board to authorize Metro's support of the establishment of a new BID and to authorize the signing of any necessary petitions and ballots to participate in the BID. The Guidelines requires staff to analyze each new assessment district services and/or improvements based on whether it (1) improve Metro property or facility; (2) benefits Metro employees; (3) benefit the riding public; or (4) reduce costs for the Metro. The anticipated annual assessment to Metro is expected to be approximately $16,792.01 which represents 2.20% the BID. An evaluation of the benefits that the Hollywood/Western BID will provide to the Metro Property is included in Attachment B.

DETERMINATION OF SAFETY IMPACT

This Board Action will not have an impact on safety standards for Metro operations. However, the BID's safety program should increase safety and crime prevention in the area around Metro owned properties.

FINANCIAL IMPACT

Metro's estimated annual assessment for the Year 2017 under the proposed BID is $16,792.01. The funding to participate in this BID is covered in the FY17 budget in Cost Center 0651, Account No. 50799 (Taxes). Metro has ground leased the majority of the Metro Hollywood Western Red Line Station site to Western/Carlton II, L.P., a McCormack Baron Salazar development entity. Under this ground lease, Western Carlton II operates a mixed use project containing 60 affordable apartments and 9,000 square feet of retail space, which it constructed in 2009, The ground lease obligates Western/Carlton II to pay all real estate taxes, special assessments and other taxes, levies, and impositions attributable to their project and the ground leased premises. Staff will coordinate with Western Carlton II to ensure that they pay their share of any assessment attributable to the mixed use project or the ground leased premises, in accordance with the ground lease.

The BID assessments will be subject to annual increases not to exceed 5% per year. Increases will be determined by the District Owner Association and are projected to vary between 0% and 5% in

any given year. Assuming a 5% increase per year, the total cost to Metro over the 5 year term of the BID is estimated to be in the range of $92,686.00. The funding to participate in this BID will be included in Cost Center 0651, Project No. 306006, Account No. 50799 (Taxes). Funds for subsequent years will be budgeted annually. Funds will be included in the annual budget to cover Western Carlton II's share, in the event the ground lease is terminated.

Impact to Budget

The source of funds for this request will be General Fund Lease Revenues. These funds are eligible for bus or rail operations or capital expenditures.

ALTERNATIVES CONSIDERED

The formation of the BID requires favorable petitions from property owners representing more than 50% of total assessments to be paid and the return of mail ballots evidencing a majority of ballots cast in favor of the assessment. Ballots are weighted by each property owner's assessment as proportionate to the total proposed District assessment amount. The Property owned by Metro represents 2.20% of the total Bid. If Metro does not support the BID by signing the petition and casting a ballot, it is possible that the BID will not be established. It will take more individual private property owners to support the BID, if Metro does not vote to participate in the BID.

Metro has supported the formation of BIDs when the service or improvements provided a direct benefit to Metro property, employees and customers. Under Proposition 218, the assessing agency that proposes an assessment identifies all parcels that will receive a special benefit. The special benefit for each parcel is determined by: (1) the relationship of the capital cost of a public improvement; (2) the maintenance and operation of a public improvement; or (3) the cost of the property related services being provided. No assessment can be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit on that parcel. All publicly owned parcels are required to pay their proportional share of costs based on the special benefits conferred to those individual parcels. Only special benefits are assessable. The BID considers the special benefit to government assessed parcels to be an increase in District customers, an increased likelihood of attracting and retaining employees that follow from having a cleaner and safer area, increased use of the public facilities, increased attraction and retention of employees which directly relates to fulfilling their public service mission. Proposition 18 provides that "parcels within a district that are owned or used by any agency….*shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that the property will receive no benefit."*

NEXT STEPS

If the recommendation is approved, staff will sign the petition and subsequently cast a ballot for the establishment of the BID.

ATTACHMENTS

Attachment A - Arts District Los Angeles Business Improvement District Boundaries
Attachment B - Evaluation of Hollywood Western BID Benefit to Metro
Attachment C - Summary of Metro owned parcels included in the Hollywood Western BID

Prepared By: Velma C. Marshall, Deputy Executive Officer
Real Estate Administration
(213) 922-2415

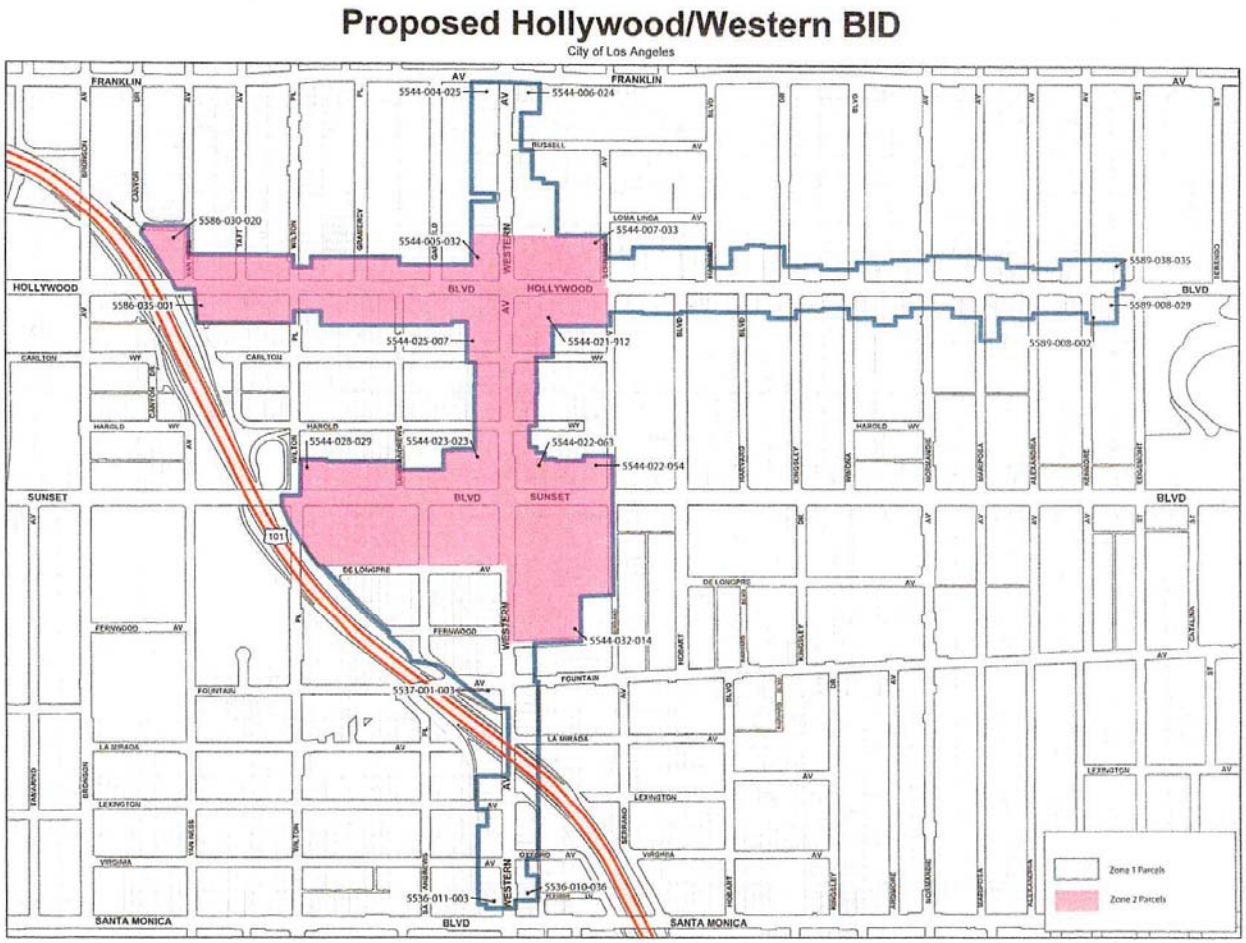
Reviewed by: Calvin E. Hollis, Interim Chief Planning Officer, (213) 922-7319



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

ARTS DISTRICT LOS ANGELES BUSINESS IMPROVEMENT DISTRICT BOUNDARIES



ATTACHMENT B

EVALUATION OF HOLLYWOOD/WESTERN 2017 - 2021 PROPERTY BASED BUSINESS IMPROVEMENT DISTRICT
BENEFITS TO MTA

Program Benefits

The proposed BID includes four (4) parcels owned by MTA. The parcels comprise the Hollywood/Western Metro Red Line Station. The combined land area of the four parcels is 55,576 square feet.

The total proposed District budget for the 2017 year of operation is approximately $772,200.00. Assessments will be subject to annual increases not to exceed 5% each year if implemented. The BID is proposed to improve and convey special benefits to assessed properties located within the District area. The District will provide new improvements and activities, including clean/safe, marketing/communications, and administration of programs designed to meet the goals and mission of the District. The goals of the District are to improve the economic viability of each individual assessed parcel within the District, to increase building occupancy and lease rates, to encourage new business development and attract ancillary businesses and services for parcels within the District.

Through a series of meetings with property owners, the District Steering Committee determined the priority for improvements and activities to be delivered by the business improvement district. The primary needs as determined by the property owners were: clean/safe and communications/marketing. In addition, property owners in Zone 2 determined that they need safety services for their parcels. (MTA parcels are located in Zone 2).

The *Clean and Beautiful Program* will consist of sidewalk sweeping to remove debris and refuse from sidewalks; sidewalk pressure washing; graffiti removal by painting, using solvent and pressure washing; trash collection including collecting stolen shopping carts and large bulky items illegally dumped in the District; landscape maintenance and street tree trimming including weed abatement. The detailed services to be provided by the BID are included in the Hollywood Western Business Improvement District Management District Plan. (Copy of Plan available in departmental files).

The *Safe Team Program* will provide security services for the individual assessed parcels located within Zone 2 of the District in the form of walking and mobile patrols. The purpose of the Safe Team Program is to deter and report illegal activities such as public urination, indecent exposure, trespassing, drinking in public prostitution, illegal panhandling, illegal vending and illegal dumping for individually assessed parcels. The

program will supplement, not replace, other ongoing police, security and patrol efforts within the District.

The *Communication/Marketing Program* will included a Hollywood Western BID Web Site, newsletter, banners/Medallions and image marketing aimed at increasing awareness of the businesses within the district and their individual offerings which attract new customers to the District businesses and provides an increase in commercial activity which directly relates to increases in lease rates and enhanced commerce.

Evaluation of Benefit to MTA

The Guidelines on MTA Participation in Proposed Assessment Districts ("Guidelines") established general guidelines for determining benefits to MTA properties as outlined below. A list of MTA properties included in the proposed BID is attached, with an indication of the assessment to each parcel. The guidelines requires an analysis of each *new* assessment district service and/or improvement based on whether it improves MTA property or facility, benefit MTA employees, benefit the MTA riding public or reduce costs for the MTA.

Following is the analysis of benefits to MTA from the Hollywood/Western District Business Improvement District based on the Guidelines.

TIER 1 – NO BENEFIT

- Subsurface easement – Not Applicable
- Aerial easements – Not Applicable
- Right of Way
    - The transit facility in the Hollywood/Western BID area consists of the Metro Red Line Hollywood/Western Station. MTA has ground leased the majority of the station site to Western/Carlton II, L.P., a McCormack Baron Salazar development entity. Under this ground lease, Western Carlton II operates a mixed use project containing 60 affordable apartments and 9,000 square feet of retail space, and is responsible for maintenance of the ground leased premises and the project. The plaza areas leading to the subway portal and the project are not part of the ground leased premises or the project and are maintained by MTA.

TIER 2 – MINOR OR NO POTENTIAL BENEFIT

- Vacant Land – Not Applicable
- Parking Lots – Not Applicable

TIER 3 – MINOR OR SOME POTENTIAL BENEFIT

- Bus Operating and Maintenance Facility – Not Applicable
- Bus Terminals – Not Applicable
- Customer Service Centers – Not Applicable
- USG Headquarters Building – Not Applicable
- Maintenance Facilities – Not Applicable
- Rail Division – Not Applicable
- Rail Terminus – Not Applicable
- Stations – The Metro Red Line Station is located in the District

TIER 4 – ACTUAL BENEFITS

The Metro Station parcels will receive special benefits from the establishment and services provided by the District. Since MTA's Metro Red Line Station is located in the District, the station property will benefit from programs that work to provide greater pedestrian traffic, an enhanced sense of safety and a positive user experience which increase ridership. The Station area will benefit from the District's Clean and Beautiful program which will create a cleaner and more welcoming environment for customers, patrons, tenants, visitors and employees. The program will improve aesthetic appeal for patrons, visitors and employees of the area by reducing litter and debris which are detractions to commerce and commercial occupancy rates if not contained and properly managed. The safety program is designed to improve security for patrons, visitors and employees of the assessed parcels by reducing crime in the area. All of the programs that will be funded through the BID are designed to improve the conditions of the area and to provide supplemental programs, services and improvements that are not currently provided by the City of Los Angeles.

A large portion of MTA's assessment will be paid by Western/Carlton II, pursuant to their ground lease with MTA. Under the ground lease, Western/Carlton II is obligated to pay all real estate taxes, special assessments and other taxes, levies, and impositions attributable to their project and the ground leased premises. The ground leased premises and the project encumber the bulk of the station site.

ATTACHMENT C

SUMMARY OF MTA PARCELS INCLUDED IN ARTS DISTRICT BID

ASSESSOR NO.	OWNER	ADDRESS	ASSESSMENT AMOUNT	%	BENEFIT
5544-021-901	MTA	1672 N. Western Ave	$12,544.28	1.64%	Tier 3 Tier 4
5544-021-911	MTA	5437 Hollywood Blvd	$1,650.25	.22%	Tier 3
5544-021-912	MTA	5430 Hollywood Blvd	$1,603.34	.21%	Tier 4
5544-021-913	MTA	1674 N. Western Blvd	$994.14	.13%	Tier 3
	TOTAL MTA		**$16,792.01**	**2.20%**	

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

Metro

Board Report

File #: 2016-0279, **File Type:** Informational Report **Agenda Number:** 19

CONSTRUCTION COMMITTEE
APRIL 14, 2016

SUBJECT: OFFICE OF THE INSPECTOR GENERAL REPORT ON CAPITAL PROJECT CONSTRUCTION MANAGEMENT BEST PRACTICES STUDY

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE report on **Capital Project Construction Management Best Practices Study.**

ISSUE

Currently, Metro is simultaneously overseeing an unprecedented number of projects. These include multiple rail lines and other major projects under construction or about to start construction. Many more capital projects are in the planning phase. To ensure that these projects are effectively and efficiently managed, the Office of the Inspector General initiated a study to identify best practices for improving the planning, processes, management, oversight, innovation, and accountability of major construction projects.

DISCUSSION

A. Scope of the Review

The OIG prepared a comprehensive scope of work for a Request for Proposal to obtain an expert consultant team to assist us performed the study on construction management best practices. Intueor Consulting was hired to perform this study which put together a team of construction and engineering experts who have experience in both construction and public transportation.

The objectives of the review were to:

- Determine major capital construction project management best practices.
- Determine how Metro might improve its practices to maximize completion of projects on schedule and within assigned budget.
- Determine how Metro might be more effective, efficient, safe and proactive in managing staff, schedules, costs and relationships.
- Maximize accountability, innovation, and state of the art technology through best practices.

The review covered the following areas:

- Utility relocation
- Project delivery
- Project management and claims management
- Project planning and scope definition
- Staffing
- Change management
- Community involvement
- Partnering
- Procurement
- Oversight

B. Report Summary

The consultant team conducted an extensive data and document review, sent surveys to Metro personnel, interviewed dozens of Metro personnel, conducted several workshop discussion group sessions with Metro personnel, and contacted comparable agencies to determine best practices. The consultant team completed the study and prepared a comprehensive report on construction management best practices. The report was circulated to construction management in late January for comment before issuing it to the Board in February (see Attached Report). The report identified a number of areas for potential advancement such as:

1. Formally adopt the Project Management Institute (PMI) and its Project Management Body of Knowledge (PMBOK) as the organizational standard for project management.
2. Develop an organization-wide Project Management Initiative, including a training and development program.
3. Establish a formal, organization-wide Lessons Learned Program, managed by the Strategic Program Management Office.
4. Establish a strategic, executive level partnering process.
5. Develop and execute a new Master Cooperative Agreement with the City of Los Angeles, and any other cities which Metro intends to construct a major project.
6. Dedicate staffing and resources for the Third Party Coordination Unit to effectively perform its functions.
7. Create an initiative to “Re-engineer the Utility Relocation Process,” developing and incorporating innovative strategies.
8. Establish a Utility Relocation Technology Assessment Team to search, evaluate and implement state of the art technologies for subsurface utility identification.
9. Establish a Utility Relocation Process Improvement Team to develop and implement a streamlined, creative utility relocation process.
10. Consistently apply and proactively enforce the change control process, and adopt best practice models.
11. Develop a strategic plan for the use of consultants within the key departments of this study, incorporating the proposed pilot project mix of 70% Metro staff to 30% Consultant staff ratio.

C. Management Response to Report

The report was circulated to Metro management in late January. Management has only had a brief opportunity to review the report but provided a preliminary response stating: "Overall, the report provides a comprehensive set of recommendations that we plan to use as a catalyst for positive changes in the program management process and approaches in the future." Management is in the process of reviewing and responding to each of the findings and recommendations. The determination of agreement to or implementation of any particular suggestion will be an ongoing assessment.

NEXT STEPS

Metro management should:

- Attend a debriefing session with the consultant team being offered by the Office of the Inspector General to management.
- Assign an individual responsible for championing the Agency review and analysis of the findings and recommendations in the report, and accountable to take appropriate actions.
- Complete the Schedule for Tracking Metro's Proposed Actions in response to the recommendations provided in Appendix B of the Report as it makes determinations about the suggestions.
- Periodically report to the Metro Board during the coming year on the progress of reviewing, analyzing, and making a determination on each recommendation.
- Periodically report to the Metro Board during the coming year on the implementation of any actions Metro determines to take on the recommendations.

ATTACHMENTS

Attachment A - Report on Capital Project Construction Management Best Practices Study

Prepared by: Yvonne Zheng, Audit Manager, (213) 244-7301

Reviewed by: Karen Gorman, Inspector General, (213) 922-2975

ATTACHMENT A

Report on
Capital Project Construction Management
Best Practices Study

Document Available Online at:

http://libraryarchives.metro.net/DB_Attachments/160303_LACMTA_Best_Practices_Study_Report.pdf

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

Metro

Board Report

File #: 2016-0251, **File Type:** Oral Report / Presentation **Agenda Number:** 20.

CONSTRUCTION COMMITTEE
APRIL 14, 2016

RECEIVE **Oral Report by the Program Management Executive Director.**

DISCUSSION

RECEIVE **Oral Report by the Program Management Executive Director.**

ATTACHMENTS

Attachment A - Program Management Executive Director's Report - April 2016

Prepared by:

- **Crenshaw/LAX -** Charles Beauvoir, Deputy Executive Officer, Project Mgmt., (213)299-3095
- **Regional Connector -** Girish Roy, Deputy Executive Officer, Project Mgmt., (213)893-7119
- **Westside Purple Line Ext 1 and 2-** Dennis Mori, EO Project Mgmt., (213)922-7238
- **I-405 -** Nazem Moussa, Deputy Executive Officer, Project Mgmt. (213)922-7221
- **Division 13 -** Timothy Lindholm, EO Project Engr., (213)922-7297
- **Patsaouras Plaza Busway Station -** Timothy Lindholm, EO Project Engr., (213)922-7297
- **MRL - MOL North Hollywood Station -** Timothy Lindholm, EO Project Engr., (213)922-7297
- **Universal Pedestrian Bridge -** Timothy Lindholm, EO Project Engr., (213)922-7297
- **Presentation -** Shannon Hanley, Senior Administrative Analyst, (213)922-1350

Reviewed by: Richard Clarke, Executive Director, Program Management, (213) 922-7557

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Program Management
Executive Director's Report

Project Status Report

Presented By

Richard Clarke

Executive Director,
Program Management

April 2016

Construction Committee
Los Angeles County Metropolitan Transportation Authority

Metro

Project Budget & Schedule Status Summary Chart

Project	Cost Performance	Schedule Performance	Comments
Crenshaw/LAX	OK	◆	The contractor is currently reporting that they are behind schedule. New 96th street station accommodations effort may impact forecast revenue operation date of 2019.
Westside Purple Line Extension-Section 1	OK	OK	
Westside Purple Line Extension-Section 2	OK	OK	
Regional Connector	!	!	LOP budget adjustment of $132 million was approved by Metro Board in December. Project team is working with the DB contractor to develop a detailed recovery schedule to maintain FFGA RSD of May 29, 2021. The interface with city departments are critical to the success of the mitigation measures.
1-405 Sepulveda Pass improvements Project	!	OK	Working through remaining items for Final Acceptance. Preparation for Claim 86 arbitration is ongoing.
Patsaouras Plaza	OK	OK	Budget revision approved by Board in March 2016. Utility relocations are scheduled to start April 2016 and foundation work will start in Summer 2016.
Universal City Pedestrian Bridge	OK	OK	Construction is 88% complete and is scheduled to complete in early April 2016.
MOL to MRL North Hollywood Connector	OK	OK	Construction is 67% complete. There are no significant issues on this project at this time.

OK On target ◆ Possible problem ! Major issue

CRENSHAW/LAX TRANSIT PROJECT

OK **BUDGET**

	Current	Forecast
TOTAL COST* ($ mil)	2,058	2,058

.

◆ **SCHEDULE**

	Current	Forecast
REV. OPERATION	Oct 2019	Oct 2019

- Overall construction progress is 35.9% complete (excludes contractor mobilization costs). Design-builder is behind schedule but discussions continue regarding mitigation efforts.
- Tunneling toward Leimert Park Station to commence in April.
- Continued invert concrete placement at UG#1 in front of LAX runways.
- Continued bridge falsework construction for Crenshaw Project tie-in with operating Green Line
- Southwestern Yard construction to start in May.
- Park Mesa Heights construction to start in early April.
- Need to conclude 96th Street Station cost and schedule negotiation



Crenshaw tie-in with Green line falsework construction



Start of TBM assembly in Expo/Crenshaw Station

WESTSIDE PURPLE LINE – SECTION 1

OK **BUDGET**

	Current	Forecast
TOTAL COST* ($ mil)	**3,149**	**3,149**

* Includes Board approved LOP plus Planning and Finance costs.

OK **SCHEDULE**

	Current	Forecast
REV. OPERATION	**Nov 2023**	**Nov 2023**

The Advanced Utility Relocations (AUR) work involving three contracts is 86% complete overall.

- Two of the three Advanced Utility Relocations Contracts have been completed on schedule.
- The Wilshire/La Cienega Advanced Utility Relocations Contractor continues with the Southern California Edison (SCE) power relocation work and the City of Beverly Hills sanitary sewer, water and storm drain relocations. This is the last AUR contract and is on schedule to be completed in December 2016.

Tunnels, Stations, Trackwork and Systems Design-Build Contract

- Final Design for the Tunnels, three subway stations, trackwork, and systems is 80% complete overall.
- Pile installation at the Wilshire/La Brea Station is well underway for the support of excavation at the launch site for the Tunnel Boring Machines.



C1045 Contractor Installing Pile at Wilshire/La Brea Station

WESTSIDE PURPLE LINE – SECTION 2

OK **BUDGET**

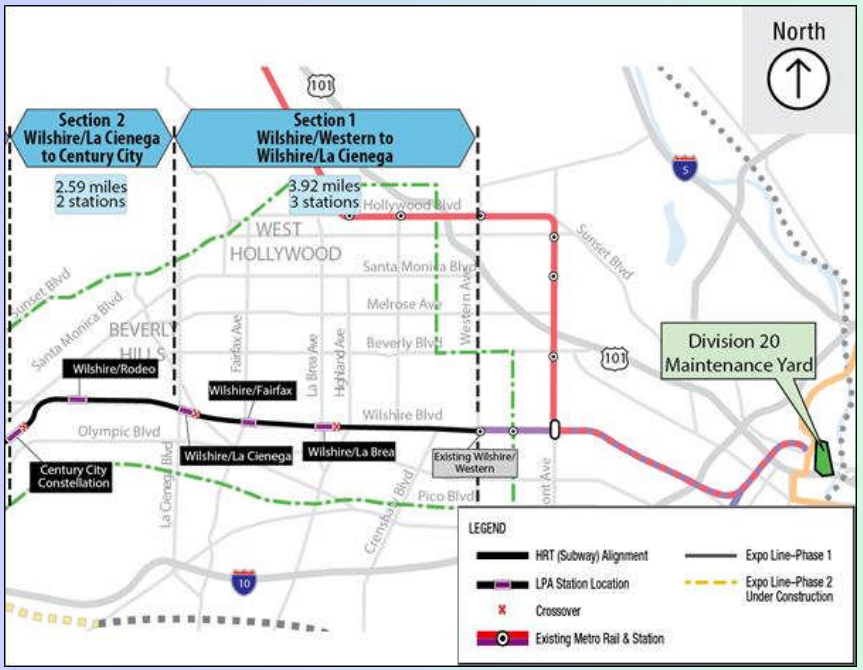
	Current	Forecast
TOTAL COST ($ mil)	**TBD**	**2,467**

Life-of-Project Budget is yet to be adopted

OK **SCHEDULE**

	Current	Forecast
REV. OPERATION	**TBD**	**August 2025**

- Contract C1120 – Design/Build Request for Qualifications/Request for Proposal was released on September 14, 2015.
- The three teams meeting the minimum requirements as a result of the RFQ were announced on December 4, 2015.
- Price proposals are due on May 16, 2016.
- FFGA anticipated approval August 2016.
- Contract award anticipated January 2017.



REGIONAL CONNECTOR TRANSIT CORRIDOR

BUDGET

	Current	Forecast
TOTAL COST ($ mil)	1,599	TBD

* Includes Board approved LOP plus Planning and Finance costs.

SCHEDULE

	Current	Forecast
REV. OPERATION	May 2021	May 2021

* FFGA scheduled completion

- Overall Project Progress is 15.8%, Design Build (DB) Construction is 8.2% and DB Final Design is 89.9% complete.
- 1st/Alameda Shoofly work completed on schedule; revenue service through Little Tokyo Station resumed March 20.
- Piling, utility relocations, and station excavation efforts at 1st/Alameda – 1st/Central continue.
- 2nd/Hope Station decking completed. Grading, piling installation and station excavation underway.
- 2nd/Broadway full closure in effect. Utility relocations and pile trenching underway and on schedule.
- Utility rearrangements along Flower Street continue along with piling operations between 4th and 5th Sts. on eastside of Flower St.
- Obtaining approvals and permits remain critically important to schedule adherence and staff continue to work closely with City staff
- Need to conclude cost/schedule negotiations.



Shoofly installation at 1st Street

I-405 SEPULVEDA PASS IMPROVEMENTS PROJECT

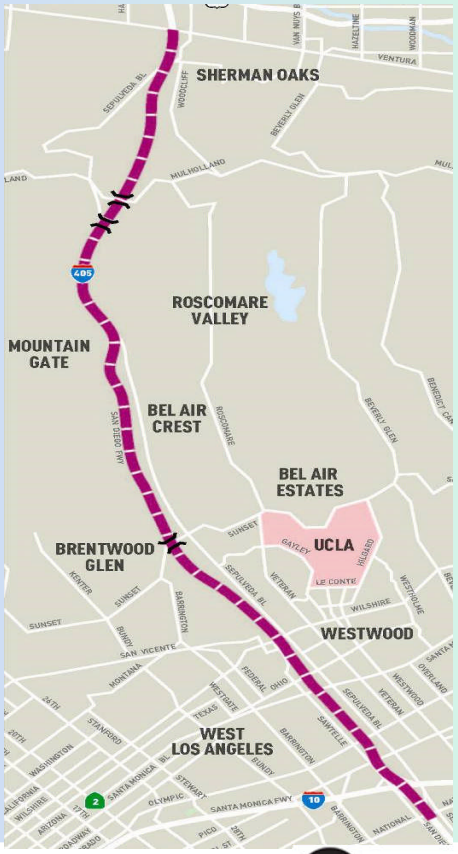
BUDGET

	Current	Forecast
TOTAL COST ($ mil)	1,308	1,308

SCHEDULE

	Current	Forecast
REV. OPERATION	Sept 2015	Sept 2015

- Contractor is working toward Final Completion
- Working through remaining items for Final Acceptance
- Preparation for Claim 86 arbitration is ongoing
- Forecast does not include non-merited Claim 86 or any new claims yet to be brought forward by contractor



PATSAOURAS PLAZA BUSWAY STATION

OK **BUDGET**

	Current	Forecast
TOTAL COST ($ mil)	39.7	39.7

OK **SCHEDULE**

	Current	Forecast
REV. OPERATION	Dec 2017	Dec 2017

- Utility start of construction scheduled for April 2016, foundations in August 2016. Utility relocation must be completed by August 2016 to avoid conflicts with foundation construction.
- Work in progress includes final approval of 100% design package with Caltrans, receipt of Caltrans permits, ROW certifications, utility clearances, resolution of environmental issues with Caltrans, and exemptions to start construction.
- Board approved revised LOP budget in March 2016.
- Project completion scheduled for Winter 2017.



DIVISION 13 BUS O&M FACILITY

OK **BUDGET**

	Current	Forecast
TOTAL COST ($ mil)	120	120

OK **SCHEDULE**

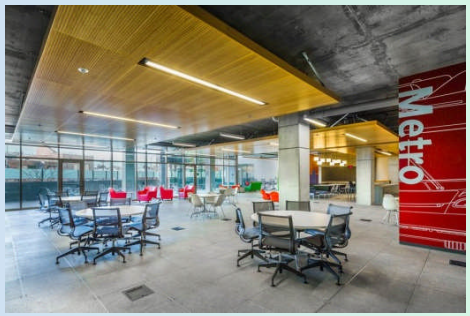
	Current	Forecast
REV. OPERATION	Feb 2016	Feb 2016

- Project is 100% complete and open as of February 1, 2016.
- Current activities include final punch list completion and close out of the contract with McCarthy.
- Project was awarded a Silver Award for Sustainable Project of the Year at the LABJ Commercial Real Estate Awards.









UNIVERSAL PEDESTRIAN BRIDGE

OK **BUDGET**

	Current	Forecast
TOTAL COST ($ mil)	29.6	29.6

OK **SCHEDULE**

	Current	Forecast
REV. OPERATION	April 2016	April 2016

- Construction of the project forecasted to be complete by April 6, 2016 to coincide with opening of Harry Potter attraction.
- LOP budget revision approved by Board in March 2016.
- Remaining items to complete include punch list and close out of the contract with Griffith.







MRL-MOL N. HOLLYWOOD STATION WEST ENTRANCE

OK **BUDGET**

	Current	Forecast
TOTAL COST ($ mil)	23	23

OK **SCHEDULE**

	Current	Forecast
REV. OPERATION	Jul 2016	Jul 2016

- Construction 67% complete
- Targeted completion by June 2016
- Mural Installation started
- Ongoing installation of Elevators, Escalators, Waterproof Membrane, Electrical Conduits, and Fire Protection Piping
- TVM and Fare-gates installation to start





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

Metro

Board Report

File #: 2016-0235, **File Type:** Project **Agenda Number:** 22

CONSTRUCTION COMMITTEE
APRIL 14, 2016

SUBJECT: DIVISION 20 PORTAL WIDENING AND TURNBACK FACILITY

ACTION: APPROVE FUNDING FOR THE DESIGN PHASE

RECOMMENDATION

CONSIDER:

A. ESTABLISHING a total budget of $3.5 million for the **design phase of the Portal Widening and preliminary design of the Turnback Facility at Division 20** to accommodate system capacity need; and

B. AMENDING the FY16 budget to include $0.8M for start of design efforts.

ISSUE

As part of the Full Funding Grant Agreement for the Purple Line Section 1, the Federal Transit Administration (FTA) has required that Metro undertake certain core-capacity infrastructure improvements to the existing Purple and Red Line systems to operateat improved train frequencies (headways).

To achieve the required headway improvements for both the Metro Red and Purple Lines the subway Portal where trains enter and leave the rail storage and maintenance yard at Division 20 must be widened and track must be modified. In addition to the Portal Widening, a Turnback Facility must be constructed to improve turnaround times for subway trains entering and leaving service at Union Station. Staff is requesting Board authorization of $3.5 million to establish a project for this work and to amend the FY 16 budget by $0.8 million to initiate work.

DISCUSSION

The Full Funding Grant Agreement requires that core capacity upgrades to the combined Red/Purple Line system that include improved headway capability be achieved by the time that the Metro Purple Line Section 1 Project is opened for service in 2024. Several factors will influence Metro's ability to

design and construct infrastructure needed to achieve the required headway by 2024:

- Funding for the Environmental work, Real Estate, Design and Construction of the Portal and Turnback must be identified and allocated to the project.
- The Project must be environmentally cleared.
- Real estate requirements to temporarily relocate a business in order to construct the portal widening. A temporary location must be identified and brought to appropriate safety and security standards so that the business can proceed with their daily operations.
- Construction of the Portal Widening and Turnback Facility must be performed while the Red and Purple lines are under operation. Protection of existing track, train control and communication systems will be required during the construction process. Limited work windows may also be required to allow for safe operations.
- A track welding area identified in the Purple Line Section 1 contract must be accommodated to prevent delays to the Purple Line Section 1 contract.

In order to meet all of these requirements, staff recommends use of a design-bid-build delivery method (Attachment A). Staff also recommends a phased approach (Attachment B - Preliminary Schedule) for the design, construction and funding of the project as follows:

Phase 1 - Design of the Portal Widening and Preliminary Design of the Turnback Facility: Secure funding of $3.5M for design of the Portal Widening and preliminary design of the Turnback Facility. Phase 1 will include procurement of a design consultant for 100% design of the Portal Widening and preparation of bid documents for the Portal Widening. Environmental services and construction cost estimate development will also be included as part of the design scope of work. A full Life of Project budget will be established prior to award of a construction contract in phases 2 and 3.

Phase 2 - Construction of the Portal Widening and 100% Design of the Turnback Facility: Secure funding (based on Phase 1 final design) for construction of the Portal Widening, as well as funding for 100% design of the Turnback Facility. Proceed with acquisition of real estate, procurement of a construction management consultant, and construction of the Portal Widening. Complete final design of the Turnback Facility.

Phase 3 - Construction of the Turnback Facility: Secure funding (based on Phase 2 final design) for construction of the Turnback Facility. Procure a consultant for construction management of the Turnback Facility and proceed with bid, award and construction of the Turnback Facility.

DETERMINATION OF SAFETY IMPACT

There are no safety impacts as a result of this authorization.

FINANCIAL IMPACT

Upon approval of the recommendations, a project number and Life of Project Budget will be established to execute the design and procurement efforts. The design services budget will be programmed to the FY16 and FY17 budgets under Cost Center 8510 - Construction Procurement, Account number 50316 - Professional and Technical Services and task number 2.2.01 - Preliminary Engineering and Final Design.

Since this is a multi-year project, the cost center manager, project manager, and the Executive Director, Program Management would be responsible for budgeting project costs in future fiscal years. The project expenditure and funding plan for the Design Phase is included in Attachment C.

Impact to Bus and Rail Operating and Capital Budget

The FY16 budget amendment funding for this action will come from Measure R (MR) Admin 1.5%, Proposition A (PA), Proposition C (PC) and TDA Planning sources. The funding sources are required as a result of this effort related to the FFGA Application associated with the Westside Purple Line Extensions (WSE PLE) project. Staff will continue to pursue resolution of this item as it relates to the FFGA requirements. The MR/PA/PC/TDA Planning funds are eligible for planning and preliminary engineering through design. They are not eligible for bus and rail capital and operating expense. They do not affect other Operations or Capital funding sources. No other funding sources were considered.

ALTERNATIVES CONSIDERED

The Board could defer the design and construction of the Portal Widening and Turnback Facility until completion of Sections 2 or 3 of the Purple Line. This approach is not recommended as it has the potential for increased conflicts between operations and construction as more Red and Purple Line trains are introduced into the tunnel by the more frequent headways.

NEXT STEPS

With Board approval, the budget will be amended and staff will initiate the procurement process and design of the Portal Widening. Upon completion of design, staff will identify the necessary funding for construction of the project and return to the Board with a recommended funding plan and schedule

for construction .

ATTACHMENTS

Attachment A - Analysis of Design-Bid-Build delivery method
Attachment B - Portal Widening and Turnback Facility Preliminary Phased Schedule
Attachment C - Portal Design Cashflow FY16 and FY107

Prepared by:

Rick Meade, Executive Officer (213) 922-7917

Reviewed by:

Richard Clarke, Executive Director, Program Management (213) 922-7557



Phillip A. Washington
Chief Executive Officer

Attachment A

Metro Interoffice Memo

Date	February 9, 2016
To	Richard Clarke
From	Rick Meade
Subject	Portal/Turnback Facility - Analysis of Delivery Method

Rick,

Design-Build and Design-Bid-Build delivery methods were considered for Portal Widening and Turnback Facility.

The advantages of design-build delivery are time savings gained by starting construction before the design is complete and transfer of risk to the contractor. Disadvantage of this delivery method for this project are highlighted by three primary challenges:

1. Phasing and access to the work due to the requirement to build this project while Red and Purple lines are under operation.
2. Real Estate is in conflict with the project boundaries and will need to be acquired on a temporary basis.
3. Access is constrained to the work area due to requirements of the Purple Line Section 1 Contract.

Design-Bid-Build delivery approach addresses these challenges.

1. Construction of the Portal and Turnback will be conducted while the Red Line is operating. Phasing of the construction will be critical to prevent impacts to operations. A completed design will provide greater understanding of phasing and necessary protection of existing facilities for utility conflicts, demolition, excavation and building of infrastructure directly adjacent to working rail lines. A fully designed project will provide a complete picture of physical coordination with Operations through each construction activity.

2. The tunnel portion of the project is located below an existing towing company. In order to construct the Portal Widening, the towing company will have to be relocated temporarily. A design-bid-build approach will allow the design of shoring, excavation and construction of the tunnel structure to more clearly define temporary property, schedule and phasing requirements.

In addition, the towing company must be moved temporarily to another property as a temporary facility. A Design-Bid-Build approach will allow time during the design phase for Metro to secure another facility.

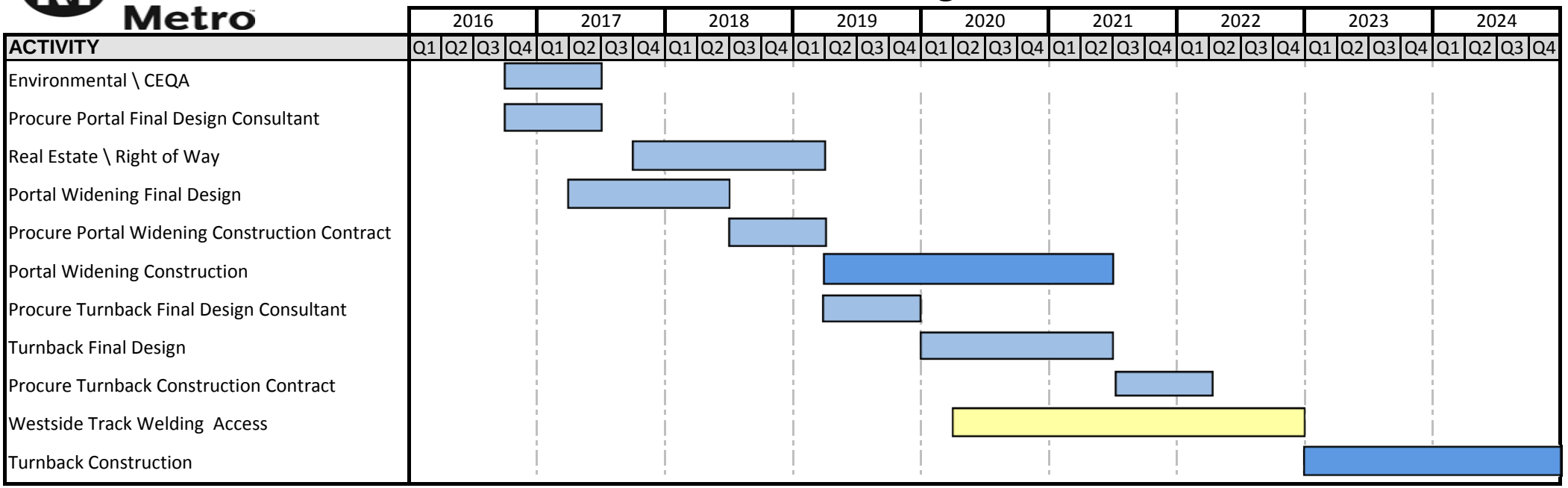
3. Purple Line Section 1 has committed to providing a laydown and rail welding area in a location that conflicts with construction of the Turnback Facility. This commitment adds time to the Portal/Turnback schedule that negates any time gained by a Design-Build strategy and provides very adequate time to develop a complete design for the project.

Staff recommends a Design-Bid-Build delivery approach.

Attachment B

Metro

Portal Widening & Turnback Facilities



Schedule calendar is fiscal year based

Preliminary Draft - schedule subject to change

March/16/2016

Attachment C

Division 20 Portal Widening and Preliminary Engineering for Turnback **Cash Flow FY16 and FY17**

Item							FY 16	FY 17
	SCC	Task Number	Cost Center	Account Number	Element of Work	Division 20 Portal Widening		
1	80	2.2.01	8510	50316	Design & PE (Portal)	$ 2,500,000	$ 500,000	$ 2,000,000
2	80	3.1.01	8510	Various	Metro Staff Labor (Ops, Wayside, IT, Engr, Comm)	$ 1,000,000	$ 300,000	$ 700,000
					FY Totals	**$3,500,000**	**$ 800,000**	**$ 2,700,000**

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

File #: 2016-0144, **File Type:** Informational Report **Agenda Number:** 24

SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE
APRIL 14, 2016

SUBJECT: FINDINGS OF THE FEBRUARY 2016 PUBLIC HEARINGS

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE status report on the **February 2016 Public Hearings.**

ISSUE

Federal guidelines and MTA policy require that a public hearing be held when major service changes to the bus system are considered. Accordingly, the affected Service Councils conducted a series of public hearings in February 2016, along with a Saturday hearing conducted at the Gateway Headquarters. The purpose of the hearings was to solicit public input, written comments and verbal testimony regarding proposed service changes to 24 bus lines that operate throughout the Metro region. These changes are slated for implementation on June 28, 2016 or later.

A review of public input, an analysis of impacts and staff's service change recommendations, as approved by the Service Councils, are outlined in this report. The Service Councils were requested to consider the possible impacts from these proposals before approval.

DISCUSSION

In compliance with federal public hearing requirements and MTA's administrative code, each Service Council is required to conduct a public hearing and consider public testimony before approving significant modifications to the bus system. As part of this process, each Service Council, respectively, is also required to consider potential impacts these changes may have on the community.

Each year Metro service development staff reviews bus routes to identify opportunities to improve productivity, safety, cost effectiveness, capacity utilization, and service quality. During this round of public hearings, route modifications were proposed to:

- Introduce a new line in East Los Angeles to improve access to USC/LAC General Hospital;
- Modify lines to serve the new Expo Line Sepulveda Station;

- Join lines together which have common terminals; allows for improvements in service frequency and eliminates the need to transfer;
- Reduce duplication with Metro Rail and BRT lines; and
- Discontinue service on lines which may be operated by a municipal operator, allowing for some service hours to be reinvested into other Metro lines.

The official notice of public hearing was finalized after the December 2015 service council meetings and was published in local newspapers beginning January 2016. Due to the systemwide nature of the proposals, public hearings were conducted in February at all five service council meetings, as well as one Saturday meeting held at the Metro Gateway headquarters building.

The published Notice of Public Hearing **(Attachment A)** gives the time, date, and location of each public hearing. Additional notices were subsequently published in other local, regional, and foreign language newspapers system-wide, where appropriate. Approximately 81,000 marketing take-ones were distributed on buses, trains, and at customer service outlets informing riders of the proposals under consideration. The Notice of Public Hearing was also posted on Metro's main website, along with a link to maps showing the proposed changes. Patrons could also send responses to Metro via email at servicechanges@metro.net, fax, or mail.

In addition to the public hearings, staff presented the proposed changes to the February meetings of the Metro Citizen's Advisory Committee, General Managers, and Quarterly Transit Providers.

At the public hearings, staff asked attendees to indicate how they heard of the hearings. Of the 180 who signed in at the six meetings, the following data was collected:

Outreach Method	Number of Patrons
Brochure	52
Friend	28
Metro Website	20
Email	17
Facebook	8
The Source Blog	7
Twitter	2

Summary of Public Comment

A total of 180 individuals attended the six public hearings; 118 of those individuals provided verbal testimony; 291 written testimonies were received via letters, facsimiles and emails by Friday, February 12, 2016, the close of the public record.

Of the total testimony received systemwide via all methods, approximately 19% (54 comments) supported the proposals. Nearly 57% (165 comments) opposed, and another 11% (33 comments)

suggested modifications to the service change proposals. Roughly 13% (39) of the comments received were unrelated to the Public Hearing's proposed changes. In addition two petitions were received and are noted separately; Line 190/194 received a petition with 200 signatures and one for Line 460 with 152 signatures, all against the proposals.

The majority of the "opposed" comments received via email and testimony are related to the cancellation of Lines 190/194, 270, and 460. The following summarizes the most popular comments with a response from staff:

Lines 190/194

1) If the service is cancelled, there will be no way to travel to jobs, school, doctors, etc. *Metro will only cancel the service if another provider will begin operating the service the very next day.*
2) Metro operates later service than the municipal operators and will leave patrons stranded. *As stated in the Board approved Transit Service Policy, a new transit provider will be required to operate the same level of service, span of service, and days of operation for the first year of operation.*
3) TAP Cards are not interchangeable between operators. *TAP Cards with "stored value" and with the EZ designation (for local line travel) allows for transfers between all LA County operators with no additional fee charged at the farebox.*
4) Metro Bus Operators will lose their jobs. *No Metro employee will lose their job, however, some with lower seniority may, per their union contract, be assigned to a different division. However, at least 50% of the net savings from Lines 190/194 will be reinvested into San Gabriel Valley existing lines with higher demand. These proposals are:*

   Line 268 - Extend service into Sierra Madre Station
   Line 770 -Improve weekday service - 10" peak/15" base headway
   Line 760 - Extend to Artesia Blue Line Station; improve weekday service to 10" peak/15" base headway
   Line 762 - Improve headway to 15" peak/30" base headway

Line 270

1) Don't cancel the line. *Metro will only cancel the service if another provider will begin operating the service the very next day.*
2) If another operator takes over the service, ensure the transition is smooth and organized. *Students would find the same schedule and span of service should the line be transitioned to another Operator. Staff would ensure the "Go Rio" TAP program would remain in place.*
3) Do not cut the line in half. *Establishing El Monte Station as the transfer point would have minimal impact as there are relatively few through riding passengers. Staff reviewed the ridership which will be discussed further in this report.*

Line 460

1) If the service is cancelled, there will be no way to travel to jobs, school, doctors, etc. *It is proposed to only cancel the portion of the line from Downtown LA to the Norwalk Green Line*

Station. Service is provided by Metro Blue Line, Silver Line and Green Line.

2) Due to transfers between the remaining Line 460 and the proposed alternatives, it will cost more money. *Actually, it could cost less money. If a patron starts on Line 460 from Disneyland to Downtown LA, the cost is $2.50. But, if a patron takes Line 460, transfers to the Green Line to the Metro Blue Line, the cost is only $1.75 if using a TAP Card. Transfers are free for unlimited transfers up to two hours of travel.*
3) The Green Line span of service does not operate as late as Line 460. *Should the line be discontinued, late night trips would still be provided by Line 460 to Downtown Los Angeles.*

Recommendations

The following summarizes by Public Hearing proposal staff's recommendation, as approved by the Service Councils:

Line 16/316 - Downtown Los Angeles - Century City via 3rd St
Proposal - Combine with Line 220 at Cedar Sinai Hospital, providing one continuous line via new branch Line 17.
Service Council Action - Approved as proposed.

Line 51/52/351/352 - Wilshire Ctr - Downtown LA - Compton- Harbor Gateway TC via Avalon
Proposal - Discontinue Limited Stop Line 352 and replace with new Limited Stop Line 351. All existing limited stops on Line 352 will be served by the new Line 351. Line 51 operates more frequently than Line 52; therefore a new Line 351 will benefit more riders with a faster service.
Service Council - Approved as proposed.

Line 68 - Downtown LA - Montebello via Chavez - E. 1st St
Proposal - Replace the 1st St route segment from Indiana Station to East LA College with new Line 106. This new line will also operate to County USC Hospital and replace a large portion of Line 620.
Service Council Action - Approved as proposed.

Line 111/311 - LAX City Bus Center - Norwalk Sta via Florence Av
Proposal - Discontinue Line 311 limited stop service and operate as local service. Service for all patrons would be improved from every 20 minutes to every 10 minutes in the peak periods. Converting limited stop trips into local trips will double the service for patrons at over 20 stops not served by the limited stop service.
Service Council Action - Approved as proposed.

Line 156 - Panorama City to Hollywood via Highland Av, Vineland Av & Van Nuys Bl
Proposal - Combine with Line 236, Route 237 on Van Nuys Bl at the Orange Line, providing a new continuous line from Hollywood to Granada Hills.
Service Council Action - Approved as proposed.

Line 175 - Silverlake - Hollywood via Hyperion Av - Sunset Bl
Proposal - Remove two underutilized mid-day trips.
Service Council Action - Approved as proposed.

Line 190/194 - El Monte Sta. - Cal Poly Pomona via Ramona Bl & Valley Bl
Proposal - Discontinue service, possibly to be operated by another provider.
Service Council Action - Approved as proposed. Foothill Transit has agreed to operate the same level of service for the next two years, add an additional late night trip on Line 190 and honor all Metro fare media on this line for at least one year on Lines 190/194 and 270.

Line 220 - Beverly Ctr - Culver City Sta via Robertson Bl
Proposal - Replace Line 220 with a branch route of Line 16 at Cedar Sinai Hospital; new branch Line 17 would operate from downtown LA to Culver City Expo Station.
Service Council Action - Approved as proposed.

Line 234 - Sylmar - Westwood via Sepulveda Bl
Proposal - Late night, early morning, Saturday and Sunday extension from Westwood to Sepulveda Expo Line Station, when opened.
Service Council Action - Approved as proposed.

Line 258 - Alhambra - Paramount via Fremont Av & Eastern Av
Proposal - Join line with Line 485 at Cal State LA, providing a continuous line from Paramount to Pasadena. For the first time, residents in Paramount and along Line 258 will have access to Cal State LA.
Service Council Action - Approved as proposed.

Line 270 - Monrovia - Norwalk Sta via Workman Mill - Peck Rds
Proposal - Discontinue service, possibly to be operated by another provider.
Service Council Action - The Gateway Cities Service Council voted to transition the northern portion of the line which operates from El Monte Station to Monrovia to Foothill Transit. They also voted to not transition the southern portion of the line to Norwalk Transit but have it be retained by Metro (contact operator). The staff proposal would have allowed the predominant transit provider in this region to incorporate this portion of Line270 into their system, possibly adjusting other lines to achieve efficiencies while retaining the Line 270 service with lower fares. Metro would have then reallocated at least half of the net savings in buses and service hours to other lines within the Gateway Cities service area such as Line 266 on Lakewood and Rosemead Bl. and Line 130 on Artesia Bl. This would have expanded transit service within the region.

Line 460 - Downtown LA - Disneyland via Harbor Transitway - I-105 Fwy
Proposal - Discontinue route segment from Downtown LA to Norwalk Green Line Station (replacement service provided by Metro Silver Line, Silver Express, Blue Line, and Green Line).
Service Council Action -Staff recommended maintaining the original proposal to only operate service from Norwalk to Disneyland; however the Gateway Cities Service Council voted to maintain the line as operated today from Downtown Los Angeles to Disneyland.

Line 485 - Downtown LA - Altadena via Fremont - Lake Avs
Proposal - Discontinue service from Downtown LA to Cal State LA. Service north of Cal State LA will be operated to Altadena by an extension of Line 258.
Service Council Action - Approved as proposed. Of the total boardings on Line 485, only approximately 7 ride per bus trip travel from Alhambra to Union Station Those continuing to Union

Station may board frequent Silver Line service (5 minutes in the peaks and 15 minutes in the base periods).

Line 501 - NoHo - Pasadena Express
Proposal - New express service between Metro North Hollywood Red/Orange Line Stations to Metro Del Mar Gold Line Station.
Service Council Action - Approved as proposed.

Line 577 - El Monte Sta - Long Beach VA Medical Center via I-605 Fwy
Proposal - Add three stops between El Monte Station and Rio Hondo College. Exclude Line 577 from the express premium fare policy (requires Board of Directors approval).
Recommendation - Due to the recent passage of Motion 63 (study of an express bus from various Long Beach locations to the Metro Gold Line extension), staff recommends not implementing these proposals until the study is completed and brought back to the Board.

Line 620 - Boyle Heights Shuttle
Proposal - Discontinue service on Cesar E. Chavez, Forest Av, Wabash Av, Evergreen Av, Mott St, and 1st St. Replacement service is provided by the current routes of Lines 30, 68, 71, and 770. The remaining service will operate from the USC Medical Center, State St, 1st St, Boyle Av, Whittier Bl, Soto St, 4th St, Indiana St, then continuing out 1st St along the route of Line 68 to East LA College (see Line 68 above). The new service will be renumbered to Line 106 operating in both directions. Hours and days of operation will remain unchanged.
Service Council Action - Approved as proposed.

Line 704 - Downtown Santa Monica via Santa Monica Bl
Proposal - Make permanent experimental improvement of weekday mid-day service from every 20 minutes to every 15 minutes.
Service Council Action - Approved as proposed.

Line 734 - Sylmar Sta - Westwood via Sepulveda Bl
Proposal - Extend service from Westwood to Sepulveda Expo Line Station, when opened.
Service Council Action - Approved as proposed.

Line 788 - Metro Valley - Westwood Express
Proposal - Extend service from Westwood to Sepulveda Expo Line Station, when opened.
Service Council Action - Approved as proposed.

FINANCIAL IMPACT

The Board of Directors consideration of the of the service changes presented in this report is included in the FY17 adopted budget. The implementation of these changes would have no negative impact to the agency.

Impact to Budget

With the cancelation of Lines 190/194, and the northern portion of Line 270, and Foothill Transit

assuming those services, Metro will achieve a net saving. At least 50% of the net savings will be reinvested in Metro services (Lines 266, 268, 760, 762, and 770).

Based on the decision of the Gateway Cities Service Council, Metro will retain the southern portion of Line 270, which is contract operated.

The remaining lines and proposed changes listed in this report remain cost neutral.

ALTERNATIVES CONSIDERED

No alternatives are presented, as any adjustments made to the original service plans were considered and approved at the Service Council level.

NEXT STEPS

The proposals considered for public hearing and final recommendations as approved by the Service Council's will be implemented with the June 26, 2016 service changes.

ATTACHMENTS

Attachment A - Notice of Public Hearing

Prepared by: Scott Page, Director of Service Performance and Analysis, (213) 922-1228
Jon Hillmer, Executive Director, Service Development, Scheduling and Analysis, (213) 922-6972
Christopher Reyes, Transportation Planning Manager, (213) 922-4808

Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 922-4424



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

NOTICE OF PUBLIC HEARING

Los Angeles County Metropolitan Transportation Authority

The Los Angeles County Metropolitan Transportation Authority will hold public hearings in February 2016 to receive community input on proposed modifications to Metro's bus service. Approved changes will become effective June 2016 or later. Details of the hearing dates, times, and locations are listed at the end of this notice.

The upcoming public hearings are being held in conformance with federal public hearing requirements outlined in Section 5307 (d) 1 of Title 49 U.S.C., and public hearing guidelines outlined in Section 2-50-025 of Metro's Administrative Code, as amended.

Listed below are the service proposals to be considered at the hearings, and the respective Service Councils that will host the public hearings. In general, the proposed modifications will improve the efficiency and effectiveness of the public transportation system through a better use of resources. The public can attend any of these hearings and comment on proposals of interest to them.

LINE	LINE NAME	PROPOSED SERVICE CHANGE	San Fernando Valley	San Gabriel Valley	Gateway Cities	South Bay	Westside Central
16/316	Downtown Los Angeles - Century City via 3rd St	Combine with Line 220 at Cedar Sinai Hospital, providing one continuous line via new branch Line 17.					**X**
51/52/ 351/ 352	Wilshire Ctr – Downtown LA – Compton- Harbor Gateway TC via Avalon	Discontinue Limited Stop Line 352 and replace with new Limited Stop Line 351. All existing limited stops on Line 352 will be served by the new Line 351. Line 51 operates more frequently than Line 52; therefore a new Line 351 will benefit more riders with a faster service.			**X**	**X**	**X**
68	Downtown LA – Montebello via Chavez – E. 1st St	Replace the 1st St route segment from Indiana Station to East LA College with new Line 106. This new line will also operate to County USC Hospital and replace a large portion of Line 620. (See Line 620 below).		**X**			**X**
106	County USC Hospital – Indiana Sta – East LA College	Proposed new Line 106 will operate as a replacement to a portion of Line 68 on E 1st St and a large portion of Line 620.		**X**			**X**
111 /311	LAX City Bus Center – Norwalk Sta via Florence Av	Discontinue Line 311 limited stop service and operate as local service.			**X**	**X**	

ATTACHMENT A

LINE	LINE NAME	PROPOSED SERVICE CHANGE	San Fernando Valley	San Gabriel Valley	Gateway Cities	South Bay	Westside Central
156	Panorama City to Hollywood via Highland Av, Vineland Av & Van Nuys Bl	Combine with Line 236, Route 237 on Van Nuys Bl at the Orange Line, providing a new continuous line from Hollywood to Granada Hills. (See Line 236/237 below)	**X**				**X**
175	Silverlake – Hollywood via Hyperion Av – Sunset Bl	Remove two underutilized mid-day trips.					**X**
190/ 194	El Monte Sta - Cal Poly Pomona via Ramona Bl & Valley Bl	Discontinue service, possibly to be operated by another provider.		**X**			
220	Beverly Ctr – Culver City Sta via Robertson Bl	Replace Line 220 with a branch route of Line 16 at Cedar Sinai Hospital; new branch Line 17 would operate from downtown LA to Culver City Expo Station.					**X**
234	Sylmar – Westwood via Sepulveda Bl	Late night, early morning, Saturday and Sunday extension from Westwood to Sepulveda Expo Line Station, when opened.	**X**				**X**
236/ 237	Sylmar Sta – Encino via Glenoaks Bl, Balboa Bl Encino – Granada Hills – Sherman Oaks via Balboa Bl, Woodley Av, Victory Bl, Van Nuys Bl	Combine Route 237 with Line 156 on Van Nuys Bl at the Orange Line, providing a new continuous line from Hollywood to Granada Hills.	**X**				
258	Alhambra - Paramount via Fremont Av & Eastern Av	Join line with Line 485 at Cal State LA, providing a continuous line from Paramount to Pasadena.		**X**	**X**		
270	Monrovia – Norwalk Sta via Workman Mill – Peck Rds	Discontinue service, possibly to be operated by another provider.		**X**	**X**		
460	Downtown LA – Disneyland via Harbor Transitway – I-105 Fwy	Discontinue route segment from Downtown LA to Norwalk Green Line Station (replacement service provided by Metro Silver Line, Silver Express, Blue Line, and Green Line).			**X**		**X**
485	Downtown LA – Altadena via Fremont – Lake Avs	Discontinue service from Downtown LA to Cal State LA. Service north of Cal State LA will be operated to Altadena by an extension of Line 258.		**X**			**X**
501	NoHo – Pasadena Express	New express service between Metro North Hollywood Red/Orange Line Stations to Metro Del Mar Gold Line Station.	**X**	**X**			

ATTACHMENT A

LINE	LINE NAME	PROPOSED SERVICE CHANGE	San Fernando Valley	San Gabriel Valley	Gateway Cities	South Bay	Westside Central
577	El Monte Sta – Long Beach VA Medical Center via I-605 Fwy	Add three stops between El Monte Station and Rio Hondo College. Exclude Line 577 from the express premium fare policy (requires Board of Directors approval).		**X**	**X**		
620	Boyle Heights Shuttle	Discontinue service on Cesar E. Chavez, Forest Av, Wabash Av, Evergreen Av, Mott St, and 1st St. Replacement service is provided by the current routes of Lines 30, 68, 71, and 770. The remaining service will operate from the USC Medical Center, State St, 1st St, Boyle Av, Whittier Bl, Soto St, 4th St, Indiana St, then continuing out 1st St along the route of Line 68 to East LA College (see Line 68 above). The new service will be renumbered to Line 106 operating in both directions. Hours and days of operation will remain unchanged.		**X**			**X**
704	Downtown Santa Monica via Santa Monica Bl	Make permanent experimental improvement of weekday mid-day service from every 20 minutes to every 15 minutes.					**X**
734	Sylmar Sta – Westwood via Sepulveda Bl	Extend service from Westwood to Sepulveda Expo Line Station, when opened.	**X**				**X**
788	Metro Valley – Westwood Express	Extend service from Westwood to Sepulveda Expo Line Station, when opened.	**X**				**X**

ATTACHMENT A

PUBLIC HEARING SCHEDULE

SAN FERNANDO VALLEY
Wednesday, February 3, 2016
6:30PM
Marvin Braude Constituent Center
6262 Van Nuys Blvd.
Van Nuys, CA 91401

SOUTH BAY
Thursday, February 4, 2016
6:00PM
Carson Community Center
Adult Lounge
801 E. Carson
Carson, CA 90745

REGIONAL LOCATION
Saturday, February 6, 2016
10:00AM
Metro Boardroom
1 Gateway Plaza, 3rd Floor
Los Angeles, CA 90012

SAN GABRIEL VALLEY
Monday, February 8, 2016
6:00pm
Metro El Monte Division 9 Building
3449 Santa Anita Ave.
3rd Floor Service Council
Conference Room
El Monte, CA 91731

WESTSIDE/CENTRAL
Wednesday, February 10, 2016
6:00PM
Metro Headquarters Building
1 Gateway Plaza
Union Station Conference Room
Los Angeles, CA 90012

GATEWAY CITIES
Thursday, February 11, 2016
6:00 p.m.
Norwalk Arts & Sport Complex
Sproul Reception Center
12239 Sproul St.
Norwalk, CA 90650

The public hearings will commence at the listed times and will close after all oral testimony has been received by those members of the public present in accordance with hearing guidelines.

Note: These proposals may be approved in whole or in part at a date following the public hearings. Approved changes may also include other alternatives derived from public comment. Interested members of the public are encouraged to attend the upcoming hearings and provide testimony on any service proposal under consideration (public comment will not be restricted to only bus routes operating in one geographical area). All public comment received will be forwarded to the responsible Service Council, and considered prior to taking action on the service proposals. Persons unable to attend the hearings may submit written testimony postmarked through midnight Saturday, February 13, 2016, the close of the public record.

Comments sent via U.S Mail should be addressed to: **Metro Customer Relations**
Attn: June 2016 Service Changes
1 Gateway Plaza, 99-PL-4
Los Angeles, CA 90012-2932

Comments via e-mail should be addressed to: servicechanges@metro.net
Attn: "June 2016 Service Changes"

Facsimiles should be addressed as above and sent to: 213-922-6988.

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.

LIMITED ENGLISH PROFICIENCY: Upon request, interpreters are available to the public for MTA sponsored meetings and events. Agendas and minutes will also be made available in other languages upon request.

All requests for reasonable accommodations, interpretation services and materials in other languages must be made at least three working days (72 hours) in advance of the scheduled meeting date. Please submit requests by calling (213) 922-4600 between 8 a.m. and 5 p.m., Monday through Friday. Our TDD line is (800) 252-9040. Individuals with hearing or speech impairment may use California Relay Service 711 + Metro phone number.

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

Board Report

File #: 2016-0368, **File Type:** Federal Legislation / State Legislation (Position) **Agenda Number:** 36.1

REGULAR BOARD MEETING
APRIL 28, 2016

SUBJECT: STATE LEGISLATION

ACTION: ADOPT STAFF RECCOMENDED POSITION

RECOMMENDATION

ADOPT staff recommended position:

SB 1362 (Mendoza) - Metro Transit Security ~~**WORK WITH AUTHOR**~~ **SUPPORT**

ATTACHMENTS

Attachment A - SB 1362 (Mendoza) Revised Legislative Analysis

Prepared by: Michael Turner, Deputy Executive Officer, Government Relations, (213) 922-2122
Desarae Jones, Administrator, Government Relations, (213) 922-2230

Reviewed by: Pauletta Tonilas, Chief Communications Officer, (213) 922-3777



Phillip A. Washington
Chief Executive Officer

REVISED ATTACHMENT A

BILL: **SB 1362**

AUTHOR: **SENATOR TONY MENDOZA (D-ARTESIA)**

SUBJECT: **METRO TRANSIT SECURITY GUARDS**

STATUS: ~~**PENDING COMMITTEE REFERRAL**~~ **SENATE PUBLIC SAFETY COMMITTEE HEARING SCHEDULED: APRIL 19, 2016**

ACTION: ~~**WORK WITH AUTHOR**~~ **SUPPORT**

RECOMMENDATION

Staff recommends that the Board adopt a ~~WORK WITH AUTHOR~~ SUPPORT position on SB 1362 (Mendoza).

ISSUE

Senator Tony Mendoza has recently amended SB 1362, a bill that would grant specific authorities to Metro Transit Security Guards.

SB 1362 would authorize Metro Transit Security Guards to:

- Detain individuals on properties owned, controlled, operated and administered by Metro, when exigent circumstances exist
- Carry a wooden club or baton
- Carry a shotgun in a patrol vehicle or armored vehicle owned by Metro during revenue protection duties
- Carry a large capacity magazine

The bill, as amended reserves the authority for the Board of Directors to determine whether the authority to detain individuals will be granted to the Metro Transit Security Guards.

DISCUSSION

In the Board adopted 2016 State Legislative Program, the Board directed staff to sponsor legislation that would clarify certain issues with respect to the roles and responsibilities of the Metro Transit Security Guards. Senator Tony Mendoza introduced SB 1362 on behalf of the Metro Transit Security Guards, which as originally drafted did not align with agency goals.

As originally introduced, the bill would have established an expanded authority for Metro Transit Security Guards that are more closely aligned with the powers and responsibilities of police or peace officers under California law. The bill also did not require that a Memorandum of Understanding (MOU) between the Metro Transit Security Guards and the respective law enforcement agency.

To address agency concerns, Metro staff and the bill sponsor worked to amend the language of the bill, and the suggested amendments were submitted for inclusion in the amended bill. The proposed amendments that are included in the amended measure address the concerns related to training provisions, clarification of the authority to arrest or detain individuals, and other non-substantive changes as needed. The amendments to SB 1362 related to the authority to detain only if exigent circumstances exist and further defines that "exigent circumstances exist only when the security officer has probable cause to believe that a person is at risk of serious bodily injury or death or a person has been assaulted and the suspect is attempting to flee." Other provisions related to training and liability will be addressed through updated internal policies and procedures.

Staff also stressed the agency's concern that the granting of the authority to detain individuals should also be contingent upon approval by the Metro Board of Directors. The Board of Directors ~~who~~ should retain the authority to approve the roles and responsibilities that ~~would~~ are to be granted to the Metro Transit Security Guards under this arrangement.

~~Staff finds the bill as amended to be more closely aligned with the agency's goal of clarifying the role of Metro Transit Security Guards. In general, the provisions of the bill relating to higher capacity magazines, carrying weapons (shotguns) in transit patrol vehicles and batons is acceptable to staff and remains in the bill.~~

In general, the provisions of the bill relating to higher capacity magazines, carrying batons while on duty and weapons (shotguns) in transit patrol vehicles during revenue protection duties is acceptable to staff and remains in the bill. Staff finds the bill as amended to be more closely aligned with the agency's goal of clarifying the role of Metro Transit Security Guards.

In light of the recent amendments, staff is recommending that the Board of Directors adopt a ~~WORK WITH AUTHOR~~ SUPPORT position on SB 1362 (Mendoza).

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill. There are still a number of unknown future costs associated with additional training, employment benefits and liability that could have a potential significant fiscal impact under the provisions outlined in the bill and actions associated with implementation.

ALTERNATIVES CONSIDERED

Metro could consider adopting an OPPOSE position on this legislation, however, this would be inconsistent with our agency's effort to clarify the role of Metro Transit Security Guards pursuant to the Board-approved 2016 State Legislative program. A WORK WITH AUTHOR position would ~~gives~~ give staff the ability to seek amendments to the proposed legislation in order to best align with Board direction and agency goals.

NEXT STEPS

Should the Board decide to adopt a ~~WORK WITH AUTHOR~~ SUPPORT position on SB 1362, staff will communicate the Board's position to the author and ~~work to amend~~ continue to monitor the legislation to address agency concerns. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.

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

Metro

Board Report

File #: 2016-0371, **File Type:** Federal Legislation / State Legislation (Position) **Agenda Number:** 40.

REGULAR BOARD MEETING
APRIL 28, 2016

SUBJECT: STATE LEGISLATION

ACTION: ADOPT STAFF RECOMMENDED POSITION ON AMENDED LEGISLATION

RECOMMENDATION

ADOPT staff recommended position:

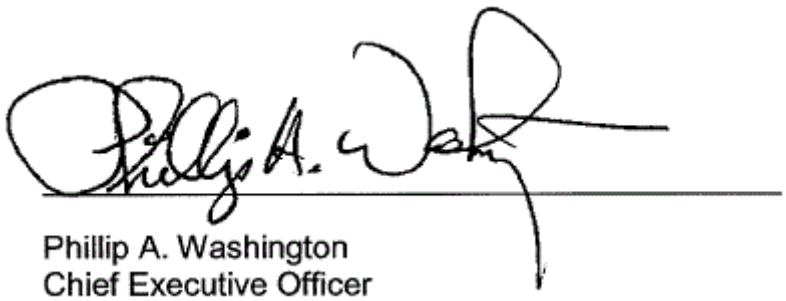
SB 1018 (Liu) - State Route 710 North Study: Cost Benefit Analysis **OPPOSE**

ATTACHMENTS

Attachment A - SB 1018 (Liu) Legislative Analysis

Prepared by: Michael Turner, Deputy Executive Officer, Government Relations, (213) 922-2122
Desarae Jones, Administrator, Government Relations, (213) 922-2230

Reviewed by: Pauletta Tonilas, Chief Communications Officer, (213) 922-3777



Phillip A. Washington
Chief Executive Officer

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ATTACHMENT A

BILL: **SB 1018 (AS AMENDED ON APRIL 7, 2016)**

AUTHOR: **SENATOR CAROL LIU**
(D-LA CAÑADA FLINTRIDGE)

SUBJECT: **STATE ROUTE 710 NORTH STUDY: COST BENEFIT ANALYSIS**

STATUS: **SENATE TRANSPORTATION AND HOUSING COMMITTEE**
HEARING SCHEDULED: APRIL 26, 2016

ACTION: **OPPOSE**

RECOMMENDATION

Staff recommends that the Board adopt an OPPOSE position on SB 1018 (Liu) as amended on April 7, 2016.

ISSUE

Senator Carol Liu has amended SB 1018, a bill that would require that the Cost Benefit Analysis (CBA) for the SR 710 North Study to be a technical study included in the comprehensive analysis of the alternatives described in the draft environmental document for the State Route 710 North. The bill as amended would require Metro to:

- Hold 3 public hearings on the CBA.
- Provide a 90-day public review process for the CBA.
- Respond to comments on the CBA in a stand-alone document.
- Post the CBA on the Metro website as a stand-alone document.

DISCUSSION

The Metro Board of Directors directed the preparation of a CBA of the alternatives currently under study in its role as the funding agency for the State Route 710 environmental review process. The Board is not the lead agency in the environmental review process and will not be the agency that approves the environmental document and selects the final project. However, the Metro Board may be called on to make decisions relating to funding on the project. The Board determined that in its role as a funding partner the CBA would be valuable in its decision making process. The Board of Directors previously adopted an OPPOSE position on the bill as introduced.

With respect to comments on the CBA, Metro and Caltrans are committed to responding to comments on the CBA. Metro is committed to an open and transparent process in its decision making and we believe the CBA has a role in the funding decision making process.

According to Caltrans, the CBA has been incorporated into the environmental document as a technical study. The CBA has been included in the Caltrans website with other technical studies for the draft environmental document.

As amended, SB 1018 is now more onerous and more troublesome than the previous version of the bill. Metro and Caltrans have held numerous public meetings as a part of the environmental process and all of the documents have been available for review and comment pursuant to state and federal environmental laws. A CBA is not required in the environmental review process. The Board of Directors asked for the preparation of the CBA in its capacity as the funding agency for the project to be selected by Caltrans as the lead agency in the environmental process.

The previous version of SB 1018 directed that the CBA be incorporated into the environmental study and that comments be responded to as a part of that process. Caltrans has incorporated the CBA into the environmental process and Metro and Caltrans have committed to respond to comments. Now, it appears that the current version of SB 1018 would separate the CBA from that environmental process and direct Metro to hold additional hearings and respond to comments separately.

Overall while the initial version of SB 1018 did point out an inconsistency between the CBA and environmental documents, the bill is still troublesome because now it changes course and would appear to direct that the documents be treated separately. Staff believes that this highlights the challenges and dangers of legislation that makes changes to an ongoing environmental process and for these reasons staff recommends that the Board continue to oppose SB 1018.

DETERMINATION OF SAFETY IMPACT

Staff has determined that there is no direct impact to safety as a result of this proposal.

FINANCIAL IMPACT

Staff has determined that there is not an immediate fiscal impact to the agency as the result of the provisions outlined in this bill. However, the bill could increase the cost of future environmental documents by setting a precedent that could cause the inclusion of CBA's in the environmental review process in the future.

ALTERNATIVES CONSIDERED

Metro could consider adopting a work with author position on the bill because we are responding to comments on the Cost Benefit Analysis, however the provision that requires the CBA to a part of the environmental document is a chief concern.

NEXT STEPS

Should the Board decide to adopt an OPPOSE position on SB 1018, staff will communicate the Board's position to the author and work to oppose the bill. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.

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

File #: 2016-0273, **File Type:** Public Hearing **Agenda Number:** 41

REGULAR BOARD MEETING
APRIL 28, 2016

SUBJECT: PURPLE LINE WESTSIDE SUBWAY EXTENSION TRANSIT PROJECT SECTION 2

ACTION: ADOPT RESOLUTION OF NECESSITY TO ACQUIRE PARCEL W-3603

RECOMMENDATION

CONSIDER:

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

B. ADOPTING the **Resolution of Necessity** authorizing the commencement of an eminent domain action to acquire **Project Parcel W-3603 (APN: 4319-001-007)**, consisting of the real property and the Improvements Pertaining to the Realty (hereinafter the "Property" as identified in Attachment A).

(REQUIRES TWO-THIRDS VOTE)

DISCUSSION

Acquisition of the Property is required for the construction of and operation of the Purple Line Westside Subway Extension Project, Section 2 ("Project"). A written offer was presented to the Owner of Record ("Owner"), as required by California Government Code Section 7267.2. The Owner has rejected the offer made by the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), and requested that we initiate the eminent domain process to determine the value of the property. The Property is necessary for construction of the Project; therefore, staff recommends the acquisition of the Property through eminent domain to determine the value of the Property and to maintain the Project schedule.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this hearing to the Owner with information about 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 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; and (5) whether environmental review of the Project has complied with the California Environmental Quality Act (CEQA).

Attached is the Staff Report prepared by staff and legal counsel setting forth the required findings for acquiring the Property through the use of eminent domain (Attachment B). After LACMTA receives testimony and evidence from all interested parties, the LACMTA must make a determination as to whether to acquire the Property by eminent domain and adopt the proposed Resolution of Necessity (Attachment C). The Board must find and determine that based upon all the evidence and the existence of the above stated conditions, acquisition by eminent domain is necessary; and a two-thirds vote of all the members of its governing body is required to adopt the Resolution of Necessity.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

The funding for the acquisition of the Property is included in the approved fiscal year 2016 Project budget under Measure R Project 865522 (Purple Line Westside Subway Extension Project, Section 2), in Cost Center 8510, and Account Number 53103 (Acquisition of Land).

Impact to Budget

The approved Measure R 35% funding included in the FY16 budget is designated for the Purple Line (Westside) Extension, Section 2 and does not have an impact to operations funding sources. These funds are not eligible for Metro Operations and were assumed in the Long Range Transportation Plan for the Project. This Project is not eligible for Proposition A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

NEXT STEPS

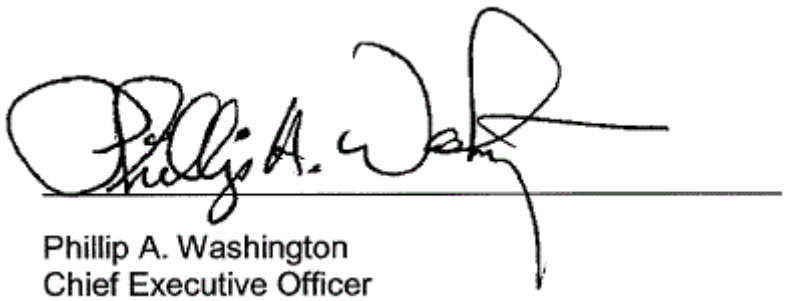
If this action is approved by the Board, the LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property interest by eminent domain. Counsel will also be directed to seek and obtain an Order of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

ATTACHMENTS

Attachment A - Site Plan
Attachment B - Staff Report
Attachment C - Resolution of Necessity

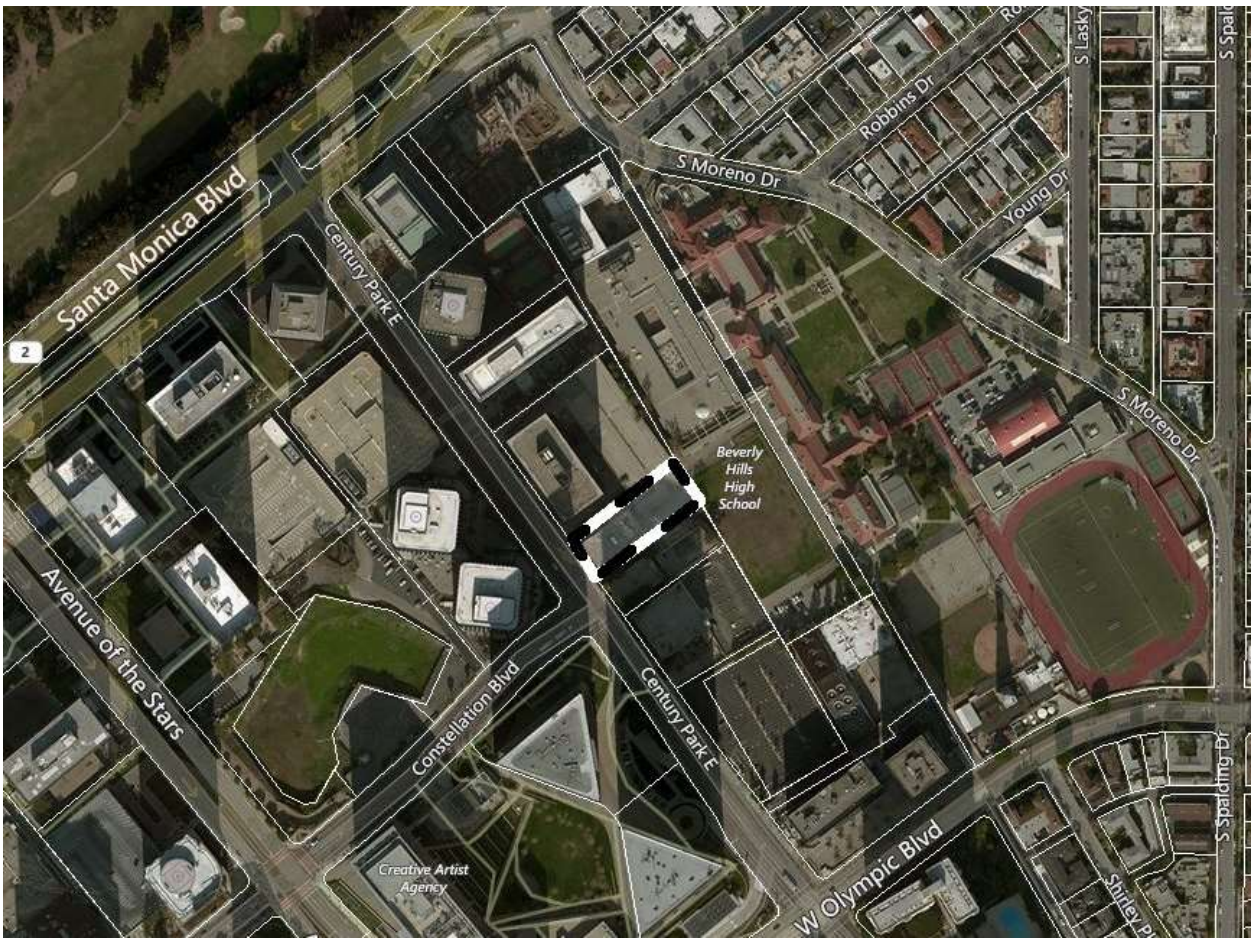
Prepared by: Velma C. Marshall, Deputy Executive Officer - Real Estate
(213) 922-2415

Reviewed by: Calvin E. Hollis, Interim Chief Planning Officer, (213) 922-7319



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A



Gillis Family Partnership

1940 Century Park East, Los Angeles, CA

ATTACHMENT B

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF PARCEL NO. W-3603 (THE "PROPERTY") FOR THE PURPLE LINE (WESTSIDE) SUBWAY EXTENSION TRANSIT PROJECT SECTION 2

BACKGROUND

The Property is required for the construction and operation of the Purple Line (Westside) Extension Project Section 2 ("Project"). The address, record owner, physical description, and nature of the property interest sought to be acquired for the Project are summarized as follows:

Assessor's Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought	LACMTA Parcel #
4319-001-007	1940 Century Park East, Los Angeles, CA	Gillis Family Partnership	Construction Staging.	Fee Simple	W-3603

Written offers for the Property comprising Parcel W-3603 were presented to the Owner on March 7, 2016 for acquisition of a fee simple interest of the entire property or a 104 month temporary construction easement. The Owner elected to sell the fee simple interest in the Property and waived any right to take challenge or claim associated with the Property being acquired in fee. However, the Owner did not accept the offer of just compensation and negotiations have not resulted in a settlement agreement at this time.

Written offers were subsequently made to the Owner and the Tenants on March 7th and 16th, 2016 for the acquisition of the Improvements Pertaining to Realty as identified in Exhibit "C" attached to the Resolution of Necessity.

A. The public interest and necessity require the Project.

The need for the Project is based on population and employment growth, the high number of major activity centers served by the Project, high existing transit usage, and severe traffic congestion. The Project area bisects 12 large population and employment centers, all of which are served by extremely congested road networks that will deteriorate further with the projected increase in population and jobs. This anticipated growth will further affect transit travel speeds and reliability, even with a dedicated lane

for express bus service on Wilshire Boulevard. The public interest and necessity require the Project for the following specific reasons:

1. The population and employment densities in the Project area are among the highest in the metropolitan region. Approximately five percent of the Los Angeles County population and 10 percent of the jobs are concentrated in the Project area.

2. Implementation of the Project will result in a reduction of vehicle miles per day and reduction of auto air pollutants.

3. The Project will relieve congestion on the already over capacity 1-405 San Diego and the 1-10 Santa Monica Freeways and surrounding major thoroughfares. In addition, it will reduce the parking demands in the Westside area by providing an alternative means of transportation, competitive in rush-hour travel times with the automobile.

4. The Project will be a major link in the existing county-wide rail transit system, and will thereby provide alternative means of transportation during fuel crises and increased future traffic congestion.

5. The Project will improve transportation equity by meeting the need for improved transit service of the significant transit-dependent population within the Project area.

6. The Project will help meet Regional Transit Objectives through the Southern California Association of Governments' (SCAG's) Performance Indicators of mobility, accessibility, reliability, and safety.

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.

An Alternatives Analysis (AA) Study was initiated in 2007 to identify all reasonable, fixed-guideway, alternative alignments and transit technologies within the proposed Project Area. The fixed-guideway alternative alignments studied and analyzed during the AA process were heavy rail transit (HRT), light rail transit (LRT), bus rapid transit (BRT), and monorail (MR). Due to its capacity to meet the anticipated ridership demand and limit the number of transfers, HRT was identified as the preferred technology for further study.

In January 2009, the Metro Board approved the AA Study and authorized preparation of a Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR). A total of seven alternatives, including five heavy rail subway (HRT) Build Alternatives, a No Build Alternative, and a relatively low-cost Transportation System Management (TSM) Alternative, were presented in the DEIS/DEIR. The DEIS/DEIR was circulated and reviewed by interested and concerned parties, including private citizens,

community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments.

In October 2010, the Board approved the DEIS/DEIR and the Wilshire Boulevard to Santa Monica HRT option was selected as the Locally Preferred Alternative (LPA) for further analysis in the FEIS/FEIR. The FEIS/FEIR was released in March 2012 for public review. On April 26, 2012, the Board certified the FEIS/FEIR, and in May 24, 2012, it approved the route and station locations for the Project. A Record of Decision was received from the Federal Transit Administration in August of 2012.

The approved LPA will extend HRT (as subway) approximately nine (9) miles from the existing Metro Purple Line terminus at the Wilshire/ Western Station to a new western terminus at the West Los Angeles Veterans Affairs Hospital (Westwood/ VA Hospital Station). The LPA will include seven new stations spaced in approximately one-mile intervals, as follows:

- Wilshire/La Brea
- Wilshire/Fairfax
- Wilshire/La Cienega
- Wilshire/Rodeo
- Century City
- Westwood/UCLA
- Westwood/VA Hospital

The Project will cause private injury, including the displacement or relocation of certain owners and users of private property. However, other alternative locations for the Project do not 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.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter. 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. <u>The Property is necessary for the Project.</u>

The Property consists of a fee acquisition of the entire Parcel W-3603, which contains a 50,889 square foot building on a 30,016 square foot lot as described in Exhibit A attached to the Resolution of Necessity, and as depicted on the Plat Map attached Exhibit B to the Resolution of Necessity. The Improvements pertaining to Realty as Exhibit C to the Resolution of Necessity are also included in the acquisition of the entire parcel. The Property is required for Construction staging in connection with the Century

City Constellation Station and related tunnels. The Property was chosen based upon the approved FEIS/FEIR for the Project.

Staff recommends that the Board find that the acquisition of the Property 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 and 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 appraisals to determine the fair market value of the Property, which included consideration of any immovable fixtures and equipment;
2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation;
3. Determined the Owner of the Property by examining the county assessor's record and a preliminary title report;
4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value;
5. Provided the Owner 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 the 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. The environmental review is consistent with the California Environmental Quality Act.

The required environmental review of the Project was completed and certified by the Board of Directors. The FEIS/FEIR was released in March 2012 for public review. On April 26, 2012, the Board certified the FEIS/FEIR, and in May 24, 2012, it approved the route and station locations for the Project. A Record of Decision was received from the Federal Transit Administration in August of 2012. The FEIS/FEIR documents were consistent with the California Environmental Quality Act Guidelines.

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

Prepared by: Velma C. Marshall, Deputy Executive Officer – Real Estate
213 922-2415

ATTACHMENT C

RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES
AND AUTHORIZING THE ACQUISITION THEREOF
PURPLE LINE WESTSIDE EXTENSION PROJECT, SECTION 2 - PARCEL NO. W-3603

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY 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 is 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 interest consists of the acquisition of a fee interest, along with all improvements located thereon, as described more specifically in the legal description (Exhibit A), depicted on the Plat Map (Exhibit B), and described in Improvements Pertaining to the Realty (Exhibit C) attached hereto (hereinafter, the "Property"), all of which are incorporated herein by this reference.

Section 4.

(a.) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the Purple Line (Westside) Subway Extension Project Section 2 ("Project");

(b.) The environmental impacts of the Project were evaluated in the Final

Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR), which was certified by the Board on April 26, 2012 and May 24, 2012. The Board found that in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project, and the FEIS/FEIR documents are consistent with CEQA; and;

(c.) The Board has reviewed and considered the FEIS/FEIR, before and as part of the process of determining whether to acquire the above-referenced Property.

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

(e.) Environmental review consistent with the California Environmental Quality Act (CEQA) for the Project has been previously certified by this Board.

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.

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 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.

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 action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELLE JACKSON, Secretary 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 28th day of April, 2016.

_____ Date: _____

MICHELLE JACKSON
LACMTA Secretary

ATTACHMENTS

1 - Legal Description (Exhibit "A")
2 - Plat Map (Exhibit “B”)
3 – Improvements Pertaining to the Realty (Exhibit “C”)

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SAID LAND WAS CONVEYED TO GILLS FAMILY PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP BY GRANT DEED RECORDED APRIL 1, 2014, AS INSTRUMENT NO. 2014-0325585, OFFICIAL RECORDS OF SAID COUNTY, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 4 OF TRACT NO. 26196, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 684, PAGES 78 THROUGH 86 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGININING AT THE MOST SOUTHERLY CORNER OF LOT 4 SAID CORNER BEING ALSO THE MOST WESTERLY CORNER OF LOT 5 OF SAID TRACT; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 4, NORTH 35 DEGREES 46 MINUTES 43 SECONDS WEST 322.06 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE NORTH 35 DEGREES 46 MINUTES 43 SECONDS WEST 102.28 FEET; THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 54 DEGREES 13 MINUTES 17 SECONDS EAST 297.81 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 4; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 30 DEGREES 46 MINUTES 43 SECONDS EAST 102.67 FEET TO A LINE WHICH BEARS NORTH 54 DEGREES 13 MINUTES 17 SECONDS EAST, AND WHICH PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE SOUTH 54 DEGREES 13 MINUTES 17 SECONDS WEST 288.86 FEET TO SAID **TRUE POINT OF BEGINNING**.

EXCEPT THEREFROM ALL MINERALS, OIL, GAS AND HYDROCARBONS, AND THE RIGHT TO EXPLORE FOR, DEVELOP, PRODUCE AND EXTRACT THE SAME, BUT WITHOUT THE RIGHT OF ENTRY UPON THE SURFACE OR UPPER 500 FEET (MEASURED FROM THE SURFACE) OF SAID LAND, AS RESERVED BY FOX REALTY CORPORATION OF CALIFORNIA, A CORPORATION, IN DEED RECORDED ON APRIL 17, 1961 IN BOOK D1190 PAGE 104, OF OFFICIAL RECORDS.

SAID LAND IS SHOWN AS PARCEL 1, ON THE RECORD OF SURVEY MAP FILED IN BOOK 81, PAGE 26 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

AFFECTS APN: 4319-001-007

NOTE:
THIS LEGAL DESCRIPTION WAS NOT PREPARED FOR ANY PURPOSE THAT WOULD BE IN VIOLATION OF THE STATE OF CALIFORNIA SUBDIVISION MAP ACT OR LOCAL ORDINANCES OF THE GOVERNING BODY HAVING JURISDICTION.

PREPARED BY:

Janeen Nedlik
JANEEN NEDLIK, P.L.S. 7563

March 17, 2016
DATE



W-3603

GRANTOR : GILLS FAMILY PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP

DESCRIPTION : PORTION OF LOT 4 OF TRACT NO. 26196, M.B. 684/78-86

BENCH MARK :

TITLE REPORT : ORANGE COAST TITLE NO. 140-1264288-32

ADDRESS : 1940 CENTURY PARK EAST LOS ANGELES 90067

ASSESSOR'S REF. : 4319-001-007

R.O.W. REFERENCE : R-3036; W-3603

The data shown on this map and/or plat are compiled from public sources and are subject to field verification.

NO.	DATE	REVISION DESCRIPTION



PARCEL	W-3603				
AREA - SQUARE FEET	30,006				

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

LICENSED LAND SURVEYOR JANSEN NEDLIK No. 7563 STATE OF CALIFORNIA

SUBMITTED BY: 7563

APPROVED BY:

MTA PROJECT MANAGER DATE 3/17/16

PARCEL PLAT

W-3603

SHEET 1 OF 1

CONTRACT NO./DESIGN UNIT

SCALE 1"=80'

DATE 03/14/2016

DRAWN BY T. RAINEY

CHECKED BY J. NEDLIK

REV. DATE | REV. NO.

EXHIBIT C

IMPROVEMENTS PERTAINING TO THE REALTY

EXHIBIT C

EPICGENETICS, INC.
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - FEBRUARY 1, 2016

Item No.	Qty.	Description
1	1	Telephone system, NEC, Model no.: Electra Elite IPK B64-U30, full feature, including cabling and wall jacks throughout, 21 hand sets, NEC, Model no.: Dterm80
2	1	Sink counter, 10' x 24", laminate, 4" high backsplash, 6-door, 12-drawer, 1 drop-in sink, 21" x 8" x 18", stainless steel, single mixing faucet, plumbing
3	1	Wall cabinet, 3' x 24", laminate, 2-door
4	1	Wall recessed fire extinguisher cabinet, 12" x 27", metal cabinet, glass door
5	1	Wall cabinet, 10' x 36" high, laminate, 6-door
6	1	Base cabinet, 10' x 24", laminate, 4" high backsplash, 4-door, 4-drawer
7	1	Laboratory clean room buildout, consisting of: 1,073 Square feet of vinyl floor tile 139.8 Square feet of fixed window, in frame 2 Doors, solid core, with frame, 3' x 8' and 4' x 8' 1,073 Square feet of suspended ceiling tiles and grid 12 Light fixtures, 2' x 4', T5 fluorescent, conduit and wiring 943 Square feet of partition wall, steel frame, drywall, insulated, painted 9 Fire sprinkler heads and related piping 3 Linear feet of base cabinet, laminate 1 Sink, stainless steel, Elkay, 19" x 18", with faucet 1 Plumbing connection for supply and waste lines 6 Duplex outlets, 60' of conduit and wiring each 4 Fourplex outlets, 60' of conduit and wiring each 3 Simplex outlets, 60' of conduit and wiring each 2 Telephone/data outlets, dual and cabling 3 Coat hooks, steel
8	1,073	Square feet of laboratory clean room HVAC, consisting of: 1 Rooftop air handler and ducting to lab ceiling 7 Supply and return air grilles, 2' x 2' 1 Capacity to sustain 65 degrees F temperature

EPICGENETICS, INC.
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - FEBRUARY 1, 2016

Item No.	Qty.	Description	Fair Market Value in Place
		1 Capacity to sustain positive air pressure 1 Duct pressure monitoring panel 1 HVAC controller/UPS boxes, ABB	
9	1	Laboratory clean room electrical upgrades in electrical room, consisting of: 1 Electrical panel, 225 amp., 42 circuit 5 Circuit breakers, 20 amp., 1 pole for lab plugs 1 Circuit breaker, 20 amp., 2-pole, for freezer 2 Circuit breaker, 20 amp., 2-pole, for lab equipment 1 Circuit breaker, 20 amp., 1 pole for lab lighting 1 Lab shutdown box for 6 circuits, with restart 60 Linear feet of conduit and wiring	
10	2	Wall safety straps for refrigerator and freezer	
11	2	Wall safety straps for compressed gas cylinders	
12	3	Simplex outlets, for copy room, cardiac room, pulmonary function room, with: 200 Linear feet of conduit and wiring for circuits 3 Circuit breakers, 20 amp., 2-pole	
13	18	CCTV cameras, and wiring, throughout building	
14	1	Lot of data cabling and computer networking for 30 workstations	
		TOTAL IMPROVEMENTS PERTAINING TO THE REALTY	$133,790

INTERNATIONAL SPECIAL ATTRACTIONS, LTD.
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - DECEMBER 2, 2015

Item No.	Qty.	Description	Fair Market Value in Place
1	1	Telephone system, NEC, Model no.: CHS2U-B-US/ SV8100, full feature, including 8 handsets, NEC, Model: DLUZ-X	
2	1	Lot of data cabling and computer networking for 16 workstations (estimate)	
3	358	Square feet of vertical window blinds, 3.5" slats, with valances	
4	3	Flat screen television wall mounts, metal	
5	1	Back counter, 10' x 2', laminate, with built-in base cabinet, 2' x 30" x 21", 2-door	
6	1	Wall cabinet, 12' x 3', laminate, 8-door	
7	1	Base cabinet, 12' x 26", laminate, 8-door	
		TOTAL IMPROVEMENTS PERTAINING TO THE REALTY	$12,065

Note: The following improvements were present at the subject property. They are included in the related real estate appraisal report; therefore, they are not included herein in order to avoid duplication of compensation.

- Reception desk/ counter
- Break room sink and wall cabinet
- Glass paneling and conference room door

CALIFORNIA BANK & TRUST - CENTURY CITY
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - FEBRUARY 4, 2016

Item No.	Qty.	Description
		Exterior & Throughout
1	10	Surveillance cameras, including wall mounts, electrical and cabling to DVR
2	1	Building letter sign, 18" high (estimate), metal, "California Bank & Trust", wall-mounted
3	2	Vinyl window signs, lettering and logo, 1- 4" diameter, "CB Trust", 1- 10" to 18" high letters, California Bank & Trust"
4	1	Lot of vinyl lettering door signage and banking hours, with logo
		Bank Area
5	1	Letter sign, 3" to 9" high, wood, metal facing, "California Bank & Trust", with logo, 33" diameter
6	1	Code pad door entry, stainless steel, lock hardware
7	6	Bank side light panels, 42" x 5', wood frame, 6 glass windows
8	7	Interior advertisement signs, 3' x 3', clear plastic, metal nozzles, graphic décor, wall-mounted
9	34	Linear feet of bank teller line, 34" deep x 40" high, laminate base, 4 granite station tops, 4 teller divider pedestals, 35" x 48" x 8", granite covering, double pedestal teller cabinetry, 2-door, 2-drawer, lock hardware
10	1	Lot of decorative acoustic tile, 4' x 4', metal frame/ T-bar, in bank branch area only
11	1	Back teller line base cabinet, 19' x 24", laminate, 4" high backsplash, 8-door, 4-drawer, lock hardware

CALIFORNIA BANK & TRUST - CENTURY CITY
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - FEBRUARY 4, 2016

Item No.	Qty.	Description
12	1	Back teller line cabinet, 11.5' x 24", laminate, 4" high backsplash, 7-door
13	1	ADA teller station, 94" x 34", laminate base, granite top, 2-door, 2-drawer, 2-pedestal, 35" x 4' x 8", laminate, granite covering, including 12 linear feet of desktop, 20" deep, L-shaped, laminate
14	22	Linear feet of pony wall divider partition, 48" high, laminate, with 2 swing doors, 3' wide, laminate, lock
15	1	Built-in desktop, 66" x 24", laminate
16	1	Vault, 16' x 10' x 9', drywall on wood, interior lighting, 2' x 2' acoustic tile ceiling, 1 vault door, manufacturer and model no. not available, 47" x 49", 10" thick, 2-dial, with day door, 37" x 76", stainless steel frame, glass
17	56	Square feet of decorative laminate panel pedestal covering, with upper molding
18	4	Wall sconce lights, 9" x 16", chrome, plastic shade, electrical
19	1	Keycard/ entry system, Sielox, with 6 card contacts
20	45	Data ports, dual, manufacturer and model no. not available, Cat 5 cabling, for VoIP phone and computer networking
21	1	Alarm system, Diebold, consisting of: 1 Control panel 2 Code pads 7 Motion sensors 5 Door contacts
22	1	Through-wall ATM machine, Diebold, Model: Opteva, digital interface, cameras, back vault, 31" x 65" x 34", metal, key code entry

CALIFORNIA BANK & TRUST - CENTURY CITY
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - FEBRUARY 4, 2016

Item No.	Qty.	Description	Fair Market Value in Place
23	1	Night drop box, Hamilton, 25" x 29", stainless steel, single door, with rear safe, Payne, Serial no.: 010844	
24	14	Linear feet of wall cabinetry, 24" high, laminate, 8-door	
25	1	Built-in worktop, 92" x 24", 42" high, metal top, 4" high backsplash, laminate supports	
26	1	Base counter, 6.5' x 2', metal top, 4" high backsplash, laminate base, 4-door, 4-drawer	
27	6	Roll-down window screens, 44" x 5', mesh vinyl	
28	5	Office side light wall panels, 5' x 8', wood frame, 6-window, 4 frosted windows	
29	11	Office glass partitions, 8' x 8.5', frosted, double pane	
		Commercial Real Estate Office	
30	1	Recessed projector screen, Da-Lite, 6' wide, metal cabinet, electric	
31	2	Office side light wall panels, 4' x 8', wood frame, 6-window	
32	6	Roll-down window screens, 65" x 10', vinyl mesh	
33	8	Roll-down window screens, 44" x 5', vinyl mesh	
34	1	Back counter, 12' x 2', laminate	
35	1	Wall cabinet, 7' x 3', laminate, 4-door	
36	1	Base cabinet, 7' x 2', 4-door, 4-drawer	
37	1	Wall cabinet, 12' x 3', laminate, 8-door	
		TOTAL IMPROVEMENTS PERTAINING TO THE REALTY	$230,725

CALIFORNIA BANK & TRUST - CENTURY CITY
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - FEBRUARY 4, 2016

Item No.	Qty.	Description

Note: The following leasehold improvements were present at the subject property. They are included in the related real estate appraisal report; therefore, they are not included herein in order to avoid duplication of compensation.

- Break room cabinetry
- Carpet, ceramic tile flooring and vinyl floor coverings
- Suspended tile ceiling and lighting in office area
- Interior office wall, partitioning and doors

RESILIENCE TREATMENT CENTER
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE -

Item No.	Qty.	Description	Fair Market Value in Place
1	180	Square feet of wood tile flooring, 3' x 5" tiles	
2	1	Lot of data cabling and VoIP telephone cabling to 10 workstations, including wall jacks	
		TOTAL IMPROVEMENTS PERTAINING TO THE REALTY	$4,300

Note: The following improvements were present at the subject property. They are included in the related real estate appraisal report; therefore, they are not included herein in order to avoid duplication of compensation.

- Reception desk/ counter
- Break room sink and wall cabinetry
- Interior office wall partitioning construction

LITI LAND REPROGRAPHICS, INC. DBA KEYSTONE DOCUMENT DISCOVERY
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - DECEMBER 1, 2015

Item No.	Qty.	Description
1	1	Lot of computer networking and data cabling to 50 workstations (estimate) throughout office, including wall jacks
2	1	Lot of supplemental electrical distribution, consisting of upgraded 220 V/ 3-phase subpanels with breakers, including rigid conduit runs to 10- 120 V outlets and 20- 220 V dedicated outlets
3	2	Supplemental HVAC units for printing/ copier equipment, Carrier, Model no.: 38YCC048, 4-ton, including ducting, vents and electrical
4	1	Lot of office window treatment for 1- 6' x 4' window and 1- 10' x 4' window, consisting of tinting and vertical blinds, 3.5" slats
5	1	Lot of decorative interior office wall paint, yellow and orange
6	1	Built-in work counter, 6' x 29", laminate, with wall supports
7	20	Linear feet of wall shelving, 36" high x 14" deep, laminate, 2-tier, 12" wide sections
8	20	Linear feet of built-in desktop, 30" deep, laminate, with wall supports
9	5	Wall storage decks, 6' x 24", painted plywood, with wall supports
10	1	Wall storage deck, 45" x 24", painted plywood, with wall supports
11	3	Wall storage decks, 8' x 2', painted plywood, with wall supports
12	1	Wall storage deck, 78" x 36", painted plywood, with wall supports

LITI LAND REPROGRAPHICS, INC. DBA KEYSTONE DOCUMENT DISCOVERY
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - DECEMBER 1, 2015

Item No.	Qty.	Description
13	16	Surveillance cameras, manufacturer and model nos. vary, including wall mounts and cabling to DVR
14	1	Alarm system, ADT, consisting of: 4 Control panels 4 Code pads 5 Motion sensors 4 Door contacts
15	1	Sink counter, 9' x 24", laminate, 4" high backsplash, 1 drop-in sink, 24" x 6" x 22", stainless steel, single mixing faucet, 6 lower doors
16	9	Linear feet of wall cabinetry, 34" high, laminate, 7-door
17	1	Wall cabinet, 36" x 25", laminate, 2-door
18	1	Telephone system, Meridian, full feature, with PA system and bullhorn, including 19 handsets, Model no.: T73163
19	2	Code pad entry locks, stainless steel, electrical
20	1	Shelf, 4' x 2', wood, wall-mounted
21	1	Shelf, 8' x 18", wood, wall-mounted
22	1	Shelf, 5' x 2', wood, wall-mounted
23	1	Shelf, 8' x 2', wood, wall-mounted
24	1	Shelf, 15 linear feet x 2', wood, wall-mounted
		TOTAL IMPROVEMENTS PERTAINING TO THE REALTY

$65,545

WESTSIDE PARTNERS (SUBTENANT)
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - NOVEMBER 19, 2015

Item No.	Qty.	Description	Fair Market Value in Place
1	1	Lot of data cabling, computer networking, and VOip for 50 workstations, including wall jacks	
2	3	Wall shelves, 33" x 34" x 12", laminate, 3-tier	
3	11	Linear feet of wall cabinetry, 28" high, laminate, 6-door	
4	1	Work counter, 8' x 25", laminate, 1 lower pedestal, 21" wide, 1 door, 1 drawer	
5	2	Built-in desk stations, 14 linear feet x 24" deep, laminate top, including 6 office partitions, 42" high, metal frame, fabric fascias, 1- 42" wide, metal	
6	1	Flat screen television wall mount, metal	
		TOTAL IMPROVEMENTS PERTAINING TO THE REALTY	$12,640

Note: The following leasehold improvements were installed by the lessee. They are included in the related real estate appraisal report; therefore, they are not included herein in order to avoid duplication of compensation.

- Reception desk/ counter
- Break room sink and wall cabinet

VINCI ACADEMY, LLC
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - DECEMBER 14, 2015

Item No.	Qty.	Description
1	7	Wall cabinets, 6' x 29" x 14", laminate, 4-door
2	7	Base cabinets, 6' x 2', laminate, 4-door, 2-drawer, stainless steel sink, 17" x 19", single mixing faucet, 4" high backsplash
3	17	Roll down/up window shades, plastic pulley, chain control, 65" x 9'
4	1	Built-in bench, 13 linear feet, fabric seat and back, 27"
5	3	Wall shelves, 4' x 2' x 10", laminate, 2-tier, 3 lower cubbyholes, 8 upper slots
6	1	Built-in bench, 9 linear feet, 8" thick fabric cushion
7	1	Wall cabinet, 5' x 30", laminate, 4-door
8	1	Base cabinet, 11 linear feet, laminate, 6-door, 4-drawer, stainless steel sink, 17" x 19", single mixing faucet, 4" high backsplash
9	1	Wall cabinet, 17 linear feet x 30", laminate, 14-door
10	18	Linear feet of base cabinet, laminate, 6-door, 4-drawer, stainless steel sink, 25" x 21", single mixing faucet, 4" high backsplash
11	2	Built-in dishwashers, General Electric, Model No.: Quiet Power 3
12	1	Lot of custom leasehold improvements pertaining to the realty for a 10,127 square foot day care center consisting of: 1 Lot of wood laminate flooring and nylon carpet covering 1 Lot of interior wall partitioning, painted walls and classroom doors 1 Lot of subterranean plumbing throughout

VINCI ACADEMY, LLC
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - DECEMBER 14, 2015

Item No.	Qty.	Description	Fair Market Value in Place
	4	Children/toddler restrooms, each with 2 toilet fixtures, sink counter, vanity mirror, and paper towel and soap dispensers	
13	1	Lot of data cabling, computer networking, VOIP phone jacks and wifi connection for day care center, 4 access/wireless router points, ceiling-mounted	
14	1	Wall logo sign, "Vinci Academy", with logo	
15	12	Security cameras, manufacturer and model no. not available	
		Note: The following leasehold improvements were reportedly installed by the lessee. They are included in the related real estate appraisal report; therefore, they are not included in this appraisal report in order to avoid duplication of compensation. • Electrical and lighting • HVAC units and ducting	
		TOTAL IMPROVEMENTS PERTAINING TO THE REALTY	$771,455

CILANTRO FRESH MEXICAN GRILL
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - NOVEMBER 19, 2015

Item No.	Qty.	Description
1	10	Linear feet of track lighting, chrome, with 5 fluorescent spotlights
2	12	Linear feet of track lighting, with 2 fluorescent spotlights
3	24	Linear feet of food service cabinetry/ beverage counter, 33" high x 30" deep, stainless steel and metal base, 2-tier under shelving, granite countertop, 2 beverage counter doors, including: 1 Built-in steam/ food warming section, Wells, Model no.: MOD400+, 58" wide, 13 drop-in trays, 240V, 4-element 20 Linear feet of glass sneeze guard, 21" high, metal brackets, 1/4" thick glass 1 Drop-in ice bin, 24" x 16" x 22", stainless steel, electric
4	3	Surveillance cameras, Sensormatic, model no. not available, including wall mounts and cabling
5	1	Mop floor sink, 24" x 10" x 24", Fiberglass, with wall faucet, single mixing faucet, plumbing
6	1	Built-in shelf, 8' x 34" x 19", stainless steel, 2-tier, 4" high pedestal base
7	5	Wall shelves, 14" deep, stainless steel, with wall brackets, consisting of: 1 2' wide 1 3' wide 1 4' wide 2 6' wide
8	1	Scullery sink, 90" wide, stainless steel, 3-compartment, dual drain board, single mixing faucet, plumbing
9	1	Hand wash sink, Krowne, 16" wide, stainless steel, single mixing faucet, plumbing
10	1	Lot of setup and installation for telephone line and DSL connection

CILANTRO FRESH MEXICAN GRILL
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - NOVEMBER 19, 2015

Item No.	Qty.	Description
11	1	Food preparation sink, 40" wide, stainless steel, single compartment, 2 splashguards, 1 drain board, single mixing faucet, plumbing
12	2	Floor sinks, enamel on metal, recessed, metal grate top
13	150	Square feet of FRP washable wall surface, embossed vinyl
14	1	Floor drain, metal grate top
15	1	Electrical timer for sign cabinets, including wiring
16	1	Telephone line, including wall jack
17	1	Lot of setup, wiring and electrical for ventless hood, including wiring to fire sprinkler system
18	141	Square feet of quarry tile flooring, 6" x 6", with 6" high bullnose coving
		B-600
19	1	Peephole, Door Spy, plastic
20	1	Hand wash sink, 17" wide, stainless steel, single mixing faucet
21	3	Wall shelves, 3' wide x 8" deep, laminate
22	1	Water heater, Rheem Rudd, Model no.: ES50-18-G, 50 gallon, electric, 208V, with safety switch, 60 amp, 1 expansion tank, Model no.: ST-12, 150 PSI
23	1	Floor sink, enamel on metal, metal grate top, recessed
24	474	Square feet of FRP washable wall surface, embossed vinyl

CILANTRO FRESH MEXICAN GRILL
IMPROVEMENTS PERTAINING TO THE REALTY
EFFECTIVE DATE OF VALUE - NOVEMBER 19, 2015

Item No.	Qty.	Description	Fair Market Value in Place
25	173	Square feet of quarry tile flooring, 6" x 6", with 6" high bullnose coving	
26	1	Alarm system, ADT, consisting of: 1 Control panel 1 Code pad 1 Motion sensor	
27	1	Mop floor sink, 3' x 10" x 2', Fiberglass, with wall faucet, single mixing faucet, plumbing	
28	1	Wall shelf, 24" x 12", stainless steel	
29	1	Mop/broom rack, stainless steel, 3-hook	
		TOTAL IMPROVEMENTS PERTAINING TO THE REALTY	$36,130

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

File #: 2016-0280, **File Type:** Policy **Agenda Number:** 42.

REGULAR BOARD MEETING
APRIL 28, 2016

SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT

ACTION: **ADOPT AN AMENDED RESOLUTION OF NECESSITY TO PROVIDE FOR THE FUTURE BIFURCATION OF AN EXISTING SUBSURFACE TUNNEL EASEMENT, AND FOR THE OUTGRANT TO THE PROPERTY OWNER OF CERTAIN EASEMENT RIGHTS IN A PORTION OF ASSESSOR'S PARCEL NOS. 5161-017-021, 5161-017-022, 5161-017-023, & 5161-017-033 (HEREINAFTER THE "PROPERTY").**

RECOMMENDATION

CONSIDER:

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

B. ADOPTIING an amended **Resolution of Necessity** clarifying the nature of the property rights to be acquired in the pending eminent domain action against **Japanese Village, LLC, et al (hereinafter "Owner"),** in support of the Metro Regional Connector Transit Corridor Project, including a provision for the bifurcation of the existing subsurface tunnel easements, and for the outgrant to the Property Owner of the space between the bifurcated tunnel easements in the context of Metro's long-range plans affecting the Property.

(REQUIRES TWO-THIRDS VOTE)

DISCUSSION

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the Owner, as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests from the Owner:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project

Parcel Nos. RC-450 and RC-451; and

- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface tunnel and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface tunnel easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface tunnel easements, which would result in a three (3) to four (4) foot wide area between the bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface tunnel easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 wherein the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015. Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner. An amended Resolution of Necessity is necessary to enable Metro to amend its existing Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), METRO has prepared and mailed notices of this hearing to the Owner informing them of their 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 public good and the least

private injury; (3) whether the Property is necessary for the Project; and (4) whether either the 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.

Attached is evidence submitted by staff that supports adoption of the Resolution that has been approved by counsel, and which sets forth the required findings (Attachment "B"). After all of the testimony and other evidence has been received by METRO from all interested parties, METRO must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment "C") to acquire the Property by eminent domain. In order to adopt the resolution, METRO must, based upon all the evidence before it, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated above exist.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

This project is funded by Measure R 35% backed TIFIA loan, and a combination of various local and state grants and Federal grants. The funding to acquire the Property is included in the approved fiscal year 2016 project budget, under Measure R Project Regional Connector Transit Corridor Project 860228, in cost center 8510 (Construction Procurement), account number 53103 (Acquisition of Land). This has no impact to operations eligible funds.

ATTACHMENTS

Attachment A- Order for Prejudgment Possession
Attachment A-1-Subsurface Easements - Portion to be Abandoned
Attachment A-2-Subsurface Easements - Portion to be Retained
Attachment B-Staff Report
Attachment C-Resolution of Necessity

Prepared by: Velma C. Marshall, Deputy Executive Officer - Real Estate (213) 922-2415

Reviewed by: Calvin E. Hollis, Interim Chief Planning Officer, (213) 922-7319



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A-1

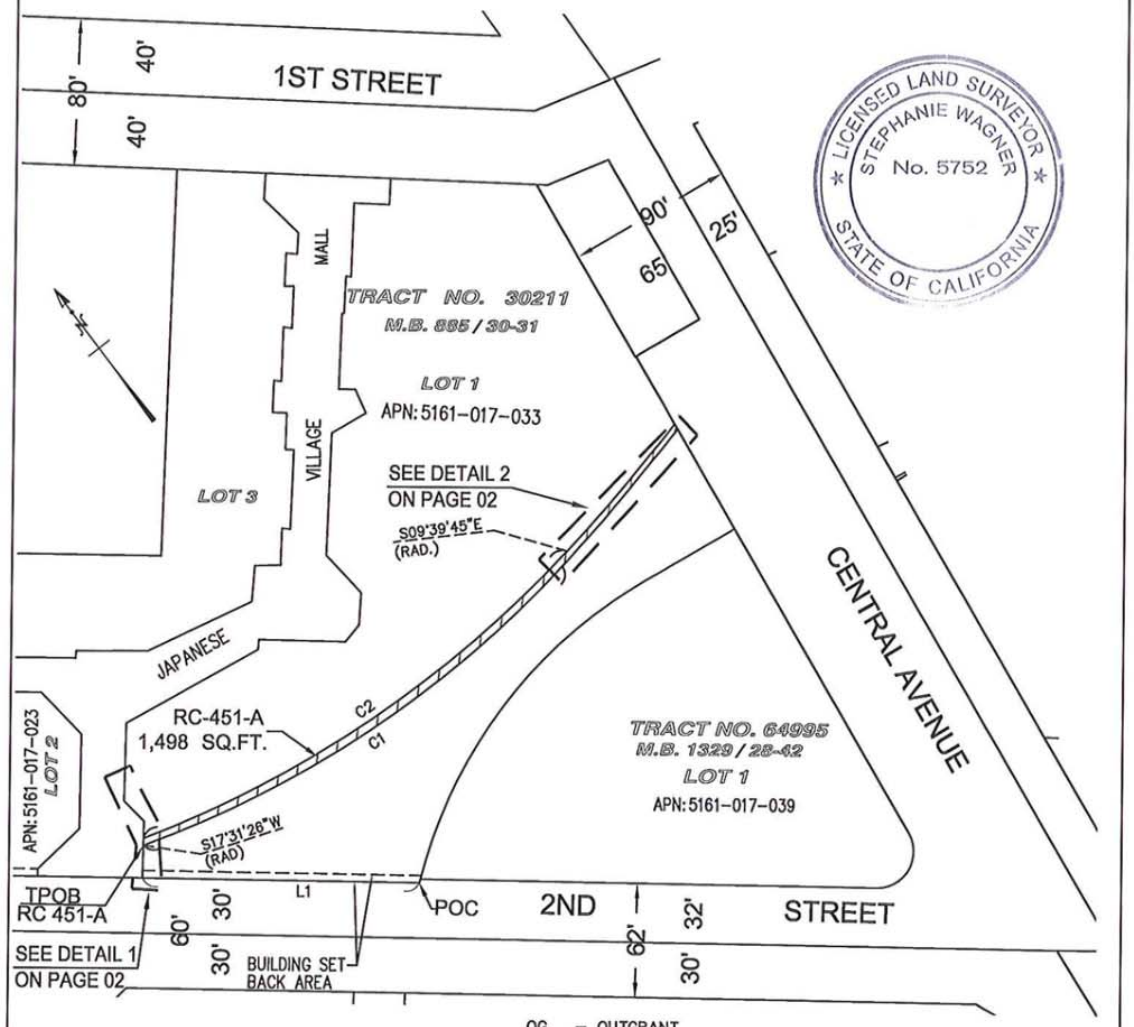
Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

Grantor:	JAPANESE VILLAGE, LLC
Description:	TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1
Title Report:	CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref:	5161-017-033
ROW Ref:	R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

Metro

APPROVED BY:

PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY INC
17134 Devonshire St., Suite 200
Northridge, CA 91325

CHECKED BY: LS.: 5752

REGIONAL CONNECTOR

PAGE 1 OF 2

CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
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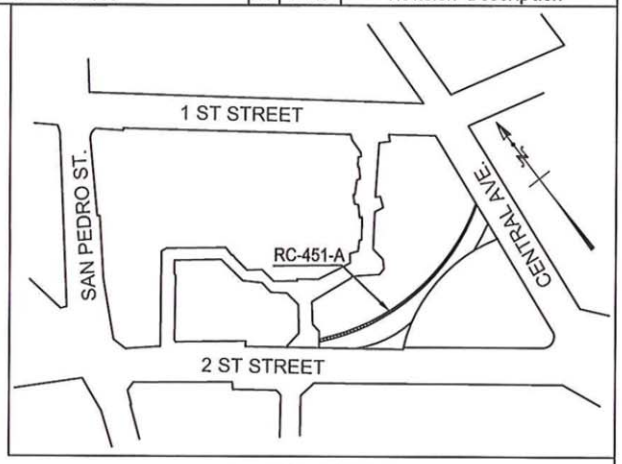
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02	
Assessor's Ref: 5161-017-033 ROW Ref: R-107	No. Date Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'



VICINITY MAP
N.T.S.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

OG – OUTGRANT
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SSE – SUBSURFACE EASEMENT
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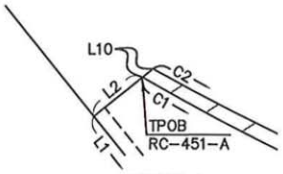
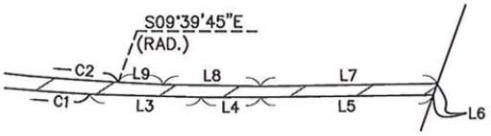


DETAIL 1



DETAIL 2

LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

Metro
APPROVED BY:
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY INC
17134 Devonshire St., Suite 200
Northridge, CA 91325

CHECKED BY: LS.: 5752

REGIONAL CONNECTOR

PAGE 2 OF 2

CITY OF LOS ANGELES

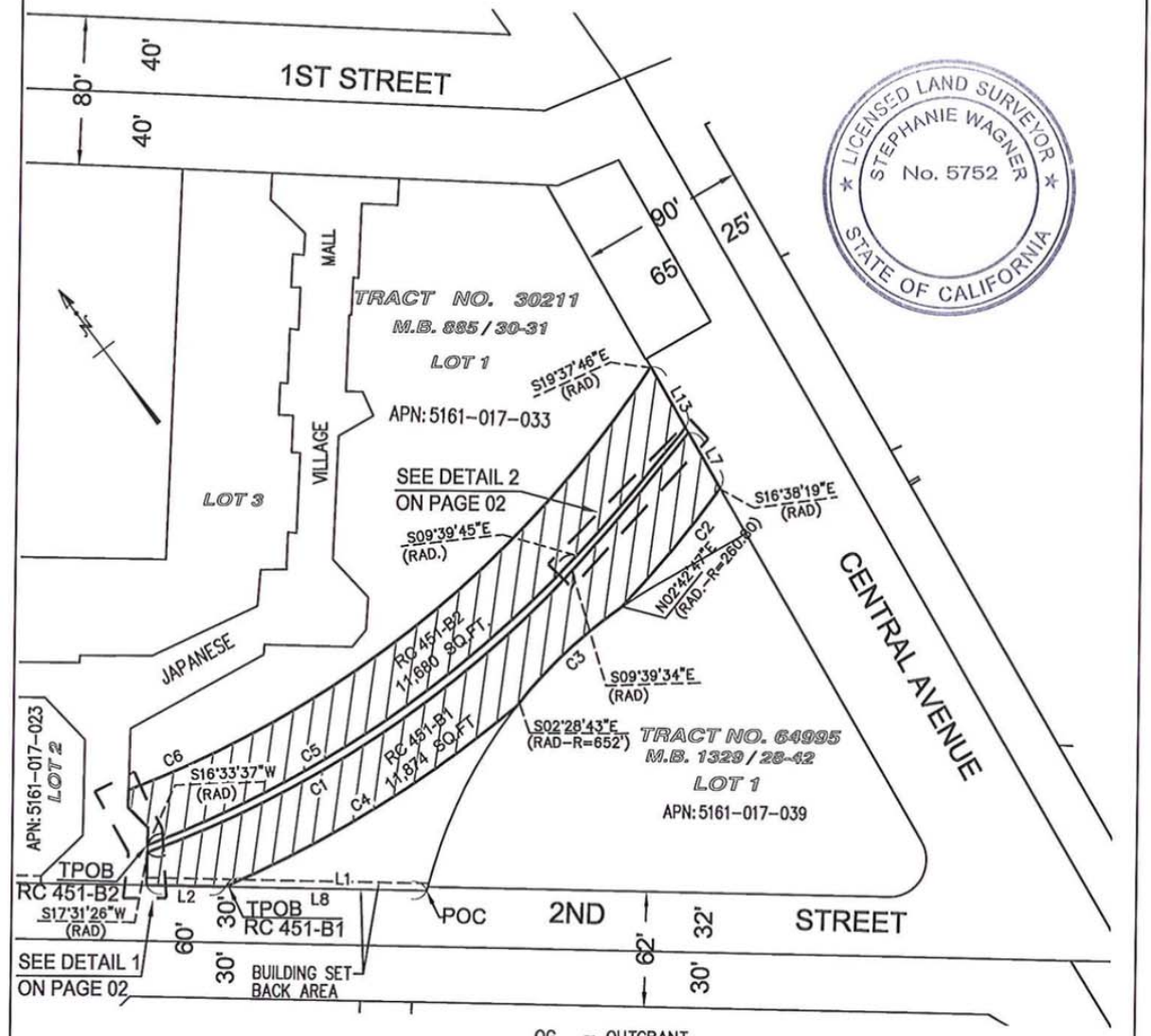
DATE: 03/23/2016
SCALE: NTS
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

ATTACHMENT A-2

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1	
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02	
Assessor's Ref: 5161-017-033 ROW Ref: R-107	No. Date Revision Description



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OG – OUTGRANT
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SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

Metro

APPROVED BY:

PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17114 Devonshire St., Suite 200 Northridge, CA 91325

CHECKED BY: LS.: 5752

REGIONAL CONNECTOR

PAGE 1 OF 2

CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-B

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC

Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02

Assessor's Ref: 5161-017-033 ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description

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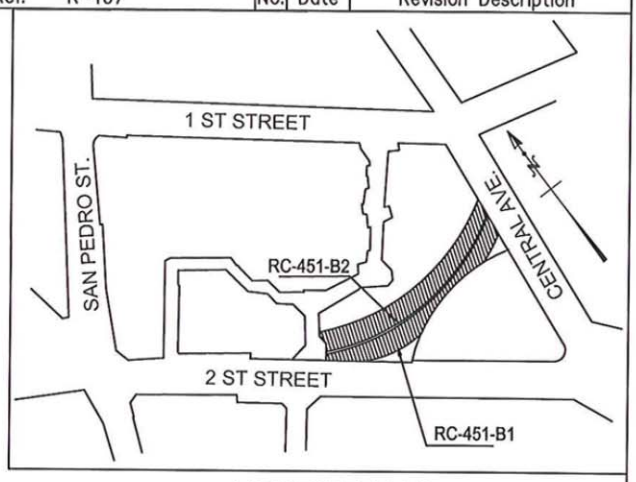
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'



VICINITY MAP
N.T.S.

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CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
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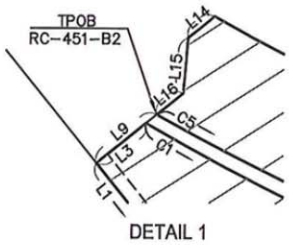
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"



DETAIL 1

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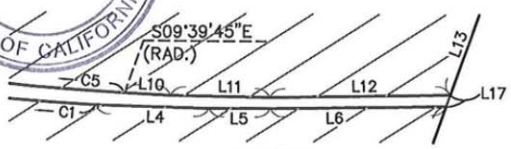
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA



DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

Metro
APPROVED BY:
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY INC
17154 Devonshire St., Suite 200
Northridge, CA 91325

CHECKED BY: LS.: 5752

REGIONAL CONNECTOR

PAGE 2 OF 2

CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: NTS
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-B

ATTACHMENT A

Order of Prejudgment Possession (June 4, 2015)

COPY

FILING FEE EXEMPT PURSUANT TO GOVERNMENT CODE § 6103

MARK J. SALADINO, County Counsel
ROBERT C. CARTWRIGHT, Asst. County Counsel
ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012-2713
(213) 974-1885 / Fax: (213) 687-7337

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

GREGORY M. BERGMAN (Bar No. 065196)
BRIAN J. BERGMAN (Bar No. 240584)
MATTHEW T. ANDERSON (Bar No. 280311)
BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd. Suite 900
Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931

Attorneys for Plaintiff and Cross-Defendant
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, a California Public Entity,

Plaintiff,

v.

JAPANESE VILLAGE, LLC, et al.,

Defendants.

JAPANESE VILLAGE, LLC,

Cross-Complainant,

v.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY,

Cross-Defendant.

Case No. BC550348

[Honorable Teresa Sanchez-Gordon -- Dept. 74]

[Complaint Filed 07/03/14]

~~[PROPOSED]~~ ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033

MTA Parcel Nos. RC-450; RC-450-1; RC-451; RC-451-1, -2, -3, -4

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	**Date After Which Possession to Be Taken**
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: JUN 0 4 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing **"[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460"** on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.

☒ (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015

Sarah Moscozo

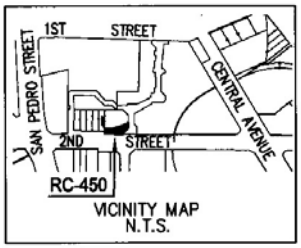
BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC		THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.		
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31				
PORTION OF LOT 2				
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02				
Assessor's Ref: 5161-017-023	ROW Ref: R-107	No.	Date	Revision Description

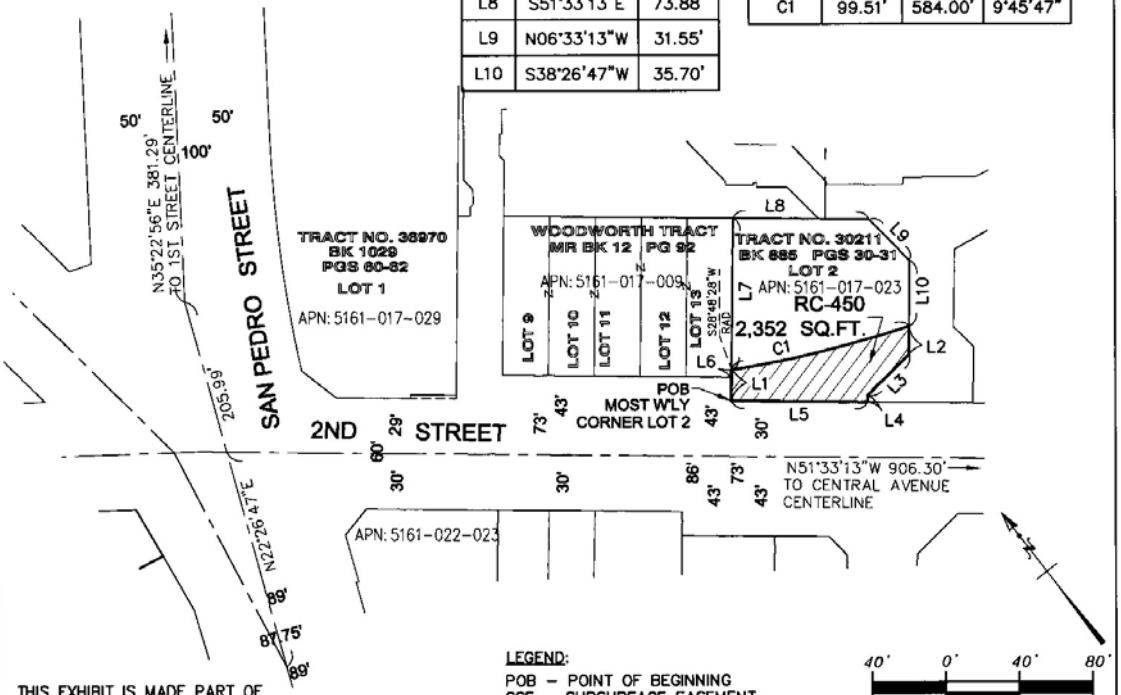
LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'



VICINITY MAP
N.T.S.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"



LEGEND:
POB – POINT OF BEGINNING
SSE – SUBSURFACE EASEMENT

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

40' 0' 40' 80'
1" = 80'

TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

Metro
APPROVED BY: [signature] 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC.
16933 Parthenia St., Suite 100
Northridge, CA 91343
[signature]
CHECKED BY: L.S.: 5752

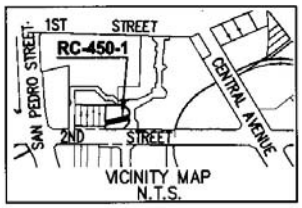
REGIONAL CONNECTOR
CITY OF LOS ANGELES

DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-450

EXHIBIT "B"

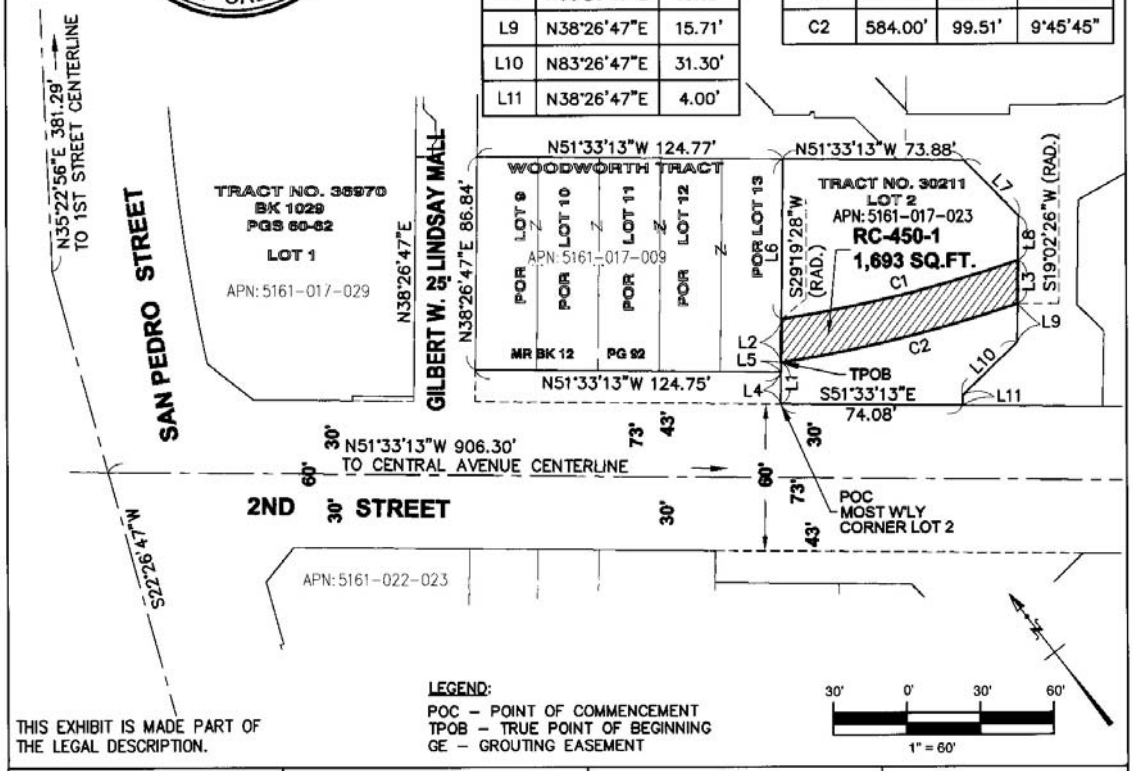
Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31	
PORTION OF LOT 2, CITY OF LOS ANGELES	
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA	
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02	
Assessor's Ref: 5161-017-023 / ROW Ref: R-107	No. / Date / Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"

LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POC – POINT OF COMMENCEMENT
TPOB – TRUE POINT OF BEGINNING
GE – GROUTING EASEMENT

TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

Metro
APPROVED BY: 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16933 Parthenia St., Suite 100 Northridge, CA 91343
CHECKED BY: LS. 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

DATE: 05/30/12
SCALE: 1" = 60'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-450-1

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC

Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
PORTION OF LOT 1

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02

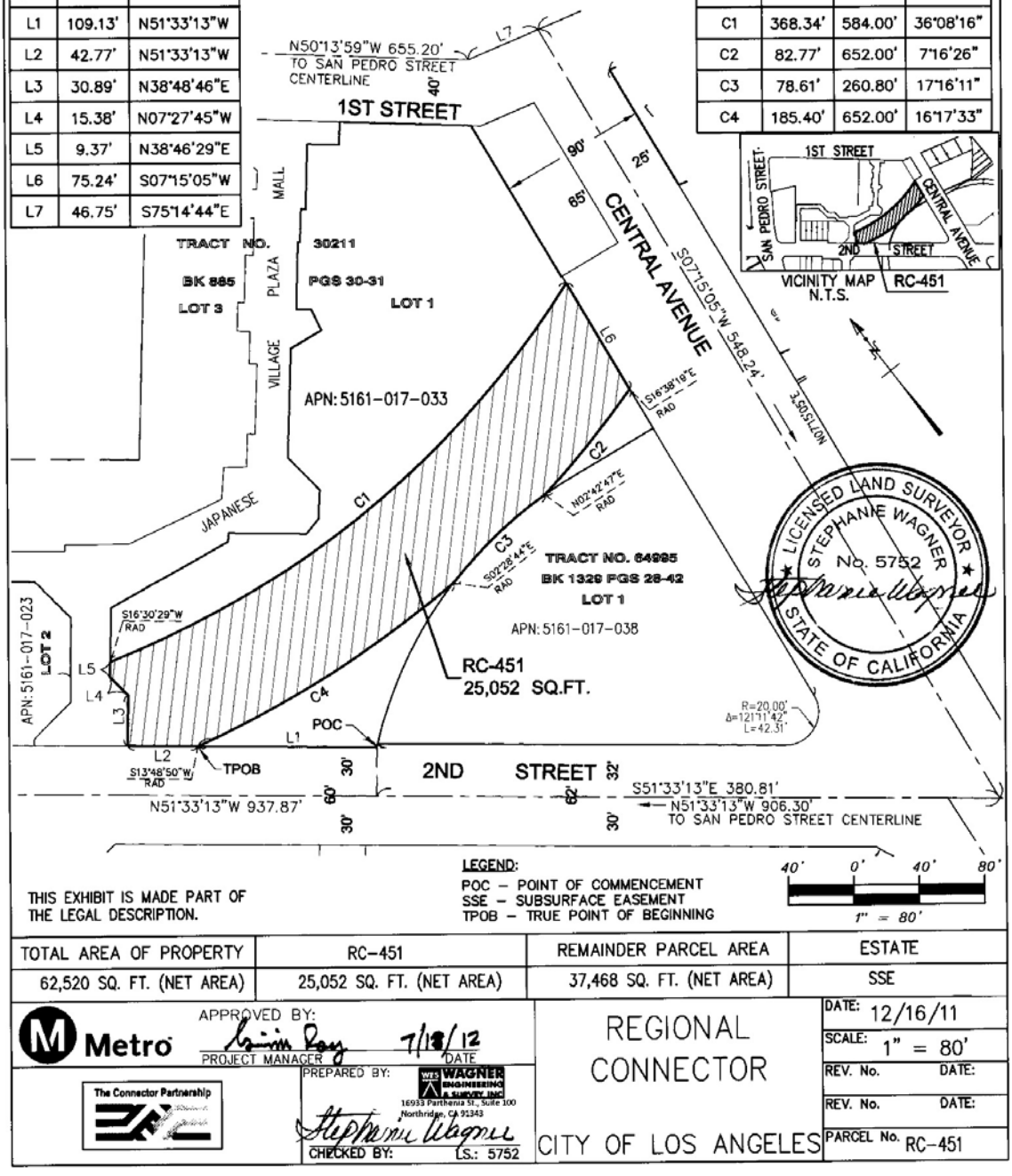
Assessor's Ref: 5161-017-033 | ROW Ref: R-107

The data shown on plat are based on field survey prepared by Wagner Engineering & Survey, Inc. dated June 2011 – June 2012. Bearing and distances are based on California Coordinate System NAD '83 Zone 5 coordinates obtained from California H.P.G.N.

No.	Date	Revision Description

LINE TABLE		
LINE	LENGTH	BEARING
L1	109.13'	N51°33'13"W
L2	42.77'	N51°33'13"W
L3	30.89'	N38°48'46"E
L4	15.38'	N07°27'45"W
L5	9.37'	N38°46'29"E
L6	75.24'	S07°15'05"W
L7	46.75'	S75°14'44"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	368.34'	584.00'	36°08'16"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

40' 0' 40' 80'
1" = 80'

TOTAL AREA OF PROPERTY	RC-451	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	25,052 SQ. FT. (NET AREA)	37,468 SQ. FT. (NET AREA)	SSE

Metro

APPROVED BY: _____ PROJECT MANAGER 7/18/12 DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16933 Parthenia St., Suite 100 Northridge, CA 91343

CHECKED BY: _____ L.S.: 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451

EXHIBIT "B"

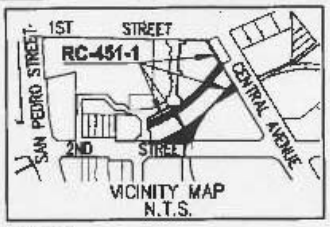
Grantor: JAPANESE VILLAGE
Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
PORTION OF LOT 1

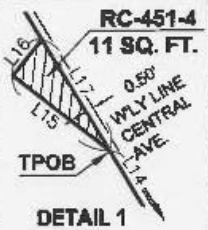
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 ROW Ref: RC-107

No.	Date	Revision Description

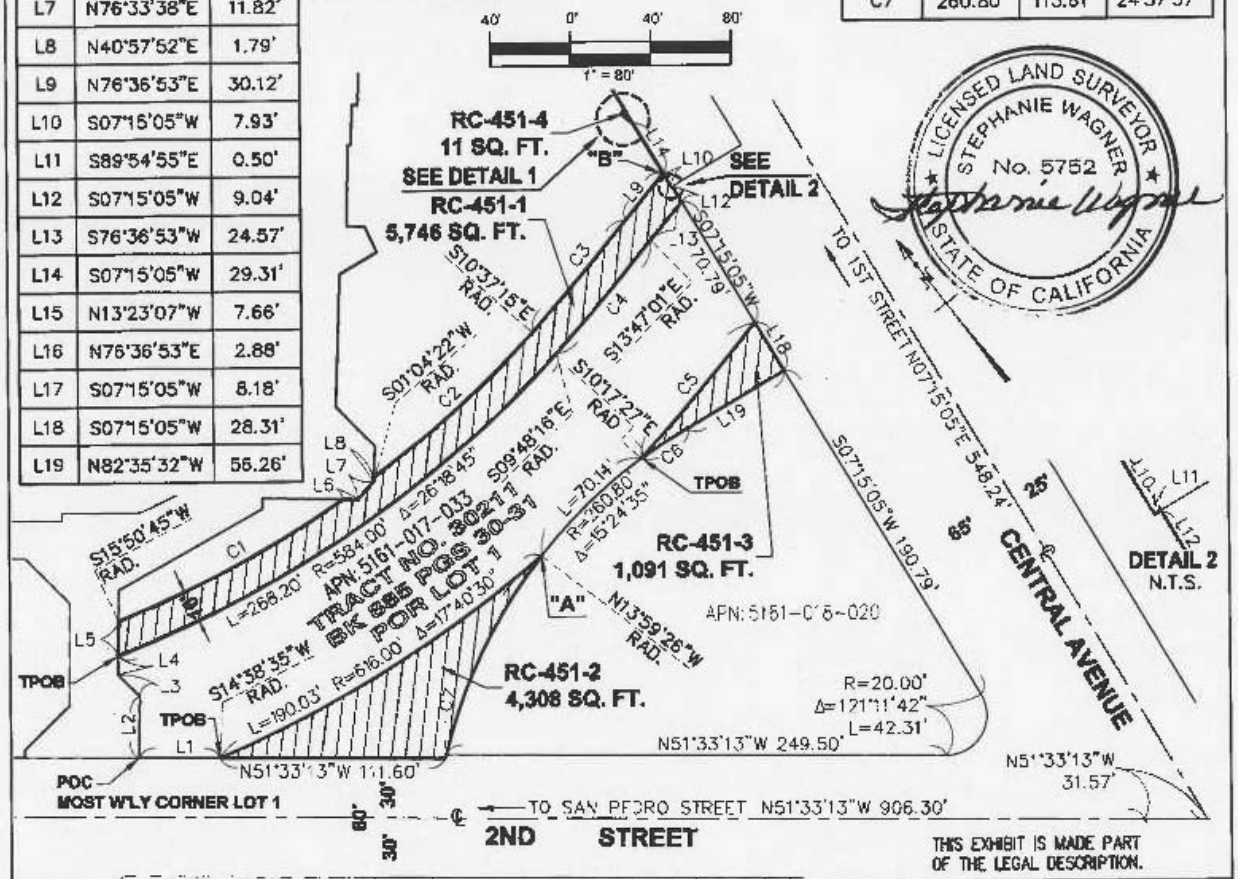
LINE TABLE		
LINE	BEARING	LENGTH
L1	S51°33'13"E	40.30'
L2	N38°48'46"E	30.89'
L3	N07°27'45"W	15.38'
L4	N38°46'29"E	9.37'
L5	N38°46'29"E	17.33'
L6	S51°11'23"E	7.59'
L7	N76°33'38"E	11.82'
L8	N40°57'52"E	1.79'
L9	N76°36'53"E	30.12'
L10	S07°15'05"W	7.93'
L11	S89°54'55"E	0.50'
L12	S07°15'05"W	9.04'
L13	S76°36'53"W	24.57'
L14	S07°15'05"W	29.31'
L15	N13°23'07"W	7.66'
L16	N76°36'53"E	2.88'
L17	S07°15'05"W	8.18'
L18	S07°15'05"W	28.31'
L19	N82°35'32"W	56.26'





LEGEND:
POC – POINT OF COMMENCEMENT
TPOB – TRUE POINT OF BEGINNING
GE – GROUTING EASEMENT

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	568.00'	127.85'	12°53'48"
C2	568.00'	107.72'	10°51'57"
C3	1322.36'	73.05'	3°09'55"
C4	1338.36'	74.00'	3°10'04"
C5	1318.79'	88.55'	3°50'49"
C6	260.80'	27.26'	5°59'19"
C7	260.80'	113.61'	24°57'37"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	11,156 SQ. FT. (NET AREA)	51,364 SQ. FT. (NET AREA)	GE

Metro
APPROVED BY: _____ PROJECT MANAGER 7/18/12 DATE
The Connector Partnership
PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17783 Parthenia St., Suite 100 Northridge, CA 91345
CHECKED BY: _____ LS. 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

DATE: 06/18/12
SCALE: 1" = 80'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-451-1

ATTACHMENT B

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF A SUBSURFACE AND GROUTING EASEMENTS ON PARCEL NOs. RC-450, RC-450-1, RC-451, & RC-451-1 THROUGH RC-451-4 (THE "PROPERTY") FOR THE REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT.

BACKGROUND

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the owner of record (hereinafter "Owner"), as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project Parcel Nos. RC-450 and RC-451; and
- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface easements, which would result in a three (3) to four (4) foot wide area between the then bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 where the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary

grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015, Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned (returned) upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

An amended Resolution of Necessity is necessary to enable Metro to amend its existing condemnation Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

A. <u>The public interest and necessity require the Project.</u>

The public interest and necessity require the Project for the following reasons:

1. The existing population and employment density in the Regional Connector Transit Corridor ("Corridor") is higher that the surrounding County demographics, and is highly transit dependent. The Corridor population density is approximately two-and-a-half times higher than Los Angeles County as a whole. The Corridor has a very high concentration of low-income, minority, transit-dependent residents. More than 39 percent of all Corridor households are below the poverty threshold. 83 percent of Corridor residents are considered minorities, and 60 percent of all households in the Corridor do not have access to an automobile. The Project will provide significant improvements in transportation and attendant access to economic and employment opportunities for low-income, elderly, transit-dependent persons living in the Corridor area.

2. The Project would connect the Metro Gold, Blue, and Expo Lines through downtown Los Angeles, enabling passengers to travel the region's largest employment center on Metro's light rail transit (LRT) system without the need to transfer. By providing continuous through service between these lines, the Project will improve access to both local and regional destinations – greatly improving the connectivity of the transportation network for the region.

3. The Project will offer an alternative transportation option to congested roadways and provide significant environmental benefits, economic development, and employment opportunities throughout the Corridor and Los Angeles County as a whole.

4. The Project will enable Los Angeles County rail to operate more efficiently and attract higher ridership, thereby reducing congestion, improving air quality and lessening the regional carbon footprint. By linking several LRT systems through Downtown Los Angeles, the Project will significantly increase regional mobility.

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

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

On September 3, 2010, a Draft Environmental Impact Statement/ Draft Environmental Impact Report (DEIS/DEIR) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments. A total of five alternatives were presented in the DEIR/DEIS: No Build, Transportation Systems Management (TSM), and three build alternatives utilizing Light Rail Transit (LRT) technology - Fully Underground, Underground Emphasis, and At-Grade Emphasis. On October 28, 2010 the Board adopted the Fully Underground LRT Alternative as the Locally Preferred Alternative (LPA), after review and consideration of the comments received from circulation of the 2010 DEIS/DEIR. The Board certified the Final Environmental Impact Statement/ Final Environmental Impact Report (FEIS/FEIR) on April 26, 2012. A Record of Decision was received from the Federal Transit Administration on June 29, 2012.

Various parties have challenged the FEIS/FEIR pursuant to the National Environmental Protection Act ("NEPA") and the California Environmental Quality Act ("CEQA"). On May 29, 2014, a federal judge held in *Japanese Village LLC v. Federal Transit Administration*, 2:13-CV-0396-JAK (PLAx)(C.D. Cal, complaint filed Jan. 18, 2013) that the Project fully and properly complied with NEPA in relation to the Property, but the Court did take issue with certain portions of the Project FEIS that are unrelated to the Property. The fact that a portion of the FEIS unrelated to the Property was found to be insufficient does not prevent MTA from approving a Resolution of Necessity and filing an eminent domain action to take interests in the Property. (U.S. v. 0.95 Acres of Land (1993) 994 F.2d 696 (NEPA compliance is not a defense to a condemnation action); *Golden Gate Land Holdings LLC v. East Bay Regional Park District* (2013) 215 Cal.App.4th 353 (irregularities in environmental documentation do not prevent a public entity from filing a condemnation action)). Further, while there is a pending CEQA challenge to the Project, *Japanese Village LLC v. Los Angeles County Metropolitan Transportation Authority*, No. BS137343 (Los Angeles Sup. Ct., complaint filed May 21, 2012), a pending CEQA challenge does not prevent MTA from approving a Resolution of Necessity and the filing of an eminent domain action to take the Property. (*Golden*

Gate, 215 Cal.App.4th at 376-377; *Santa Monica Baykeeper v. City of Malibu* (2011)193 Cal.App.4th 1538, 1547).

The Project is a Fully Underground LRT dual-track alignment, which will extend from the Metro Gold Line Little Tokyo/Arts District Station to the 7th Street/Metro Center Station in downtown Los Angeles, allowing passengers to transfer to the Blue, Expo, Red, and Purple Lines, bypassing Union Station. The 1.9-mile alignment will serve Little Tokyo, the Arts District, Civic Center, the Historic Core, Broadway, Grand Ave, Bunker Hill, Flower St., and the Financial District, and will benefit the City of Los Angeles and portions of unincorporated Los Angeles County. The Project includes three stations:

- 1st Street/Central Avenue
- 2nd Street/Broadway
- 2nd Place/Hope Street

The Corridor has some of the highest population and employment density in the Southern California region, as well as the highest proportion of transit ridership. No significant expansion of existing freeway and street networks is planned to accommodate this density and future expected growth. During various community meetings, the residents of the Corridor area expressed their need for improved transit service because many are transit-dependent and need better access to the region's educational, employment, and cultural opportunities. The Locally Preferred Alternative (LPA) addresses those needs and moves more people in a way that is energy efficient and with the least environmental impact.

The Project will cause private injury, including the use of certain private property. 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.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter. 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. <u>The Property is necessary for the Project.</u>

The Property is needed for the construction and operation of the tunnel alignment which connects the Red Line 7th and Metro Station and Little Tokyo Gold Line Station Site. The Property requirements are based on the approved FEIS/FEIR for the Project. The Project requires subsurface tunnel and grouting easements for the monitoring of the installation of grouting pipes, and subsurface tunnel and grouting easements to install, monitor and remove surface ground movement instruments. Staff recommends that the Board find that the acquisition of the subsurface tunnel and grouting easements on the Property are necessary for the Project. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

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 and 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 appraisals to determine the fair market value of the subsurface tunnel and grouting easements;

2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation;

3. Determined the Owner with ownership of the interests at issue by examining the county assessor's record and the title report;

4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value; and

5. Provided the Owner with a written statement of the basis for, the amount established as just compensation.

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

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

ATTACHMENTS

A Order for Prejudgment Possession
A-1 Subsurface Easements – Portion to be Abandoned
A-2 Subsurface Easements – Portion to be Retained

ATTACHMENT A

Order of Prejudgment Possession (June 4, 2015)

COPY

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ROBERT C. CARTWRIGHT, Asst. County Counsel
ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
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(213) 974-1885 / Fax: (213) 687-7337

FILING FEE EXEMPT PURSUANT TO GOVERNMENT CODE § 6103

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ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

GREGORY M. BERGMAN (Bar No. 065196)
BRIAN J. BERGMAN (Bar No. 240584)
MATTHEW T. ANDERSON (Bar No. 280311)
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Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931

Attorneys for Plaintiff and Cross-Defendant
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, a California Public Entity,

Plaintiff,

v.

JAPANESE VILLAGE, LLC, et al.,

Defendants.

JAPANESE VILLAGE, LLC,

Cross-Complainant,

v.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY,

Cross-Defendant.

Case No. BC550348

[Honorable Teresa Sanchez-Gordon -- Dept. 74]

[Complaint Filed 07/03/14]

~~[PROPOSED]~~ ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033

MTA Parcel Nos. RC-450; RC-450-1; RC-451; RC-451-1, -2, -3, -4

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	**Date After Which Possession to Be Taken**
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing **"[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460"** on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.

☒ (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015

Sarah Moscozo

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
PORTION OF LOT 2

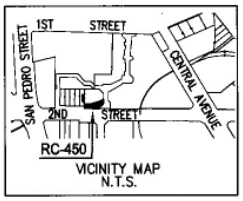
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02
Assessor's Ref: 5161-017-023 | ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description

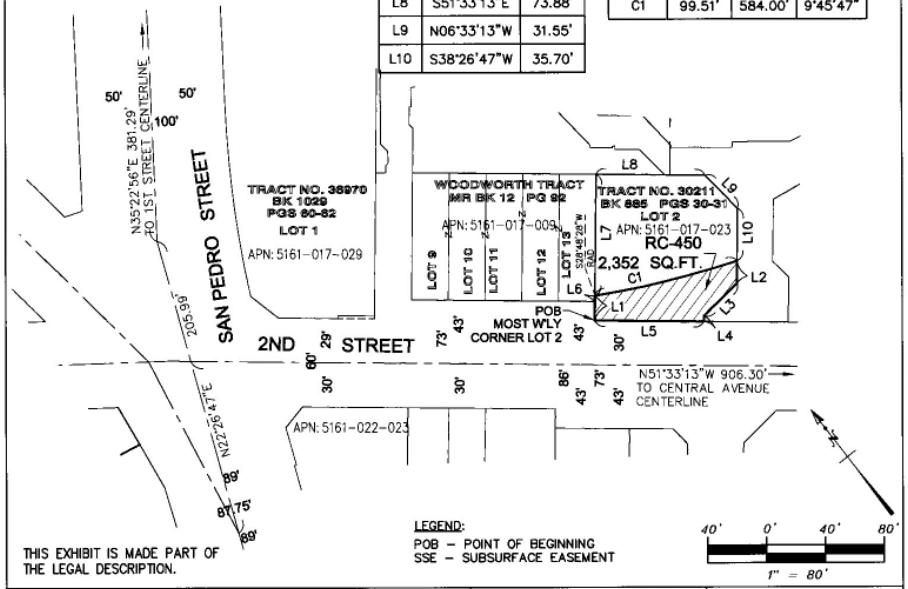
LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'



VICINITY MAP
N.T.S.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"



LEGEND:
POB – POINT OF BEGINNING
SSE – SUBSURFACE EASEMENT

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

Metro
APPROVED BY: _____ PROJECT MANAGER
7/18/12 DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16933 Parthenia St., Suite 100 Northridge, CA 91343
CHECKED BY: P.L.S.: 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

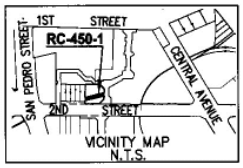
DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-450

EXHIBIT "B"

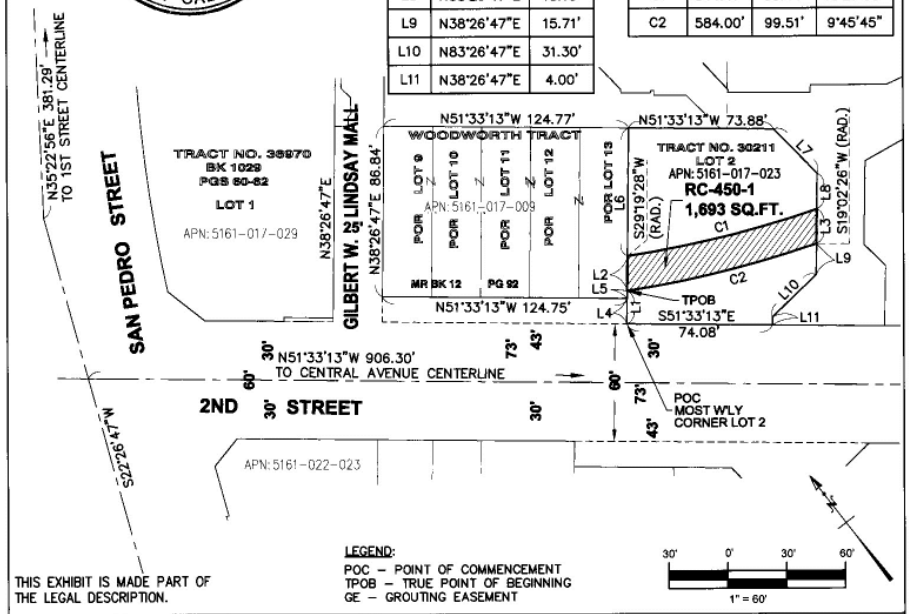
Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31	
PORTION OF LOT 2, CITY OF LOS ANGELES	
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA	
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02	
Assessor's Ref: 5161-017-023 / ROW Ref: R-107	No. / Date / Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"



LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA



LEGEND:
POC – POINT OF COMMENCEMENT
TPOB – TRUE POINT OF BEGINNING
GE – GROUTING EASEMENT

30' 0' 30' 60'
1" = 60'

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

Metro
APPROVED BY: _____ 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16633 Parthenia St., Suite 100 Northridge, CA 91343
CHECKED BY: LS.: 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

DATE: 05/30/12
SCALE: 1" = 60'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-450-1

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC

Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
PORTION OF LOT 1

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02

Assessor's Ref: 5161-017-033 | ROW Ref: R-107

The data shown on plat are based on field survey prepared by Wagner Engineering & Survey, Inc. dated June 2011 – June 2012. Bearing and distances are based on California Coordinate System NAD '83 Zone 5 coordinates obtained from California H.P.G.N.

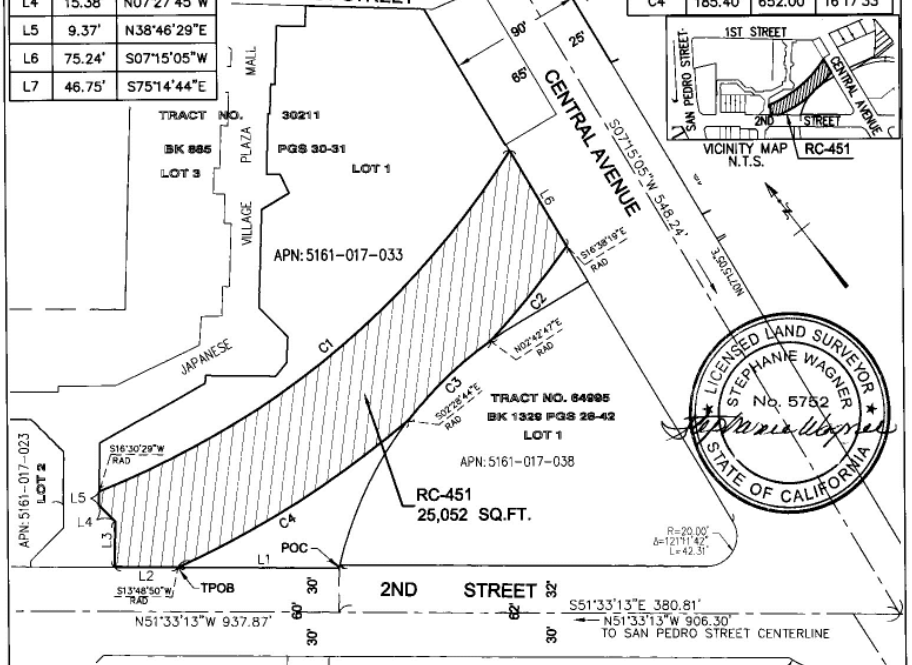
No.	Date	Revision Description

LINE TABLE

LINE	LENGTH	BEARING
L1	109.13'	N51°33'13"W
L2	42.77'	N51°33'13"W
L3	30.89'	N38°48'46"E
L4	15.38'	N07°27'45"W
L5	9.37'	N38°46'29"E
L6	75.24'	S07°15'05"W
L7	46.75'	S75°14'44"E

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	368.34'	584.00'	36°08'16"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

40' 0' 40' 80'
1" = 80'

TOTAL AREA OF PROPERTY	RC-451	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	25,052 SQ. FT. (NET AREA)	37,468 SQ. FT. (NET AREA)	SSE

Metro

APPROVED BY: [signature] 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16933 Parthenia St., Suite 100 Northridge, CA 91343

CHECKED BY: [signature] L.S.: 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451

EXHIBIT "B"

Grantor: JAPANESE VILLAGE
Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 | ROW Ref: RC-107

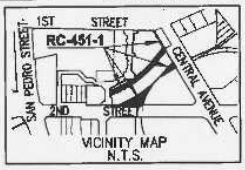
No.	Date	Revision Description

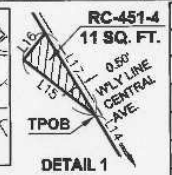
LINE TABLE

LINE	BEARING	LENGTH
L1	S51°33'13"E	40.30'
L2	N38°48'46"E	30.89'
L3	N07°27'45"W	15.38'
L4	N38°46'29"E	9.37'
L5	N38°46'29"E	17.33'
L6	S51°11'23"E	7.59'
L7	N76°33'38"E	11.82'
L8	N40°57'52"E	1.79'
L9	N76°36'53"E	30.12'
L10	S07°15'05"W	7.93'
L11	S89°54'55"E	0.50'
L12	S07°15'05"W	9.04'
L13	S76°36'53"W	24.57'
L14	S07°15'05"W	29.31'
L15	N13°23'07"W	7.66'
L16	N76°36'53"E	2.88'
L17	S07°15'05"W	8.18'
L18	S07°15'05"W	28.31'
L19	N82°35'32"W	56.26'

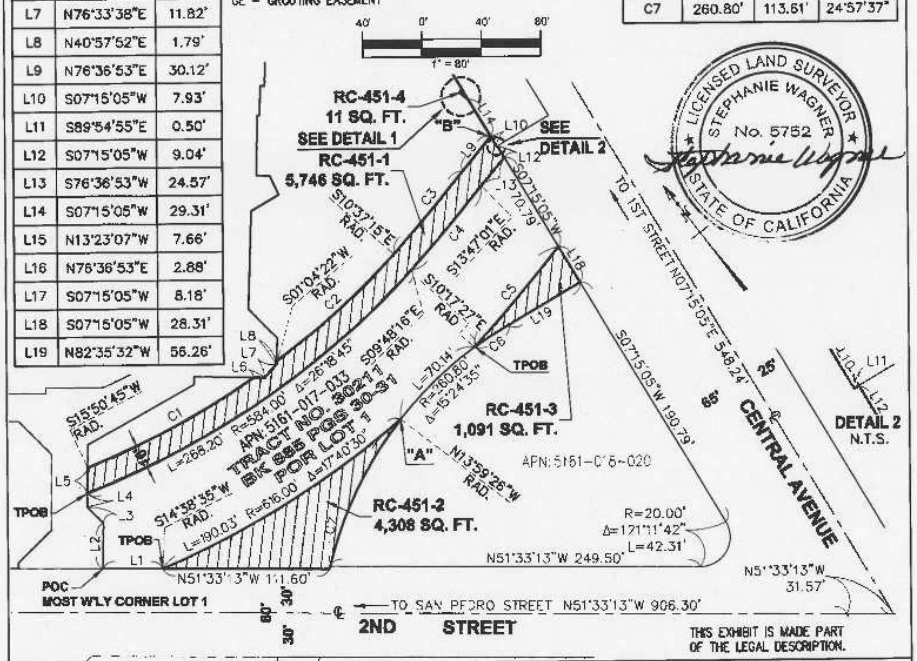
CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	568.00'	127.85'	12°53'48"
C2	568.00'	107.72'	10°51'57"
C3	1322.36'	73.05'	3°09'55"
C4	1338.36'	74.00'	3°10'04"
C5	1318.79'	88.55'	3°50'49"
C6	260.80'	27.26'	5°59'19"
C7	260.80'	113.61'	24°57'37"





LEGEND:
POC – POINT OF COMMENCEMENT
TPOB – TRUE POINT OF BEGINNING
GE – GROUTING EASEMENT



LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	11,156 SQ. FT. (NET AREA)	51,364 SQ. FT. (NET AREA)	GE

Metro
APPROVED BY: [signature] 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 10933 Parthenia St., Suite 600 Northridge, CA 91345
CHECKED BY: LS. 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 06/18/12
SCALE: 1" = 80'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-451-1

ATTACHMENT A-1

Subsurface Easements – Portions to be Abandoned

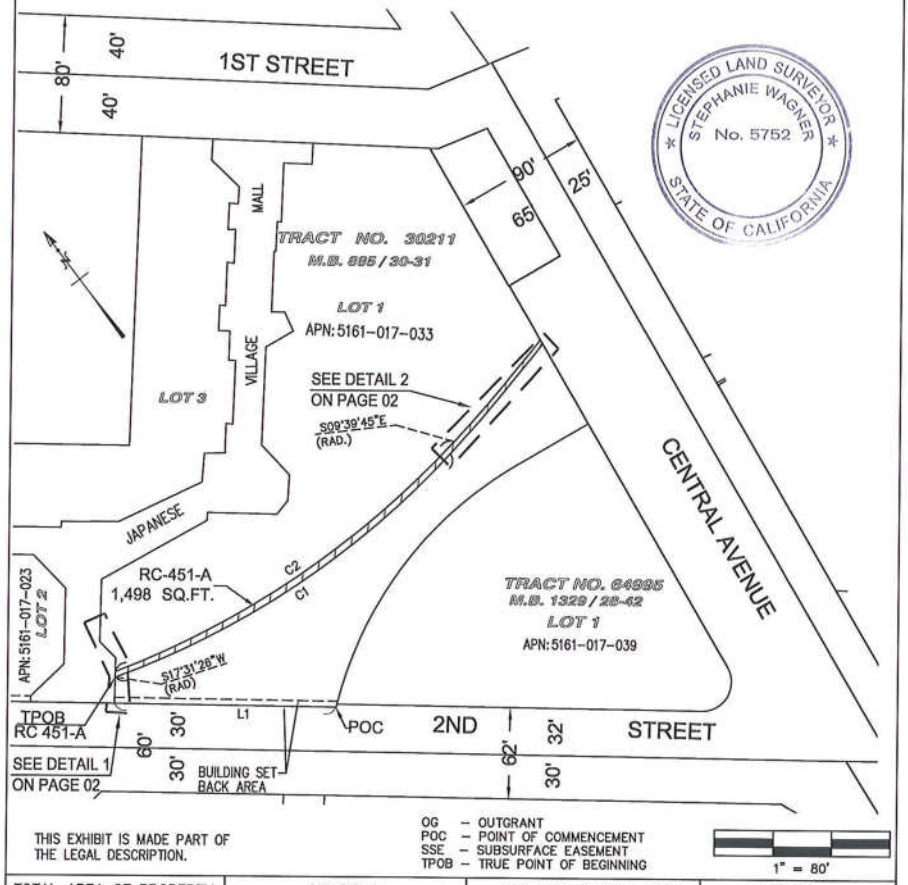
EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
PORTION OF LOT 1

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

Metro
APPROVED BY:
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91325
CHECKED BY: LS.: 5752

REGIONAL CONNECTOR
PAGE 1 OF 2
CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

EXHIBIT "F"

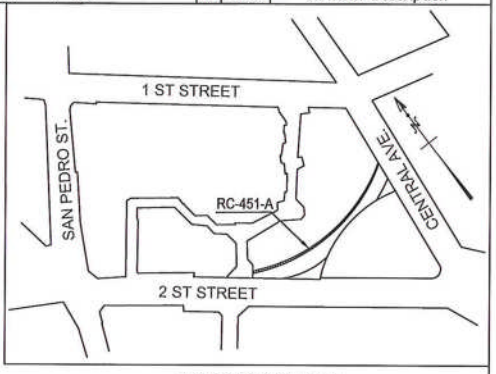
Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 ROW Ref: R-107

No.	Date	Revision Description

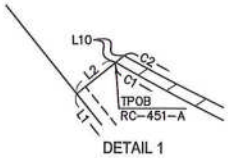
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'



VICINITY MAP
N.T.S.

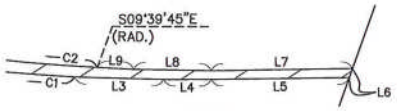
CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING



DETAIL 1

LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA



DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

APPROVED BY:
Metro
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17744 Sycamore St., Suite 200 Northridge, CA 91325
CHECKED BY: LS.: 5752

REGIONAL CONNECTOR
PAGE 2 OF 2
CITY OF LOS ANGELES

DATE: 03/23/2016
SCALE: NTS
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

ATTACHMENT A-2

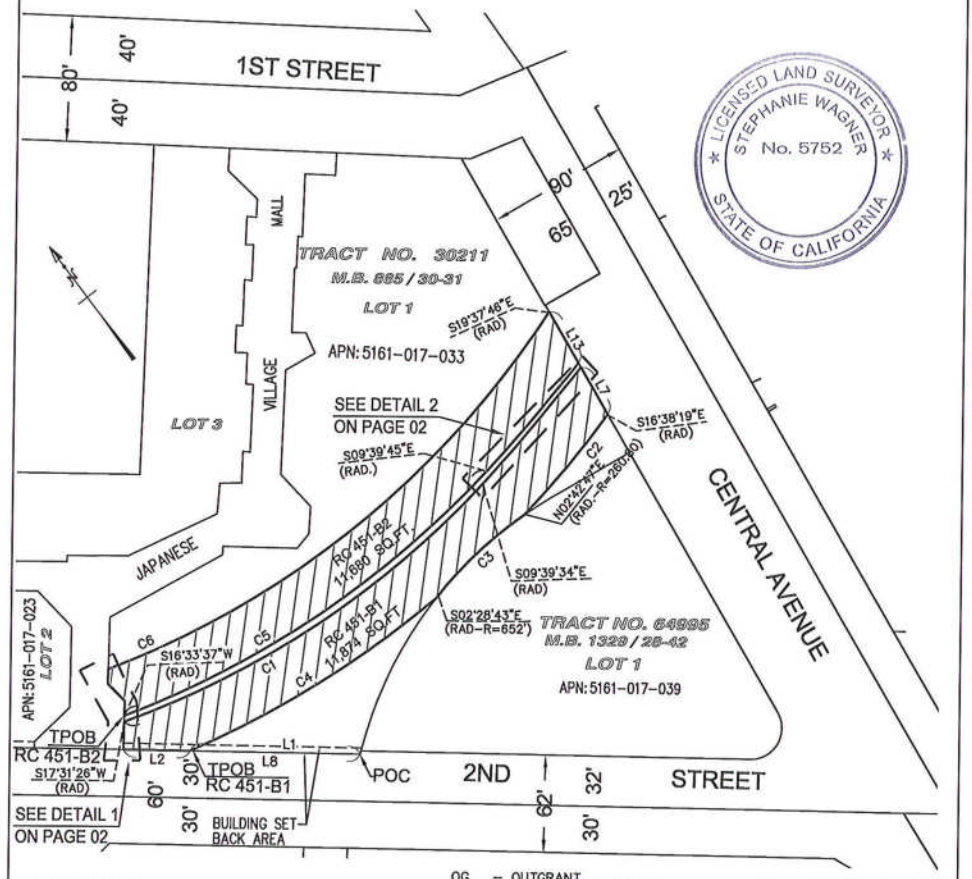
Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor:	JAPANESE VILLAGE, LLC
Description:	TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1
Title Report:	CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref:	5161-017-033
ROW Ref:	R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

APPROVED BY:

Metro

PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91325

CHECKED BY: LS.: 5752

REGIONAL CONNECTOR

PAGE 1 OF 2

CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-B

LICENSED LAND SURVEYOR * STEPHANIE WAGNER * No. 5752 * STATE OF CALIFORNIA

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
PORTION OF LOT 1

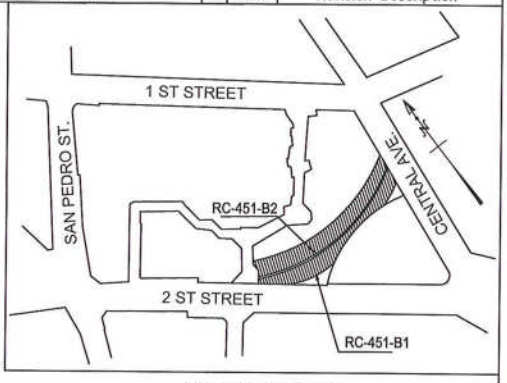
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description

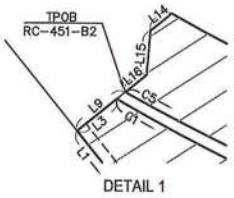
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"



VICINITY MAP
N.T.S.

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING



DETAIL 1

DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

APPROVED BY:
Metro
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY INC
17154 Devonshire St., Suite 200
Northridge, CA 91325

CHECKED BY: L.S.: 5752

REGIONAL CONNECTOR
PAGE 2 OF 2
CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: NTS
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-B

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213.922.2000 Tel
metro.net

Metro

REGULAR BOARD MEETING
APRIL 28, 2016

SUBJECT: REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT

ACTION: ADOPT AN AMENDED RESOLUTION OF NECESSITY TO PROVIDE FOR THE FUTURE BIFURCATION OF EXISTING SUBSURFACE TUNNEL EASEMENTS, AND FOR THE OUTGRANT TO THE PROPERTY OWNER OF CERTAIN EASEMENT RIGHTS IN A PORTION OF ASSESSOR'S PARCEL NOS. 5161-017-021, 5161-017-022, 5161-017-023, & 5161-017-033 (HEREINAFTER THE "PROPERTY").

RECOMMENDATION

A. Hold a public hearing on the proposed Amended Resolution of Necessity.

B. Adopt an amended Resolution of Necessity clarifying the nature of the property rights to be acquired in the pending eminent domain action against Japanese Village, LLC, et al (hereinafter "Owner"), in support of the METRO Regional Connector Transit Corridor Project, including a provision for the bifurcation of the existing subsurface tunnel easements, and for the outgrant to the Property Owner of the space between the bifurcated tunnel easements in the context of METRO'S long-range plans affecting the Property.

RATIONALE

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the Owner, as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests from the Owner:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project Parcel Nos. RC-450 and RC-451; and
- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface tunnel and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface tunnel easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface tunnel easements, which would result in a three (3) to four (4) foot wide area between the bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface tunnel easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 wherein the Motion was granted , subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015, Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner. An amended Resolution of Necessity is necessary to enable Metro to amend its existing Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

In accordance with the provisions of the California Eminent Domain law and Sections 30503, 130220.5 and 132610 of the California Public Utilities Code (which authorize the public acquisition of private property by eminent domain), METRO has prepared and mailed notices of this hearing to the Owner informing them of their 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 public good and the least private injury; (3) whether the Property is necessary for the Project; and (4) whether either the 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.

Attached is evidence submitted by staff that supports adoption of the Resolution that has been approved by counsel, and which sets forth the required findings (Attachment "B"). After all of the testimony and other evidence has been received by METRO from all interested parties, the METRO must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment "C") to acquire the Property by eminent domain. In order to adopt the resolution, the METRO must, based upon all the evidence before it, and by a vote of two-thirds of all the members of its governing body, find and determine that the conditions stated above exist.

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

This project is funded by Measure R 35% backed TIFIA loan, and a combination of various local and state grants and Federal grants. The funding to acquire the Property is included in the approved fiscal year 2015 project budget, under Measure R Project Regional Connector Transit Corridor Project 860228, in cost center 8510 (Construction Procurement), account number 53103 (Acquisition of Land). This has no impact to operations eligible funds.

NEXT STEPS

If this action is approved by the Board, METRO's condemnation counsel will be instructed to take all steps necessary to file a First Amended Complaint in the pending eminent domain action, in which METRO has already obtained one or more prejudgment Orders of Possession with regard to the subsurface tunnel and grouting construction easements. Counsel will also be directed to prosecute the case to judgment to obtain the relief sought by the First Amended Complaint.

ATTACHMENTS

A Order for Prejudgment Possession
A-1 Subsurface Easements – Portion to be Abandoned
A-2 Subsurface Easements – Portion to be Retained
B Staff Report
C Resolution of Necessity

Prepared by: Velma C. Marshall, Deputy Executive Officer – Real Estate (213) 922-2415

Calvin E. Hollis
Interim Chief Planning Officer

Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

Order of Prejudgment Possession (June 4, 2015)

COPY

MARK J. SALADINO, County Counsel
ROBERT C. CARTWRIGHT, Asst. County Counsel
ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012-2713
(213) 974-1885 / Fax: (213) 687-7337

FILING FEE EXEMPT PURSUANT TO GOVERNMENT CODE § 6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

GREGORY M. BERGMAN (Bar No. 065196)
BRIAN J. BERGMAN (Bar No. 240584)
MATTHEW T. ANDERSON (Bar No. 280311)
BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd. Suite 900
Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931

Attorneys for Plaintiff and Cross-Defendant
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, a California Public Entity,

Plaintiff,

v.

JAPANESE VILLAGE, LLC, et al.,

Defendants.

JAPANESE VILLAGE, LLC,

Cross-Complainant,

v.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY,

Cross-Defendant.

Case No. BC550348

[Honorable Teresa Sanchez-Gordon -- Dept. 74]

[Complaint Filed 07/03/14]

~~[PROPOSED]~~ ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033

MTA Parcel Nos. RC-450; RC-450-1; RC-451; RC-451-1, -2, -3, -4

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	**Date After Which Possession to Be Taken**
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing **"[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460"** on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.

☒ (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015

Sarah Moscozo

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
PORTION OF LOT 2

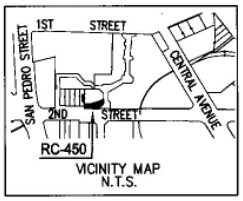
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02
Assessor's Ref: 5161-017-023 | ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description

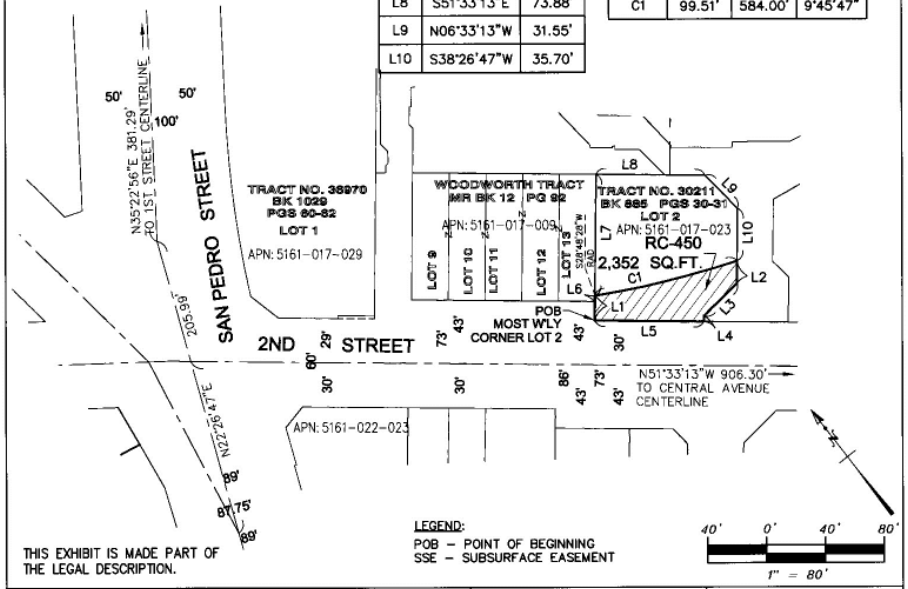
LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'



VICINITY MAP
N.T.S.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POB – POINT OF BEGINNING
SSE – SUBSURFACE EASEMENT

40' 0' 40' 80'
1" = 80'

TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

Metro
APPROVED BY: [signature] PROJECT MANAGER 7/18/12 DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16933 Parthenia St., Suite 100 Northridge, CA 91343
[signature]
CHECKED BY: L.S.: 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

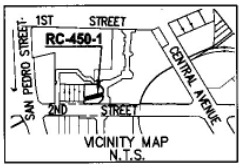
DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-450

EXHIBIT "B"

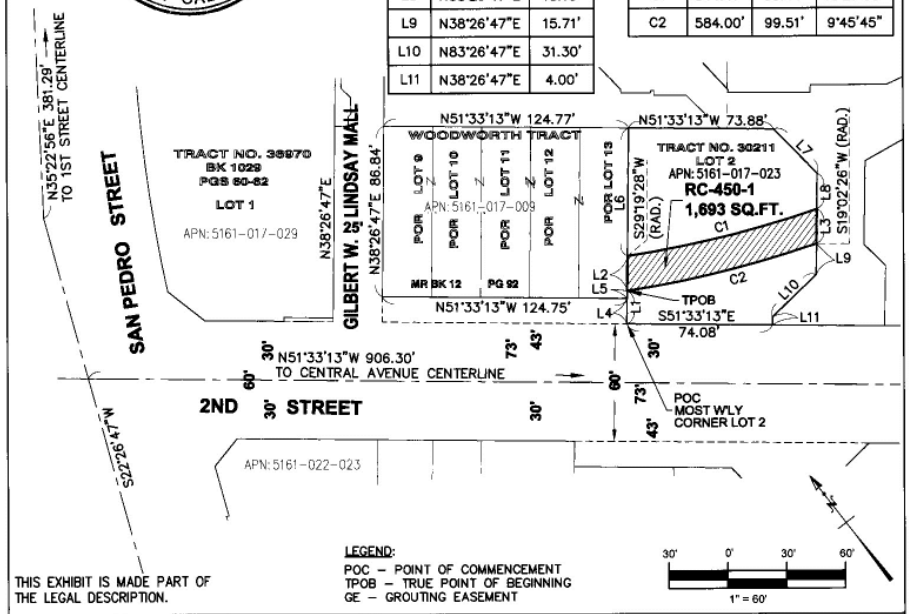
Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31	
PORTION OF LOT 2, CITY OF LOS ANGELES	
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA	
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02	
Assessor's Ref: 5161-017-023 ROW Ref: R-107	No. Date Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"



LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA



LEGEND:
POC – POINT OF COMMENCEMENT
TPOB – TRUE POINT OF BEGINNING
GE – GROUTING EASEMENT

30' 0' 30' 60'
1" = 60'

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

Metro
APPROVED BY: _____ 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16633 Parthenia St., Suite 100 Northridge, CA 91343
CHECKED BY: LS.: 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

DATE: 05/30/12
SCALE: 1" = 60'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-450-1

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
PORTION OF LOT 1

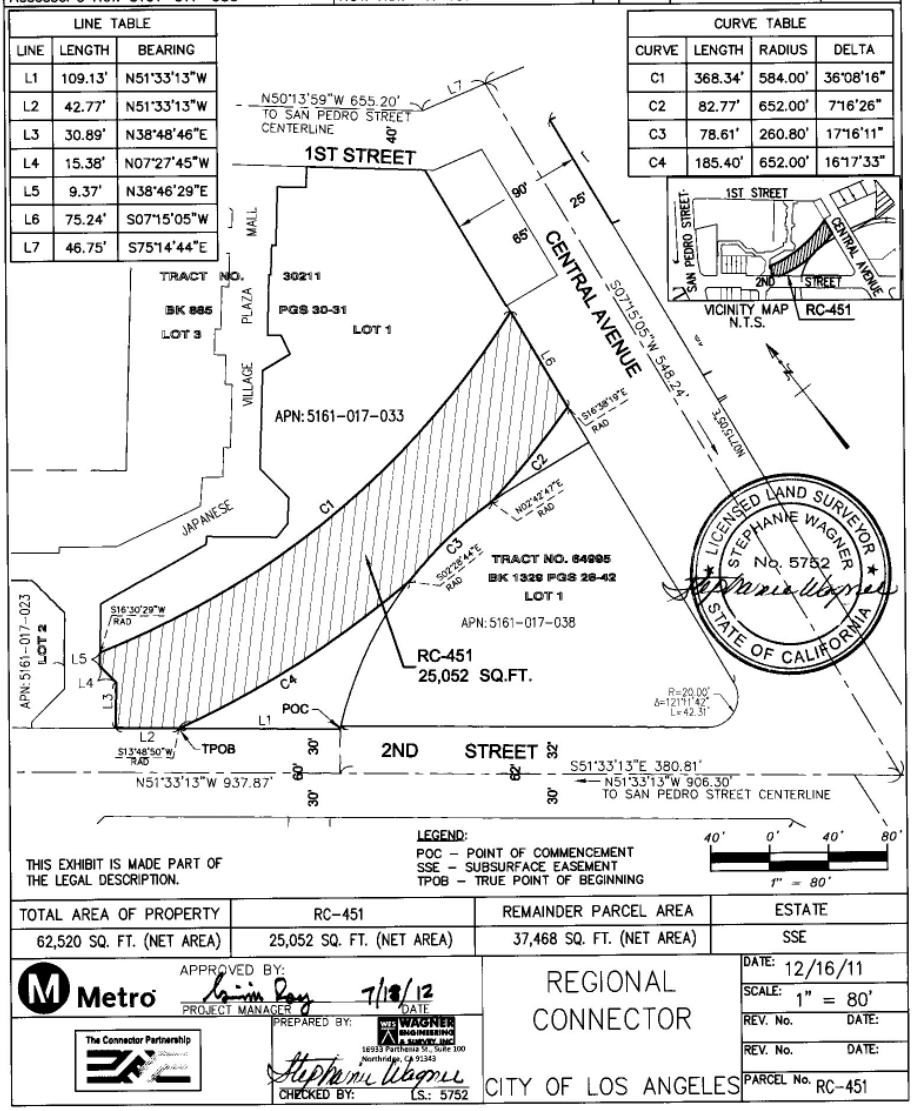
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 | ROW Ref: R-107

The data shown on plat are based on field survey prepared by Wagner Engineering & Survey, Inc. dated June 2011 – June 2012. Bearing and distances are based on California Coordinate System NAD '83 Zone 5 coordinates obtained from California H.P.G.N.

No.	Date	Revision Description

LINE TABLE		
LINE	LENGTH	BEARING
L1	109.13'	N51°33'13"W
L2	42.77'	N51°33'13"W
L3	30.89'	N38°48'46"E
L4	15.38'	N07°27'45"W
L5	9.37'	N38°46'29"E
L6	75.24'	S07°15'05"W
L7	46.75'	S75°14'44"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	368.34'	584.00'	36°08'16"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"



LEGEND:
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

40' 0' 40' 80'
1" = 80'

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-451	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	25,052 SQ. FT. (NET AREA)	37,468 SQ. FT. (NET AREA)	SSE

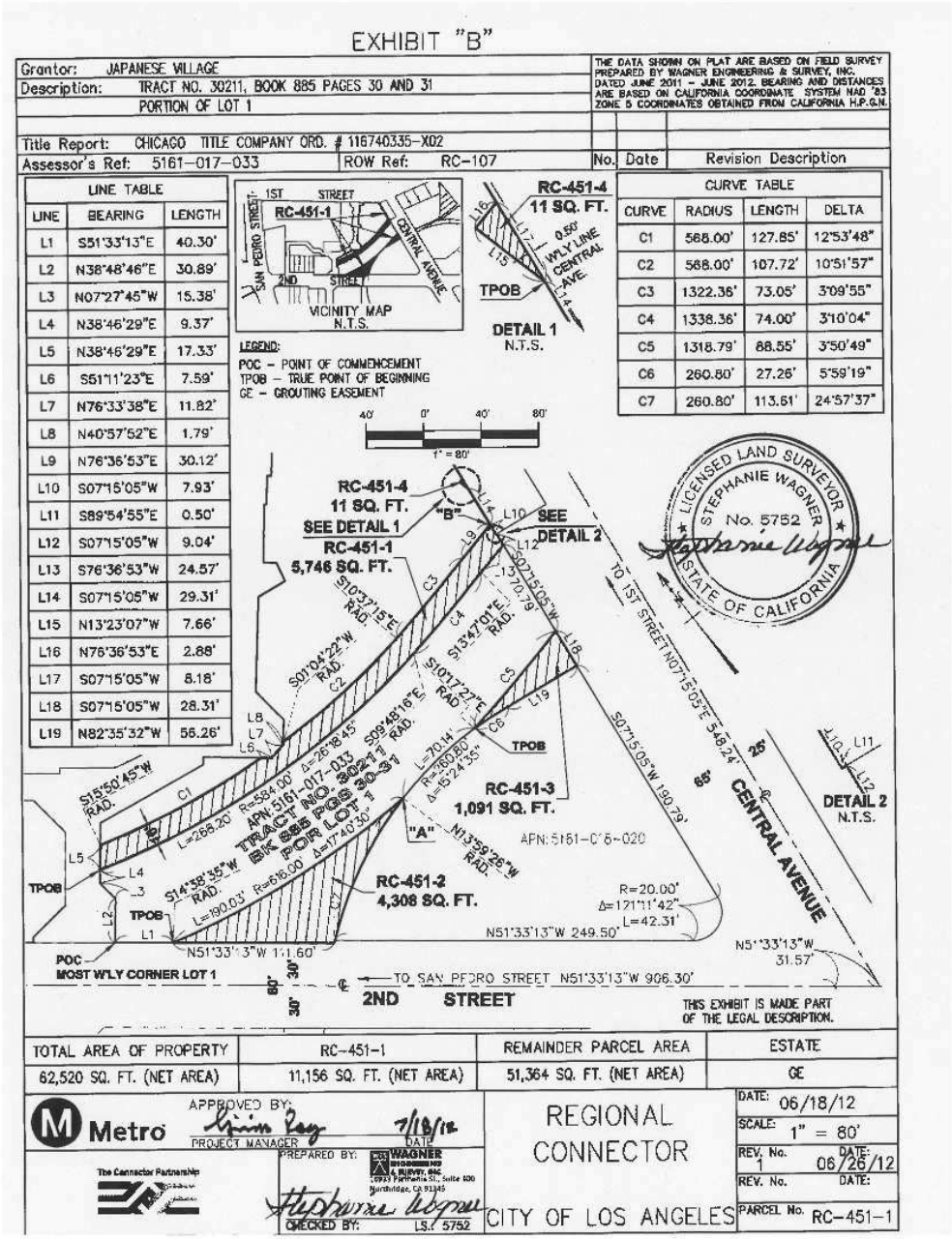
Metro
APPROVED BY: _____ PROJECT MANAGER 7/18/12 DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16933 Parthenia St., Suite 100 Northridge, CA 91343
CHECKED BY: _____ L.S.: 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451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Grantor: JAPANESE VILLAGE
Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
PORTION OF LOT 1
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033
ROW Ref: RC-107
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
No. Date Revision Description
LINE TABLE
LINE BEARING LENGTH
L1 S51°33'13"E 40.30'
L2 N38°48'46"E 30.89'
L3 N07°27'45"W 15.38'
L4 N38°46'29"E 9.37'
L5 N38°46'29"E 17.33'
L6 S51°11'23"E 7.59'
L7 N76°33'38"E 11.82'
L8 N40°57'52"E 1.79'
L9 N76°36'53"E 30.12'
L10 S07°15'05"W 7.93'
L11 S89°54'55"E 0.50'
L12 S07°15'05"W 9.04'
L13 S76°36'53"W 24.57'
L14 S07°15'05"W 29.31'
L15 N13°23'07"W 7.66'
L16 N76°36'53"E 2.88'
L17 S07°15'05"W 8.18'
L18 S07°15'05"W 28.31'
L19 N82°35'32"W 55.26'
CURVE TABLE
CURVE RADIUS LENGTH DELTA
C1 568.00' 127.85' 12°53'48"
C2 568.00' 107.72' 10°51'57"
C3 1322.36' 73.05' 3°09'55"
C4 1338.36' 74.00' 3°10'04"
C5 1318.79' 68.55' 3°50'49"
C6 260.80' 27.26' 5°59'19"
C7 260.80' 113.61' 24°57'37"
VICINITY MAP N.T.S.
1ST STREET
RC-451-1
SAN PEDRO STREET
CENTRAL AVENUE
2ND STREET
RC-451-4 11 SQ. FT.
0.50' WLY LINE CENTRAL AVE.
TPOB
DETAIL 1 N.T.S.
LEGEND:
POC - POINT OF COMMENCEMENT
TPOB - TRUE POINT OF BEGINNING
GE - GROUTING EASEMENT
40' 0' 40' 80'
1" = 80'
RC-451-4 11 SQ. FT.
SEE DETAIL 1
RC-451-1 5,746 SQ. FT.
"B"
SEE DETAIL 2
LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA
TO 1ST STREET N07°15'05"E 548.24'
S07°15'05"W 190.79'
65'
25'
CENTRAL AVENUE
DETAIL 2 N.T.S.
RC-451-3 1,091 SQ. FT.
"A"
APN: 5161-018-020
RC-451-2 4,308 SQ. FT.
APN: 5161-017-033 TRACT NO. 30211 BK 885 PGS 30-31 POR LOT 1
R=20.00' Δ=171°11'42" L=42.31'
N51°33'13"W 249.50'
N51°33'13"W 31.57'
POC MOST W'LY CORNER LOT 1
N51°33'13"W 1111.60'
TO SAN PEDRO STREET N51°33'13"W 906.30'
2ND STREET
THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.
TOTAL AREA OF PROPERTY
62,520 SQ. FT. (NET AREA)
RC-451-1
11,156 SQ. FT. (NET AREA)
REMAINDER PARCEL AREA
51,364 SQ. FT. (NET AREA)
ESTATE
GE
Metro
APPROVED BY:
PROJECT MANAGER
DATE 7/18/12
PREPARED BY:
WAGNER ENGINEERING & SURVEY, INC.
CHECKED BY:
L.S. 5752
The Connector Partnership
REGIONAL CONNECTOR
CITY OF LOS ANGELES
DATE: 06/18/12
SCALE: 1" = 80'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-451-1

ATTACHMENT A-1

Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

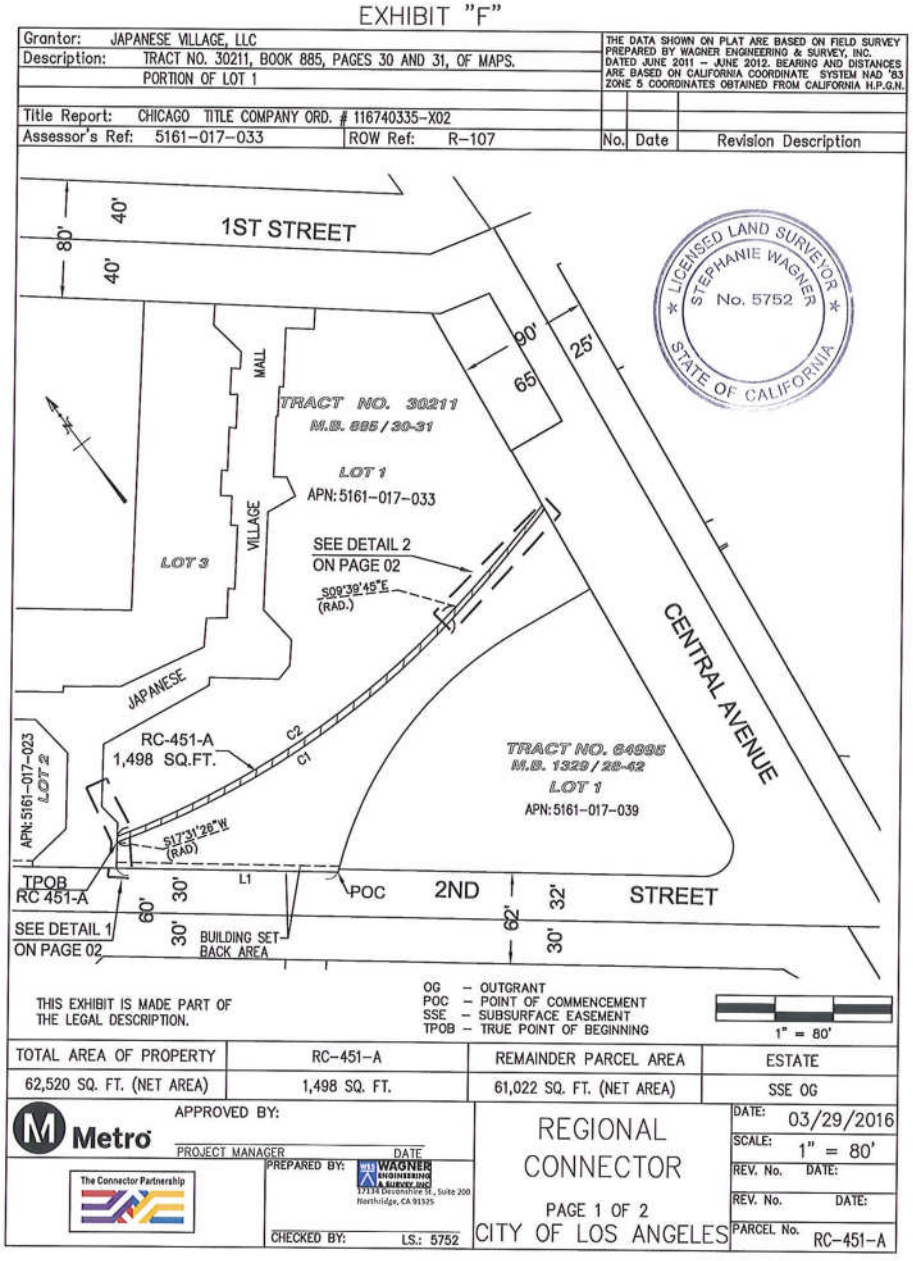

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033
ROW Ref: R-107
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
No. Date Revision Description
1ST STREET
40'
80'
40'
MALL
VILLAGE
JAPANESE
TRACT NO. 30211
M.B. 885 / 30-31
LOT 1
APN: 5161-017-033
LOT 3
SEE DETAIL 2
ON PAGE 02
S09°39'45"E
(RAD.)
90'
65'
25'
CENTRAL AVENUE
LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA
RC-451-A
1,498 SQ.FT.
C2
C1
APN: 5161-017-023
LOT 2
S17°31'26"W
(RAD)
TRACT NO. 64895
M.B. 1329 / 28-42
LOT 1
APN: 5161-017-039
TPOB
RC 451-A
L1
POC
2ND
STREET
60'
30'
30'
62'
32'
30'
SEE DETAIL 1
ON PAGE 02
BUILDING SET-
BACK AREA
THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.
OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING
1" = 80'
TOTAL AREA OF PROPERTY
62,520 SQ. FT. (NET AREA)
RC-451-A
1,498 SQ. FT.
REMAINDER PARCEL AREA
61,022 SQ. FT. (NET AREA)
ESTATE
SSE OG
APPROVED BY:
PROJECT MANAGER
DATE
Metro
The Connector Partnership
PREPARED BY:
WAGNER ENGINEERING & SURVEY, INC.
17134 Devonshire St., Suite 200
Northridge, CA 91325
CHECKED BY:
LS.: 5752
REGIONAL CONNECTOR
PAGE 1 OF 2
CITY OF LOS ANGELES
DATE: 03/29/2016
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

EXHIBIT "F"

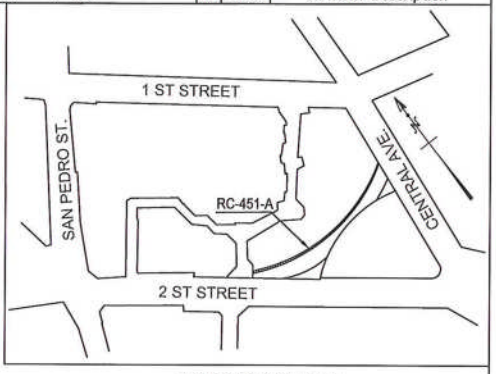
Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 | ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description

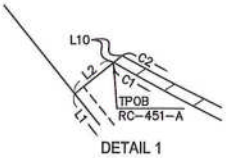
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'



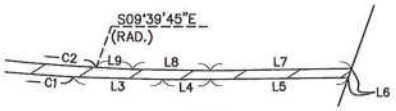
VICINITY MAP
N.T.S.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING



DETAIL 1



DETAIL 2

LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

Metro
APPROVED BY:
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91325
CHECKED BY: LS.: 5752

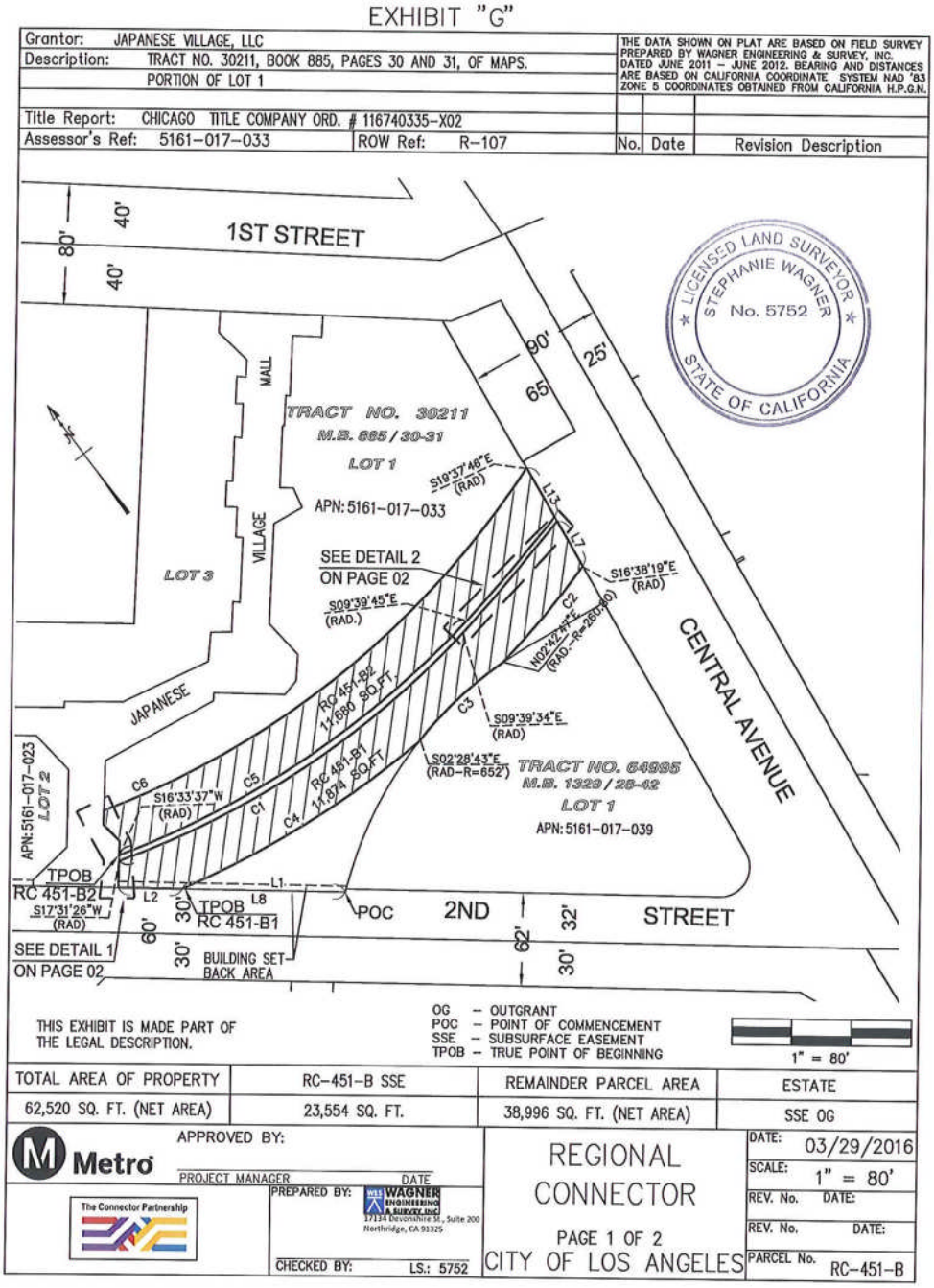
REGIONAL CONNECTOR
PAGE 2 OF 2
CITY OF LOS ANGELES

DATE: 03/23/2016
SCALE: NTS
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

ATTACHMENT A-2

Subsurface Easements – Portions to be Retained

EXHIBIT "G"



TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

Metro	APPROVED BY: PROJECT MANAGER DATE	DATE: 03/29/2016
The Connector Partnership	PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91325	SCALE: 1" = 80'
	CHECKED BY: LS.: 5752	REV. No. DATE:
REGIONAL CONNECTOR	PAGE 1 OF 2 CITY OF LOS ANGELES	REV. No. DATE:
		PARCEL No. RC-451-B

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
PORTION OF LOT 1

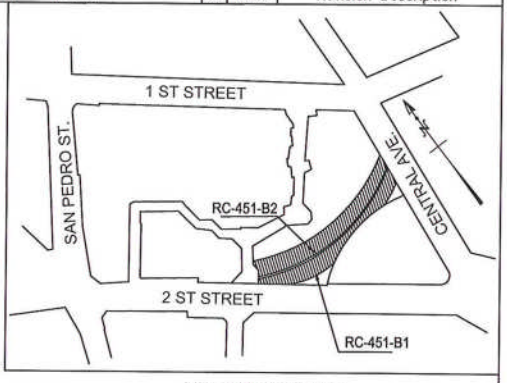
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description

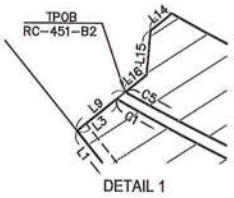
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"



VICINITY MAP
N.T.S.

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING



DETAIL 1

DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

Metro
APPROVED BY:
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY INC
17154 Devonshire St., Suite 200
Northridge, CA 91325
CHECKED BY: L.S.: 5752

REGIONAL CONNECTOR
PAGE 2 OF 2
CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: NTS
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-B

ATTACHMENT B

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF A SUBSURFACE AND GROUTING EASEMENTS ON PARCEL NOs. RC-450, RC-450-1, RC-451, & RC-451-1 THROUGH RC-451-4 (THE "PROPERTY") FOR THE REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT.

BACKGROUND

As part of the Regional Connector Transit Corridor Project ("Project"), the Los Angeles County Metropolitan Transportation Authority ("METRO") requires certain subsurface tunnel and grouting easements on the Property. A written offer was presented to the owner of record (hereinafter "Owner"), as required by California Government Code Section 7267.2. The parties were unable to reach a negotiated agreement, and the METRO Board previously approved a Resolution of Necessity on June 26, 2014, authorizing the commencement of eminent domain proceedings through the filing of a complaint in eminent domain ("Complaint"). METRO filed the Complaint on July 3, 2014, wherein METRO sought to acquire the following property interests:

- Two permanent subsurface easements for tunnel alignment, designated as METRO Project Parcel Nos. RC-450 and RC-451; and
- Multiple subsurface easements for the installation of grouting pipes, designated as METRO Project Parcel Nos. RC-450-1, RC-451-1, RC-451-2, RC-451-3, and RC-451-4

On June 4, 2015, the Court granted an Order for Prejudgment Possession to METRO for the aforementioned subsurface and grouting easement rights (see Attachment A).

In an effort to mitigate the impacts to the Property, and to enable the Property Owner to develop its Property to its fullest possible potential, METRO re-evaluated the need for the proposed 'monolithic' (single) subsurface easements for the two proposed subway tunnels. METRO's design team determined that it could bifurcate (split into two parts) the monolithic subsurface easements, which would result in a three (3) to four (4) foot wide area between the then bifurcated subsurface tunnel easements, to allow for future development use by the Property Owner. The METRO design team also determined that additional (new) grouting easements, and changes to the existing subsurface easements, would be required to facilitate the bifurcation of the subsurface tunnel easements. METRO submitted these proposed changes to the Court in its Motion for Leave to Amend the original Complaint ("Motion"). A hearing on the Motion was held on March 4, 2016 where the Motion was granted, subject to the adoption of a new Resolution of Necessity.

Following the hearing on the Motion, the proposed changes to the easements were again reevaluated. METRO's design team determined that all of the necessary

grouting required for bifurcation could be accomplished within the existing easement areas granted to METRO pursuant to the Court's Prejudgment Possession Order dated June 4, 2015, Further, it was determined that the only change to the existing subsurface tunnel easements, would be to delineate the portion of the subsurface tunnel easements which could be abandoned (returned) to the Property Owner for future development use. The portion of the subsurface tunnel easements to be abandoned (returned) upon completion of construction is shown in Attachment A-1 and designated as Project Parcel RC-451-A. The portion of the subsurface tunnel easements to be retained by METRO upon completion of construction is shown in Attachment A-2 and designated as Project Parcels RC-451-B1 and RC-451-B2. Note that Attachments A-1 and A-2 are for illustrative purposes only, and that the precise portions of the subsurface tunnel easements to be abandoned and retained can only be determined after the completion of construction by a licensed surveyor.

Because the subsurface tunnel and grouting easements are necessary for construction of the Project, staff recommends the acquisition of the subsurface tunnel and grouting easements through eminent domain. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

An amended Resolution of Necessity is necessary to enable Metro to amend its existing condemnation Complaint against the Owner, so that the Complaint conforms to changes in the Project with regard to the property that is required to construct the Project.

A. <u>The public interest and necessity require the Project.</u>

The public interest and necessity require the Project for the following reasons:

1. The existing population and employment density in the Regional Connector Transit Corridor ("Corridor") is higher that the surrounding County demographics, and is highly transit dependent. The Corridor population density is approximately two-and-a-half times higher than Los Angeles County as a whole. The Corridor has a very high concentration of low-income, minority, transit-dependent residents. More than 39 percent of all Corridor households are below the poverty threshold. 83 percent of Corridor residents are considered minorities, and 60 percent of all households in the Corridor do not have access to an automobile. The Project will provide significant improvements in transportation and attendant access to economic and employment opportunities for low-income, elderly, transit-dependent persons living in the Corridor area.

2. The Project would connect the Metro Gold, Blue, and Expo Lines through downtown Los Angeles, enabling passengers to travel the region's largest employment center on Metro's light rail transit (LRT) system without the need to transfer. By providing continuous through service between these lines, the Project will improve access to both local and regional destinations – greatly improving the connectivity of the transportation network for the region.

3. The Project will offer an alternative transportation option to congested roadways and provide significant environmental benefits, economic development, and employment opportunities throughout the Corridor and Los Angeles County as a whole.

4. The Project will enable Los Angeles County rail to operate more efficiently and attract higher ridership, thereby reducing congestion, improving air quality and lessening the regional carbon footprint. By linking several LRT systems through Downtown Los Angeles, the Project will significantly increase regional mobility.

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

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

On September 3, 2010, a Draft Environmental Impact Statement/ Draft Environmental Impact Report (DEIS/DEIR) was circulated and reviewed by interested and concerned parties, including private citizens, community groups, the business community, elected officials and public agencies. Public hearings were held to solicit citizen and agency comments. A total of five alternatives were presented in the DEIR/DEIS: No Build, Transportation Systems Management (TSM), and three build alternatives utilizing Light Rail Transit (LRT) technology - Fully Underground, Underground Emphasis, and At-Grade Emphasis. On October 28, 2010 the Board adopted the Fully Underground LRT Alternative as the Locally Preferred Alternative (LPA), after review and consideration of the comments received from circulation of the 2010 DEIS/DEIR. The Board certified the Final Environmental Impact Statement/ Final Environmental Impact Report (FEIS/FEIR) on April 26, 2012. A Record of Decision was received from the Federal Transit Administration on June 29, 2012.

Various parties have challenged the FEIS/FEIR pursuant to the National Environmental Protection Act ("NEPA") and the California Environmental Quality Act ("CEQA"). On May 29, 2014, a federal judge held in *Japanese Village LLC v. Federal Transit Administration*, 2:13-CV-0396-JAK (PLAx)(C.D. Cal, complaint filed Jan. 18, 2013) that the Project fully and properly complied with NEPA in relation to the Property, but the Court did take issue with certain portions of the Project FEIS that are unrelated to the Property. The fact that a portion of the FEIS unrelated to the Property was found to be insufficient does not prevent MTA from approving a Resolution of Necessity and filing an eminent domain action to take interests in the Property. (U.S. v. 0.95 Acres of Land (1993) 994 F.2d 696 (NEPA compliance is not a defense to a condemnation action); *Golden Gate Land Holdings LLC v. East Bay Regional Park District* (2013) 215 Cal.App.4th 353 (irregularities in environmental documentation do not prevent a public entity from filing a condemnation action)). Further, while there is a pending CEQA challenge to the Project, *Japanese Village LLC v. Los Angeles County Metropolitan Transportation Authority*, No. BS137343 (Los Angeles Sup. Ct., complaint filed May 21, 2012), a pending CEQA challenge does not prevent MTA from approving a Resolution of Necessity and the filing of an eminent domain action to take the Property. (*Golden*

Gate, 215 Cal.App.4th at 376-377; *Santa Monica Baykeeper v. City of Malibu* (2011)193 Cal.App.4th 1538, 1547).

The Project is a Fully Underground LRT dual-track alignment, which will extend from the Metro Gold Line Little Tokyo/Arts District Station to the 7th Street/Metro Center Station in downtown Los Angeles, allowing passengers to transfer to the Blue, Expo, Red, and Purple Lines, bypassing Union Station. The 1.9-mile alignment will serve Little Tokyo, the Arts District, Civic Center, the Historic Core, Broadway, Grand Ave, Bunker Hill, Flower St., and the Financial District, and will benefit the City of Los Angeles and portions of unincorporated Los Angeles County. The Project includes three stations:

- 1st Street/Central Avenue
- 2nd Street/Broadway
- 2nd Place/Hope Street

The Corridor has some of the highest population and employment density in the Southern California region, as well as the highest proportion of transit ridership. No significant expansion of existing freeway and street networks is planned to accommodate this density and future expected growth. During various community meetings, the residents of the Corridor area expressed their need for improved transit service because many are transit-dependent and need better access to the region's educational, employment, and cultural opportunities. The Locally Preferred Alternative (LPA) addresses those needs and moves more people in a way that is energy efficient and with the least environmental impact.

The Project will cause private injury, including the use of certain private property. 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.

Due to its bulk, the FEIS/FEIR is not physically included in the Board's agenda packet for this public hearing. However, the FEIS/FEIR documents should be considered in connection with this matter. 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. <u>The Property is necessary for the Project.</u>

The Property is needed for the construction and operation of the tunnel alignment which connects the Red Line 7th and Metro Station and Little Tokyo Gold Line Station Site. The Property requirements are based on the approved FEIS/FEIR for the Project. The Project requires subsurface tunnel and grouting easements for the monitoring of the installation of grouting pipes, and subsurface tunnel and grouting easements to install, monitor and remove surface ground movement instruments. Staff recommends that the Board find that the acquisition of the subsurface tunnel and grouting easements on the Property are necessary for the Project. None of the work contemplated under the subsurface tunnel and grouting easements will cause displacement or significantly impede the operations of the Owner.

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 and 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 appraisals to determine the fair market value of the subsurface tunnel and grouting easements;

2. Reviewed and approved the appraisals, and established the amount it believes to be just compensation;

3. Determined the Owner with ownership of the interests at issue by examining the county assessor's record and the title report;

4. Made a written offer to the Owner for the full amount of just compensation - which was not less than the approved appraised value; and

5. Provided the Owner with a written statement of the basis for, the amount established as just compensation.

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

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

ATTACHMENTS

A Order for Prejudgment Possession
A-1 Subsurface Easements – Portion to be Abandoned
A-2 Subsurface Easements – Portion to be Retained

ATTACHMENT A

Order of Prejudgment Possession (June 4, 2015)

COPY

MARK J. SALADINO, County Counsel
ROBERT C. CARTWRIGHT, Asst. County Counsel
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FILING FEE EXEMPT PURSUANT TO GOVERNMENT CODE § 6103

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Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

GREGORY M. BERGMAN (Bar No. 065196)
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10880 Wilshire Blvd. Suite 900
Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931

Attorneys for Plaintiff and Cross-Defendant
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, a California Public Entity,

Plaintiff,

v.

JAPANESE VILLAGE, LLC, et al.,

Defendants.

JAPANESE VILLAGE, LLC,

Cross-Complainant,

v.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY,

Cross-Defendant.

Case No. BC550348

[Honorable Teresa Sanchez-Gordon -- Dept. 74]

[Complaint Filed 07/03/14]

~~[PROPOSED]~~ ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033

MTA Parcel Nos. RC-450; RC-450-1; RC-451; RC-451-1, -2, -3, -4

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	**Date After Which Possession to Be Taken**
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing **"[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460"** on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.

☒ (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015

Sarah Moscozo

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
PORTION OF LOT 2

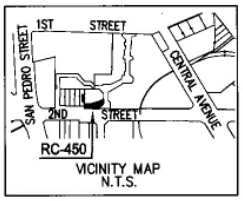
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02
Assessor's Ref: 5161-017-023 | ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description

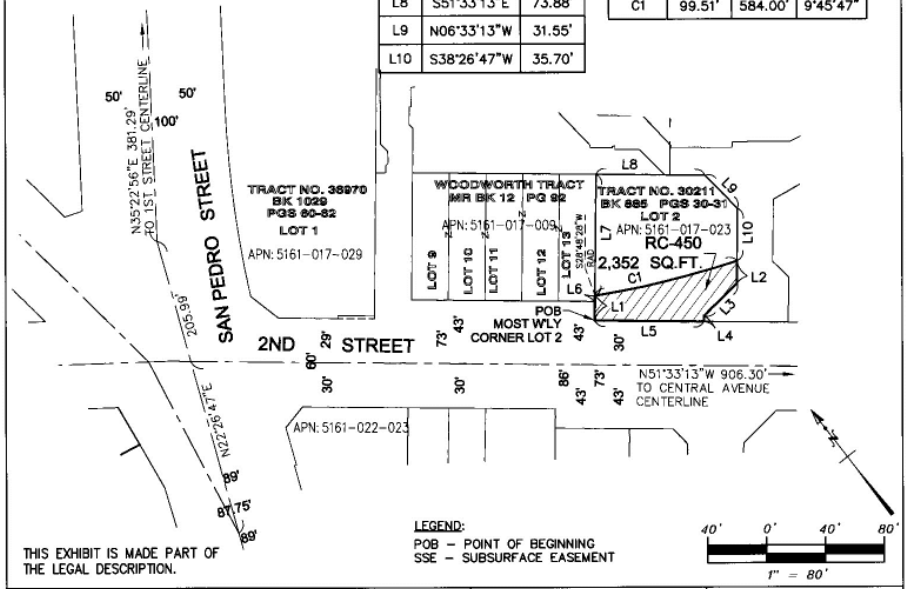
LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'



VICINITY MAP
N.T.S.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"



LEGEND:
POB – POINT OF BEGINNING
SSE – SUBSURFACE EASEMENT

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

Metro
APPROVED BY: _____ PROJECT MANAGER
7/18/12 DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16933 Parthenia St., Suite 100 Northridge, CA 91343
CHECKED BY: P.L.S.: 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

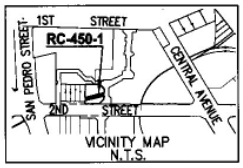
DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-450

EXHIBIT "B"

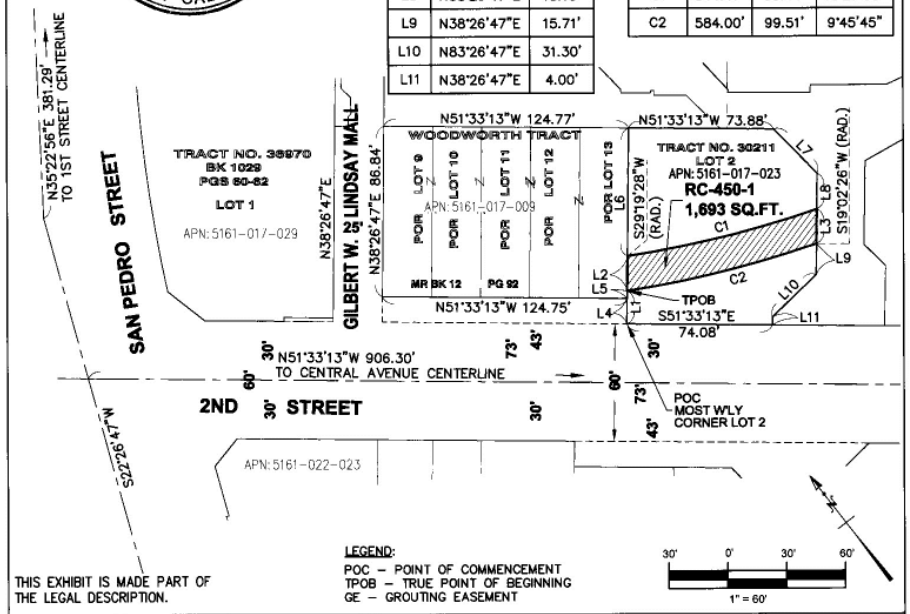
Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31	
PORTION OF LOT 2, CITY OF LOS ANGELES	
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA	
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02	
Assessor's Ref: 5161-017-023 / ROW Ref: R-107	No. / Date / Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"



LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA



LEGEND:
POC – POINT OF COMMENCEMENT
TPOB – TRUE POINT OF BEGINNING
GE – GROUTING EASEMENT

30' 0' 30' 60'
1" = 60'

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

Metro
APPROVED BY: _____ 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16633 Parthenia St., Suite 100 Northridge, CA 91343
CHECKED BY: LS.: 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

DATE: 05/30/12
SCALE: 1" = 60'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-450-1

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC

Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
PORTION OF LOT 1

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02

Assessor's Ref: 5161-017-033 | ROW Ref: R-107

The data shown on plat are based on field survey prepared by Wagner Engineering & Survey, Inc. dated June 2011 – June 2012. Bearing and distances are based on California Coordinate System NAD '83 Zone 5 coordinates obtained from California H.P.G.N.

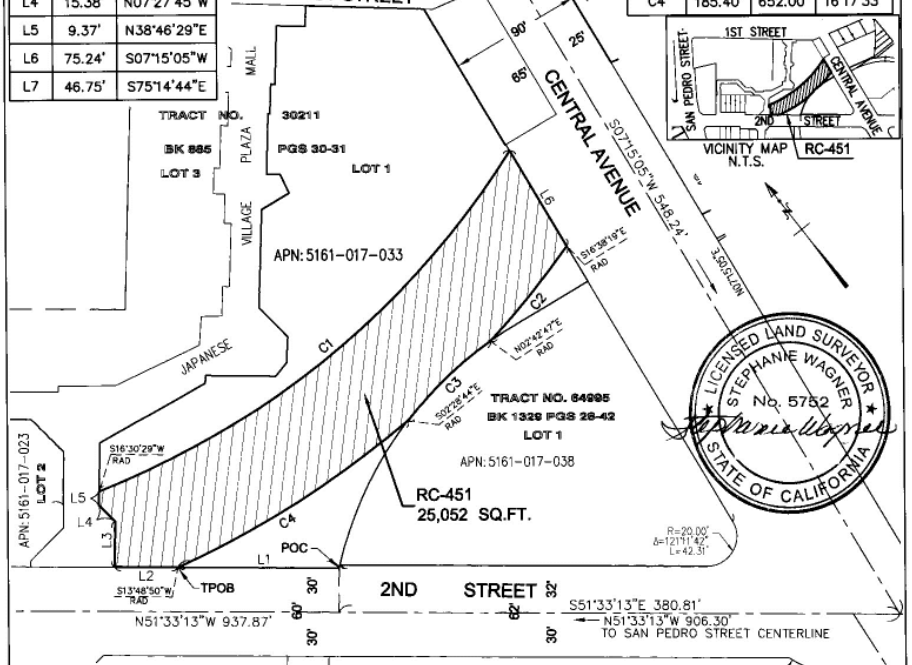
No.	Date	Revision Description

LINE TABLE

LINE	LENGTH	BEARING
L1	109.13'	N51°33'13"W
L2	42.77'	N51°33'13"W
L3	30.89'	N38°48'46"E
L4	15.38'	N07°27'45"W
L5	9.37'	N38°46'29"E
L6	75.24'	S07°15'05"W
L7	46.75'	S75°14'44"E

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
C1	368.34'	584.00'	36°08'16"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

40' 0' 40' 80'
1" = 80'

TOTAL AREA OF PROPERTY	RC-451	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	25,052 SQ. FT. (NET AREA)	37,468 SQ. FT. (NET AREA)	SSE

Metro

APPROVED BY: [signature] 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16933 Parthenia St., Suite 100 Northridge, CA 91343

CHECKED BY: [signature] L.S.: 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451

EXHIBIT "B"

Grantor: JAPANESE VILLAGE
Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 | ROW Ref: RC-107

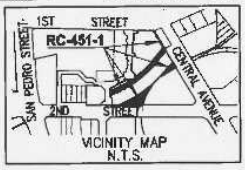
No.	Date	Revision Description

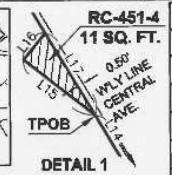
LINE TABLE

LINE	BEARING	LENGTH
L1	S51°33'13"E	40.30'
L2	N38°48'46"E	30.89'
L3	N07°27'45"W	15.38'
L4	N38°46'29"E	9.37'
L5	N38°46'29"E	17.33'
L6	S51°11'23"E	7.59'
L7	N76°33'38"E	11.82'
L8	N40°57'52"E	1.79'
L9	N76°36'53"E	30.12'
L10	S07°15'05"W	7.93'
L11	S89°54'55"E	0.50'
L12	S07°15'05"W	9.04'
L13	S76°36'53"W	24.57'
L14	S07°15'05"W	29.31'
L15	N13°23'07"W	7.66'
L16	N76°36'53"E	2.88'
L17	S07°15'05"W	8.18'
L18	S07°15'05"W	28.31'
L19	N82°35'32"W	56.26'

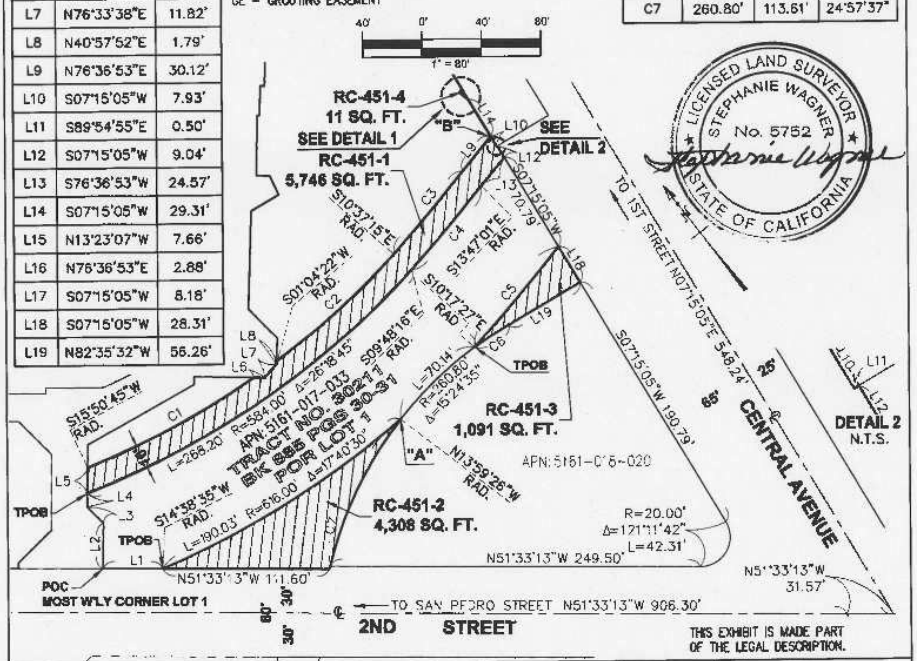
CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	568.00'	127.85'	12°53'48"
C2	568.00'	107.72'	10°51'57"
C3	1322.36'	73.05'	3°09'55"
C4	1338.36'	74.00'	3°10'04"
C5	1318.79'	88.55'	3°50'49"
C6	260.80'	27.26'	5°59'19"
C7	260.80'	113.61'	24°57'37"





LEGEND:
POC – POINT OF COMMENCEMENT
TPOB – TRUE POINT OF BEGINNING
GE – GROUTING EASEMENT



LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-451-1	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	11,156 SQ. FT. (NET AREA)	51,364 SQ. FT. (NET AREA)	GE

Metro
APPROVED BY: [signature] 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 10933 Parthenia St., Suite 600 Northridge, CA 91345
CHECKED BY: LS. 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

DATE: 06/18/12
SCALE: 1" = 80'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-451-1

ATTACHMENT A-1

Subsurface Easements – Portions to be Abandoned

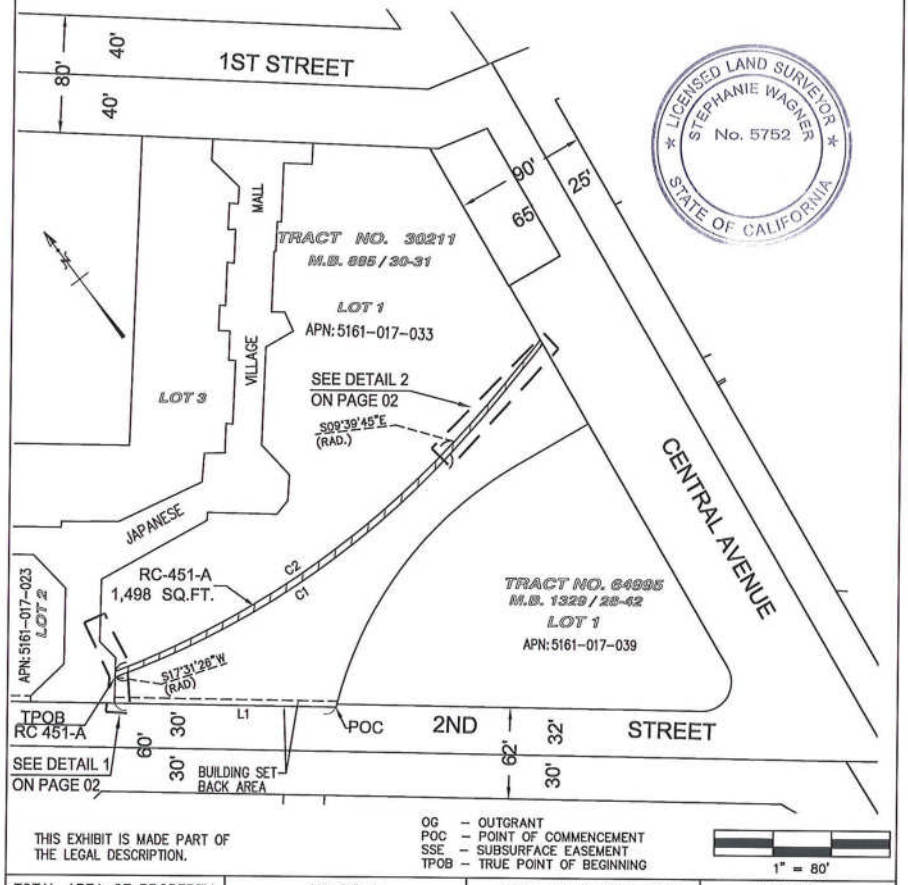
EXHIBIT "F"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
PORTION OF LOT 1

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

Metro
APPROVED BY:
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91325
CHECKED BY: LS.: 5752

REGIONAL CONNECTOR
PAGE 1 OF 2
CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

EXHIBIT "F"

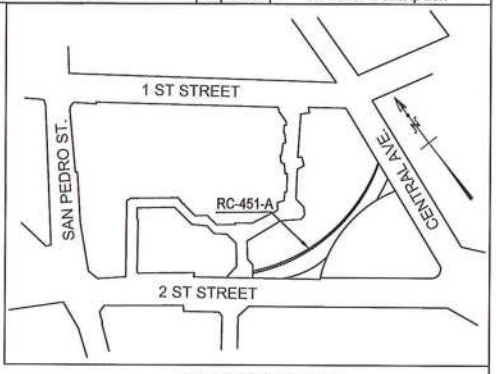
Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 ROW Ref: R-107

No.	Date	Revision Description

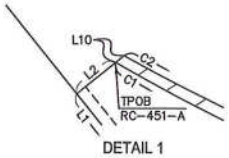
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'



VICINITY MAP
N.T.S.

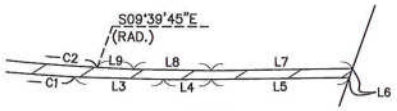
CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING



DETAIL 1

LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA



DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

APPROVED BY:
Metro
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17744 Sycamore St., Suite 200 Northridge, CA 91325
CHECKED BY: LS.: 5752

REGIONAL CONNECTOR
PAGE 2 OF 2
CITY OF LOS ANGELES

DATE: 03/23/2016
SCALE: NTS
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

ATTACHMENT A-2

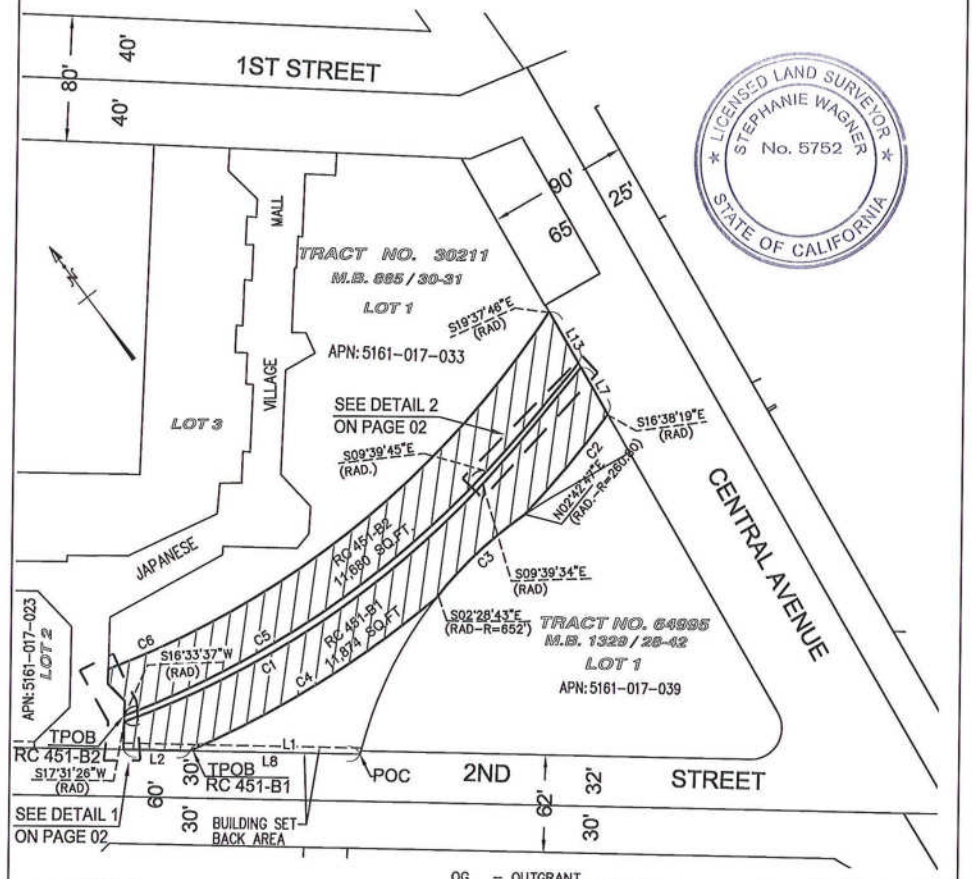
Subsurface Easements – Portions to be Retained

EXHIBIT "G"

Grantor:	JAPANESE VILLAGE, LLC
Description:	TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1
Title Report:	CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref:	5161-017-033
ROW Ref:	R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

1" = 80'

TOTAL AREA OF PROPERTY	RC-451-B SSE	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

APPROVED BY:

Metro

PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91325

CHECKED BY: LS.: 5752

REGIONAL CONNECTOR

PAGE 1 OF 2

CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-B

LICENSED LAND SURVEYOR * STEPHANIE WAGNER * No. 5752 * STATE OF CALIFORNIA

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
PORTION OF LOT 1

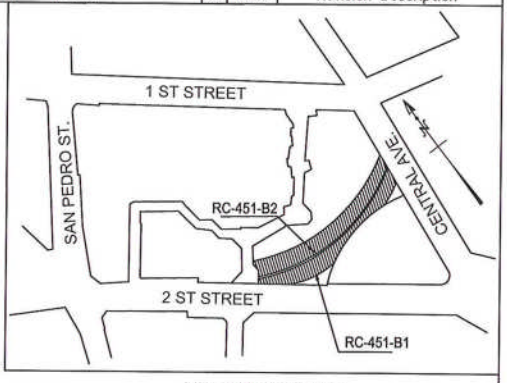
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description

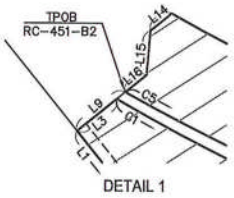
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"



VICINITY MAP
N.T.S.

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING



DETAIL 1

DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

APPROVED BY:
Metro
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY INC
17154 Devonshire St., Suite 200
Northridge, CA 91325

CHECKED BY: L.S.: 5752

REGIONAL CONNECTOR
PAGE 2 OF 2
CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: NTS
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-B

ATTACHMENT C

RESOLUTION OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY DECLARING CERTAIN PROPERTY INTERESTS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF (REGIONAL CONNECTOR TRANSIT CORRIDOR PROJECT PARCELS RC-450, RC-450-1, RC-451, AND RC-451-1 THROUGH RC-451-4)

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1.

The LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ("METRO") 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 interest described hereinafter is 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 required property interests consist of subsurface tunnel and grouting easements to develop, construct, operate, and maintain the Regional Connector Transit Corridor Project ("Project") as described in Attachment “A”: Order of Prejudgment Possession, and further described in Attachment “A-1”: Subsurface Easements – Portion to be Abandoned; and Attachment “A-2”: Subsurface Easements – Portion to be Retained (hereinafter, the "Property"), all of which are incorporated herein by this reference.

Section 4

(a) The acquisition of the above-described required interests is necessary for the development, construction, operation, and maintenance of the Project;

(b) The environmental impacts of the Project were evaluated in the Final

Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR) for this Project which was certified by the Board on April 26, 2012. The Board found that in accordance with the California Environmental Quality Act Guidelines, Section 15162, no subsequent or supplemental Environmental Impact Report is required for the Project; and

(c) The Board has reviewed and considered the FEIS/FEIR, before and as part of the process of determining whether to acquire the above-referenced Property.

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; and

(d) The offers required by Section 7267.2 of the Government Code have been made to the Owner.

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 interest 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.

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.

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 action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made. Counsel is further authorized to associate with, at its election, a private law firm for the preparation and prosecution of said proceedings.

I, MICHELLE JACKSON, Secretary 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 28 th day of April 2016.

Date: _____

MICHELLE JACKSON
METRO Secretary

ATTACHMENTS

A Order for Prejudgment Possession
A-1 Subsurface Easements – Portion to be Abandoned
A-2 Subsurface Easements – Portion to be Retained

ATTACHMENT A

Order of Prejudgment Possession (June 4, 2015)

COPY

MARK J. SALADINO, County Counsel
ROBERT C. CARTWRIGHT, Asst. County Counsel
ADRIENNE M. BYERS, Principal Deputy County Counsel
(SBN 146022) • *abyers@counsel.lacounty.gov*
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012-2713
(213) 974-1885 / Fax: (213) 687-7337

FILING FEE EXEMPT PURSUANT TO GOVERNMENT CODE § 6103

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 04 2015

Sherri R. Carter, Executive Officer/Clerk
By Stephen M. Smythe, Deputy

GREGORY M. BERGMAN (Bar No. 065196)
BRIAN J. BERGMAN (Bar No. 240584)
MATTHEW T. ANDERSON (Bar No. 280311)
BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd. Suite 900
Los Angeles, California 90024-4101
(310) 470-6110 / Fax: (310) 474-0931

Attorneys for Plaintiff and Cross-Defendant
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, a California Public Entity,

Plaintiff,

v.

JAPANESE VILLAGE, LLC, et al.,

Defendants.

JAPANESE VILLAGE, LLC,

Cross-Complainant,

v.

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY,

Cross-Defendant.

Case No. BC550348

[Honorable Teresa Sanchez-Gordon -- Dept. 74]

[Complaint Filed 07/03/14]

~~[PROPOSED]~~ ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460

Date: May 20, 2015
Time: 9:30 a.m.
Dept: 74

Assessor's Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033

MTA Parcel Nos. RC-450; RC-450-1; RC-451; RC-451-1, -2, -3, -4

BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

ORDER

IT APPEARING and the Court determining that Plaintiff is entitled to acquire subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 by eminent domain and to take possession of the easements;

IT FURTHER APPEARING and the Court determining that Plaintiff has deposited the probable just compensation to be awarded in the State Treasury under Code of Civil Procedure § 1255.010;

IT FURTHER APPEARING that there is an overriding need for the Plaintiff to possess the subsurface tunneling and grouting easements at Parcel Nos. 5161-017-021, 5161-017-022, 5161-017-023, 5161-017-033 prior to the issuance of final judgment in this proceeding and that Plaintiff will suffer a substantial hardship if the application for possession is denied or limited; and

IT FURTHER APPEARING and the Court determining that the hardship Plaintiff will suffer if possession is denied or limited outweighs any hardship on the Defendants or occupants that would be caused by the granting of the order for possession;

IT IS ORDERED pursuant to Code of Civil Procedure § 1255.460 that Plaintiff is authorized and empowered to take possession and use of the subsurface tunneling and grouting easements sought in the Complaint, and to remove from them all persons, obstacles, improvements, or structures after the dates set forth below or, on the 30th day following the date of service of this order, whichever is later.

Parcel No.	**Date After Which Possession to Be Taken**
5161-017-021	July 30, 2015
5161-017-022	July 30, 2015
5161-017-023	July 30, 2015
5161-017-033	July 30, 2015

Dated: JUN 04 2015

TERESA SANCHEZ-GORDON

HONORABLE TERESA SANCHEZ-GORDON
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and not a party to the within entitled action; my business address is 10880 Wilshire Boulevard, Suite 900, Los Angeles, California 90024.

On May 21, 2015, I served the foregoing **"[PROPOSED] ORDER RE NOTICE AND MOTION FOR ORDER FOR PREJUDGMENT POSSESSION PURSUANT TO C.C.P. § 1255.460"** on the interested parties, by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

See Attached Service List

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing mail. Under that practice, it is deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter dates is more than one day after date of deposit for mailing in affidavit.

☒ (VIA ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the addressee(s) above.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated: May 21, 2015

Sarah Moscozo

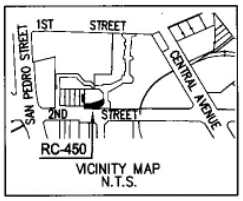
BERGMAN DACEY GOLDSMITH
10880 Wilshire Blvd., Suite 900
Los Angeles, California 90024
Telephone: (310) 470-6110, Facsimile: (310) 474-0931

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31	
PORTION OF LOT 2	
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02	
Assessor's Ref: 5161-017-023 ROW Ref: R-107	No. Date Revision Description

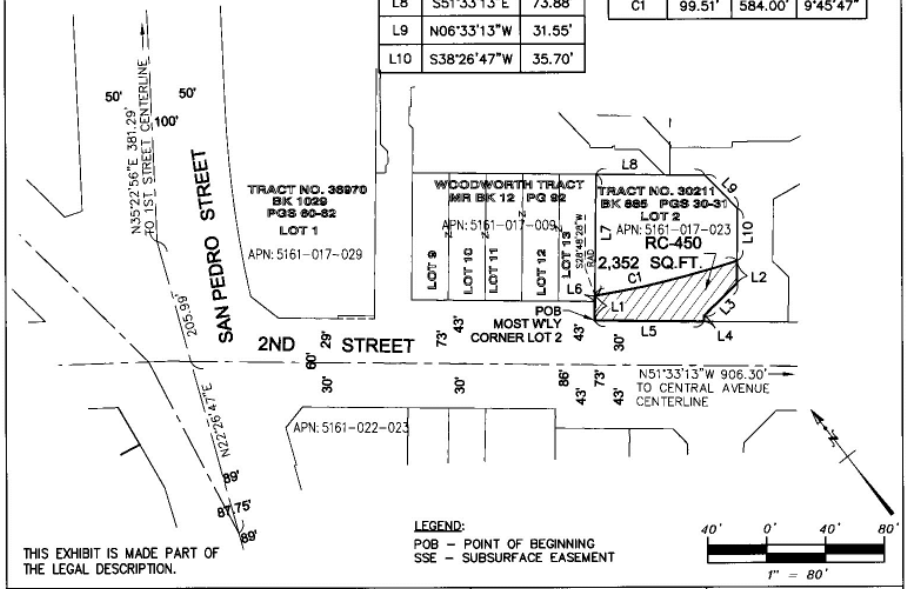
LICENSED LAND SURVEYOR STEPHANIE WAGNER No. 5752 STATE OF CALIFORNIA

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'56"E	16.91'
L2	S38°26'47"W	15.70'
L3	S83°26'47"W	31.30'
L4	S38°26'47"W	4.00'
L5	N51°33'13"W	74.09'
L6	S38°27'56"W	3.91'
L7	S38°27'56"W	82.93'
L8	S51°33'13"E	73.88'
L9	N06°33'13"W	31.55'
L10	S38°26'47"W	35.70'



VICINITY MAP
N.T.S.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	99.51'	584.00'	9°45'47"



THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POB – POINT OF BEGINNING
SSE – SUBSURFACE EASEMENT

TOTAL AREA OF PROPERTY	RC-450	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	2,352 SQ. FT. (NET AREA)	6,671 SQ. FT. (NET AREA)	SSE

Metro APPROVED BY: PROJECT MANAGER DATE 7/18/12

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16933 Parthenia St., Suite 100 Northridge, CA 91343

CHECKED BY: L.S.: 5752

REGIONAL CONNECTOR

CITY OF LOS ANGELES

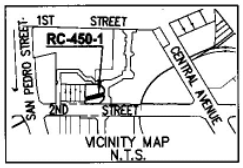
DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-450

EXHIBIT "B"

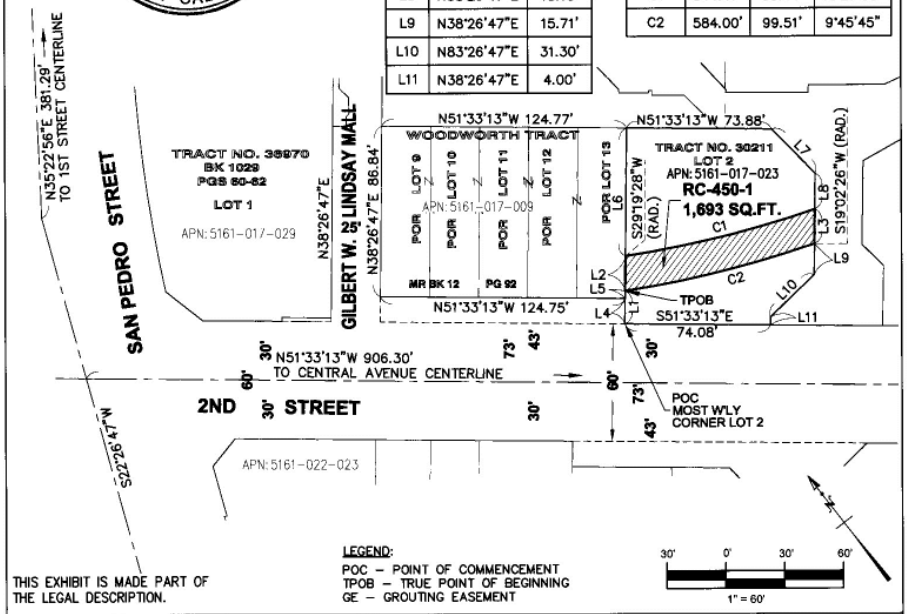
Grantor: JAPANESE VILLAGE, LLC	THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31	
PORTION OF LOT 2, CITY OF LOS ANGELES	
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA	
Title Report: CHICAGO TITLE COMPANY ORD. # 116740333-X02	
Assessor's Ref: 5161-017-023 / ROW Ref: R-107	No. / Date / Revision Description

LINE TABLE		
LINE	BEARING	LENGTH
L1	N38°27'38"E	16.92'
L2	N38°27'38"E	17.85'
L3	S38°26'47"W	17.54'
L4	S38°27'38"W	13.00'
L5	N38°27'38"E	3.92'
L6	S38°27'38"W	65.07'
L7	N06°33'13"W	31.55'
L8	N38°26'47"E	18.15'
L9	N38°26'47"E	15.71'
L10	N83°26'47"E	31.30'
L11	N38°26'47"E	4.00'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	544.47'	99.44'	10°27'53"
C2	584.00'	99.51'	9°45'45"



LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA



LEGEND:
POC – POINT OF COMMENCEMENT
TPOB – TRUE POINT OF BEGINNING
GE – GROUTING EASEMENT

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

TOTAL AREA OF PROPERTY	RC-450-1	REMAINDER PARCEL AREA	ESTATE
9,023 SQ. FT. (NET AREA)	1,693 SQ. FT. (NET AREA)	7,330 SQ. FT. (NET AREA)	GE

Metro
APPROVED BY: _____ 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 16633 Parthenia St., Suite 100 Northridge, CA 91343
CHECKED BY: LS.: 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

DATE: 05/30/12
SCALE: 1" = 60'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-450-1

EXHIBIT "B"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31
PORTION OF LOT 1

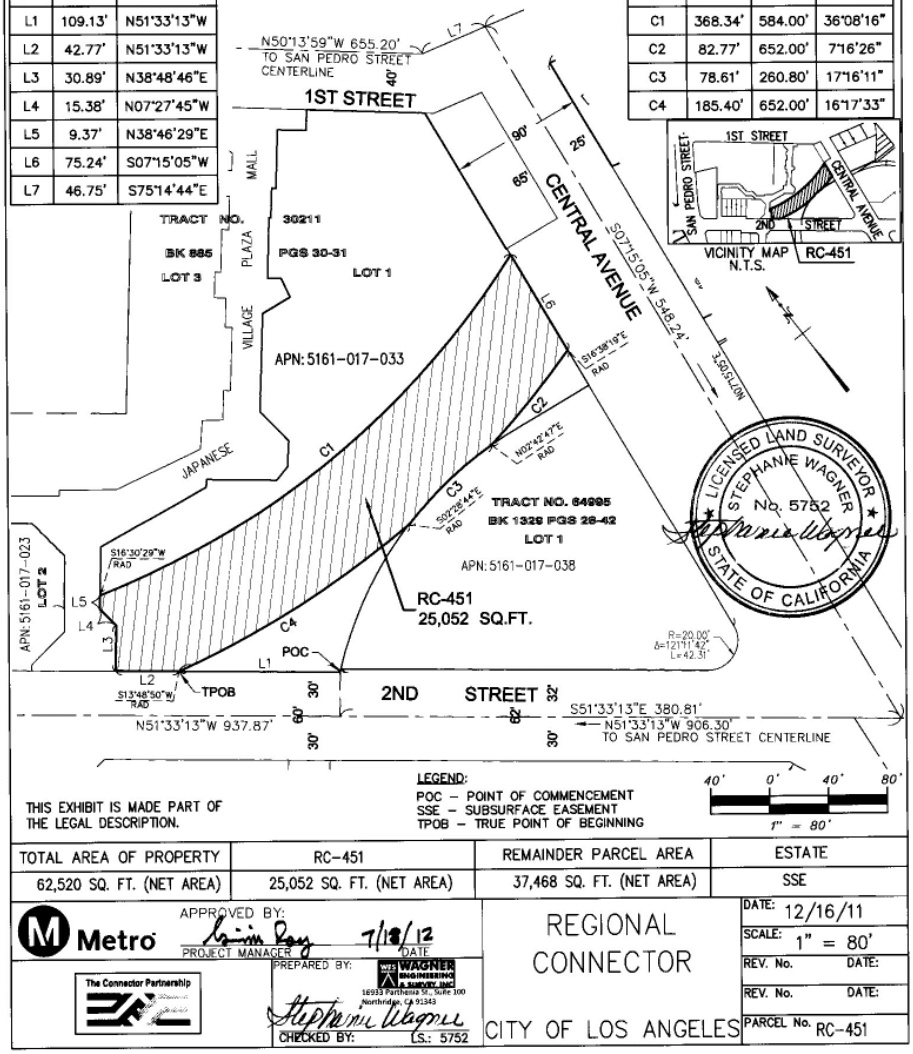
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 | ROW Ref: R-107

The data shown on plat are based on field survey prepared by Wagner Engineering & Survey, Inc. dated June 2011 – June 2012. Bearing and distances are based on California Coordinate System NAD '83 Zone 5 coordinates obtained from California H.P.G.N.

No.	Date	Revision Description

LINE TABLE		
LINE	LENGTH	BEARING
L1	109.13'	N51°33'13"W
L2	42.77'	N51°33'13"W
L3	30.89'	N38°48'46"E
L4	15.38'	N07°27'45"W
L5	9.37'	N38°46'29"E
L6	75.24'	S07°15'05"W
L7	46.75'	S75°14'44"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	368.34'	584.00'	36°08'16"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"



LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.

LEGEND:
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING

40' 0' 40' 80'
1" = 80'

TOTAL AREA OF PROPERTY	RC-451	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	25,052 SQ. FT. (NET AREA)	37,468 SQ. FT. (NET AREA)	SSE

Metro
APPROVED BY: _____ 7/18/12
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC.
16933 Parthenia St., Suite 100
Northridge, CA 91343
CHECKED BY: L.S.: 5752

REGIONAL CONNECTOR
CITY OF LOS ANGELES

DATE: 12/16/11
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451

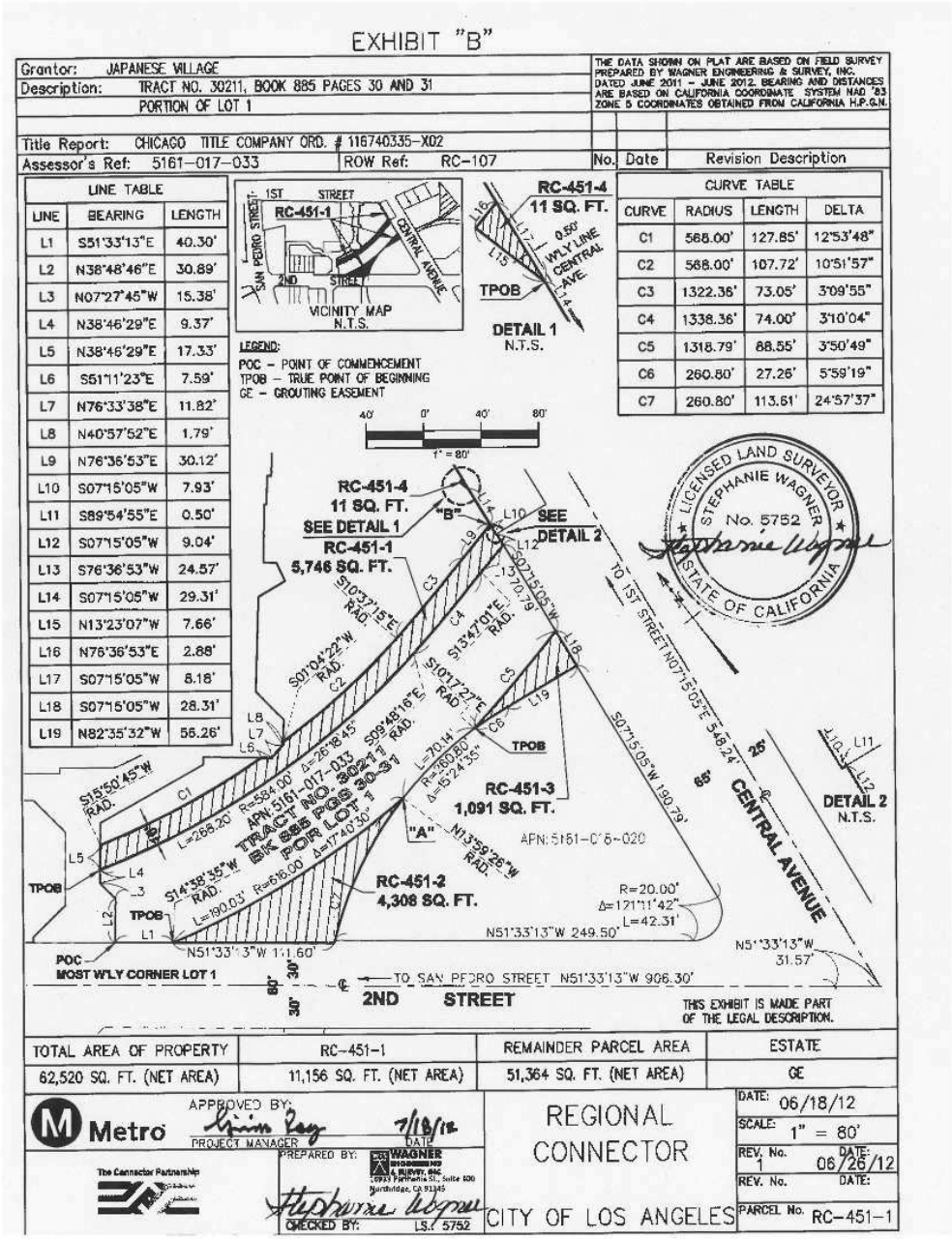


EXHIBIT "B"
Grantor: JAPANESE VILLAGE
Description: TRACT NO. 30211, BOOK 885 PAGES 30 AND 31
PORTION OF LOT 1
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033
ROW Ref: RC-107
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
No. Date Revision Description
LINE TABLE
LINE BEARING LENGTH
L1 S51°33'13"E 40.30'
L2 N38°48'46"E 30.89'
L3 N07°27'45"W 15.38'
L4 N38°46'29"E 9.37'
L5 N38°46'29"E 17.33'
L6 S51°11'23"E 7.59'
L7 N76°33'38"E 11.82'
L8 N40°57'52"E 1.79'
L9 N76°36'53"E 30.12'
L10 S07°15'05"W 7.93'
L11 S89°54'55"E 0.50'
L12 S07°15'05"W 9.04'
L13 S76°36'53"W 24.57'
L14 S07°15'05"W 29.31'
L15 N13°23'07"W 7.66'
L16 N76°36'53"E 2.88'
L17 S07°15'05"W 8.18'
L18 S07°15'05"W 28.31'
L19 N82°35'32"W 55.26'
CURVE TABLE
CURVE RADIUS LENGTH DELTA
C1 568.00' 127.85' 12°53'48"
C2 568.00' 107.72' 10°51'57"
C3 1322.36' 73.05' 3°09'55"
C4 1338.36' 74.00' 3°10'04"
C5 1318.79' 68.55' 3°50'49"
C6 260.80' 27.26' 5°59'19"
C7 260.80' 113.61' 24°57'37"
1ST STREET
RC-451-1
SAN PEDRO STREET
CENTRAL AVENUE
2ND STREET
VICINITY MAP N.T.S.
RC-451-4
11 SQ. FT.
0.50' WLY LINE CENTRAL AVE.
TPOB
DETAIL 1 N.T.S.
LEGEND:
POC - POINT OF COMMENCEMENT
TPOB - TRUE POINT OF BEGINNING
GE - GROUTING EASEMENT
40' 0' 40' 80'
1" = 80'
RC-451-4
11 SQ. FT.
SEE DETAIL 1
RC-451-1
5,746 SQ. FT.
"B"
SEE DETAIL 2
LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA
TO 1ST STREET N07°15'05"E 548.24'
S10°37'15"E RAD.
S01°04'22"W RAD.
S13°47'01"E RAD.
S10°17'27"E RAD.
S09°48'16"E RAD.
S07°15'05"W 190.79'
65'
25'
CENTRAL AVENUE
DETAIL 2 N.T.S.
S15°50'45"W RAD.
R=584.00' Δ=26°18'45" L=268.20'
APN:5161-017-033 TRACT NO. 30211 BK 885 PGS 30-31 POR LOT 1
R=760.80' Δ=5°24'35" L=70.14'
TPOB
RC-451-3
1,091 SQ. FT.
"A"
N13°59'26"W RAD.
APN: 5161-018-020
S14°38'35"W RAD.
R=616.00' Δ=17°40'30" L=190.03'
RC-451-2
4,308 SQ. FT.
R=20.00' Δ=171°11'42" L=42.31'
N51°33'13"W 249.50'
N51°33'13"W 31.57'
N51°33'13"W 1111.60'
POC
MOST W'LY CORNER LOT 1
80' 30' 30'
TO SAN PEDRO STREET N51°33'13"W 906.30'
2ND STREET
THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.
TOTAL AREA OF PROPERTY
62,520 SQ. FT. (NET AREA)
RC-451-1
11,156 SQ. FT. (NET AREA)
REMAINDER PARCEL AREA
51,364 SQ. FT. (NET AREA)
ESTATE
GE
Metro
APPROVED BY:
PROJECT MANAGER
DATE 7/18/12
PREPARED BY:
WAGNER ENGINEERING & SURVEY, INC.
CHECKED BY:
L.S. 5752
The Connector Partnership
REGIONAL CONNECTOR
CITY OF LOS ANGELES
DATE: 06/18/12
SCALE: 1" = 80'
REV. No. 1 DATE: 06/26/12
REV. No. DATE:
PARCEL No. RC-451-1

ATTACHMENT A-1

Subsurface Easements – Portions to be Abandoned

EXHIBIT "F"

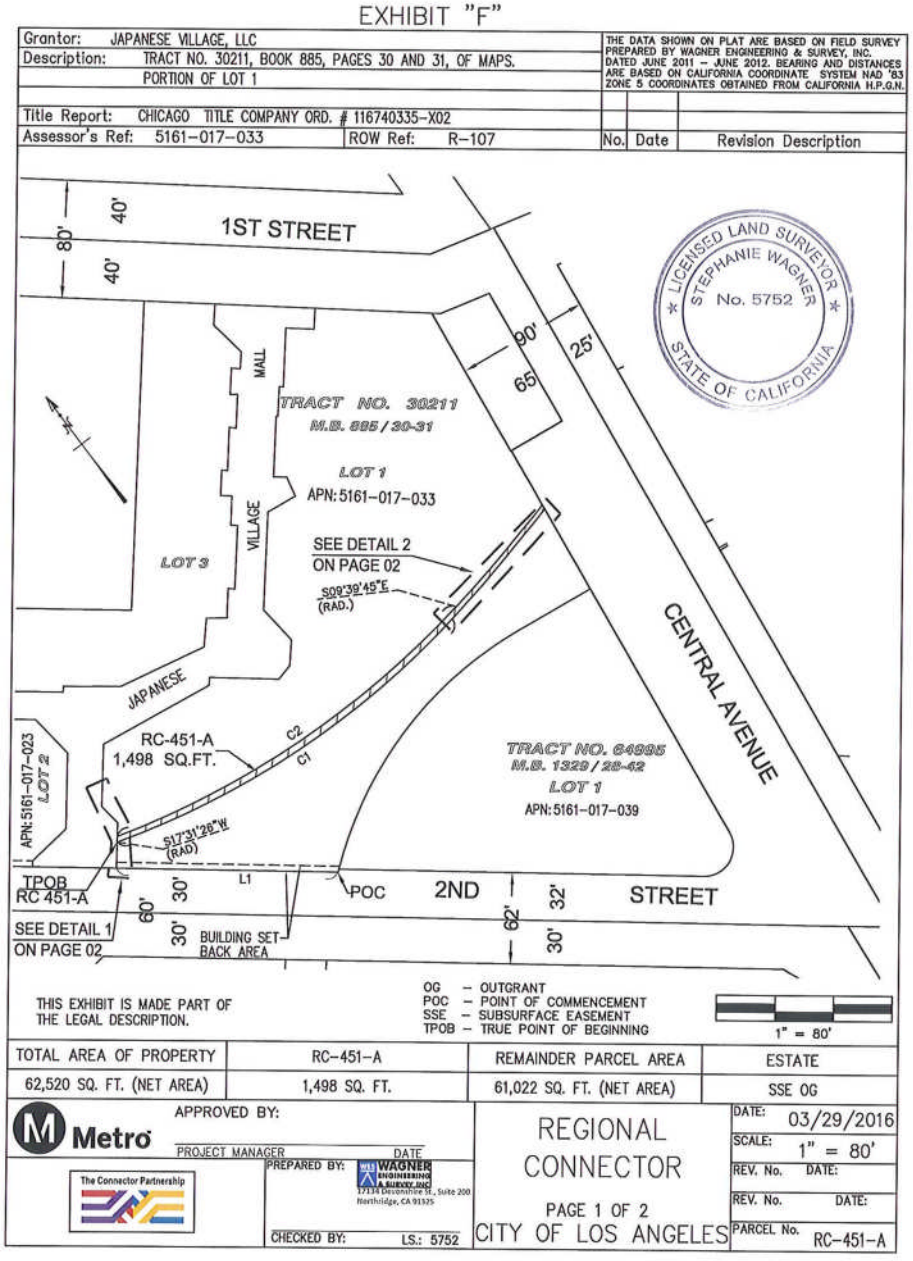

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033
ROW Ref: R-107
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
No. Date Revision Description
1ST STREET
40'
80'
40'
MALL
VILLAGE
JAPANESE
LOT 3
TRACT NO. 30211
M.B. 885 / 30-31
LOT 1
APN: 5161-017-033
SEE DETAIL 2
ON PAGE 02
S09°39'45"E
(RAD.)
90'
65'
25'
CENTRAL AVENUE
LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA
RC-451-A
1,498 SQ.FT.
C2
C1
APN: 5161-017-023
LOT 2
S17°31'26"W
(RAD)
TRACT NO. 64895
M.B. 1329 / 28-42
LOT 1
APN: 5161-017-039
TPOB
RC 451-A
L1
POC
2ND
STREET
60'
30'
30'
62'
32'
30'
SEE DETAIL 1
ON PAGE 02
BUILDING SET-
BACK AREA
THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.
OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING
1" = 80'
TOTAL AREA OF PROPERTY
62,520 SQ. FT. (NET AREA)
RC-451-A
1,498 SQ. FT.
REMAINDER PARCEL AREA
61,022 SQ. FT. (NET AREA)
ESTATE
SSE OG
APPROVED BY:
PROJECT MANAGER
DATE
Metro
The Connector Partnership
PREPARED BY:
WAGNER ENGINEERING & SURVEY, INC.
17134 Devonshire St., Suite 200
Northridge, CA 91325
CHECKED BY:
LS.: 5752
REGIONAL CONNECTOR
PAGE 1 OF 2
CITY OF LOS ANGELES
DATE: 03/29/2016
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

EXHIBIT "F"

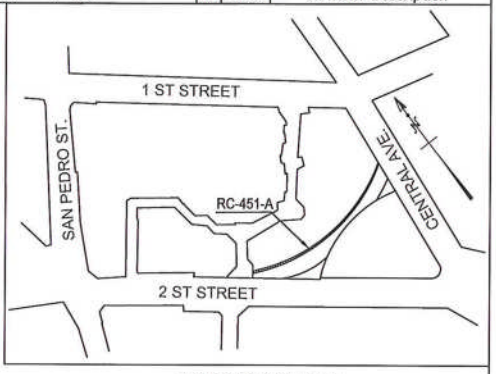
Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1

Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 | ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description

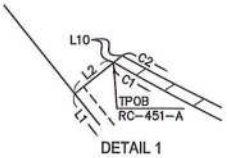
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	151.90'
L2	N38°48'46"E	17.68'
L3	N78°58'43"E	31.50'
L4	N77°31'34"E	16.89'
L5	N76°43'11"E	48.96'
L6	N07°14'20"E	3.38'
L7	S76°33'28"W	50.15'
L8	S78°37'26"W	27.47'
L9	S80°12'56"W	12.86'
L10	S38°48'46"W	3.81'



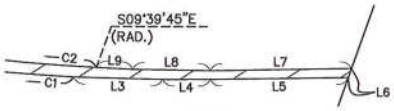
VICINITY MAP
N.T.S.

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	281.72'	615.54'	26°13'22"

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING



DETAIL 1



DETAIL 2

LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-A	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	1,498 SQ. FT.	61,022 SQ. FT. (NET AREA)	SSE OG

Metro
APPROVED BY:
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY, INC. 17134 Devonshire St., Suite 200 Northridge, CA 91325
CHECKED BY: LS.: 5752

REGIONAL CONNECTOR
PAGE 2 OF 2
CITY OF LOS ANGELES

DATE: 03/23/2016
SCALE: NTS
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-A

ATTACHMENT A-2

Subsurface Easements – Portions to be Retained

EXHIBIT "G"

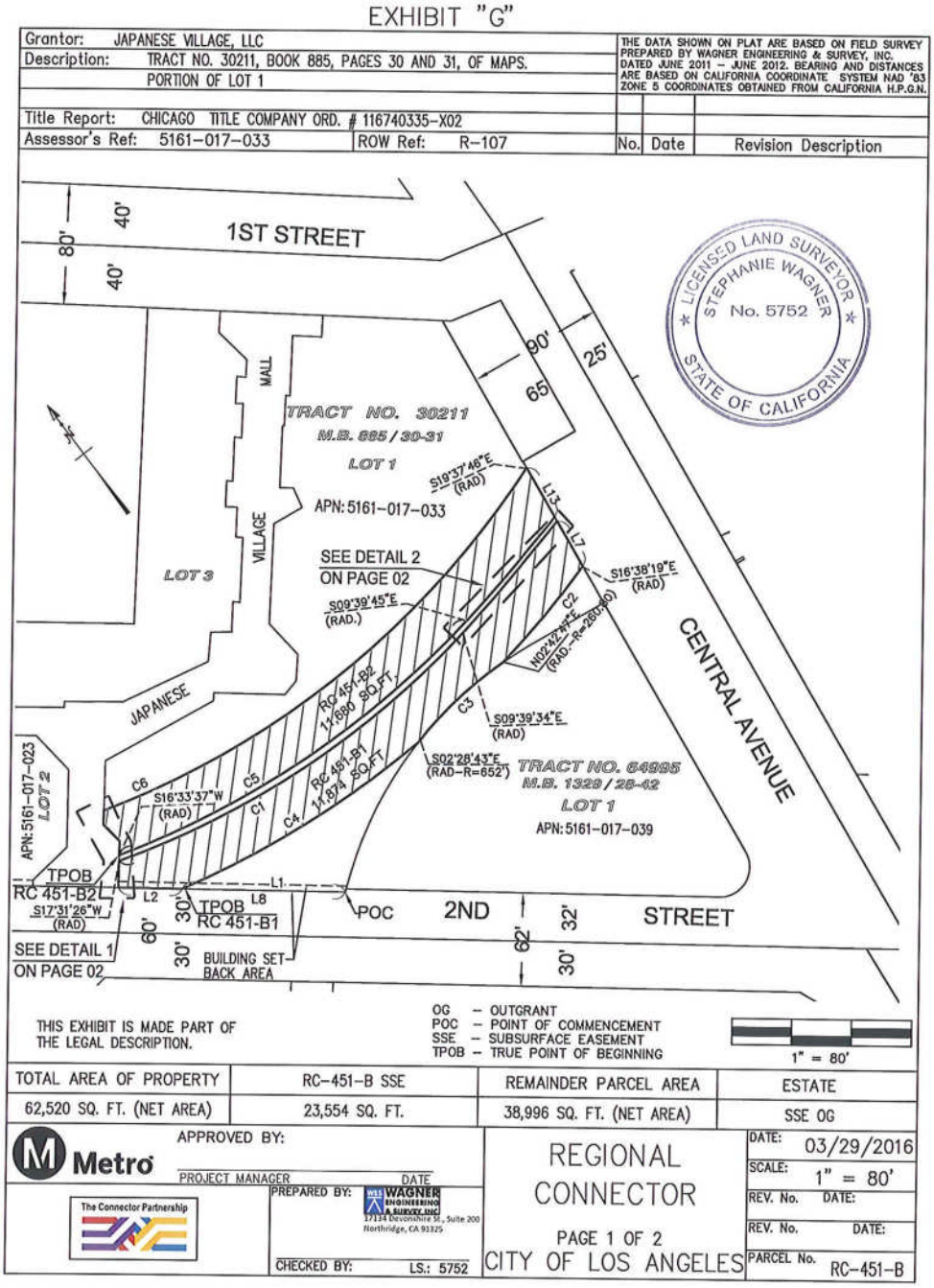

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS. PORTION OF LOT 1
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033
ROW Ref: R-107
THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 - JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.
No. Date Revision Description
1ST STREET
80'
40'
40'
LICENSED LAND SURVEYOR
STEPHANIE WAGNER
No. 5752
STATE OF CALIFORNIA
90'
65'
25'
WALL
TRACT NO. 30211
M.B. 885 / 30-31
LOT 1
APN: 5161-017-033
S19°37'46"E (RAD)
L13
L7
S16°38'19"E (RAD)
SEE DETAIL 2 ON PAGE 02
S09°39'45"E (RAD.)
C2
N02°42'41"E (RAD.-R=260')
LOT 3
VILLAGE
JAPANESE
RC 451-B2 1,680 SQ.FT.
C3
S09°39'34"E (RAD)
CENTRAL AVENUE
S02°28'43"E (RAD-R=652')
TRACT NO. 64995
M.B. 1329 / 26-42
LOT 1
APN: 5161-017-039
APN: 5161-017-023 LOT 2
C6
S16°33'37"W (RAD)
C5
C1
C4
RC 451-B1 11,874 SQ.FT.
TPOB RC 451-B2
L1
L2
S17°31'26"W (RAD)
30'
TPOB RC 451-B1
L8
POC
2ND
32'
STREET
60'
30'
62'
30'
SEE DETAIL 1 ON PAGE 02
BUILDING SET BACK AREA
THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION.
OG - OUTGRANT
POC - POINT OF COMMENCEMENT
SSE - SUBSURFACE EASEMENT
TPOB - TRUE POINT OF BEGINNING
1" = 80'
TOTAL AREA OF PROPERTY
62,520 SQ. FT. (NET AREA)
RC-451-B SSE
23,554 SQ. FT.
REMAINDER PARCEL AREA
38,996 SQ. FT. (NET AREA)
ESTATE
SSE OG
APPROVED BY:
PROJECT MANAGER
DATE
Metro
The Connector Partnership
PREPARED BY:
WAGNER ENGINEERING & SURVEY, INC.
17134 Devonshire St., Suite 200
Northridge, CA 91325
CHECKED BY:
LS.: 5752
REGIONAL CONNECTOR
PAGE 1 OF 2
CITY OF LOS ANGELES
DATE: 03/29/2016
SCALE: 1" = 80'
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-B

EXHIBIT "G"

Grantor: JAPANESE VILLAGE, LLC
Description: TRACT NO. 30211, BOOK 885, PAGES 30 AND 31, OF MAPS.
PORTION OF LOT 1

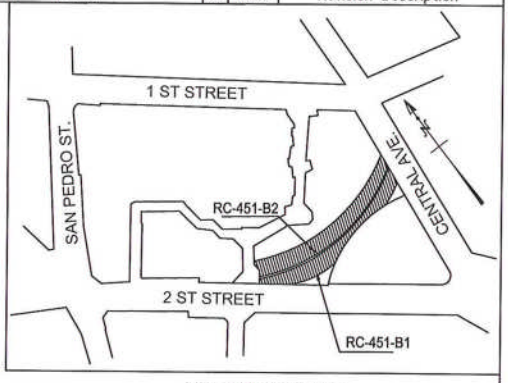
Title Report: CHICAGO TITLE COMPANY ORD. # 116740335-X02
Assessor's Ref: 5161-017-033 ROW Ref: R-107

THE DATA SHOWN ON PLAT ARE BASED ON FIELD SURVEY PREPARED BY WAGNER ENGINEERING & SURVEY, INC. DATED JUNE 2011 – JUNE 2012. BEARING AND DISTANCES ARE BASED ON CALIFORNIA COORDINATE SYSTEM NAD '83 ZONE 5 COORDINATES OBTAINED FROM CALIFORNIA H.P.G.N.

No.	Date	Revision Description

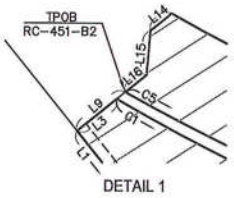
LINE TABLE		
LINE	BEARING	LENGTH
L1	N51°33'13"W	109.13'
L2	N51°33'13"W	42.77'
L3	N38°48'46"E	17.68'
L4	N78°58'43"E	31.50'
L5	N77°31'34"E	16.89'
L6	N76°43'11"E	48.96'
L7	S07°15'05"W	34.28'
L8	N51°33'13"W	151.90'
L9	N38°48'46"E	21.49'
L10	S80°12'56"W	12.86'
L11	S78°37'26"W	27.47'
L12	S76°33'28"W	50.15'
L13	S07°15'05"W	37.58'
L14	N38°46'29"E	9.37'
L15	N07°27'45"W	15.38'
L16	N38°48'46"E	9.40'
L17	N07°14'20"E	3.38'

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	277.29'	584.46'	27°11'00"
C2	82.77'	652.00'	7°16'26"
C3	78.61'	260.80'	17°16'11"
C4	185.40'	652.00'	16°17'33"
C5	281.72'	615.54'	26°13'22"
C6	368.34'	584.00'	36°08'16"



VICINITY MAP
N.T.S.

OG – OUTGRANT
POC – POINT OF COMMENCEMENT
SSE – SUBSURFACE EASEMENT
TPOB – TRUE POINT OF BEGINNING



DETAIL 1

DETAIL 2

THIS EXHIBIT IS MADE PART OF THE LEGAL DESCRIPTION

TOTAL AREA OF PROPERTY	RC-451-B	REMAINDER PARCEL AREA	ESTATE
62,520 SQ. FT. (NET AREA)	23,554 SQ. FT.	38,996 SQ. FT. (NET AREA)	SSE OG

Metro
APPROVED BY:
PROJECT MANAGER DATE

The Connector Partnership

PREPARED BY: WAGNER ENGINEERING & SURVEY INC
17154 Devonshire St., Suite 200
Northridge, CA 91325
CHECKED BY: L.S.: 5752

REGIONAL CONNECTOR
PAGE 2 OF 2
CITY OF LOS ANGELES

DATE: 03/29/2016
SCALE: NTS
REV. No. DATE:
REV. No. DATE:
PARCEL No. RC-451-B